

Appeal Decision

Site visit made on 14 June 2023

by Andrew Dale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th July 2023

Appeal Ref: APP/X5210/D/23/3321358
15 Crediton Hill, London NW6 1HS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr and Mrs Warren against the decision of the Council of the London Borough of Camden.
 - The application ref. 2022/5542/P, dated 19 December 2022, was refused by notice dated 11 April 2023.
 - The application sought planning permission for "Demolition of existing single storey rear extension and conservatory and erection of new single storey rear extension" without complying with a condition attached to planning permission ref. 2022/1200/P, dated 12 July 2022.
 - The condition in dispute is No. 2 which states that: "The development hereby permitted shall be carried out in accordance with the following approved plans- Site Location Plan CH_EX_LP_RevA, Block Plan CH_PP_BP_RevA, CH_EX_GE_Rear_RevA, CH_PP_GE_Rear_RevH, CH_EX_GE_South_RevA, CH_PP_GE_South_RevH, CH_EX_GS_A-A_RevA, CH_PP_GS_A-A_RevH, CH_EX_GE_North_RevA, CH_PP_GE_North_RevH, CH_EX_GA_GF_RevA, CH_PP_GA_GF_RevH, CH_EX_GA_FF_RevA, CH_PP_GA_FF_RevH, CH_EX_RP_RevA, CH_PP_RP_RevH, Daylight and Sunlight Assessment by T16 Design dated March 2022, Cover Letter by CS Planning dated 23.3.22".
 - The reason given for the condition is: "For the avoidance of doubt and in the interest of proper planning."
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing single-storey rear extension and conservatory and erection of new single-storey rear extension at 15 Crediton Hill, London NW6 1HS in accordance with the application ref. 2022/5542/P, dated 19 December 2022, without compliance with condition No. 2 previously imposed on planning permission ref. 2022/1200/P, dated 12 July 2022 and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of 12 July 2022.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans and other submitted details:
CH_EX_LP_RevA, CH_PP_BP_RevA, CH_EX_GE_Rear_RevA,
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CH_PP_GE_West_RevC, CH_EX_GE_South_RevA, CH_PP_GE_South_RevH, CH_EX_GS_A-A_RevA, CH_PP_GS_A-A_RevH, CH_EX_GE_North_RevA, CH_PP_GE_North_RevH, CH_EX_GA_GF_RevA, CH_PP_GA_GF_RevC, CH_EX_GA_FF_RevA, CH_PP_GA_FF_RevH, CH_EX_RP_RevA, CH_PP_RP_RevH, Daylight and Sunlight Assessment by T16 Design dated March 2022 and Cover Letter by CS Planning dated 23.3.22.

- 3) All new external work shall be carried out in materials that resemble, as closely as possible in colour and texture, those of the existing building, unless otherwise specified in the application.
- 4) The roof area of the development hereby permitted shall not be used as a balcony, roof garden or similar amenity area, unless specific permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

Matters of clarification, background and main issue

2. I have also dealt with another appeal (ref. APP/X5210/D/23/3319242) on this site. It is the subject of a separate decision.
3. There is no dispute that the appeal site falls within the West End Green Conservation Area (WEGCA), even though the "conservation area" referred to in the decision notice is not given a name.
4. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (s72 of the Act) requires that when assessing proposals for new development within a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.
5. Planning permission has been granted for a new single-storey, flat-roofed rear extension at the appeal property which would follow the demolition of an existing single-storey rear lean-to extension and an adjoining conservatory. That original planning permission will continue to exist whatever the outcome of this appeal. This appeal seeks permission to carry out the development without complying with condition 2. This requires the development to follow the approved plans. As an alternative, the appellants would like to widen the glazing in the rear elevation of the new extension to maximize the outlook from and the level of daylight and sunlight reaching into the living room/dining area. The intention is for the 2 submitted plans to be followed instead of those previously approved.
6. The main issue is the impact of the proposed single-storey, flat-roofed rear extension, with the amended rear fenestration, upon the character and appearance of the host property and the WEGCA.

Reasons

7. The WEGCA encompasses Crediton Hill which is a residential street with sizeable houses of mainly Edwardian origins following a steep gradient upwards towards West End Lane. The WEGCA Appraisal and Management Strategy 2011 (AMS) indicates that the WEGCA's special character originates from, amongst other things, the village character centred on the commercial "spine" street of West End Lane, the homogeneous displays of Victorian and Edwardian domestic architecture and planning and the substantial houses for professional families.

8. Virtually all the buildings on Crediton Hill are listed in the AMS as making a positive contribution to the WEGCA. No. 15, a good-sized, 2-storey semi-detached house with further rooms in the roof space and the ground floor additions to the rear, appears on the list, along with its partner property, no. 17. They stand a short distance to the north of the junction with Fawley Road.
9. The Council said that the proposed ground floor rear fenestration, by virtue of its scale, siting and design, would result in a dominant and unsympathetic alteration that would harm the character and appearance of the host property and the WEGCA.
10. The rear of no. 15 is not open to proper public views. The appeal scheme would plainly have no impact on the Crediton Hill street scene. From private viewpoints at the rear, the rear ground floor elevation of no. 15 has limited visibility. Still, it consists of a lean-to extension with large tiles across a shallow roof which joins a white-painted timber conservatory with a hipped roof running parallel to the main rear elevation. These non-original additions are visually unsatisfactory in themselves but more particularly in their awkward relationship to each other.
11. In proposing the scheme already approved by the Council, the appellants saw the opportunity to introduce materials and a design which would present the new single-storey rear extension as a contrasting contemporary addition. This innovative design approach was illustrated by the full-width flat roof, the very low solid to void ratio through the inclusion of 6 fully-glazed doors and the use of grey metal frames which are not found in the windows on the floors above.
12. The changes the appellants are now proposing can be fairly described as being modest in nature. Put simply, the slightly wider glazing arising from the 4 grey metal-framed glass sections in the appeal scheme would actually be a more honest interpretation of the chosen and approved modern design idiom. The glazing would be sufficiently bookended by the side parapet walls. The band of walling above the glazing would stay the same at about 0.32 m deep.
13. The Council wishes to adhere to the approved glazing so that the proportion of glazing is less, a more vertical appearance is achieved and there is closer alignment with the windows on the upper levels. However, the rear face of the proposed ground floor extension would project beyond the original first-floor rear wall by nearly 6 m, so the ground floor glazing would not be viewed in the same plane as the windows above. In any event, the first-floor window openings currently have a horizontal emphasis. With no changes being made to the scale and massing of the extension itself, the fully-glazed lightweight design now proposed would not suddenly result in the extension appearing dominant, unsympathetic or insufficiently subordinate to the building.
14. The appeal proposal would not diminish the quality or integrity of the rear elevation of 15 Crediton Hill which, when viewing the WEGCA in the round, has only a limited degree of architectural appeal and conservation interest. It would exhibit a more appropriate design and appearance than the existing rear additions. I consider that the proposed development would show a high, site-specific and sensitive design quality, be sufficiently complementary and sympathetic to the original parent building in terms of size, scale, siting and design, be respectful of the local context and surroundings and conserve the significance, character and appearance of the WEGCA. There would be no

material conflict with the guidance in the AMS, the Camden Planning Guidance *Design 2021* and the Camden Planning Guidance *Home Improvements 2021*.

15. I find on the main issue that the proposed development would preserve the character and appearance of the host property and the WEGCA. As such, there would be no conflict with the aims of s72 of the Act, Policies D1 and D2 of the Camden Local Plan 2017 or Policies 2 and 3 of the Fortune Green & West Hampstead Neighbourhood Plan 2015. When read together, these policies seek to ensure high quality design in development and to preserve, and where appropriate, enhance Camden's rich and diverse heritage assets and their settings, including conservation areas. There would also be respect for the National Planning Policy Framework insofar as it relates to achieving well-designed places and conserving and enhancing the historic environment.

Conditions

16. Flowing from my findings, it is not necessary to comply with condition 2 of the original planning permission. I have replaced condition 2 with a new condition that includes an amended list of approved plans in order to provide certainty. In short, the proposed ground floor plan and the proposed west elevation drawing (both RevC) have replaced the originally approved versions (both RevH).
17. The Planning Practice Guidance (PPG) explains that where an application under section 73 of the Act is granted, the planning permission should also repeat the relevant conditions from the original planning permission that continue to have effect. I have therefore included the condition controlling materials as this remains relevant in the interests of safeguarding the character and appearance of the building and the WEGCA.
18. The PPG also indicates that a grant of planning permission under section 73 should not extend the time period for implementation. I have therefore amended condition 1 to include the date of the original planning permission.
19. In the interests of privacy, the Council, in its Questionnaire, suggests a new planning condition should be imposed which would restrict the future use of the roof area of the extension as an amenity space. The PPG points out that new conditions are appropriate if they would not materially alter the development that was subject to the original permission and are conditions which could have been imposed on the earlier planning permission. These tests are met and such a condition should not come as a surprise given that planning permission was granted under ref. 2022/3373/P on 14 November 2022 (after planning permission ref. 2022/1200/P was issued) for development involving the replacement of the first floor rear windows with new doors and Juliet balconies.

Conclusion

20. For the reasons given above and having regard to all other matters raised and the absence of objections from local residents and local organisations, I conclude that this appeal should be allowed. A new planning permission is granted.

Andrew Dale

INSPECTOR