



# Appeal Decision

Site visit made on 11 September 2023

**by M Clowes BA (Hons) MCD PG CERT (Arch Con) MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 4 October 2023**

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## **Appeal Ref: APP/X5210/W/23/3316431**

### **21 Mornington Crescent, London NW1 7RG**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Xuelin Bates against the decision of London Borough of Camden.
  - The application Ref 2021/5608/P, dated 16 November 2021, was refused by notice dated 25 October 2022.
  - The development proposed is outbuilding to rear of garden for the use as a studio office including associated landscaping.
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### **Decision**

1. The appeal is dismissed.

### **Procedural Matters**

2. In September 2023 the Government published a revised National Planning Policy Framework (the Framework). The revisions relate to national planning policy for onshore wind development, rather than anything relevant to the main issues in this appeal.
3. Amendments that reduced the height of the proposed outbuilding were submitted to the Council during the determination of the planning application but were not referred to on the decision notice. The amendments are minor in nature, largely reducing the height of the building. As interested parties would not be prejudiced, I have not invited further comments.

### **Main Issues**

4. The main issues in relation to this appeal are;
  - i) whether the proposal would preserve the setting of the Grade II listed building of 13-24 Mornington Crescent; and
  - ii) whether the proposal would preserve or enhance the character or appearance of the Camden Town Conservation Area (CTCA).

### **Reasons**

#### *Setting of Listed Building*

5. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, places a duty upon me to have special regard to the desirability of preserving the setting of a listed building, defined by the Framework as the surroundings in which it is experienced.
6. The appeal site is one of 12 regency townhouses circa 1821-32, forming part of a larger crescent of 4 storey (plus basement) terraced properties<sup>1</sup>. Constructed of London stock brick with rusticated stucco ground floor, it has a

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<sup>1</sup> Historic England official list entry.

symmetrically balanced façade with attractive architectural detailing including sash windows of upward diminishing scale, stucco cornices and continuous cast-iron balconies to the first floor. The architectural unity of its form, materials and fabric are shared within the terrace and contribute to its special interest as a group of high-status properties. Insofar as it relates to this appeal, the significance of the listed building is derived from its evidential, historic and aesthetic value.

7. The relationship of the appeal site to its surroundings is important to its significance, as it affects the way it is perceived in public and private views. Due to the wide, curved nature of the street, the appeal site can be appreciated from some distance within Mornington Crescent as part of the wider homogenous terrace. Likewise, as a planned composition of buildings, the long linear gardens provide a soft, verdant setting to the rear.
8. The proposed footprint of the outbuilding alone would not be particularly disproportionate to either the host building or the garden in which it would be set. However, due to its width and box-like form, it would appear as a building of a sizeable scale and bulk within the plot. The scale of the proposed outbuilding would be exacerbated by its position on raised land and stepped access, which would promote its status above that of a recessive outbuilding.
9. The proposed outbuilding would become the largest and tallest freestanding structure within the rear gardens, the majority of which remain undeveloped at the rear. Despite the amendments reducing the height to be consistent with the rear boundary wall, the proposed outbuilding would still loom significantly above the existing boundaries to either side, even accounting for the taller wall and fence to number 22 Mornington Crescent. The removal of existing trees along with the use of extensive glazing would further increase the prominence of the building, such that it would compete for attention with the deliberately plainer and balanced proportions of the rear elevation of the appeal site, and wider listed building of which it is part. In this regard, I do not agree with the Heritage Statement's assessment that the proposed outbuilding would sit discreetly at the rear of the garden.
10. Whilst not visible from the street scene of Mornington Crescent, the ability to experience the contribution of the open space to the setting of the listed building from within the host and neighbouring buildings would be diminished. Given that the development relates to one part of a larger listed building, the harm to its setting would be moderate.
11. The proposal would fail to preserve the setting and therefore the significance of the listed building. The proposal would thus conflict with Policies D1 and D2 of the Camden Local Plan (CLP) 2017 which amongst other things, seek to ensure high quality development that preserves or enhances the historic environment and heritage assets. For reasons that I will go into, there are no public benefits that would outweigh the harm to the significance of the listed building.

#### *Character and Appearance of CTCA*

12. The CTCA encompasses a large area of dense urban development around the busy commercial area of Camden High Street, as well as the neighbouring residential area to the west. Although 19<sup>th</sup> century buildings predominate, the CTCA includes a mix of building styles and ages, where relatively tall buildings frame the generally commodious streets. The listed regency terrace with linear rear gardens of which the appeal site forms part, contributes positively to the pleasant, spacious and architecturally rich character of the CTCA.

13. The Camden Town Conservation Area Appraisal and Management Strategy (CTCAAMS) identifies that the greenery of back gardens are only visible in occasional glimpses from public vantage points but nonetheless, they contribute to the residential character of the CTCA. This spatial composition and architectural quality of the built form shapes the significance of the CTCA.
14. For reasons I have already explained above, the size, form and elevated position of the proposed outbuilding above the side boundary walls would result in a building that would diminish the sense of openness within the rear garden. This would not be satisfactorily mitigated by the proposed green roof and would be compounded by the proposed tree removal which would open up views of the proposed outbuilding.
15. The lack of prominence of the proposed outbuilding from public vantage points does not override my duty to have special regard to the desirability of preserving or enhancing the character or appearance of the area<sup>2</sup>. In any event, it would be visible from the rear upper windows of neighbouring properties, where the dominance of the proposed outbuilding would detract from the garden setting, identified above as contributing to the significance of the CTCA.
16. The proposed outbuilding would harm the aesthetic and historical value of the CTCA. Although the harm would be localised and limited given the scale of the development, such negative impacts can cumulatively erode the quality of the CA as a whole. Hence the proposal would not preserve or enhance the character or appearance of the CTCA and would be contrary to Policies D1 and D2 of the CLP, as set out above.

### **Other Matters**

17. The scheme has evolved to address concerns raised during the determination process. However, that does not justify permitting this development which has been found to be harmful for the above reasons. Whilst the gradient of the garden may have been formed through landscaping works undertaken by the appellant, the submitted plans clearly indicate that the proposed outbuilding would be sited on top of the retained elevated land. I must determine the appeal based on the evidence before me.
18. Similar sized outbuildings are suggested to have been approved by the Council. The full details of these permissions nor the planning context they were permitted under are not before me, and I note that none of the examples relate to properties within Mornington Crescent.<sup>3</sup> Thus, I cannot be sure whether the contexts are comparable, including whether they relate to listed buildings. Irrespective, I am required to determine the proposal before me, where the specific size, design and elevated position is the cause for concern in relation to the host building. There are likely to be alternative solutions for the erection of an outbuilding that would not cause the harm identified.
19. The Council did not refuse the application in relation to the impact on the living conditions of neighbouring occupiers and therefore I am not required to consider this further. Concerns regarding the erection of nearby outbuildings without permission, as well as the procedural handling and timeliness of determining the application, whilst frustrating, are nonetheless a matter for the main parties.

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<sup>2</sup> As set out in Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 (the Act).

<sup>3</sup> Table on page 7 of the appellant's appeal statement.

## **Heritage Balance and Conclusion**

20. The proposed outbuilding would result in harm to the setting of a listed building and would fail to preserve the character and appearance of the CTCA. In the words of the Framework, such harm would be 'less than substantial' and hence I am directed to weigh such harm against the public benefits of the proposal.<sup>4</sup>
21. Admirably the appellant has renovated the appeal property and cleared the garden which is of benefit to the longevity of the listed building. Renovation works appeared to be largely complete at the time of my visit and moreover, are unconnected to the proposal. Any public benefit generated would thus be limited to enhanced accommodation within the existing housing stock only.
22. The Framework directs me to attach great weight to an asset's conservation. Conservation in this context means sustaining, and not harming, an asset's significance. In this case, the designated heritage assets are a listed building of national significance and a conservation area of local significance.
23. The proposal would result in moderate harm to the setting of the listed building and limited harm to the character and appearance of the CTCA. Consequently, the totality of harm to the heritage assets would not be outweighed by the limited public benefits of the proposal. Accordingly, there would be conflict with Paragraph 200 of the Framework, as harm to the significance of the designated heritage assets would not have clear and convincing justification.
24. The proposal would therefore be contrary to the development plan, and there are no other considerations which outweigh this finding. Consequently, the appeal is dismissed.

*M Clowes*

INSPECTOR

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<sup>4</sup> Paragraph 202 of the Framework.