
Appeal Decision

Site visit made on 4 March 2024

by Les Greenwood MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25.03.2024

Appeal Ref: APP/X5210/D/23/3334498

14B Elizabeth Mews, London NW3 4TL

- 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 Dr Michael Coren and Dr Nicola Rosenfelder against the decision of the Council of the London Borough of Camden.
 - The application Ref 2023/1372/P, dated 19 May 2023, was refused by notice dated 14 September 2023.
 - The development proposed is the addition of a new second floor and internal alterations.
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Decision

1. The appeal is allowed and planning permission is granted for a new second floor and internal alterations in accordance with the terms of the application Ref 2023/1372/P, dated 19 May 2023, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: EM.937.50; EM.937.51; EM.937.52; EM.937.53; EM.937.54; EM.937.55; EM.937.56; EM.937.57; EM.937.58; EM.937.61; EM.937.62; EM.937.63; EM.937.64; EM.937.65; EM.937.66; EM.937.67 and EM.937.68.
 - 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.

Preliminary matter

2. A revised version of the National Planning Policy Framework (the Framework) was published on 19 December 2023, during consideration of the appeal. Having regard to the changes in the Framework and to the comparatively minor scale and nature of this appeal proposal, I consider that further consultation on this matter is not necessary.

Main issues

3. The main issues are:

- i) Whether the proposal would preserve or enhance the character or appearance of the Belsize Conservation Area;
- ii) The effect of the proposal on living conditions at neighbouring properties; and
- iii) Whether a Construction Management Plan (CMP) is needed to prevent conflicts with road users and protect the general amenity of the area during construction works.

Reasons

Character and appearance

4. 14B Elizabeth Mews is an end of terrace 1970s mews house sitting on the northern side of the street, on a corner plot at the junction with Primrose Gardens. The Council's Conservation Area Statement 9 *Belsize* (CAS) advises that Belsize Park is an area of large scale, imposing semi-detached Victorian villas of distinct yet uniform appearance. Development as a residential suburb began in the middle of the 19th Century. Elizabeth Mews at one time provided stabling and accommodation for carriage drivers, with the buildings on the northern side being re-built later on, to a similar height. The houses in this terrace, including No 14B, are 2.5 storeys with mansard roofs.
5. In contrast to the much taller and more ornate red brick Victorian houses in Primrose Gardens, the terrace including No 14B is of simpler but complementary design and buff bricks. The CAS does not identify the terrace as making a positive contribution to the conservation area. The appeal building's significance arises mainly from its group value with other buildings in the area, rather than from its particular architectural or historical merit.
6. The proposal would add an additional storey onto No 14B, replicating the design of the existing walls and mansard roof. The CAS advises that roof extensions which change the shape and form of the roof can have a harmful impact on the Conservation Area and are unlikely to be acceptable where, amongst other things, the property forms part of a group or terrace which remains largely, but not completely unimpaired and/or the roof is prominent, particularly in long views. In this case, the existing terrace does remain fairly uniform and the building is prominent, especially in short range views along Primrose Gardens.
7. In this end of terrace position, however, the proposed extra storey would be seen next to the taller side wall of 6 Primrose Gardens, forming a stepped transition. The building would still be lower, smaller scale and of plainer design than those in Primrose Gardens so would remain subsidiary to those houses. The roof design would replicate the existing roof, continuing to match the other mansards roofs in the terrace.
8. The Council, together with the Belsize Park Conservation Area Advisory Committee and local objectors, argues that the property is clearly read as part of the established row in Elizabeth Mews and not in the context of the houses in Primrose Gardens, due to the differing ages, architectural styles and form of

these properties. The prominent side elevation of No 14B does, however, face Primrose Gardens. It is not set back from that street or set away from 6 Primrose Gardens next door, so that it is seen in views from both streets and is more properly read as being part of both street scenes. I find the proposal to be an appropriate response to this particular situation, which would complement the development in both streets.

9. I conclude that the proposal would preserve and enhance the character and appearance of the conservation area. It accords in this respect with policies D1 and D2 of the Camden Local Plan 2017 (CLP), which seek high quality design that preserves or enhances Camden's rich and diverse heritage assets. In coming to this conclusion, I give special attention to the desirability of preserving or enhancing the character or appearance of the conservation area as required by Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The Council's report also refers to Camden Planning Guidance documents *Design* and *Home Improvements* here, though they are not cited in the refusal notice. I find no substantive conflict with this guidance.

Living conditions

10. The Council's concern in this regard is that the extra storey would cause a loss of light to the properties on the opposite side of the Mews. The nature of mews developments usually means that there is a tight relationship between properties and Elizabeth Mews is typical in this respect. No 14B sits to the north-west and west of these other houses, so that it would cause some extra overshadowing, particularly in mid to late afternoons. This should not be overstated, however, because the building would still be lower than No 6 Primrose Gardens, which is close by to the rear, and the loss of light is relieved to some extent by the open aspect to the south-west and west across a wide section of Primrose Gardens. Overall, the amount of sunlight and daylight blocked by the proposal would be relatively minor and would not be unreasonable in this densely built up urban situation.
11. Neighbours also refer to a loss of light and overlooking to the back gardens of the adjacent houses on the same side of the Mews as No 14B. The proposed extension would sit to the south-west of those gardens so there would be some extra overshadowing. These gardens are, however, at first floor level so that the proposed extension would not be disproportionately tall in relation to them. On the matter of privacy, there is already a high degree of mutual overlooking in this situation and this would not be made significantly different by the proposal. I find that there would be no undue harm to living conditions at these properties.
12. I conclude that the proposal would not unduly effect living conditions at neighbouring properties. It therefore also accords in this respect with CLP policy A1, which seeks to ensure that the amenity of neighbours is protected. The Council also refers to its Camden Planning Guidance document *Amenity* here, though it does not cite it in the refusal notice. I find no substantive conflict with this guidance, either.

Construction Management Plan

13. The Council also refused the application on the grounds that, in the absence of a legal agreement securing a CMP with associated fees and a bond, the

development would give rise to conflicts with road users and would be detrimental to the amenities of the area generally. CLP policy A1 says that the need for a CMP will be assessed on a case by case basis. CMPs may be sought for major developments and in certain other situations and will usually be secured by planning obligations.

14. This is a minor, householder development at a site which should be relatively easy to access due to its frontage to a broad street, Primrose Gardens. As with most development in urban areas, there is potential for disruption of the public highway and nuisance to neighbours, but this can largely be addressed through other legislation. I see no necessity for a CMP in this case, so that the relevant tests for planning obligations set out in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 and paragraph 57 of the Framework are not met. The proposal also accords in this respect with CLP policy A1.

Conditions

15. I impose a condition specifying the relevant plans to provide certainty. A further condition requiring the use of matching materials is needed to protect the character and appearance of the conservation area. I find, however, that the level of detailed control suggested by the Council in regard to materials and construction details in an additional draft condition is not necessary for this householder development of an unlisted building. The Council has not suggested a condition requiring a CMP and, for the same basic reasons as set out above, I find that such a condition is not necessary anyway.

Conclusion

16. I find that the proposal accords with the development plan, taken as a whole. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should succeed.

Les Greenwood

INSPECTOR