



Appeal Decision

Site visit made on 26 June 2025

by **C Hall BSc MPhil MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 07 July 2025

Appeal Ref: APP/X5210/D/25/3364281

10A Oakhill Avenue, Camden, London NW3 7RE

- 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 Mr P Bogomolov against the decision of the Council of The London Borough of Camden.
 - The application Ref. is 2024/1045/P.
 - The development proposed is for the demolition of existing conservatory and roof and erection of double storey rear and front extensions, remodelling of attic / top floor, remodelling of all facades and erection of new basement floor to existing detached family house.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal having regard to:
 - the character and appearance of the existing dwelling and the surrounds, including the Redington/Frognaal Conservation Area (CA);
 - demolition;
 - structural stability;
 - parking provision;
 - the living conditions of future occupants in respect of the quality of internal accommodation; and
 - construction management and highway maintenance.

Reasons

Character and appearance

3. The appeal site is a detached property on Oakhill Avenue with off-street parking on a driveway to the front, in a largely residential neighbourhood. The street scene is broadly characterised by dwellings of traditional design but with differing detailing and external materials.
4. The CA Appraisal notes that the area's special architectural and historic interest derives from the landscape infrastructure, influenced by garden suburbs, characterised by residences set back behind smaller front gardens with extensive rear gardens. Properties tend to have common features, reflecting their time of construction in the late 19th and first half of the 20th century. These are stylistically diverse, but predominantly draw on Queen Anne Revival and Arts and Crafts influences.

5. The appellant alludes to applications granted by the Council at the appeal site, primarily under references 2014/1037/P and 2015/1628/P. However, these approvals pre-date the CA Appraisal, which was produced in December 2022. As the more recent evidence relevant to this issue, I give greater weight to the protection, management and enhancement guidance in the CA Appraisal rather than the older permissions.
6. The appeal dwelling (not including its annex) has been identified within the CA Appraisal as being part of a group of buildings that make a positive contribution to the CA. Whilst the Appraisal does not elaborate, I saw that for the most part houses in the locality are of traditional design and appearance, and the appeal unit harmonises with this character.
7. Conversely, the scheme before me would introduce a more contemporary design to the row, with larger expanses of glazing and a flat roof. Although I appreciate that the National Planning Policy Framework (the Framework) does not seek to prevent or discourage appropriate innovation or change, I have no robust evidence to justify the substantial alteration of the traditional form and style of the existing property. To my mind, it is insufficient to rely upon the historic approvals as the CA Appraisal supersedes them.
8. Based on the material before me, I consider that the proposal would appear out of keeping in the context of the existing building and the wider setting. A comparison between the existing and proposed front elevations demonstrates that the development would result in a significant increase in mass, especially at roof level, and would not therefore be subservient in nature. The additional hardstanding to the frontage, whilst limited, would exacerbate the discordant nature of the proposal, and make the building more prominent when viewed from the public domain.
9. At my site visit I saw other properties referenced by the appellant, however these pre-date the CA Appraisal. In particular, the unit at 14a Redington Road is more modest in scale and further afield in a street scene where characteristics differ to the neighbourhood of which the appeal site is part, and is not therefore directly comparable. In any event, the appearance of other schemes would be a neutral consideration in any balance against planning harm, and I am mindful that each case must be assessed on its own merits.
10. I am satisfied with the appellant's explanation that the building line would not be adversely impacted, and as the car lift is at ground level it would not be deleterious to the local environs in itself. However, these matters do not outweigh the detriment I have identified above.
11. While the resultant harm would be less than substantial, the appeal proposal would nevertheless fail to preserve and enhance the character and appearance of the building and the CA. The Framework states that when considering the impact of a development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The harm to the conservation area would be less than substantial, and I am not aware of any public benefits associated with the development. This is a matter to which I give considerable importance and weight.
12. I conclude on this issue that the scheme would be injurious to the character and appearance of the existing dwelling and the surrounds, including the CA. This would contravene Policies D1 and D2 of the Camden Local Plan (2017) and

Policies SD2, SD4, SD5 and SD6 of the Redington Frognal Neighbourhood Plan 2021. Collectively these seek to secure new development of acceptable scale and appearance that preserve heritage assets and make a positive contribution to local character and distinctiveness.

Demolition

13. The appellant has provided diagrams to show the elements of the existing building to be demolished. These would include the rear conservatory and some walls at ground floor level, further walls at first floor and the loss of the pitched roof. I am satisfied that such removal would not amount to substantial demolition.
14. The scheme would therefore comply with Policy CC1 of the LP and Policy SI7 of the London Plan (LonP), which seek to minimise the effects of climate change.

Structural stability

15. The preamble to Policy A5 of the LP notes that the development of basements is a popular way of gaining additional space in homes. This involves excavation changes the ground and water conditions of the area which can potentially lead to ground instability or flooding. Basement development can also have significant construction impacts due to the need to remove spoil and the general complexities of excavation. The Council recognises the need to protect the environment and adjoining neighbours' properties and buildings from these impacts.
16. Policy A5 includes a number of criteria against which basements are assessed. The Council contends that the appeal proposal would not comply with certain requirements, although I have not been provided with clear evidence as to how these conclusions have been made.
17. In response, the appellant has indicated provided useful images to demonstrate that the floor area of the basement in the front garden would not exceed 50% of the area, whilst it would also extend into the garden no further than 50% of the depth of the host building as measured from the principal rear elevation. I am satisfied that the scheme would therefore meet criterion h) and j) of Policy A5.
18. With regard to the need for a basement impact assessment, it has not been possible to furnish me with a copy of the document that I understand has been produced. Whilst the appellant has summarised the findings, the Council's external consultants have not had the opportunity to comment. Furthermore, as the basement extends beyond 50% of the depth of the front garden, there is a breach of criterion k) of policy A5 and there is insufficient argument as to whether the impacts of this can be ameliorated.
19. Taking a precautionary approach to this matter, I cannot be certain that the proposed basement would be acceptable as the effects upon structural stability have not been wholly established. There would be conflict with Policy A5 of the LP and Policy UD1 of the NP in relation insofar as they relate to the issue.

Parking provision

20. The appellant has shown that the existing parking arrangement on site consists of space for seven vehicles. The proposed plans demonstrate a reduction to five spaces, three in the basement and two in a tandem layout in the garage. Whilst

technically the driveway could also be used for a car, I acknowledge the appellant's contention this would obstruct access to the lift so would not necessarily represent a permanent space.

21. In any event, the Council seeks reduction in car parking on-site as part of the design development; based on the information before me it seems that this would be achieved. As a result, I find that on-site parking provision would not be excessive. This would meet with Policies CC1, CC4, T1 and T2 of the LP, which seek to promote sustainable transport and limit the availability of parking.

Living conditions

22. Policy CC2 of the LP requires development to be resilient to climate change, including incorporating measures to reduce the impact of dwelling overheating. The appeal scheme incorporates a glazed south facing roof element, at the application stage no details were provided to address the management of overheating for the top floor of the dwelling, which is shown on the floor plan to contain a habitable lounge space and two bedrooms.
23. I understand that a Domestic Overheating Assessment has been commissioned to deal with this issue, however it has not been possible to provide me with a copy of the document. Although the appellant contends that it represents a robust analysis to meet various requirements, I am unable to ascertain this in the absence of the written evidence.
24. Once more taking a precautionary approach to such matters, I cannot be certain that the proposal would prevent overheating in the top floor habitable spaces. This would have an adverse impact upon the living conditions of future occupants with respect to the quality of internal accommodation, contrary to Policies CC1 and CC2 of the LP and Policies D6 and SI4 of the LonP.

Construction management and highway maintenance

25. The appellant has entered into separate signed and dated unilateral undertakings under section 106 of the Town and Country Planning Act 1990, which include obligations that would come into effect if planning permission were to be granted. I have considered the obligations and am satisfied that they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind.
26. The first legal agreement secures funds towards construction management and the submission of a plan in this respect, the second relates to a highway improvements and a basement Approval in Principle Assessment to ensure payment for works on the structural stability of the public highway. To my mind the contributions provide necessary mitigation to address the impact of development. Nevertheless, as the appeal is being dismissed for the reasons outlined above, it is not necessary to consider these issues further.

Conclusion

27. Although the appeal scheme would not have an undue effect upon demolition, parking provision, construction management and highway maintenance, it would be detrimental on the grounds of the character and appearance of the existing dwelling and the surrounds, including the CA, structural stability, and the living conditions of

future occupants in respect of the quality of internal accommodation. Based on the foregoing and all other factors put forward, I dismiss the appeal.

C Hall

INSPECTOR