



Appeal Decision

Site visit made on 16 July 2025

by **P Burley**

an Inspector appointed by the Secretary of State

Decision date: 25 July 2025

Appeal Ref: APP/X5210/W/25/3365144 **17A Arkwright Road, London NW3 6AA**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Blackthorn Books Limited against the decision of the Council of the London Borough of Camden.
 - The application Ref is 2025/0278/P.
 - The development proposed is described as ‘the retention of pergola-style domestic outbuilding (retrospective)’.
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Decision

1. The appeal is allowed and planning permission is granted for a pergola-style domestic outbuilding at 17A Arkwright Road, London NW3 6AA in accordance with the terms of the application, Ref 2025/0278/P, and the plans submitted with it (17AArkwrightRoad_SiteLocationPlan_V1; 17AArkwrightRoad_ExistingPlan_V1; 17AArkwrightRoad_ExistingElevations_V1; and 17AArkwrightRoad_ExistingBlockPlan_V1).

Preliminary Matters

2. On my site visit I observed that the appeal scheme had been constructed and that it appears to accord with the plans before me. Therefore, I have considered the appeal on the basis that the development has already taken place.

Main Issue

3. The main issue is whether the appeal scheme would preserve or enhance the character or appearance of the Redington and Frognal CA.

Reasons

4. Given that the appeal site is in a Conservation Area (CA) I have a statutory duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.
5. The appeal scheme is a pergola or patio canopy which abuts the host building. It stands on wooden decking and its frame is covered in off-white metal. Its louvred roof is made of slats which are faced on one side with wood and with off-white metal on the other. There are retractable, frameless glass doors in the southern side of the pergola and fixed windows in the eastern side. There is a small gap between the eastern side of the pergola and the high fence which separates the appeal site from the dwellinghouse to the east. The other sides of the pergola,

including the side abutting the host building, are open albeit there is a retractable blind in the western side.

6. The pergola is offset from the eastern elevation of the host building such that part of it can be seen when standing in the gap between 17 and 15 Arkwright Road and looking south. That gap is closed at its northern end by a wall such that access from Arkwright Road to the rear garden is not possible. When looking towards the host building from Arkwright Road, a staircase up to a door in the host property and an associated parapet wall mean that the pergola cannot be seen from the kerbside; only trees can be seen in the gap between the buildings.
7. Thus, my observations from visiting the site confirm that a number of objections to the appeal scheme are based on inaccurate descriptions, including matters which are central to the application of relevant policy in this case. For example, objections have referred to the appeal scheme as a *“giant white plastic box”*, said that it is visible from the kerbside, and stated that it blocks the only access to the rear of 17 Arkwright Road and is, therefore, a fire risk. Similarly, the Council’s description of the appeal scheme as *“including flat uVPC roof and abundant glazing and uVPC panels”* was also not borne out by my inspection.
8. Limited public visibility of a development in a CA does not equate to an absence of harm. Similarly, the mere visibility of a development from neighbouring rooms and gardens, even where this is noted in letters of objection, does not amount to harm as stated by the Council. Rather, the effect of a proposal must be considered in terms of its effects on the character and appearance of the CA.
9. Policy D1 of the Camden Local Plan 2017 (LP) requires development to preserve or enhance the historic environment and heritage assets in accordance with LP Policy D2 which relates to the historic environment. LP Policy D2 says that the Council will require that development within conservation areas preserves or, where possible, enhances the character or appearance of the area.
10. The Redington Frognal Neighbourhood Plan (2021) (NP) and the Redington and Frognal Conservation Area Appraisal (2022) (CAA) provide further details as to the aspects of the CA which contribute to its special architectural and historic interest. In that context, the NP sets out detailed policies which seek to preserve or enhance the character or appearance of the CA. The CAA also sets out a series of development principles which, in respect of those which are relevant to this case, do not materially differ from NP policies.
11. NP Policy SD2 says that new developments must preserve or enhance the green garden suburb character and appearance of the CA which includes retention of buildings or features that contribute to that special interest, including gaps between buildings. The supporting text to that policy then explains that the character and appearance of the CA owes as much to the garden and landscape character as to buildings. NP Policies SD4 ix. and SD5 iv. require the retention of gaps between buildings to allow for maintenance and to afford views through the built frontages to trees and well-vegetated side and rear gardens. The CAA also identifies that gaps between buildings can form part of the character of the townscape, providing glimpses to trees and garden areas to the rear.
12. The appeal scheme does not conflict with these principles. It reads as an element that is distinct from the host building and does not give an impression of coalescence of built form or prevent the appreciation of the relationship between

buildings and the spaces around them, including the rear garden environment. Furthermore, it does not affect views of trees / well-vegetated rear gardens as seen through the gap between 17 and 15 Arkwright Road and would not prevent maintenance from occurring.

13. LP Policy D1 requires development to be of the highest architectural and urban design quality and NP Policy SD4 x. says that synthetic materials such as uPVC should not be used in developments in the CA. The CAA also says that materials should be durable, with a high standard of finish and constructional detail and that imitation materials, such as plastic for detailing, should be avoided.
14. Whilst modern in style, I saw that the appeal scheme has been constructed from high-quality materials and does not include materials that are considered to be unacceptable in policy such as uPVC. Whilst two sides of the pergola are glazed, this does not appear to be excessive or inappropriate. Accordingly, I consider that the appeal scheme complies with LP Policy D1 and NP Policy SD4 x.
15. With regard to the effect of the appeal scheme on the host building, the Council's officer report referred to the section of the 'Home Improvements' Camden Planning Guidance (2021) relating to extensions and to Section 6.4 (Alterations, Extensions and Infill) of the CAA. Although part of the pergola abuts the host building it has not resulted in any alterations to or enlargement of it. Accordingly, I do not consider the aforementioned guidance to be directly relevant to the appeal scheme which I consider to be more akin to a type of garden structure.
16. NP Policy SD5, which relates to garden development as well as extensions, supports the use of authentic traditional materials, or of contrasting materials, forms and construction where this would help to maintain the original composition of the building.
17. The existing building is largely unaltered and retains features which are noted in the CAA and contribute to its designation as a 'positive contributor', specifically red brick 'Arts and Crafts' architecture, a red pitched roof with a pitched gable / dormer, and decorated white painted timber windows. The rear elevation is largely unaltered and its distinctive Arts and Crafts style contributes to the architectural and historic character and appearance of the rear building line on this side of Arkwright Road.
18. The appeal scheme does not affect any of those features. The design of the appeal scheme and its contrasting materials enables it to be read as a distinct element, and the open nature of the pergola enables the composition of the host building to be appreciated. As such I do not consider that the appeal scheme results in harm to the host building as a positive contributor to the CA.
19. The Council also notes that the potential for artificial illumination being emitted from the development could also result in harm to the character and appearance of the CA. However, external lighting is not uncommon in domestic gardens, and the Council has not provided any evidence to support this argument or to demonstrate that the appeal scheme emits a harmful degree of illumination.
20. Given that the appeal scheme is in a CA I must pay special attention to the desirability of preserving or enhancing the character or appearance of the CA by attaching considerable importance and weight to that desirability. In this case, I consider the appeal scheme to be well-designed and made from high-quality

materials and that it does not result in any appreciable harm to characteristics of the CA, as described in the CAA and the NP, which contribute to the CA's significance. Thus, I consider that the appeal scheme preserves the character and appearance of the CA.

21. Therefore, I find that the appeal scheme accords with the requirements of the Act, with paragraph 212 of the National Planning Policy Framework which states that great weight should be given to the conservation of heritage assets, and with LP Policies D1 and D2 and with NP Policies SD2, SD4 and SD5.

Other Matters

Privacy

22. Whilst concern has been raised in relation to the effect of the appeal scheme on the privacy of the occupiers of neighbouring properties, the pergola does not project in front of or close to any neighbouring windows or outdoor spaces such that there would be any undue overlooking.

Effect of Lighting on Living Conditions of Nearby Occupiers and Wildlife

23. An objector has said that the reflective surface of the structure bathes their bedroom in an unwelcome glow, and another has said that the structure is lit up all night with fairy lights which can be seen from adjacent properties causing substantial light pollution. It has also been stated that lighting is disruptive to wildlife and biodiversity and a statutory nuisance. However, I have not been provided with any evidence to support these suggestions, that any lighting is anything other than would normally be found in a domestic environment, or to enable me to conclude that the appeal scheme is contrary to NP Policy BGI 3 which says that external lighting within development sites should have no significant impact on wildlife or local amenity.
24. I also note that it is not the role of the planning system to identify, or to take action against, a statutory nuisance. Therefore, this is not a matter that I am able to take into account in my decision.

Loss of Green Space

25. It has been argued that the loss of soft natural garden surface as a result of the appeal scheme and use of plastic grass is not compatible with NP Policy BGI 1. However, the pre-existing plans show that the appeal scheme was constructed on an area of hardstanding.

Approval of Freeholders

26. Whilst it has been noted that the freeholders of the property have not given permission for the appeal scheme, this is a private matter which I cannot take into account in my decision.

Conditions

27. As the development has already taken place, conditions relating to the time limit for implementation and compliance with plans are not necessary.
28. The Council has said that the proposal would result in light spill that would affect the visual amenity of the area but that it defers to me as to whether a condition to

secure details of illumination should be attached. For the reasons given above I do not consider it necessary to attach a condition relating to lighting.

Conclusion

29. For the reasons given above the appeal should be allowed.

P Burley

INSPECTOR