



J & L PLANNING SERVICES

Town & Country Planning Acts

Appeal by Ms Ann Jones against the decision by London Borough of Camden to refuse planning permission for a single storey rear extension at lower ground floor level at 15 Nassington Road, London NW3 2TX

Local Planning Authority Reference: 2022/2975/P

Appellants Reference: JL5723

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1. **INTRODUCTION**

1.1 This statement has been prepared in support of an appeal against a refusal of planning permission.

2. **THE APPEAL**

2.1 The appeal concerns a refusal of planning permission for a single storey rear extension. The Council's reasons for refusal are as follows:

- 1 The proposed extension, by virtue of detailed design and materials would harm the appearance the building and the conservation area, contrary to policies D1 (Design), D2 (Heritage) of the Local Borough of Camden Local Plan 2017 and policies DH1, DH2 of the Hampstead Neighbourhood Plan 2018.
- 2 The proposed extension, by reason of its location, height, and design, would cause unacceptable harm to the amenity of the neighbouring residential occupiers by way of loss of privacy, contrary to policy A1 of the London Borough of Camden Local Plan 2017.

3. **SITE AND SURROUNDINGS**



- 3.1 The appeal site comprises a semi-detached property, located on the south side of Nassington Road, some 70 metres east of the junction with Parliament Hill. The surrounding area is predominantly residential in terms of both built form and land use.

4. **PLANNING CONSIDERATIONS**

- 4.1 The National Planning Policy Framework (NPPF) which came into force in July 2021, outlines the Government's requirements for the planning system and established how these will be addressed. The most relevant paragraphs are stated below:

Paragraph 7 states that: "The purpose of the planning system is to contribute to the achievement of sustainable development." Paragraph 8 goes on to explain that "that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

a) **an economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

b) **a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

c) **an environmental objective** – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.”

4.2 These roles should not be undertaken in isolation, because they are mutually dependent. Economic growth can secure higher, social and environmental standards, and well-designed buildings and places can improve the lives of people and communities. Therefore, to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. The planning system should play an active role in guiding development to sustainable solutions.

4.3 Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as people’s quality of life, including (but not limited to):

1. Making it easier for jobs to be created in cities, towns and villages.
2. Moving from a net loss of biodiversity to achieving net gains for nature.
3. Replacing poor design with better design.
4. Improving the conditions in which people live, work, travel and take leisure;
and

5. Widening the choice of high-quality homes.
- 4.4 The National Planning Policy Framework advocates that the statutory status of the development plan is the starting point for decision making. Proposed development that accords with an up to date Local Plan should be approved and proposed development that conflicts would be refused unless other material considerations indicate otherwise. It is highly desirable that local planning authorities should have an up to date plan in place.
- 4.5 At the heart of the planning system is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan making and decision making. Local planning authorities should approve development proposals that accord with statutory plans without delay, and grant permission where the plan is absent, silent, in determination or where relevant policies are out of date. All these policies should apply unless the adverse impact of allowing development would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework, taken as a whole.
- 4.6 The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Although visual appearance and the architecture of individual buildings are particularly important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural built and historic environment. Furthermore, permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

- 4.7 Applicants will be expected to work closely with those directly affected by their proposals to evolve designs that take account of the views of the community. Proposals that can demonstrate this in developing the design of the new development should be looked on more favourably.
- 4.8 Current Conservation area advice is concerned with the quality and interests of areas, rather than that of individual buildings, which should be the prime considerations identifying Conservation areas. There has been increasing recognition in recent years that your experience of a historic area depends on much more than the quality of individual buildings, boundaries and thoroughfares; on particular “mix” of uses; on characteristic materials; on appropriate scaling and detailing of contemporary buildings, the quality of advertisements, shop fronts, street furniture and hard and soft surfaces; on vistas along streets and between buildings, and on the extent to which traffic introduces and omits pedestrian use of spaces between buildings. Conservation area designation should be seen as the means of recognising the importance of all these factors and of ensuring that conservation policy addressed with quality of townscape in its broadest sense as well as the protection of individual buildings.
- 4.9 It is considered that the quality and interest of this Conservation area would remain preserved as the appeal proposal would not:
- (i) Detract from the overall appearance, character and openness of the existing built form within the Conservation area; and

- (ii) The scale, mass and proportions of the appeal proposal would remain subordinate to the overall scale, mass and proportions of built forms within the locality.

4.10 Furthermore, current policy and advice places emphasis on the definition of an area's interest should derive from an assessment of the elements that contribute to (and detract from) it. Conservation areas vary greatly, but certain aspects will almost always form the basis for a coherent assessment of the topography – for example, thoroughfares and property boundaries and its historical development; the archaeological significance and potential; the relevant building materials; the character and hierarchy of spaces; the quality and relationship of buildings in the area and also of trees and other green features. The assessment should always include those unlisted buildings which make a positive contribution to the special interest of the area.

4.11 It is considered that the key elements of this Conservation area are:

- (i) Highway alignments which would not be the subject of change; and
- (ii) The imposing built forms and thoroughfares would remain preserved.

4.12 The Borough Council have provided two reasons for refusal which, in turn, raises two primary issues, these are:

- (i) appearance of the building and the Conservation Area; and

- (ii) the amenity of the neighbouring residential occupiers.

4.13 In support of these concerns, the Council have referred to provisions within the Local Plan 2017, and the Hampstead Neighbourhood Plan 2018. Within this context, the merits of the appeal will be assessed.

Appearance of the building and Conservation Area

D1

The Council will seek to secure high quality design in development. The Council will require that development:

- a. respects local context and character;
- b. preserves or enhances the historic environment and heritage assets in accordance with Policy D2 Heritage;
- c. is sustainable in design and construction, incorporating best practice in resource management and climate change mitigation and adaptation;
- d. is of sustainable and durable construction and adaptable to different activities and land uses;
- e. comprises details and materials that are of high quality and complement the local character;
- f. integrates well with the surrounding streets and open spaces, improving movement through the site and wider area with direct, accessible and easily recognisable routes and contributes positively to the street frontage;
- g. is inclusive and accessible for all;
- h. promotes health;
- i. is secure and designed to minimise crime and antisocial behaviour;
- j. responds to natural features and preserves gardens and other open space;
- k. incorporates high quality landscape design (including public art, where appropriate) and maximises opportunities for greening for example through planting of trees and other soft landscaping;
- l. incorporates outdoor amenity space;
- m. preserves strategic and local views;
- n. for housing, provides a high standard of accommodation; and
- o. carefully integrates building services equipment.

The Council will resist development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Tall buildings

All of Camden is considered sensitive to the development of tall buildings. Tall buildings in Camden will be assessed against the design criteria set out above and we will also give particular attention to:

- p. how the building relates to its surroundings, both in terms of how the base of the building fits in with the streetscape and how the top of a tall building affects the skyline;

- q. the historic context of the building's surroundings;
- r. the relationship between the building and hills and views;
- s. the degree to which the building overshadows public spaces, especially open spaces and watercourses; and
- t. the contribution a building makes to pedestrian permeability and improved public accessibility.

In addition to these design considerations tall buildings will be assessed against a range of other relevant policies concerning amenity, mixed use and sustainability.

Public art

The Council will only permit development for artworks, statues or memorials where they protect and enhance the local character and historic environment and contribute to a harmonious and balanced landscape design.

Excellence in design

The Council expects excellence in architecture and design. We will seek to ensure that the significant growth planned for under Policy G1 Delivery and location of growth will be provided through high quality contextual design.

4.14 The local context and character of the Conservation Area is predominated by substantial semi detached built forms. The topography of the land plays a key role in creating tall, stepped facades, which dominate street scenes. The fenestration details of the architectural elements, together with the joinery details and associated glazing bars are key features of local context and character. These key elements of context and character would remain undisturbed.

4.15 The concept of the proposal's design, is to avoid alterations to the fenestration and fabric of the existing rear elevation of the host property. Furthermore, the aims and objectives of the design is to create a visually neutral presence.

4.16 Within this context, the horizontal and vertical elements of the structure are linear, together with the use of glazing, collectively creates an even smooth uncluttered external appearance, whilst preserving an exposure of the original architectural and fenestration details of the host dwelling.

- 4.17 In relation to the street frontage, the rearward siting of the appeal proposal, together with the position of neighbouring built forms, and the prevailing pattern of development, collectively ensures that the public realm remains undisturbed. Furthermore, the overall scale, mass and proportions of the appeal proposal, together with the prevailing pattern of development, taken together, would not impede strategic or local views and vistas. The historic and heritage context of the host property and the surrounding area would remain preserved.

D2

The Council will preserve and, where appropriate, enhance Camden's rich and diverse heritage assets and their settings, including conservation areas, listed buildings, archaeological remains, scheduled ancient monuments and historic parks and gardens and locally listed heritage assets.

Designated heritage assets

Designated heritage assets include conservation areas and listed buildings. The Council will not permit the loss of or substantial harm to a designated heritage asset, including conservation areas and Listed Buildings, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a. the nature of the heritage asset prevents all reasonable uses of the site;
- b. no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation;
- c. conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
- d. the harm or loss is outweighed by the benefit of bringing the site back into use.

The Council will not permit development that results in harm that is less than substantial to the significance of a designated heritage asset unless the public benefits of the proposal convincingly outweigh that harm.

Conservation areas

Conservation areas are designated heritage assets and this section should be read in conjunction with the section above headed 'designated heritage assets'. In order to maintain the character of Camden's conservation areas, the Council will take account of conservation area statements, appraisals and management strategies when assessing applications within conservation areas.

The Council will:

- e. require that development within conservation areas preserves or, where possible, enhances the character or appearance of the area;
- f. resist the total or substantial demolition of an unlisted building that makes a positive contribution to

the character or appearance of a conservation area;

g. resist development outside of a conservation area that causes harm to the character or appearance of that conservation area; and

h. preserve trees and garden spaces which contribute to the character and appearance of a conservation area or which provide a setting for Camden's architectural heritage.

Listed Buildings

Listed buildings are designated heritage assets and this section should be read in conjunction with the section above headed 'designated heritage assets'. To preserve or enhance the borough's listed buildings, the Council will:

- i. resist the total or substantial demolition of a listed building;
- j. resist proposals for a change of use or alterations and extensions to a listed building where this would cause harm to the special architectural and historic interest of the building; and
- k. resist development that would cause harm to significance of a listed building through an effect on its setting.

Archaeology

The Council will protect remains of archaeological importance by ensuring acceptable measures are taken proportionate to the significance of the heritage asset to preserve them and their setting, including physical preservation, where appropriate.

Other heritage assets and non-designated heritage assets

The Council will seek to protect other heritage assets including non-designated heritage assets (including those on and off the local list), Registered Parks and Gardens and London Squares.

The effect of a proposal on the significance of a non-designated heritage asset will be weighed against the public benefits of the proposal, balancing the scale of any harm or loss and the significance of the heritage asset.

4.18 This policy reflects provisions within NPPF and, therefore, reference is made to preceding submissions. The setting of the Conservation area in respect of topography and landscape, would remain preserved as the appeal proposal would not alter topography or result in a loss of landscape features.

DH1

1. Development proposals should demonstrate how they respond and contribute positively to the distinctiveness and history of the character areas identified in Map 2 and Appendix 2 through their design and landscaping.

2. Development proposals should demonstrate how they respect and enhance the character and local context of the relevant character area(s) by:

- a. Ensuring that design is sympathetic to established building lines and arrangements of front gardens, walls, railings or hedges.
- b. Incorporating and enhancing permeability in and around new developments to secure safe and convenient access for pedestrians and cyclists, and avoiding lockable gates and fencing that restricts through access.
- c. Responding positively and sympathetically to the existing rhythm, proportion, height, scale, massing, materials and storey heights of surrounding buildings.
- d. Protecting the amenity and privacy of neighbouring properties.
- e. Demonstrating how the proposal protects and enhances the views as shown on Map 4.

3. All development proposals which are required to produce a design and access statement will need to produce additional information on how the proposal conserves and / or enhances the relevant character area(s) relating to that proposal.

4. Development proposals that fail to respect and enhance the character of the area and the way it functions will not be supported.

4.19 The criteria of the policy advocate principles, in order to achieve a high quality of design. The appeal proposal would not alter front building lines, garden areas, or front boundary treatments. The rear elevations of properties sharply contrast with the regular and orderly alignment of the front elevations. The rear elevations, built forms, have been the subject of extensions and alterations, which form part of the established character and appearance of the Conservation Area. The appeal proposal would not alter or harm this established character.

4.20 The design of the appeal proposal, its single storey built form, its profile and siting within the existing curtilage, would reflect the prevailing pattern of development within the garden hinterland area. The use of glazing materials, together with the cuboid form of the extension, ensures that the presence of the proposed extension would not predominate the setting of the locality.

DH2

1. Planning applications within a Conservation Area must have regard to the guidelines in the relevant Conservation Area Appraisal(s) and Management Strategies.
 2. In reference to NPPF paragraphs 131 to 136, the Plan provides further guidance on the application of these policies below.
 3. New development should take advantage of opportunities to enhance the Conservation Areas by protecting and, where appropriate, restoring original architectural features, including walls, windows, doors, etc., that would make a positive contribution to the Conservation Areas.
 4. Development proposals must seek to protect and/or enhance buildings (or other elements) which make a positive contribution to the Conservation area, as identified in the relevant Conservation Area Appraisals and Management Strategies (see Appendix 3).
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- 4.21 The criteria of the policy reflects NPPF provisions, and the criteria contained within policies D1 and D2. Therefore, reference is made to preceding submissions.
- 4.22 Notwithstanding, criterion 1 of the policy does refer to Conservation Area Appraisals. The Conservation Area appraisal identifies the appeal site as being within Sub Area Two. The appeal site is identified under the heading 'Audit' (page 15) as being within a block of unlisted buildings which make a positive contribution to the special character and appearance of the area.
- 4.23 The audit of the Conservation Area places an emphasis upon the public realm and the visual contribution made by the host property and its neighbours to the overall character of the street scene. The siting of the appeal proposal, together with the prevailing pattern of development, collectively ensures that the public realm remains preserved.
- 4.24 Under the heading 'Rear Extensions/Conservatories', (page 21) the principle of construction of a rear extension is acceptable. The underlining emphasis of the

advice is the subordination of proposals restricting the height to single storey. These requirements are met by the appeal proposal.

4.25 Furthermore, the appraisal states (SHP20):

“Rear extensions will not be acceptable where they would spoil an uniformed rear elevation of unspoilt terrace or group of buildings.”

4.26 Neighbouring built forms have been the subject of rear extensions, for example no. 17 which benefits from planning permission.

Amenity of neighbouring residential occupiers

4.27 The Council’s specific amenity concern, as contained within the second reason for refusal, relates to privacy. Within this context, the merits of the appeal will be assessed.

A1

The Council will seek to protect the quality of life of occupiers and neighbours. We will grant permission for development unless this causes unacceptable harm to amenity.

We will:

- a. seek to ensure that the amenity of communities, occupiers and neighbours is protected;
- b. seek to ensure development contributes towards strong and successful communities by balancing the needs of development with the needs and characteristics of local areas and communities;
- c. resist development that fails to adequately assess and address transport impacts affecting communities, occupiers, neighbours and the existing transport network; and
- d. require mitigation measures where necessary.

The factors we will consider include:

- e. visual privacy, outlook;
- f. sunlight, daylight and overshadowing;
- g. artificial lighting levels;

- h. transport impacts, including the use of Transport Assessments, Travel Plans and Delivery and Servicing Management Plans;
 - i. impacts of the construction phase, including the use of Construction Management Plans;
 - j. noise and vibration levels;
 - k. odour, fumes and dust;
 - l. microclimate;
 - m. contaminated land; and
 - n. impact upon water and wastewater infrastructure.
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4.28 The Council's specific objection, as detailed within the Delegated Report (paragraph 3.3) states:

3.3 However due to the location of the side elevation glazed door and the use of glazing on the side elevation, this would lead to overlooking into neighbouring property no. 13 which is not supported. It is considered that there will be loss of privacy to the detriment of existing residential amenity.

4.29 The appellant would accept pre-commencement conditions for the provision of details, to install obscure glazing to the side elevation. The provision of obscure glazing would, in turn, provide mutual privacy. Such conditions are considered necessary, relevant to planning, relevant to the development, enforceable, precise and reasonable.

5. **CONCLUSIONS**

5.1 The appeal proposal, by virtue of the reasons stated above, would not harm the appearance of the building and the wider Conservation Area. Subject to the imposition of pre-commencement conditions, the amenity of the neighbouring residential occupiers can be safeguarded.

5.2 In conclusion, the appellant respectfully requests that the Inspector upholds the appeal.