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Our ref: 2021/5608/P
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Dear Ms Claire Vicary

Planning Appeal by
Site: 21 Mornington Crescent London NW1 7RG

Appeal against the refusal of planning permission for ‘Construction of an outbuilding to the rear of garden for the use as a studio office including associated landscaping’

The Council’s case for this appeal is largely set out in the officer’s delegated report. This details the site and surroundings, the site history and a consideration of the main issues: design and amenity. A copy of the report was sent with the questionnaire.

In addition to the information sent with the questionnaire I would be pleased if the Inspector could take into account the following information and comments, before deciding the appeal.

Summary of issues

The application site is a Grade II Listed Building located within the Camden Town Conservation Area. The site is occupied by a mid-terrace late Georgian building. The most significant feature of the terrace is its front facade and how it contributes to the visual coherence of Mornington Crescent as well as the surrounding conservation area. The listing description primarily describes the frontal elevation, including the detailing of the elevation in terms of round-arched door and window openings, cast iron balconies and stucco detailing.

It is acknowledged that applicant considers that the proposed development is acceptable. However, the council considers that the principle of a smaller outbuilding would be acceptable, but size and bulk, would be an overly dominant addition and visually intrusive harming the character and appearance of the Grade II listed host property and the conservation area.

Planning permission is sought to construct an outbuilding in the rear garden and would be used for as an ancillary office space for the occupiers of the main dwelling. The outbuilding would measure 2.5m in height, 3.2m in depth at the deepest part, 3.3m in width and would have a flat roof. The outbuilding would be clad with vertical timber cladding and would have a green roof. The front elevation would feature a window and a 3 panel door. The rear elevation would have a door which would provide access to a small garden area and a window. Planning permission was refused on 25 October 2022 on the grounds that:

1. The proposed outbuilding by virtue of its siting, size and scale would dominate the rear garden of the host property and would fail to appear as a subordinate garden addition

and is considered to detract from the special interest and setting of the listed building and the character and appearance of the surrounding Conservation Area, contrary to Policy D1 and D2 of the Camden Local Plan 2017.

The Council's case is largely set out in the officer's report, a copy of which was sent with the questionnaire. In addition to this information, I would ask the inspector to take into account the following comments

Relevant History

The following shows that the council will approve development in Mornington Crescent when it is sensitive and will resist development when it is not.

Application site

2021/2654/P & 2021/3457/L - *Two storey rear extension at lower and ground floor level and associated works and the reconfiguration of the internal layout.* **Withdrawn .**

Neighbouring properties

3 Mornington Crescent

2018/0263/P & 2018/0931/L- *Lower ground and ground floor rear extension including excavation and installation of external rear staircase.* **Granted 17/10/2018**

25A Mornington Crescent

2020/2313/P & 2020/2842/L - *Change of use from office (Class A2) to residential (Class C3) to create a one bedroom unit; erection of a single storey ground floor rear extension; creation of a first floor roof terrace including raising front and rear parapet walls; alterations to street frontage including erection of metal railings, provision of a refuse store and two cycle parking space within front garden; plus various alterations to elevations and fenestration.* **Granted 26/02/2021**

Status of Policies and Guidance

The London Borough of Camden Local Plan was formally adopted on the 3rd July 2017. The policies cited below are of relevance to the applications.

Camden Local Plan 2017

Policy A1 – Managing the impact of development
Policy D1 – Design
Policy D2 – Heritage

Camden Planning Guidance

In refusing the application, the Council also refers to supporting documentation in Camden Planning Guidance. The specific clauses most relevant to the proposal are as follows:

PG Amenity (2021)

Section 2

CPG Design (2021)

Section 5.16- 5.19

CPG Home Improvements (2021)

Section 2.2.3

Camden Town Conservation Area Appraisal and Management Strategy

Comment on the Appellant's Ground of Appeal

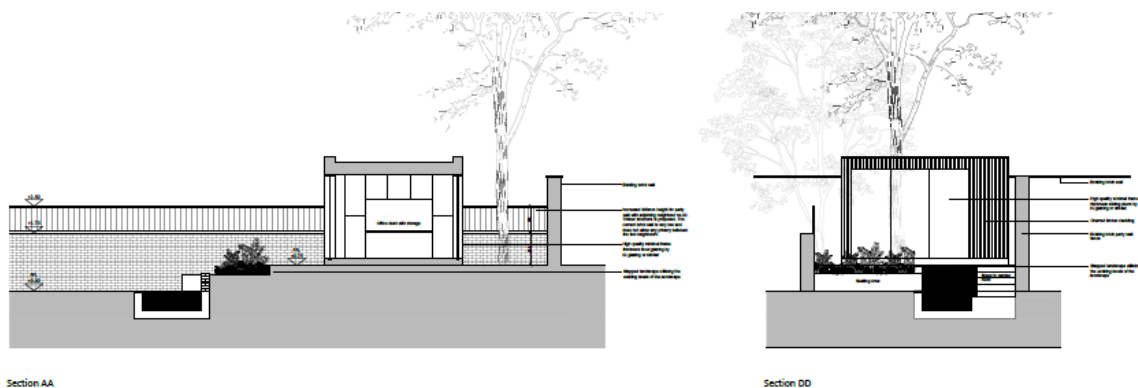
The appellant grounds of appeal can be summarised as follows:

1. The appellant states it took a year for a decision to be issued by the council as the planning application was submitted in 7th January, 2022 and the decision was finalised in 25 October, 2022. The case officer wrote to the agent on the 6th July 2022 requesting a revised roof plan be submitted and stated that the application would be acceptable subject to the condition that the outbuilding shall '*not be used for sleeping accommodation.*' The revised roof plan was submitted on 6th July, 2022 immediately and the condition accepted.
2. The case officer requested further amendments to the scheme on the 18th of July 2022 as the officer stated they would be bringing the application to members briefing. Changes to the scheme were received and a refusal was then issued three months later.
3. Appellant states the proposed development has contributed to the local area by restoring the listed building. The proposed outbuilding would be obscured by neighbouring property due to a large tree in the rear garden.
4. Appellant responds to the residents concerns regarding light pollution from the outbuilding. The outbuilding would have blackout blinds on all windows and doors on the front and rear elevation and would be used as a home office minimising light pollution impact.
5. The appellant outlines that the outbuilding would measure 19 sq metres and the main dwelling measures 42 sq metres so the outbuilding would be less than 50% of the main dwelling's footprint. Additionally, the appellant considers that the outbuilding would not be out of proportion due to the size of the garden and would enhance the appearance of the garden.
6. The appellant has provided a list of neighbouring properties where permission was granted for similar sized outbuildings.

The Council's comments on the grounds of appeal

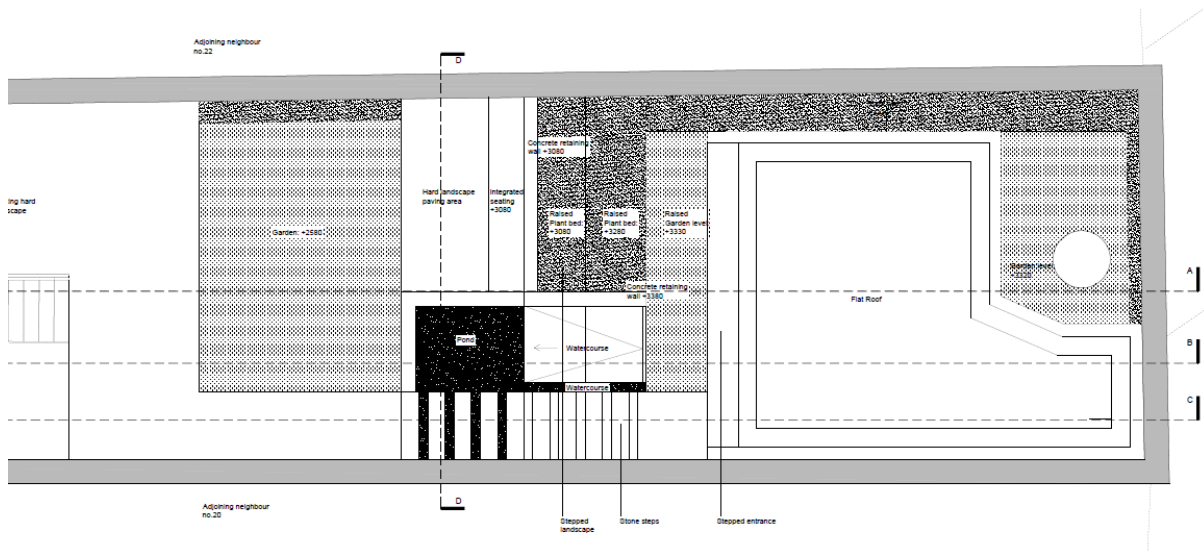
The Council does not accept the appellant's assertions for the following reasons. The Council will address each of the appellant's grounds for appeal in the order they are set out above.

1. The application process was lengthy due to seeking revisions to make the development acceptable. In the end, the council and the appellant disagreed, and the appellant did not wish to make any further revisions to the scheme, so the proposal was considered unacceptable and refused.
2. Following presentation of the application to senior planning managers, the application was not supported for presentation to the members briefing and the application was eventually refused. The council's adopted delegated procedures require that planning applications must go members briefing, which is a panel of councillors, when a statutory body objects or if three or more objections are received and officers are minded to grant consent. In this case the Conservation area advisory committee objected to the proposal. After this, the appellant was informed further revisions would be needed, the appellant disagreed and the application was refused.
3. This appeal has no relation to the works associated with the main building and is therefore not relevant to this appeal. Although the outbuilding may be somewhat obscured by neighbouring trees, the council still considers the outbuilding to be excessively large for a domestic setting and would be out of proportion to the main dwellinghouse and surrounding area. Additionally, as shown in the below plan, this area of garden is slightly higher than the main garden which results in the mass and height of the structure having increased prominence, emphasising its volume.



Proposed side and front elevation.

4. The council did not refuse permission on grounds that light pollution would harm neighbouring amenities.
5. Although the outbuilding may be less than 50% of the main dwelling's footprint, this is only slightly. The council asserts that the outbuilding would be an overly dominant and visually overwhelming development. As shown in the plan below, the proportion of the outbuilding (in relation to the garden) would result in a large building undermining the residential garden character at the rear of the property. The erosion of green space through the development of a large permanent structure in rear garden is considered to be harmful to the character of the conservation area and the setting of the listed building.



Proposed site plan of the outbuilding within the rear garden.

- Although the appellant refers to the existence of similar sized outbuildings in the wider area, the council assesses each application on its own merits. These extensions show that the Council would grant permission for outbuildings when the impact is acceptable and each case is different. In this case, it is considered that the principle of an outbuilding would be acceptable, but the siting, size and scale of the outbuilding proposed would not appear as a subordinate garden addition. The proposal would harm the special interest and setting of the listed building and the character and appearance of the surrounding Conservation Area.

Delegated report

The full assessment is set out in the delegated report.

Other Matters

On the basis of information available and having regard to the entirety of the Council's submissions, including the content of this letter, the Inspector is respectfully requested to dismiss the appeal. In the event of the appeal being allowed the conditions provided below.

If any further clarification of the appeal submissions is required please do not hesitate to contact Enya Fogarty on the above direct dial number or email address.

Yours sincerely

Enya Fogarty
 Planning officer
 Regeneration and Planning

Proposed Conditions

- The development hereby permitted must be begun not later than the end of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

000 PL1; 001 PL1; 010 PL1; 020 PL1; 030 PL1; 031 PL1; 100 PL; 101 PL; 200 PL; 300 PL; 301 PL; Design and Access Statement prepared by Clive Sall Architecture dated November 2021

Reason: For the avoidance of doubt and in the interest of proper planning.

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, unless otherwise specified in the approved application.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policies D1 and D2 of the London Borough of Camden Local Plan 2017.

4. Prior to commencement of development, full details in respect of the green roof in the area indicated on the approved plan shall be submitted to and approved by the local planning authority. The details shall include:
 - i. a detailed scheme of maintenance,
 - ii. sections at a scale of 1:20 with manufacturers details demonstrating the construction and materials used,
 - iii. full details of planting species and density.

The green roof shall be fully provided in accordance with the approved details prior to first occupation and thereafter retained and maintained in accordance with the approved scheme.

Reason: In order to ensure the development undertakes reasonable measures to take account of biodiversity and the water environment in accordance with policies G1, CC1, CC2, CC3, D1, D2 and A3 of the London Borough of Camden Local Plan 2017.

5. The outbuilding hereby approved shall only be used for purposes incidental to the use of the main property (21 Mornington Crescent) and shall not be used as a separate residential dwelling or a business premises. Reason: In order to protect the residential amenities of neighbouring occupiers and prevent substandard living accommodation and excessive on-street parking pressure in accordance with policies A1 and T2 of the London Borough of Camden Local Plan 2017.

