

Date: 02/11/2023  
Your ref: APP/X5210/W/23/3324495  
Our refs: 2022/4887/P  
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Temple Quay House  
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Dear Vicky Williams,

**Town and Country Planning Acts 1990 (as amended)  
Planning Appeal Statement (Authority)  
Appellant: Dr Christopher Prior  
Site: 42 Willow Road, LONDON, NW3 1TS**

I write in connection with the above appeal against the Council's refusal to grant householder consent planning permission for the installation of a glazed cover to the front light-well of a residential property.

The Council's case is set out primarily in the delegated officer's report (ref: 2022/4887/P) that has already been sent with the questionnaire and is to be relied on as the principal Statement of Case. Copies of relevant policies from the Camden Local Plan (adopted July 2017) and accompanying guidance were also sent with the appeal questionnaire.

In addition, Council would be grateful if the Inspector would consider the contents of this letter which includes confirmation of the status of policy and guidance, comments on the Appellant's grounds of appeal and further matters that the Council respectfully requests be considered without prejudice if the Inspector is minded to grant permission.

## **1. Summary of the Case**

- 1.1. The appeal relates to a four storey end of terrace single family dwelling house to the west side of Willow Road at the junction with Gayton Crescent.
- 1.2. The appeal site is located within the Hampstead Conservation Area and is also within the boundary of the Hampstead Neighbourhood Plan jurisdiction. It is specifically referred to as making a positive contribution to the conservation area in the Conservation Area Statement.
- 1.3. Householder Consent for the the installation of a glazed cover to the front light-well was refused on 10<sup>th</sup> August 2023.

1.4. The planning application was refused on the grounds that:

- The proposed development, by virtue of the detailed design, materials and positioning would result in an unacceptable impact on the host property, street-scene and the character and appearance of the conservation area, contrary to policies D1 (Design) and D2 (Heritage) of the London Borough of Camden Local Plan 2017 and policy DH1 (Design) and DH2 (Conservation and listed buildings) of the Hampstead Neighbourhood Plan 2018.

1.5. 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.

## 2. Relevant History

**2020/4745/P** - Change of use from 2 x units (upper floor maisonette and basement flat) to single dwelling house. **Granted 02/03/2021.**

**2021/1641/P** - Construction of rear lower ground floor glazed extension. **Granted 11/08/2021.**

*- To note, the above approved application was revised during the assessment to remove a glazed front light-well cover from the scope of development.*

*- Acceptability of the scheme was dependant on this revision.*

**2022/3729/P** - Alteration to existing side boundary wall by addition of masonry arched timber gate. **Granted 13/06/2023.**

## 3. Status of Policies and Guidance

### Adopted policies

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

#### **Camden Local Plan 2017**

A1 Managing the impact of development

D1 Design

D2 Heritage

#### **Camden Planning Guidance**

3.2. 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:

CPG Design (2021)

CPG Amenity (2021)

CPG Home Improvements (2021)

3.3. The Hampstead Conservation Area Statement was adopted in 2001 and defines the special character of a conservation area and sets out the Council's approach for its preservation and enhancement.

### **London Plan**

3.4. The London Plan is the statutory Spatial Development Strategy for Greater London prepared by the Mayor of London. The current London Plan was recently adopted in March 2021 and this has superseded the London Plan 2016 which was in place at the time of determination. However, there are no material changes that would impact on the assessment of the proposed development. Chapters 3 (Design) and 7 (Heritage and Culture) of the London Plan 2021 are most applicable to the determination of this appeal.

### **NPPF**

3.5. The National Planning Policy Framework (NPPF) was published in April 2012 and revised most recently in 2023 since the application was determined. It states that proposed development should be refused if it conflicts with the local plan unless other material considerations indicate otherwise. Of particular relevance to this appeal is the NPPF 2023 under para. 134 which states that:

*'Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:*

*a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or*

*b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.'*

As outlined in the officer's delegated report, the development is contrary to CPG guidance and policies D1 and D2 of the Camden Local Plan. Therefore it is also considered contrary to para 134 of the NPPF 2023.

3.6. The Council's adopted policies are recent and up to date and should be accorded due weight in accordance with paragraph 219 of the NPPF. There are no material differences between the Council's adopted policies and the NPPF in relation to this appeal. The full text of the relevant adopted policies was sent with the questionnaire documents.

## **4. Comments on the appellant's grounds of appeal**

4.1. The Appellant's grounds of appeal makes no direct reference to the stated reason for refusal, however it may be understood to relate to the reason for refusal no.1 which is as follows:

- The proposed development, by virtue of the detailed design, materials and positioning would result in an unacceptable impact on the host property, street-scene and the character and appearance of the conservation area, contrary to policies D1 (Design) and D2 (Heritage) of the London Borough of Camden Local Plan 2017 and policy DH1 (Design) and DH2 (Conservation and listed buildings) of the Hampstead Neighbourhood Plan 2018.

4.2. The appellant has provided a planning statement to support their appeal summarising the site background, the details of the proposal and a conclusion, noting a series of images, which are sited as precedents for the proposed works.

4.3. The Council does not dispute the site background provided by the appellant.

4.4. The Council does however dispute the appellant's summation of the impacts. As set out in the given reason for refusal, the Council considers that the proposal by virtue of the detailed design, materials and positioning would result in an unacceptable impact on the host property, street scene and wider conservation area.

4.5. The Appellant states that the proposal would be in keeping with the neighbourhood, and suggests that the glazing would be highly secluded. The Council does not accept these points. The host site is an end of terrace property and as such, the front light-well is far more prominent than if it were a mid-terraced house. It is not highly secluded. Although the Appellant has provided a series of images, which claim to be precedents for the Appeal proposal; none of these are identified by address, nor by date, nor by any confirmation of having received planning permission at any point. As such, the 'precedents' provided are considered to have very limited, if any, weight at all. It is noted that none of the immediate neighbours to the host property have glazed covers to their front light-wells. The Council therefore re-iterates that the proposal is not considered to be in keeping with the surrounding context or the host site itself.

## **5. Conclusion**

5.1. Based on the information set out above, and having taken account of all the additional evidence and arguments made, the proposal is considered contrary to the Council's adopted policies.

5.2. The information submitted by the appellant in support of the appeal does not overcome or address the Council's concerns. For these reasons the proposal fails to meet the requirements of policy and therefore the Inspector is respectfully requested to dismiss the appeal.

## **6. Conditions**

6.1. Should the inspector be minded to allow the appeal, it would be requested that conditions in Appendix A are attached the decision.

Should any further clarification or submissions be required, please do not hesitate to contact Matthew Dempsey by the direct dial telephone number or email address quoted in this letter.

Yours faithfully,

**Matthew Dempsey**

Planning Officer  
Supporting Communities Directorate

## **Appendix A**

### Recommended conditions: 2022/4887/P

1. 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. 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 policy D1 and D2 of the London Borough of Camden Local Plan 2017.