

Delegated Report		Analysis sheet	Expiry Date:	31/01/2024
			Consultation Expiry Date:	31/01/2024
Officer			Application Number(s)	
Enya Fogarty			2023/2878/P 2023/4587/L	
Application Address			Drawing Numbers	
4 Flat Upper Lyme Street London Camden NW1 0EH			See decision	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
<ol style="list-style-type: none"> 1. Installation of iron railings to form a rear terrace at upper ground floor level and removal of window at upper floor level and replacing with a door to provide access to the terrace (associated listed building application 2023/4587/L) 2. Installation of iron railings to form a rear terrace at upper ground floor level and removal of window at upper floor level and replacing with a door to provide access to the terrace 				
Recommendation(s):	<ol style="list-style-type: none"> I. Refuse Planning Permission II. Refuse Listed Building Consent 			
Application Type:	<ol style="list-style-type: none"> I. Full Planning Permission II. Listed Building Consent 			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	0	No. of responses	0	No. of objections	00
			No. electronic	0		
Summary of consultation responses:	<p>Site notice was displayed between 27/10/2023 until 20/11/2023. The application was advertised in the local press on 02/11/2023 until 26/11/2023.</p> <p>No third-party objections were received during the consultation period</p>					
Regents Canal CAAC	<p>CAAC were consulted, no response has been received.</p> <p>-</p>					

Site Description

The application site is the garden of no. 4 Lyme Street, located on the north-west side of the road. The host building is a listed semi-detached villa, listed along with nos. '1-10' and comprises of two self-contained flats; 1 at the basement level and the other at ground and 1st floor levels; each with independent entrances. The application property is Grade II listed and located within the Regents Canal Conservation Area.

Relevant History

Relevant planning history

Application site:

- **2022/1155/P & 2022/2362/L**- Creation of a first floor roof terrace on rear extension, with associated installation of iron railings and replacement of rear window at first floor level by a door to provide access to the roof terrace. **Withdrawn 25/11/2022**
- **2021/5007/P**-Erection of an outbuilding in the rear garden. **Refused 15/06/2022.**
- **H12/34/24/34114** - The change of use to two self-contained dwelling units including works of conversion and the erection of a single storey extension at the rear. **Granted on 10/11/1982**

Neighbouring properties

5 Lyme Street

- **2018/4991/P & 2018/5482/L**-Erection of single-storey rear extension with associated terrace above, two-storey side extension and internal alterations. **Appeal dismissed on the 17/06/2019**

Relevant policies

National planning Policy Framework 2023

The London Plan (2021)

Camden Local Plan 2017

A1 Managing the impact of development

A4 Noise

D1 Design

D2 Heritage

Camden Planning Guidance

CPG Design (January 2021)

CPG Home Improvement (January 2021)

CPG Amenity (January 2021)

Regents Canal Conservation Area Appraisal and Management Strategy 2008

Assessment

1.0 PROPOSAL

The proposal seeks planning permission and listed building consent for the following works;

- Installation of black iron railings atop of an existing lower ground floor rear extension to create an upper ground floor rear terrace
- Removal of an existing rear window and replacement with a critical style french door to provide access to the proposed terrace.

2.0 ASSESSMENT

The material considerations for this application are summarised as follows:

- Design and Heritage
- Amenity of neighbouring residential occupants

3.1 Design and Heritage

3.1 Local Plan Policies D1 (Design) and D2 (Heritage), and Kentish Town Neighbourhood Plan Policy D3 (Design principles) are aimed at achieving the highest standard of design in all developments. Policy D1 requires development to be of the highest architectural and urban design quality, which improves the function, appearance and character of the area. Policy D2 'Heritage' states that The Council will preserve and, where appropriate, enhance Camden's rich and diverse heritage assets and their settings.

3.2 Special regard has been attached to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses under s.16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act [ERR] 2013.

3.3 The effect of these sections of the Act is that there is a statutory presumption in favour of the preservation of listed buildings, their setting and Conservation Areas. Considerable importance and weight should be attached to their preservation.

3.4 Where harm is caused to a heritage asset, local planning authorities should give 'great weight' to preserving the asset's significance, in accordance with paragraph 200 of Section 16 of the National Planning Policy Framework (NPPF). Any harm or loss should require clear and convincing justification and where harm is caused to a heritage asset, the NPPF requires decision makers to determine whether the harm is substantial, or less than substantial, paragraph 202 requires that harm to be weighed against the public benefits of the proposals.

3.5 CPG1 (Design) provides further guidance relating to roofs, terraces and balconies and states in paragraph 5.7 that roof alterations are likely to be acceptable where alterations are architecturally sympathetic to the age and character of the building and retain the overall integrity of the roof form;

3.6 The guidance also emphasises that consideration should be given to the detailed design of balconies and terraces to reduce the impact on the existing elevation; materials and colours should match the existing elevation; and setbacks should be used to minimise overlooking.

3.7 The listed building is part of a group of semi-detached villas built in the mid-nineteenth century and the rear amenity space forms the historic setting of the listed building as well as evidencing the building's significance as part of a villa suburb, characterised by semi-detached dwellings with private rear gardens. The spacious garden provides an important setting to the house which contributes directly to its special interest as an example of a Victorian semi-detached villa

3.8 The Regents Canal Conservation Area (RCCA) acknowledges that the conservation area is varied in scale and new design should respect the scale of the particular location. Appropriate design for the conservation area should complement the appearance, character and setting of the existing buildings and structures, the canal and the environment as a whole.

3.9 The listed villas are located within the RCCA and referred to in the 'RCCA Appraisal and Management Strategy' (AMS) which says: *'The special character of the area is largely derived from the almost hidden nature of the canal. The surrounding townscape largely turns its back on the canal creating a tranquil space distinct from the business of the surrounding city.'* The buildings in sub area 2, which include the early Victorian villas at 1-10 Lyme Street, enclose this part of the canal and make a positive contribution to the character and appearance of the RCCA.

3.10 The RCCA also indicates, with regard to the townscape of sub area 2, that although less formal than the front elevations, many rear elevations of buildings have maintained their historic pattern of window openings, roof profiles and rear wings which gives an attractive architectural rhythm to the area and connects the canal to the wider urban grain.

Internal and external alterations

3.11 The proposal involves the installation of iron railings with timber privacy screens atop of an existing rear extension to form an upper ground floor rear terrace. To access the terrace, the proposal involves removing an existing upper floor rear window and replacing it with critical style french doors.

3.12 The proposed terrace and associated changes to fenestration would be visible from some adjacent properties or their gardens. The railing and associated trellis screening would negatively affect the character of the building. The screening would result in unacceptable bulk at a high level which is also uncharacteristic for the terrace, and the use of timber fencing at this high level is considered an inappropriate choice of material, out of character in this location.

3.13 Although there are existing roof terraces at Nos 7 and 8, it was outlined by the inspector within the appeal decision ref 337621 & 3227622 at 7 Lyme Street;

3.14 *An existing timber privacy screen, cited by the appellant, which appears to separate the roof terraces between Nos 7 and 8 does not, according to the Council, benefit from planning permission or listed building consent and sits atop extensions approved prior to listing. The photograph of that existing high timber screening submitted by the appellant confirms my view that it harms the character of the area. Therefore, I give those precedent arguments limited weight. In any event, all proposals have their differing specific characteristics and I have considered the appeal on its own merits.*

3.15 As outlined by the inspector even though there are existing roof terraces within this terrace, they were built prior to the terrace being listed and were approved before the terrace become listed. As a result, the council is in agreement that these examples do not provide precedent to such development.

3.16 Furthermore, the proposal would entail harm to plan form by the addition of a terrace where no terrace historically would be, and loss of fabric through the conversion of the window aperture into a doorway. The loss of the traditional sash would also be harmful and would spoil the symmetry of the pair resulting in unacceptable harm to the appearance of the building at a high level.

3.17 Given the above, it is considered that the proposal, would fail to preserve the special interest of the Grade II listed villa and would have an adverse effect on the character and appearance of the conservation area.

Design and conservation conclusion

3.18 Overall, the proposed development is considered to result in unacceptable harm to the building's special character, appearance, fabric and historic plan form. The level of harm is considered to be less than substantial.

3.19 The Council's view is that the harm in this case is 'less than substantial'. However, the proposal does not meet the public benefit test. A proposal which would cause harm should only be permitted where public benefits outweigh the heritage interest. There are no public benefits to outweigh the harm in this instance. Therefore, the proposal has not met the requirements the NPPF.

3.20 However, it is considered the proposal would harm the setting of the host listed building and would not meet the statutory tests set out in the NPPF and would not comply with policies D1 and D2 of the Camden Local Plan

4.0 Amenity

- 4.1 Policy A1 seeks to protect the quality of life of occupiers and neighbours by only granting planning permission to development that would not harm the amenity of residents. This includes factors such as privacy, outlook, and implications to natural light, artificial light spill, odour and fumes as well as impacts caused from the construction phase of development. Policy A4 seeks to ensure that residents are not adversely impacted upon by virtue of noise or vibrations.
- 4.2 Although not acceptable in design terms, the timber privacy screens to the sides of the proposed roof terrace would block views into neighbouring windows and ensure the occupants' privacy is protected. However given the fact that the rear elevations of the terrace are north facing, the proposed screens would have limited impact on neighbouring light levels to the rear windows of no.2. The roof terrace may generate noise from use, it would be residential in nature therefore this is not considered a reason for refusal.
- 4.3 The installation of a rear door would not harm neighbouring amenities in terms of privacy, outlook or loss of daylight.

5. Planning balance

- 5.1 Local Plan Policies D1 and D2 are consistent with Section 16 (Conserving and enhancing the historic environment) of the NPPF (2023) which seeks to preserve and enhance heritage assets, and do not permit the loss of or harm to a designated heritage asset, including conservation areas and Listed Buildings
- 5.2 Para 196 of the NPPF (2023) states that 'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use'. The proposals would result in 'less than substantial harm' to the special interest, character, appearance and fabric of the Grade II listed building.
- 5.3 As such, it is therefore considered on balance that the public benefit of a rear terrace would not outweigh the 'less than substantial' harm to the Grade II listed building, the listed terrace and the conservation area.
- 5.4 The proposal would therefore fail to accord with policies D1 and D2 of the Camden Local Plan 2017 and Section 16 of the NPPF (2023).

6.0 Conclusion

- 6.1 Overall, the proposed development is considered to result in unacceptable harm to the building's special character, appearance, fabric and historic plan form, contrary to policies D1 and D2 of the Camden Local Plan. As such, it is recommended that planning permission and listed building consent are refused

7.0 Reasons for refusal

Full planning permission

1. The proposed rear terrace and privacy screen, by reason of detailed design, materials, scale and siting would be harmful to the historic interest of the listed building, the wider terrace of listed buildings, and the character and appearance of the conservation area in this location. The development is therefore considered contrary to Policies D1 (Design) and D2 (Heritage) of the Camden Local Plan 2017.
2. The removal of existing rear window and replacement with a rear door, by reason of its location, visibility and loss of historic fabric, would be harmful to the historic interest of the listed building, the wider terrace of listed buildings, and the character and appearance of the conservation area in this location. The development is therefore considered contrary to Policies D1 (Design) and D2 (Heritage) of the Camden Local Plan 2017.

Listed building consent

1. The proposed rear terrace and associated privacy screen, by reason of the design, materials, scale and siting would be harmful to the historic interest of the listed building and conservation area. The development is therefore considered contrary to Policy D2 (Heritage) of the Camden Local Plan 2017.

2. The removal of existing rear window and replacement with a rear door, by reason of its location, visibility and loss of historic fabric, would be harmful to the historic interest of the listed building and conservation area. The development is therefore considered contrary to Policy D2 (Heritage) of the Camden Local Plan 2017.