

Planning Appeal: Statement of Case

No. 8 Village Close, Belsize Lane, London, NW3 5AH

Prepared For
Robin Zaragoza

3869
July 2024



bell cornwell

CHARTERED TOWN PLANNERS

Bell Cornwell LLP, Unit 501,
The Print Rooms, 164/180 Union Street, London, SE1 0LH

020 3960 1530 | info@bell-cornwell.co.uk | www.bell-cornwell.co.uk



CONTENTS

| | | |
|----------|-----------------------------|----------|
| 1 | INTRODUCTION | 1 |
| | Preliminaries | 1 |
| 2 | REASON FOR REFUSAL 1 | 2 |
| 3 | CONCLUSION | 8 |



1 INTRODUCTION

- 1.1 This Statement of Case is prepared in response to the London Borough of Camden Council's (the 'Council') decision to refuse planning permission for the following development proposal:

"Erection of two-storey side and rear extensions and single-storey front extension with changes to windows and cladding".

- 1.2 The application was made by Ms. Robin Zaragoza (the "Appellant") and determined under the Council's planning reference: 2024/1789/P. We provide a copy of the Decision Notice with the appeal.

- 1.3 The appeal relates to No. 8 Village Close, Belsize Lane, London, NW3 5AH (the "Site").

PRELIMINARIES

- 1.4 The Council cited one reason for refusal, which is detailed below:

"The proposed front extension and alterations to the fenestration would result in an incongruous development that would be unsympathetic to the host building and the group of buildings and would fail to respond to local character and context contrary to Policy D1 (Design) of the London Borough of Camden Local Plan 2017".

- 1.5 We will assess the single reason for refusal in the section below and respond to the relevant arguments made by the Council in their Delegated Report accompanying the decision.

- 1.6 A detailed description of the site and its surroundings is provided in both our Planning Statement and the Design and Access Statement prepared by Bere Architects which supported the planning application. These descriptions are not repeated in this statement, but we kindly invite the Inspector to take them into account.



2 REASON FOR REFUSAL 1

2.1 The first reason for refusal is set out in full in paragraph 1.4 above. The Council quotes a single policy in the reason for refusal which is Local Plan Policy D1 (Design). We note the Delegated Report makes specific reference to ‘point a’ of this policy which reads as follows:

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

a. respects local context and character (...)”

2.2 There are two distinct elements to the reason for refusal. These are, the impact of the proposed development on the host building, and the impact on the other buildings in the terrace.

2.3 Given the appeal relates to design matters, in our view it is important to highlight up front that the site is barely visible from public vantage points at all periods of the year as shown in **Figure 1** below. This fact will also be apparent when the Inspector carries out their site visit in due course.

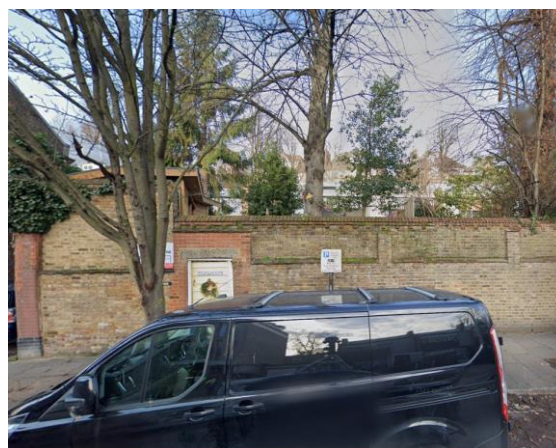
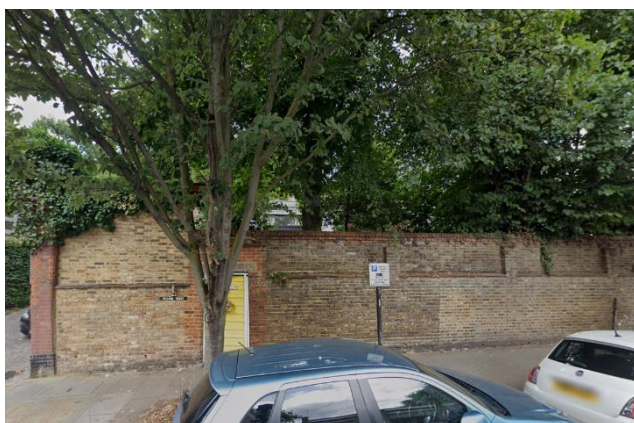


Figure 1: View looking north towards No. 8 Village Close from Belsize Lane in August 2022 (left) and January 2021 (right) (Source: Google Streetview)

2.4 The Council’s assessment of the proposed design is contained in Section 2, Paragraphs 2.1 – 2.7 of the Delegated Report. In paragraph 2.1, the Council state that the terrace has a “consistent appearance” to the frontage and that the “consistency” and “completeness” add “value to the group of buildings”. The Council does not expressly



clarify what value is added by the material consistencies of the front elevations of these buildings other than they appear similar; however, we note that the supporting text of Local Plan Policy D1 does not expect new development to be designed in a manner which slavishly conforms to the existing local context and character. Instead, new development is required to “consider” character, setting, context and the form and scale of neighbouring buildings as well as the prevailing pattern of scale.

2.5 As set out in the Planning Statement which supported the application, the appeal proposal follows on from the grant of planning permission in February 2024 for several alterations and extensions to the building under application reference 2023/3617/P.

2.6 We consider the Council’s consideration of this application to be relevant and so have included the accompanying Decision Notice at Appendix I of this statement. The extant planning permission constitutes a material fall-back position whereby the appearance, form and scale of the building shall be altered significantly once implemented. We highlight that in the Decision Notice for this application under “informatives” the Council set out that:

“The two-storey side/rear extension is appropriately scaled and designed sympathetically (...) the extension does include a wraparound element to the rear however this still provides enough rear garden space and does not appear dominant in relation to the main dwelling house (...) the timber slats provide the elevation quality finish whilst also linking to the existing buildings”.

2.7 A highly positive assessment. We therefore question how the new proposal which seeks to bring forward relatively small-scale alterations to the extant planning permission can be so wholly inappropriate in the Council’s view. As part of the submission, we provided several comparisons between the extant permission and the new proposal which identify that the scale and mass of the new extension to the front of the building shall marginally increase the footprint by just **10.5 sqm**.



- 2.8 In paragraph 2.3, the Council set out that the proposed front extension would be “full width” in relation to the host building and that this would, “*completely alter the appearance of the front of the property*”. The Council is correct that the proposal would alter the appearance of the property, which is the point of the application. However, the front extension shall read visually as an extension to the existing front porch at the property. The proposed front extension shall not be deeper than the existing porch and would be marginally shallower and would increase the height by just **718 mm** at the highest point of the pitched roof.
- 2.9 Despite the minor scale increases, we do not consider the Council has provided sufficient detail regarding why the porch should be retained, other than the somewhat repetitive and vague argument that other properties in the terrace also have such features. Careful consideration has been made by Bere Architects to bring forward an exceptionally high-quality design (sought by Local Plan Policy D1), which reinterprets a building that has no special townscape or heritage protections whatsoever.
- 2.10 The Council notes that the porch structure to the frontage is “original” and a “common feature” of front elevations along the terrace as though they are assessing the setting or character and appearance of a designated heritage asset. There is no such requirement in the Council’s design guidance or in Local Policy D1 to preserve such a feature of a modern building. We note the Council’s Home Improvements CPG (2021) states that new front and side extensions should (our emphasis):
- “Respect and **celebrate existing architectural features into new design**, where they make a positive contribution to the character of the building or groups of buildings, **such as projecting bays and porches**”.*
- 2.11 The front extension shall read as an enlarged front porch which is considered to balance the front elevation once the permitted side extension has been constructed at the site.



- 2.12 The Council also objects to the additional glazing and pitched element of the extension contesting that because the other buildings are more “solid” the proposal would, *“detract from the appearance of this group of buildings and would represent an incongruous mass”*. We highlight to the Inspector that the proposal introduces just a single new window at the first-floor level when compared to the extant permission (refer to “Figure 2” of the Planning Statement dated April 2024). In addition, there is no glazing proposed to the pitched roof element of the extension; the materials used for the pitched roof shall match the main roof of the building and those found along the entirety of the wider terrace as shown clearly throughout the submission including the front cover of the Design and Access Statement. We can only conclude that Council has not reviewed the application submissions in detail which has led to an erroneous assessment being made.
- 2.13 The Council contends in paragraph 2.4 of their Delegated Report that, *“the existing properties along the terrace have a consistent appearance at first-floor level, with solid areas located above the porches and high windows located the side of this solid area. This gives a vertical appearance on this part of the elevation”*. As stated above, there shall be a solid area above the front addition which will maintain this consistency. The existing white rectangular tile panel at first floor level serves no aesthetic or functional purpose and is not considered worthy of retention. This feature would be replaced with windows in a horizontal band that is of the same height as the three windows previously granted permission but introduces a fourth window in the band to provide greater levels of light to the master bedroom. The proposed material treatment of the front elevation is intended to create a more coherent façade composition to the extant permission.
- 2.14 We highlight to the Inspector that there is a prevalence of wood cladding in the terrace and wider area and this is drawn upon and used to juxtapose the predominantly horizontal emphasis of the existing materiality whilst introducing a finer grain to the facades proportioning. The design of the fenestration is again considered to balance the façade as with the new windows located more centrally on the elevation compared to the extant permission.



- 2.15 The Council states in the same paragraph that the *“vertical appearance would be lost, creating a more horizontal appearance at first floor”*. This is simply false. Each of the buildings on the terrace has a row of 4no. windows at first-floor level in a horizontal arrangement that is above typically wooden horizontal cladding. As will be apparent when the Inspector undertakes their appeal site visit, the dwellings predominantly feature a horizontal emphasis which will be enhanced by the appeal proposals which will ultimately benefit the terrace’s appearance.
- 2.16 In paragraph 2.5, the Council contest that; *“the alterations to the rear window at first floor would fail to be in keeping with the fenestration of the host and neighbouring buildings, which are characterised by smaller, high-level windows”*. The rear elevation of the building is in a discreet location where there are almost no views from any public vantage points. Notwithstanding, the Council has already approved several alterations to the rear elevation including the introduction of novel windows under the extant permission.
- 2.17 We note that while there is some uniformity in the rear elevations of the terrace. The rear façades in general have all been extended and altered over time which leads to no overarching symmetry. The appeal proposal will alter one of the smaller windows by introducing a larger window to allow for greater natural light to a bedroom on the first floor. However, the two existing smaller windows shall be retained. We reiterate that the purpose of the design is to enhance this 1960s building where many existing features are retained but ultimately the building is reimagined.
- 2.18 In Paragraph 2.6, the Council acknowledges that the building has limited visibility in views from the public realm by virtue of high boundary walls (as shown by **Figure 1** above). However, they contend that the front and rear elevations, especially at higher levels, would be visible in views from private spaces. The Council notes that Local Policy D1 does not account for the level of public visibility and simply because a proposal is less visible publicly does not by de facto make it acceptable. We agree and the purpose of the design is not to be hidden but celebrated. However, we are simply stating the fact that the building is barely visible and is largely self-contained.



- 2.19 The Council provides a conclusion at paragraph 2.7 which as set out above we strongly disagree with.
- 2.20 We consider the appeal proposal expands upon the design intent of the extant planning permission. The appeal proposal has been created following extensive consideration of the local context to bring forward a scheme of architectural excellence in accordance with the Home Improvements CPG (2021) and the requirements of “point a)” of Local Plan Policy D1 (Design).



3 CONCLUSION

- 3.1 This Statement of Case has been prepared on behalf of Ms. Robin Zaragoza. It accompanies an appeal against the decision of the London Borough of Camden Council to refuse planning permission for development proposals at No. 8 Village Close, Belsize Lane, London, NW3 5AH under application reference 2024/1789/P.
- 3.2 The planning application followed the recent approval of planning permission under application reference 2023/3617/P.
- 3.3 The Council cited one reason for refusal in their Decision Notice dated 28th June 2024 which relates to the proposed design. This Statement of Case demonstrates that the proposed design would not harm the character and appearance of the building or the wider terrace, neither of which are protected by specific townscape or heritage designations. It is considered that the proposal aligns with the Council's Home Improvements CPG in that it celebrates a modern building in Camden and fully accords with Local Plan Policy D1 (Design).
- 3.4 Based on the above, it is concluded that the single refusal reason has been sufficiently addressed. It is hereby requested, therefore, that the appeal be allowed.



Appendix 1 – Decision Notice (2023/3617/P)

Application ref: 2023/3617/P
Contact: Ewan Campbell
Tel: 020 7974 5458
Email: Ewan.Campbell@camden.gov.uk
Date: 20 February 2024

Development Management
Regeneration and Planning
London Borough of Camden
Town Hall
Judd Street
London
WC1H 9JE

Phone: 020 7974 4444

planning@camden.gov.uk
www.camden.gov.uk/planning

bere:architects
54A Newington Green
London
N16 9PX
United Kingdom

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Householder Application Granted

Address:
8 Village Close
Belsize Lane
London
NW3 5AH

Proposal:

Construction of two storey side and rear extension with changes to front door and windows, and rear windows and external alterations.

Drawing Nos: 502.A.G11.E01-Demolition South East Elevation-Rev C, 502.A.G11.E02-Demolition South West Elevation-Rev D, 502.A.G11.E03-Demolition North West Elevation-Rev C, 502.A.G11.P00-Demolition Ground Floor Plan-Rev C, 502.A.G11.P01-Demolition First Floor Plan-Rev C, 502.A.G11.P02-Demolition Roof Plan-Rev C, 502.A.G11.S01-Demolition Section 01-Rev D, 502.A.G11.S02-Demolition Section 02-Rev C, 502.B3.G20.E01-Existing South East Elevation-Rev B, 502.B3.G20.E02-Existing South West Elevation-Rev B, 502.B3.G20.E03-Existing North West Elevation-Rev B, 502.B3.G20.P00-Existing Ground Floor Plan-Rev B, 502.B3.G20.P01-Existing First Floor Plan-Rev B, 502.B3.G20.P02-Existing Roof Plan-Rev B, 502.B3.G20.S01-Existing Section 01-Rev B, 502.B3.G20.S02-Existing Section 02-Rev B, 502-A.G20.P00-Rev H-PROPOSED GROUND FLOOR PLAN, 502-A.G20.E03-Rev H-PROPOSED NORTH WEST ELEVATION, 502-A.G20.E01-Rev H-PROPOSED SOUTH EAST ELEVATION, 502-A.G20.S03-Rev H-PROPOSED SECTION 03, 502-A.G20.S02-Rev H-PROPOSED SECTION 02, 502-A.G20.S01-Rev H-PROPOSED SECTION 01, 502-A.G20.P02-Rev H-PROPOSED ROOF PLAN, 502-A.G20.P01-Rev H-PROPOSED FIRST FLOOR PLAN, Planning Statement dated

August 2023 prepared by Allen Planning Ltd; Arboricultural Method Statement dated 17th August 2023 prepared by SJA Trees.

The Council has considered your application and decided to grant permission subject to the following condition(s):

- 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 The development hereby permitted shall be carried out in accordance with the following approved plans

502.A.G11.E01-Demolition South East Elevation-Rev C, 502.A.G11.E02-Demolition South West Elevation-Rev D, 502.A.G11.E03-Demolition North West Elevation-Rev C, 502.A.G11.P00-Demolition Ground Floor Plan-Rev C, 502.A.G11.P01-Demolition First Floor Plan-Rev C, 502.A.G11.P02-Demolition Roof Plan-Rev C, 502.A.G11.S01-Demolition Section 01-Rev D, 502.A.G11.S02-Demolition Section 02-Rev C, 502.B3.G20.E01-Existing South East Elevation-Rev B, 502.B3.G20.E02-Existing South West Elevation-Rev B, 502.B3.G20.E03-Existing North West Elevation-Rev B, 502.B3.G20.P00-Existing Ground Floor Plan-Rev B, 502.B3.G20.P01-Existing First Floor Plan-Rev B, 502.B3.G20.P02-Existing Roof Plan-Rev B, 502.B3.G20.S01-Existing Section 01-Rev B, 502.B3.G20.S02-Existing Section 02-Rev B, 502-A.G20.P00-Rev H-PROPOSED GROUND FLOOR PLAN, 502-A.G20.E03-Rev H-PROPOSED NORTH WEST ELEVATION, 502-A.G20.E01-Rev H-PROPOSED SOUTH EAST ELEVATION, 502-A.G20.S03-Rev H-PROPOSED SECTION 03, 502-A.G20.S02-Rev H-PROPOSED SECTION 02, 502-A.G20.S01-Rev H-PROPOSED SECTION 01, 502-A.G20.P02-Rev H-PROPOSED ROOF PLAN, 502-A.G20.P01-Rev H-PROPOSED FIRST FLOOR PLAN, Planning Statement dated August 2023 prepared by Allen Planning Ltd; Arboricultural Method Statement dated 17th August 2023 prepared by SJA Trees.

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 policy D1 [and D2 if in CA] of the London Borough of Camden Local Plan 2017.

- 4 Prior to commencement of development , full details in respect of the living roof in the area indicated on the approved roof 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 [for large areas of green roof add in : and showing a variation of substrate depth with peaks and troughs]

iii. full details of planting species and density

The living roofs 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, CC4(major apps only), D1, D2(if CA or LB) and A3 of the London Borough of Camden Local Plan 2017.

- 5 The flat roof of the single storey rear extension approved under 2023/3617/P shall not be used as a roof terrace, sitting out area or other amenity space and only be accessed for maintenance purposes.

Reason: To protect the amenity of adjoining occupiers and the area in accordance with policies A1 and D1 and D2 of the Camden Local Plan 2017

Informative(s):

- 1 Reasons for granting permission -

The two storey side/rear extension is appropriately scaled and designed sympathetically. The front building is recessed from the original building line and the proportions of each storey match the existing building. The extension does include a wraparound element to the rear however this still provides enough rear garden space and does not appear dominant in relation to the main dwelling house. The proposed green roof will soften its appearance and will be conditioned to ensure further details are secured.

In terms of the materials whilst altering the appearance of the front of the building, the material palette of timber and brick provides a continuation of the existing buildings on Village Close which are the same. The timber slats provide the elevation quality finish whilst also linking to the existing buildings.

Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the adjacent Conservation Area and its setting, under s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

The side extension will be within the confines of the flank wall of the main building and no.9. The wrap around element will be below the existing boundary wall and means that any impact on amenity is not harmful or adverse. The extensions are also sufficiently far away no.7 and the neighbour no.12 Lyndhurst gardens to have any sort of amenity impact. A condition will be placed on the application to ensure the flat roof is not used as a roof terrace to mitigate privacy and overlooking issues.

The large front garden and relatively small plot means the construction impacts are likely to be low and a Construction Management Plan would be unnecessary and disproportionate.

No objections have been received prior to making this decision. The planning

history of the site has been taken into account when coming to this decision. As such, the proposed development is in general accordance with policies A1, T1, D1 and D2 of the Camden Local Plan 2017. The proposed development also accords with the London Plan 2021 and the National Planning Policy Framework 2023.

- 2 This approval does not authorise the use of the public highway. Any requirement to use the public highway, such as for hoardings, temporary road closures and suspension of parking bays, will be subject to approval of relevant licence from the Council's Streetworks Authorisations & Compliance Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No 020 7974 4444). Licences and authorisations need to be sought in advance of proposed works. Where development is subject to a Construction Management Plan (through a requirement in a S106 agreement), no licence or authorisation will be granted until the Construction Management Plan is approved by the Council.
- 3 All works should be conducted in accordance with the Camden Minimum Requirements - a copy is available on the Council's website (search for 'Camden Minimum Requirements' at www.camden.gov.uk) or contact the Council's Noise and Licensing Enforcement Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No. 020 7974 4444) Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You must secure the approval of the Council's Noise and Licensing Enforcement Team prior to undertaking such activities outside these hours.
- 4 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts that cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (tel: 020-7974 6941).

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with the National Planning Policy Framework.

You can find advice about your rights of appeal at:

<https://www.gov.uk/appeal-householder-planning-decision>.

If you submit an appeal against this decision you are now eligible to use the new [submission form](#) (Before you start - Appeal a planning decision - GOV.UK).

Yours faithfully



Daniel Pope
Chief Planning Officer