

Date: **05/08/2024**  
Your ref: **APP/X5210/W/24/3346803**  
Our ref: **2023/4078/P**  
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Dear Kate Moody,

**Appeal by Manoj Kanuga.**

**Site: Flat 1, 226 Camden Road, London, NW1 9HG**

**Appeal against refusal of planning permission dated 23/01/2024 for:** Erection of single storey front extension at lower ground floor.

I write in connection with the above appeal.

The Council's case is set out primarily in the delegated officers report (ref: 2023/4078/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 semi-detached villa located on the eastern side of Camden Road. This application relates to Flat 1, which is accessed from a private entrance on the ground floor from Cantelowes Road. The subject flat also has private access to a front private garden area.

1.2. The appeal site is located within the Camden Square Conservation Area and is identified as making a positive contribution to the character and appearance of the conservation area. No listed buildings are affected, as none are located in the surrounding area.

1.3. Planning Permission was refused on 23 January 2024 for the reasons below:

**1) The proposed front extension, by virtue of its scale and siting, would result in an incongruous and dominant addition that would be out of keeping with the host and neighbouring properties, and would fail to preserve the character and appearance of the Camden Square Conservation Area, contrary to Policies D1 (Design) and D2 (Heritage) of the London Borough of Camden Local Plan 2017 and policies D1 (Achieving Design Excellence), D4 (Extensions and Alterations) and D5 (Heritage) of the draft New Camden Local Plan 2024.**

**2) In the absence of an adequate arboricultural impact assessment and tree protection plan, the applicant has failed to demonstrate that the development does not cause unacceptable harm to trees contrary to Policies A2 (Open Spaces) and A3 (Biodiversity), NE2 (The Natural Environment) and NE3 (Tree Planting and Protection) of the draft New Camden Local Plan 2024.**

1.4. 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**

The history of the site is set out fully in the delegated report. The following decisions are particularly relevant.

**2023/4079/T: FRONT GARDEN: 1 x Lime (T1) - Fell to ground level and remove stump. No objection, 23/10/2023.**

**2024/1982/T: FRONT GARDEN: x Holly (T2) - Fell to ground level and remove stump. 1 x Elder (T3) - Fell to ground level and remove stump. 1 x Ash (T4) - Fell to ground level and remove stump. No objection, 08/07/2024.**

## **3. Status of Policies and Guidance**

**3.1. The London Borough of Camden Local Plan 2017 (the Local Plan) was formally adopted on the 3 July 2017 as the basis for planning decisions and future development in the borough. The relevant Local Plan policies that relates to the reason for refusal are:**

*D1 – Design*

*D2 – Heritage*

*A2 – Open Space*

*A3 – Biodiversity*

3.2. *The Council also refers to supporting guidance documents. The Camden Planning Guidance (CPG) was adopted following the adoption of the Camden Local Plan in 2017. There have been no changes to the relevant policies since the application was refused.*

3.3. *The local plan is under review. There are no material differences proposed in relation to this appeal. There are also no material differences between the council's policies and NPPF in relation to this appeal.*

#### **4. Comments on grounds of appeal**

##### **Points from appeal statement:**

4.1 The appellant's statement focuses on the reason for refusal. The main points of the appellant's statement are outlined and addressed below, with the appellant stating the following:

##### Design and Heritage

- The subject property is on a corner plot and does not reflect the configuration of its neighbours. A relationship between the neighbouring dwellings does not currently exist.
- The site is shrouded from the street scene by a solid wall and the proposal is therefore not a highly visible alteration.
- The proposed extension does not have a detrimental impact on how the conservation area is experienced.
- The proposed extension preserves the character and appearance of the conservation area.
- The single storey extension is subordinate to the four-storey host building.

##### Trees and Landscape

- An Arboricultural Assessment has been submitted. The appellant wishes to remove the trees to the front of the property, as they are causing subsidence to the main house. The appellant has applied to the Council to remove the trees and was awaiting a response on the date of their appeal statement.

##### National Planning Policy Framework (NPPF)

- The proposed development accords with the NPPF.

#### **4.2 Response to Design and Heritage:**

1. The Council agrees with the appellant in the sense that the subject property is slightly unique to its neighbours with respect to the likes of boundary treatments, and enclosure, however it refutes the claim that there is no relationship between the site and neighbouring properties. The application site is part of a row of houses which share a consistent front building line, which is an important characteristic of the street scene, and the relationship between the site and these properties is considered relevant. The fact that the subject property is at the end of the row, occupying a corner plot, with a boundary wall and enclosed garden area does not mean that there is a case to be made for extending the front of the property. No other properties along this section on

Camden Road has had an extension to their front elevation, and there is a very clear and well-established building line. The proposal would break the pattern of development to the front of the row of the 19<sup>th</sup> century houses facing Camden Road, infringing the established building line which forms part of the character of the area, and obscuring the composition and architectural features of the front elevation.

2. The Council's refusal report did not claim the proposal would be a highly visible alteration; rather it acknowledged it would be visible from the public realm and neighbouring properties, but that the presence of vegetation would partially screen the proposed extension from the street. Furthermore, following the issue of the planning decision, an application to fell three trees within the front garden has been granted by the Council (reference 2024/1982/T, dated 08/07/2024). The removal of these trees will result in the front of the site being more visible than was originally assessed by officers. The Council acknowledges that the existing solid boundary wall would partially mitigate the visual impact and harm of the extension; however this wall is of an insufficient height (below head height) to prevent direct views of the proposal from the street. The visibility of the extension is also accentuated by the large scale of the extension, whereby it extends for almost the entire 9 metre-width of the property. Further, the boundary wall could be removed or reduced in the future if residents sought a more open outlook at the front as is the norm along the eastern frontage of Camden Road. The Council also stresses that visibility does not necessarily correlate to the acceptability of a proposal. The proposed development in this location is considered unacceptable in principle, regardless of its visibility.
3. The Council refutes the appellant's claim the proposal preserves the character and appearance of the conservation area. These reasons have been previously set out in Council's refusal report, and are reiterated and expanded on in the above section.
4. As per Camden Planning Guidance (CPG: Home Improvements), extensions should be subordinate to the host building, in relation to their location, form, footprint, scale, proportions, dimensions and detailing. The Council refutes the appellant's claim that the extension is subordinate to the host building as it would be prominently located to the front of the property, projecting beyond the principle building line of the side (north) elevation by 4.4 metres, and with a width of 9 metres which is considered excessive and over dominant in this context. Notwithstanding the above, the Council notes that any extension to this primary frontage would not be considered acceptable in principle.

#### **4.3 Response to biodiversity**

1. An arboricultural survey and tree protection plan have now been provided. Following refusal of the application, the appellant has applied for three trees at the front of the property to be felled, and this application has since been granted (2024/1982/T, dated 08/07/2024). This is in addition to a previous consent to fell a lime tree in the front garden (2023/4079/T, dated 23/10/2023).

2. It is recommended that a condition covering tree protection be included should the application be granted.

#### **4.4 Response to NPPF:**

1. Whilst it is acknowledged that the proposed development would have some private benefit, through the provision of additional living accommodation for the appellant, no public benefits have been identified which outweigh the harm caused to the heritage asset.

### **5. Conclusion**

5.1 Based on the information set out above and having taken account of all the additional evidence and arguments provided by the appellant, it is considered that the proposal remains unacceptable in design and heritage terms for the reasons set out in the original decision notice. The information submitted by the appellant in support of the appeal does not overcome or address the Council's concerns with respect to design and heritage.

5.2 The proposed front extension, by reason of its scale and siting, would result in an incongruous and overdominant addition that would be out of keeping with the host building and neighbouring properties, and would fail to preserve the character and appearance of the Camden Square Conservation Area.

5.3 With respect to biodiversity, it is considered that the additional information provided is sufficient to ensure that the proposal would not result in an unacceptable impact to trees and vegetation, and that the proposal is considered to be in general accordance with policies A2 (Open Spaces) and A3 (Biodiversity) of the London Borough of Camden Local Plan 2017.

### **6. Suggested conditions should the appeal be allowed.**

6.1 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).

6.2 The development hereby permitted shall be carried out in accordance with the following approved plans: Design and Access Statement November 2023, Existing: Location Plan 01, Existing: Lower Ground Floor 02, Existing: North Elevation 03, Existing: East Elevation 04, Existing: West Elevation 05, Existing: Section A 06, Proposed: Block Plan 07, Proposed: Lower Ground Floor 08, Proposed: North Elevation 09, Proposed: East Elevation 10, Proposed: West Elevation 11, Proposed: Section A 12, Preliminary: Lower Ground Floor 13, Preliminary: Section A 14, Proposed: Section A 15, Proposed: Lower Ground Floor Fire Strategy 16, Flood Map for Planning 27 Sep 2023, Arbtech AIA 01, Arboricultural Survey 18 April 2024.

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

6.3 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.

6.4 Prior to commencement of development, full details in respect of the living roof 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 manufacturer's details demonstrating the construction and materials used
- iii. full details of planting species and density

The living 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 CC1, CC2, CC3, D1, D2 and A3 of the Camden Local Plan 2017.

6.5 Prior to the commencement of any works on site, details demonstrating how trees to be retained shall be protected during construction work shall be submitted to and approved by the local planning authority in writing. Such details shall follow guidelines and standards set out in BS5837:2012 "Trees in Relation to Construction". All trees on the site, or parts of trees growing from adjoining sites, unless shown on the permitted drawings as being removed, shall be retained and protected from damage in accordance with the approved protection details.

Reason: To ensure that the development will not have an adverse effect on existing trees and in order to maintain the character and amenity of the area in accordance with the requirements of policies A2 and A3 of the London Borough of Camden Local Plan 2017.

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

Yours sincerely,

Lauren Ford  
Planning Officer