

Appeal Decision

Site visit made on 21 August 2024

by A Knight BA PG Dip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 October 2024

Appeal Ref: APP/X5210/W/24/3343236

Unit 1, Sonny Heights East, 3 Swains Lane, Camden, London N6 6QX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr I Boz of MES Fruit and Veg Ltd against the decision of the Council of the London Borough of Camden.
 - The application Ref is 2023/5415/P.
 - The development proposed is a single storey side extension.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The original plans were submitted in December 2023, with revised plans supplied in March 2024. Whilst the decision notice does not list the revised plans, the delegated report and Council statement are clear that the decision was based upon them and followed consultation. As such, I have made my determination based on the revised plans.

Main Issue

3. The main issue is whether the proposed development would preserve or enhance the character and appearance of the Dartmouth Park Conservation Area (the CA).

Reasons

4. The appeal site is part of Sonny Heights, a modern mixed-use development within the CA. The statutory duty set out in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. In addition, the National Planning Policy Framework (the NPPF) advises that when considering the impact of the development on the significance of designated heritage assets, great weight be given to their conservation.
5. Whilst neither the Dartmouth Park Conservation Area Townscape Appraisal or the Dartmouth Park Conservation Area Appraisal and Management Statement (the CAAMS) (both 2009) have been updated to include Sonny Heights, the CAAMS cites the importance of views of the spire of St. Anne's

Church, a Grade II listed building¹ located uphill from Swain's Lane. The same document cites the importance of gaps between buildings as an established feature of relief in an otherwise densely developed area, and of interesting views of significant buildings, noting that hills form a significant horizon to the northeast of the CA. The leafy character of the area, derived from a mix of private and street trees, is also cited.

6. On the evidence before me and based on my inspection of the site and surrounding area, the significance of the CA in relation to the appeal proposals is in the important gaps between buildings, views of significant buildings, and tree coverage.
7. Sonny Heights is set out in two similar blocks, and curves around the western end of Swain's Lane. It is a carefully designed development, in which details such as mounted external lighting, printed or painted fascia signage, and uniform pilasters contribute to the quality of the buildings and the artisan character of the shopping parade. Moreover, the development adheres to the characteristics of the CA as set out above, in that a significant gap exists between the east and west blocks, framing a view of trees, rooftops and the impressive spire of St Anne's Church on the rising hill beyond. It is a striking local vista.
8. Either side of the gap the flank walls of the two blocks fan out slightly, widening the view described above. The top floor of each block is set back equally, whilst the shopfronts return around both corners to face each other across the gap. The space is hard surfaced but permits no vehicular access to the parking area beyond, which is screened by a fence and simple landscaping. In all, it is apparent that Sonny Heights was laid out to enable, and frame appropriately, the view through and beyond to St Anne's Church.
9. Despite the use of a slim metal frame and glazed panels the appeal proposal would, due to its height and width, severely impinge upon the important view. This would be most keenly felt from the pavement directly outside the appeal site, from where the view would be lost altogether. Whilst elements of the proposal seek to replicate detailing from the host building it would, by obscuring the existing side shopfront, nevertheless appear an incongruous addition, damaging to the carefully arranged symmetry and visual balance between the two blocks. By eroding both the view and the deliberate way the gap, including the simple landscaping, has been laid out to frame it, the proposal would significantly and harmfully undermine a key aspect of the way Sonny Heights has been designed to relate to its setting.
10. I appreciate that goods from the appeal site shop are commonly laid out for sale under a foldable awning in the gap. Even if this arrangement is lawful, the awning is much smaller than the proposed development and far more open. It does not have the same harmful effects, therefore. I recognise that details of external materials, finishes, a modest landscaping scheme, signage, and lighting could all be agreed via planning condition, but these are policy expectations rather than additional benefits, and would not mitigate the harm identified.

¹ List entry number 1379061.

11. Paragraph 206 advises that significance can be harmed or lost through the alteration or destruction of those assets or from development within their setting, and that this should have a clear and convincing justification. Given the scale of the development, I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight. Under such circumstances paragraph 208 of the NPPF advises that this harm should be weighed against the public benefits of the proposal.
12. The proposal would assist in the development of the business and expand the offering of goods available in the local area. In so doing, it would deliver economic benefits and local convenience. Given the limited scale of the proposal, these would amount to very minor public benefits that would not outweigh the great weight that should be given to the asset's conservation.
13. Given the above, the proposal conflicts with Policies D1, D2, A3, and A2 of the London Borough of Camden Local Plan 2017 which require development to preserve the character and appearance of the CA, and to protect trees, vegetation, and open spaces of value. In addition, the proposal conflicts with Dartmouth Park Neighbourhood Plan Policies DC1, DC3, CE3 and ES3, which require development not to harm views, open spaces, or the public realm, and to integrate with local surroundings. It would also fail to satisfy the requirements of the Act, and the historic environment protection policies of the NPPF.

Conclusion

14. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. The appeal is dismissed.

A Knight

INSPECTOR