



ERECTION OF OUTBUILDING

Appeal Statement

Flat A
23 Hampstead Lane
London
N6 4RT

Date:	December 2024
Document Ref:	NAPC/JD/1141/OW
Application Ref:	2023/5407/P
Appeal Against:	Camden Council

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Introduction

This appeal statement has been produced by NAPC Ltd to support an appeal against the London Borough of Camden's decision to refuse full planning permission for the application ref: **2023/5407/P** at *Flat A, 23 Hampstead Lane, London, N6 4RT*. The appeal is made under Section 78 of the Town and Country Planning Act 1990.

Proposal

The full planning application proposed the erection of a 3.97m x 3.45m x 2.46m outbuilding within the rear garden of Flat A, 23 Hampstead Lane. The outbuilding would feature a flat roof and timber cladding with glazing on three sides. The use of the outbuilding will be incidental to the existing Class C3 residential use of the main dwellinghouse, with a strong functional relationship between the outbuilding and the dwelling.

Reasons for Refusal

The decision notice issued by the London Borough of Camden refused to grant full planning permission for the proposed development for the following reasons:

- 1. The proposed outbuilding by reason of its siting, scale and design, would dominate the rear garden of the host property and detract from the open setting of neighbouring gardens, failing to appear as a subordinate garden addition and detracting from the character and appearance of Hampstead Conservation Area, contrary to Policies A1, D1 and D2 of the Camden Local Plan 2017 and policy DH2 of the Highgate Neighbourhood Plan 2017.*
- 2. The proposed development would fail to demonstrate that the existing trees on and off-site would be adequately protected, contrary to policy A3 of the London Borough of Camden Local Plan 2017.*

The following local planning policies that were used to justify the refusal of the application are:

Camden Local Plan (2017)

- Policy A1 – Managing the impact of development
- Policy A3 – Biodiversity
- Policy D1 – Design
- Policy D2 – Heritage

Highgate Neighbourhood Plan (2017)

- Policy DH2 – Development Proposals in Highgate's Conservation Areas

Based on the above reasons for refusal, this statement will focus on the following considerations:

- Design and Heritage
- Neighbouring Amenity
- Trees and Landscaping

This appeal statement will set out the details of the Appellants' case, having regard to the relevant planning policies contained within the adopted Camden Local Plan (2017), the National Planning Policy Framework (NPPF) (2023), along with any other material considerations.

The Appellant's Case

Consideration 1: Design and Heritage

The site is in Highgate Conservation Area. Policy D2 (Heritage) of the Camden Local Plan (2017) states that Camden Council is committed to protecting and enhancing its diverse heritage assets, such as listed buildings and conservation areas. Development that harms these assets will only be permitted if it delivers substantial public benefits or meets strict criteria demonstrating no viable alternatives. The council also aims to ensure any less significant harm is outweighed by public benefits. Within conservation areas, development must preserve or enhance the area's character.

The proposed outbuilding integrates well into the Highgate Conservation Area due to its modest size and scale. The 3.97 x 3.45m footprint ensures the outbuilding remains subordinate to the main dwelling, without dominating the historic setting of the conservation area. As noted in Para 3.5 of the Case Officer's report (Appendix A), the outbuilding would not be visible from the public realm, meaning there would be no obvious impacts to the character and setting of the conservation area.

This was a similar issue noted in a recent appeal in Camden **APP/X5210/W/24/3338959** (Appendix B). The Inspector noted that views of the proposal would be limited to the immediate neighbours and so would therefore have a neutral impact on the character and appearance of the conservation area.

Regarding the outbuilding's proposed materials, modern finishes complement traditional architecture by using natural or neutral tones that echo the local character. The glazing on the external cladding reduces the building's visual bulk by reflecting its surroundings, making the structure appear lighter and less intrusive.

Secondly, the conservation area's architectural diversity allows for contemporary designs to contribute to its evolving character. A modern outbuilding can achieve harmony with the existing built environment. It is not uncommon to find high-quality modern architecture within conservation areas, when they demonstrate sensitivity to the area's historic significance. In this instance, the juxtaposition of the modern design of the outbuilding with the traditional building styles presents a balance between contemporary and historic architecture and avoids a pastiche effect.

This concept has been demonstrated in other parts of the conservation area. The below development concerned a dwelling at 16 South Grove, London, N6 6BJ also located in Highgate Conservation Area (Ref: PE9800578R1) (Appendix C). The proposal featured a series of new extensions around the core of a detached 1950s dwellinghouse. The project was commended for being an '*...example of how the 21st century house can be incorporated into historic conservation areas as part of the continuing evolution of domestic architecture*' (RIBA) (Appendix D) (see Figures 1 and 2 below).

It is worth noting that similar proposals for outbuildings have been permitted along Hampstead Lane. A Certificate of Lawfulness for the erection of an outbuilding was granted in February 2022 in the adjacent property 25 Hampstead Lane (2021/6130/P). This outbuilding was Permitted Development (PD) under Schedule 2, Part 1, Class E of the General Permitted Development Order 2015 (GPDO).

Whilst the outbuilding proposed under this appeal does not benefit from Class E PD Rights, due to the main dwelling being a flat, it is nonetheless comparable in scale, design, and purpose to the outbuilding approved at 25 Hampstead Lane. This highlights a consistent acceptance of such structures in the immediate area, supporting the view that the proposed outbuilding would not detract from the character or appearance of the locality. The absence of Class E Permitted Development Rights in this case is a technical distinction rather than a reflection of the planning merits of the proposal, which align closely with those of similar, approved developments nearby.

Figures 1 (left) and 2 (right): Modern extensions to 16 South Grove, London, N6 6BJ (accessed December 2024 from RIBA).



Considering the above, the proposal's modest scale, unobtrusive appearance, and use of materials that harmonise with the surrounding historic architecture, ensure that it integrates into its garden context. As illustrated by comparable developments within the conservation area, well-considered modern designs can enhance the evolving style of residential architecture. The proposal maintains these principles, offering a thoughtful addition to the historic setting of the conservation area.

The proposal therefore complies with Policies D1 and D2 of the Camden Local Plan (2017) and Policy DH2 of the Highgate Neighbourhood Plan (2017), regarding its design and heritage, by preserving the conservation area's character, while positively contributing to its evolving architectural diversity.

Consideration 2: Neighbouring Amenity

Policy A1 of the Camden Local Plan (2017) aims to protect the wellbeing of Camden's residents by ensuring that the impacts of development proposals are carefully considered and do not adversely impact the amenity of neighbouring properties. This includes considerations such as privacy, outlook, noise, and access to daylight and sunlight.

The outbuilding would have windows facing No's. 23b and 25 Hampstead Lane. The windows are of a conventional size for an outbuilding of this nature, and it is noted in Para 4.2 of the Case Officer's report that a planning condition can be used for these windows to be obscure glazed, to maintain the privacy and amenity of the surrounding residential properties.

As noted previously, the outbuilding would have a footprint of 3.97m x 3.45m (13.7 sqm) and a maximum height of 2.46m. The main dwellinghouse has an existing footprint of 114 sqm, which is an approximate difference of 85% in size. This clearly demonstrates that the proposed outbuilding is of a subordinate size and scale in comparison to that of the main dwelling and is not overbearing or harmful to the amenity of the neighbouring properties. Furthermore, Para 4.3 of the Case Officer's report confirms that: *'...amenity impact itself is not considered harmful enough to warrant a separate reason for refusal.'*

Considering the above, the proposed outbuilding has been designed to ensure it does not adversely impact the amenity of neighbouring properties, complying with Policy A1 of the Camden Local Plan (2017). Its modest size and scale, combined with measures such as obscure glazing for the windows, effectively mitigate potential impacts regarding privacy and outlook. As confirmed in the Case Officer's report, the development is not overbearing and does not result in harm significant enough to justify refusal, and as such, the proposal is acceptable regarding its impact on neighbouring amenity.

Consideration 3: Trees and Landscaping

The site contains several small trees to the rear boundary, which would be close to the outbuilding. Policy A3 (Biodiversity) of the Camden Local Plan (2017) states that the council aims to protect biodiversity. Development will be assessed for its potential to enhance biodiversity through design and materials. The council will also protect trees and vegetation of significant value, ensuring they are protected during construction and integrated into site designs.

Whilst an arboricultural report was not submitted as part of the original proposal, a Tree Survey, Arboricultural Impact Assessment, and Method Statement has since been prepared by ROAVR Group and should be considered as part of this appeal (Ref: 24_5837_10_76).

It is recommended that the outbuilding is constructed using screw pile foundations, and any excavation required is completed by hand, under the supervision of the arborist, to minimise any potential impact on the tree roots. Protecting fencing and ground protection measures should also be used, and these have been highlighted on the Tree Protection Plan (TPP) in Appendix 2 of the report.

The report further confirms on Pages 9-11 that:

- No trees are to be removed to facilitate the proposal.
- No mitigation planting is required.
- No new hard surfaces are proposed within the Root Protection Areas of any trees.
- No underground services are to be installed through any Root Protection Areas.
- No changes in ground level are proposed.
- No changes are proposed to the existing boundary features that might impact on trees.

The above measures, and the further measures highlighted in the report, demonstrate that the proposal will largely not impact the adjacent trees on site. Any trees that will potentially be impacted by the proposal will be adequately protected by the mitigation measures highlighted within the report. This will ensure that biodiversity will be well-maintained in the site and will support increased biodiversity during and following construction of the outbuilding.

Considering the above, the proposed outbuilding has been carefully considered regarding its impact on trees and biodiversity. The Tree Survey, Arboricultural Impact Assessment, and Method Statement prepared by ROAVR Group confirms that the development will not require the removal of any trees, and this outlines the measures to protect any trees that may be impacted, including the use of screw pile foundations and manual excavation. As such, the proposal complies with Policy A3 of the Camden Local Plan (2017), safeguarding the environment during construction and supporting biodiversity.

Conclusion

This appeal statement has been produced by NAPC Ltd to support an appeal against the London Borough of Camden's decision to refuse full planning permission for the application ref: **2023/5407/P** at *Flat A, 23 Hampstead Lane, London, N6 4RT*.

This statement has demonstrated that the proposed outbuilding has been designed with careful consideration regarding the character of the Highgate Conservation Area, the amenity of neighbouring properties, and the protection of local trees and biodiversity.

The modest scale and high-quality materials of the outbuilding ensure that it respects and enhances the historic environment, complying with policies set out in the Camden Local Plan (2017) and the Highgate Neighbourhood Plan (2017).

Furthermore, the proposal has been designed to safeguard the amenity of neighbouring properties, with mitigating measures in place to address privacy concerns, and it will not result in any significant harm to the neighbouring residential properties. The measures outlined in the Arboricultural Impact Assessment confirm that the development will not adversely affect the trees on site, ensuring that biodiversity is preserved throughout and following the construction process.

Considering the above, the proposed development is compliant with the relevant local planning policies and offers a well-balanced approach that integrates modern design within the historic context. We therefore respectfully request to the Planning Inspector that the appeal is allowed, and that planning permission is granted for the proposal.

Appendices

Appendix A – Case Officer’s Report (Ref: 2023/5407/P)

Delegated Report		Analysis sheet	Expiry Date:	24/04/2024
		N/A	Consultation Expiry Date:	14/01/2024
Officer		Application Numbers		
Blythe Smith		2023/5407/P		
Application Address		Drawing Numbers		
Flat A 23 Hampstead Lane London N6 4RT		Please refer to the decision notice		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposals				
Erection of outbuilding				
Recommendations:	Refuse Planning Permission			
Application Types:	Full Planning Permission			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notices					
Informatives:						
Consultations						
Adjoining Occupiers:			No. of responses	14	No. of objections	14
Summary of consultation responses:	<p>The application was advertised in the local press on 29/02/2024 and 25/07/2024, and a site notice was displayed on 28/02/2024 and 26/07/2024</p> <p>14 letters of objection were received from the owners/occupiers on the following grounds (summarised):</p> <ol style="list-style-type: none"> 1. Impact on the character and appearance of the surrounding area/conservation area 2. Potential use for short-term rental accommodation 3. Impact and amenity through noise and loss of privacy 4. Rearrangement of the internal floor plans of the host property 5. Unauthorised cutting of trees 6. Light pollution from the outbuilding 7. Construction starting before approval 8. Impact on property values <p>Officer Response to points above</p> <ol style="list-style-type: none"> 1. Section 3 assesses the development's suitability in relation to the local area and the conservation area. 2. The applicant has not suggested that the property will be used for anything other than a C3 dwellinghouse. 3. Impact on amenity is assessed within section 4. 4. The internal arrangement of a non-listed property is not a planning concern. 5. Impact on trees is within section 5. 6. An outbuilding of the proposed size would not significantly increase light spillage to neighbouring residents. 7. Starting construction prior to a planning application being assessed is not unlawful; however, this carries the risk of enforcement action if the application is refused. 8. Property values are not a planning consideration. 					

CAAC/Local Area groups comments;

The Highgate CAAC objected based on the below points

1. Block plans inaccurate
2. More than 50% of the rear garden would be built on
3. No tree report submitted
4. Outbuilding should not be used for habitable accommodation
5. Development should not have drainage/electricity/gas supply
6. Details of insulation
7. If the application is to be granted, then there should be a green roof.

Officer Response

1. Block plans had been updated to reflect the split garden of No. 23a and 23b as part of the application.
2. As part of the revisions the outbuilding had been reduced and would not occupy 50% or more of the garden
3. Assessed within section 5
4. If approved, the outbuilding would be conditioned to ancillary to the dwelling of 23a Hampstead Lane
5. This is not a planning consideration
6. This is not a planning consideration
7. Noted

The application had been revised, and the Highgate CAAC provided the updated objections.

Highgate CAAC continues to believe that applications 2023/5407/P and 2023/5037/P should be considered together. (It would have been much better had the two proposals been combined into one application.)

In particular,

- whether the two applications are consistent with each other;
- whether the boundaries with neighbouring properties are correctly shown;
- whether a reasonable % of the original garden space remains, taking both applications together;
- that there should be a condition that the new structure should not be used to facilitate letting, e.g. via Airbnb and similar;
- that neighbours' comments and amenity should be considered in both cases.

Officer response:

1. Each application is assessed on its own merits. If the applicant submits another application for a different development, they will be assessed separately; however, the cumulative impacts can be considered.
2. The updated boundaries are considered to be sufficiently accurate
3. It is considered that a sufficient percentage of the rear amenity space would remain
4. If approved, the outbuilding would be conditioned to be ancillary to the dwelling; the applicants have not suggested that the development would be used for short-term lettings.
5. Neighbours concerns have been assessed within the section above.

Site Description

The application relates to the lower ground floor flat of no.23 Hampstead Lane, which is a three-storey plus basement terraced building. The building is situated on the southern side of Hampstead Lane and is noted as a positive contributor to the Highgate Village conservation area appraisal.

As shown when comparing the aerial view and Site Location Plan, the rear garden has been subdivided with the upper floor flat so that the application site has only a small section of rear garden.



Figure 1 Aerial view

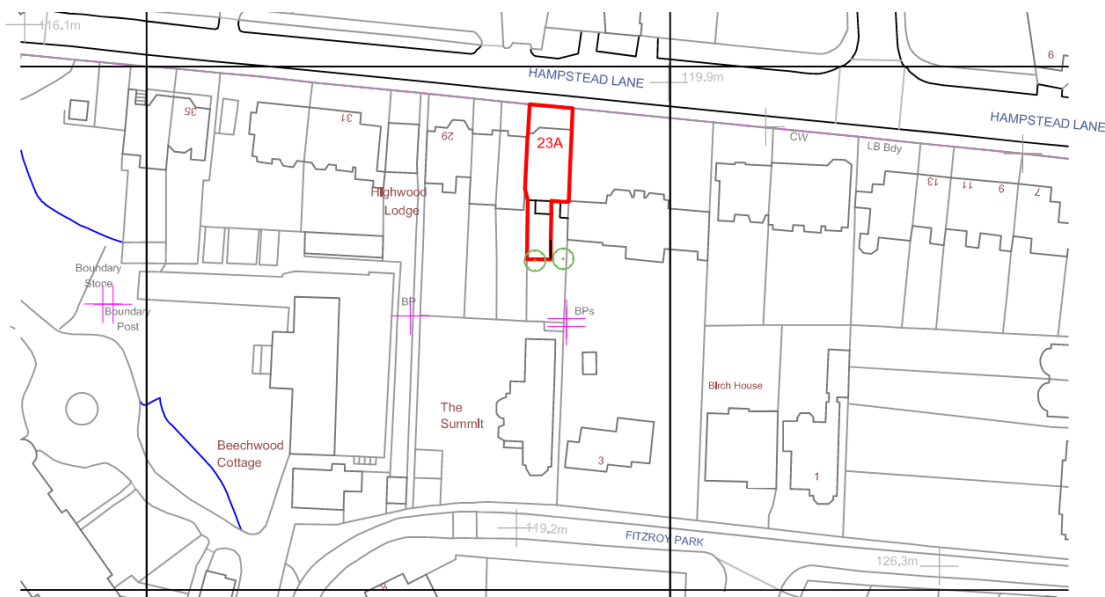


Figure 2 Site Location Plan

Relevant History

Application site

2016/0064/P - Single-storey rear extension to include a green roof, 4x roof lights and lightwell with associated landscaping at the rear garden to lower ground floor flat – **Granted – 15/03/2016**

2010/4066/P - Installation of replacement window on front elevation for basement level flat (Class C3) – **Granted – 21/09/2010**

2008/0805/P - Retention of existing railings associated with the use of flat roof at rear first floor level as a terrace. – **Granted - 04/04/2008**

2023/5037/P - Lower ground floor rear extension. – **Granted - 25/07/2024**

Relevant policies

National Planning Policy Framework (2023)

The London Plan (2021)

Camden Local Plan (2017)

- A1 Managing the impact of development
- A3 Biodiversity
- D1 Design
- D2 Heritage

Camden Planning Guidance:

- CPG Amenity (2021)
- CPG Design (2021)
- CPG Home Improvements (2021)
- Trees CPG (March 2019)

Highgate Neighbourhood Plan

- DH2 Development Proposals in Highgate's Conservation Areas
- Policy DH10: Garden land and Backland Development

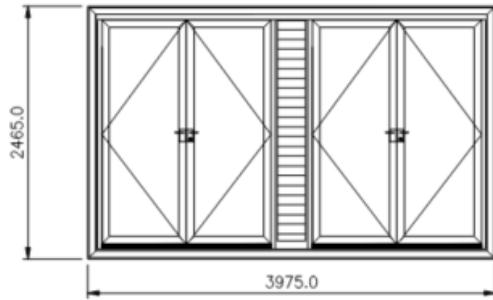
Draft Camden Local Plan

The Council has published a new Draft Camden Local Plan (incorporating Site Allocations) for consultation (DCLP). The DCLP is a material consideration and can be taken into account in the determination of planning applications but has limited weight at this stage. The weight that can be given to it will increase as it progresses towards adoption (anticipated 2026).

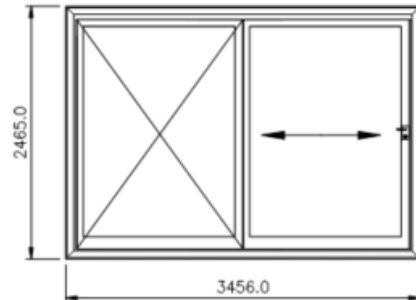
1. Proposal

1.1 Planning permission is sought to erect a new outbuilding to the rear garden of the application site.

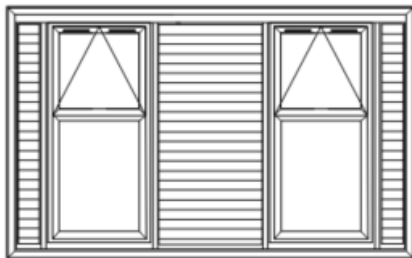
1.2 The outbuilding would measure 3.97m wide and 3.45m deep. It would feature a flat roof measuring a maximum height of 2.46m. It would be clad in timber with significant glazing on three sides.



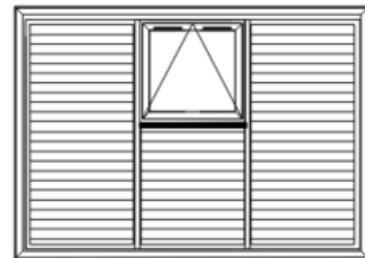
FRONT ELEVATION F-F
SCALE 1:50



SIDE ELEVATION L-L
SCALE 1:50



REAR ELEVATION B-B
SCALE 1:50



SIDE ELEVATION R-R
SCALE 1:50

Figure 3. Proposed elevations

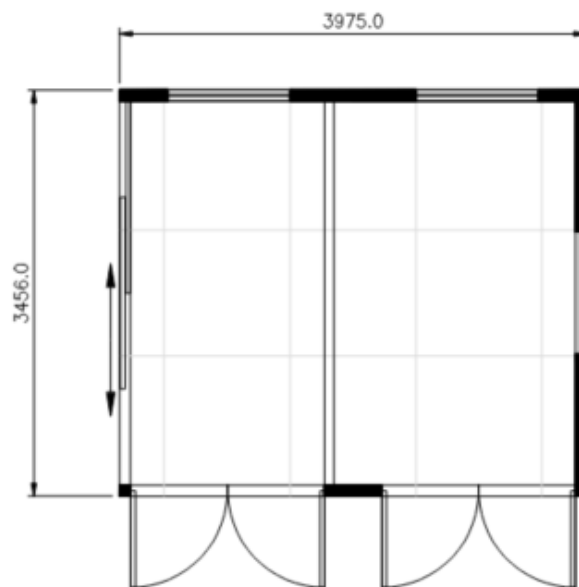


Figure 4 Proposed floor plan



Figure 5. CGI of proposal

2. Assessment

2.1 The principal planning considerations are considered to be the following:

- Design and Heritage
- Neighbouring amenity
- Trees and landscaping

3. Design and Heritage

3.1 The Council's design policies aim to achieve the highest design standard in all developments, including where alterations and extensions are proposed. Policy D1 of the Local Plan requires development to be of the highest architectural and urban design quality, which improves the area's function, appearance, and character. Policy D2 states that the Council will preserve and, where appropriate, enhance Camden's rich and diverse heritage assets and their settings, including conservation areas.

3.2 The application site is within the Belsize Conservation Area, wherein the Council has a statutory duty, under section 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), to

pay special attention to the desirability of preserving or enhancing the conservation area's character or appearance.

- 3.3 The proposed outbuilding would be located within the application site's rear amenity space. Due to the site's topography, the rear garden is split into two sections: "upper" and "lower." The outbuilding would be located within the "upper" portion. Permission has recently been granted under reference 2023/5037/P for a single-storey rear extension that would occupy most of the "lower" garden.
- 3.4 Due to the ground levels at this property, the outbuilding's location would add to its prominence when viewed from private gardens. The proposed outbuilding is substantial, and due to its size and position in the garden, it would result in the loss of the sense of openness in the back garden. The design, in white render, is not appropriate for the garden setting in Hampstead Conservation Area. Given the proposed outbuilding's design, size, and location, it would be an overly dominant and visually overwhelming development.
- 3.5 The proposed outbuilding is considered excessively large for this domestic setting and out of proportion to the main dwellinghouse and surrounding area. Although not visible from the public realm, it represents the unsympathetic overdevelopment of the private garden space and Hampstead Conservation Area.
- 3.6 The outbuilding's design, with its considerable glazing, lack of green roof, and modern finishes, does not integrate well into the rear garden context. Typically, outbuildings in conservation areas take a more traditional character and appearance akin to ancillary garden structures to blend in with the context.
- 3.7 There is one other outbuilding in the gardens of Hampstead Lane near the site at 25 Hampstead Lane. In 2022, it was granted a lawful development certificate under reference 2021/6130/P. This outbuilding was permitted to develop under and was not assessed against development plan policies. It also occupies a more extensive garden that has not been subdivided.
- 3.8 Therefore, due to its size, bulk, and location, the proposal would represent an overbearing addition that would cause unacceptable harm to this site's domestic setting and the character and appearance of the conservation area. There are no public benefits that would outweigh the less than substantial harm identified in the conservation area.

4. Neighbouring Amenity

- 4.1 Policy A1 of the Local Plan seeks to protect the amenity of Camden's residents by ensuring the impact of development is fully considered and would not harm the amenity of neighbouring residents. This includes privacy, outlook, noise, daylight and sunlight.
- 4.2 The proposed outbuilding would have windows facing Nos. 23b and 25 Hampstead Lane, which could result in harmful overlooking of these garden spaces. As such, if the application were otherwise considered acceptable, a condition would be added to require these windows to be obscure glazed.
- 4.3 The outbuilding's size and location are considered unneighbourly. It is an overbearing structure when viewed from the adjacent gardens of No. 23 and 25 Hampstead Lane which not only is inappropriate in terms of urban design principles and impact on the conservation area as discussed in the previous section but in the same way also detracts from the setting of neighbouring gardens and the occupant's enjoyment of them. It is therefore undesirable on amenity grounds and policy A1; however, the amenity impact itself is not considered harmful enough to warrant a separate reason for refusal.

5. Trees and landscaping

- 5.1 Policy A3 of the Local Plan states that the Council will resist the loss of trees and vegetation of significant amenity, historic, cultural or ecological value, including proposals which may threaten the continued wellbeing of such trees and vegetation, and it requires that the retained trees and vegetation are satisfactorily protected during the demolition and construction phase of development. It also advises that where the proposed development has justified the harm to the trees or vegetation it is expected that development should incorporate replacement trees or vegetation.

5.2 The site contains several small trees to the rear boundary of the site and within neighbouring gardens; these would be close to the proposed outbuilding. An arboricultural report was not submitted as part of this proposal. All trees within 10 metres of the development should be identified on a Tree Constraints Plan, and an Arboricultural Method Statement should be provided to demonstrate any required mitigation measures. In the absence of information to demonstrate otherwise, the Council cannot assess the possible impact on nearby trees and vegetation and what protective measures should be taken to safeguard against damage during and after work. More information is needed, and this forms a reason for refusal.

5.3 In terms of biodiversity loss, the outbuilding will not leave ample space to attract wildlife and given the amount of area paved in the rear garden, the proposal would not support biodiversity. No green roof is incorporated on the flat roof to offset the loss of garden space in terms of biodiversity.

5.4 Overall, due to the failure to demonstrate the adequate protection of trees, the proposal fails to comply with policy A3 of the 2017 Local Plan.

6. Recommendation

6.1 Refuse Planning permission for the following reasons:

1. The proposed outbuilding by reason of its siting, scale and design, would dominate the rear garden of the host property and detract from the open setting of neighboring gardens, failing to appear as a subordinate garden addition and detracting from the character and appearance of Hampstead Conservation area, contrary to Policies A1, D1 and D2 of the Camden Local Plan 2017 and policy DH1 of the Highgate Neighbourhood Plan 2018.
2. The proposed development would fail to demonstrate that the existing trees on and off-site would be adequately protected, contrary to policy A3 of the London Borough of Camden Local Plan 2017.

Appendix B – Appeal Ref: APP/X5210/W/24/3338959



Appeal Decision

Site visit made on 2 July 2024

by C Livingstone MA(SocSci) (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 October 2024

Appeal Ref: APP/X5210/W/24/3338959

95 Castlehaven Road, Camden, London NW1 8SJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Kang Lin against the Council of the London Borough of Camden.
 - The application Ref is 2023/3379/P.
 - The development proposed is mansard roof extension, first floor rear extension, replacement of ground floor rear infill with solid roof and new UPVC double doors. Replacement of original windows with double glazed UPVC sash windows.
-

Decision

1. The appeal is allowed and planning permission is granted for first floor rear extension, replacement of ground floor rear infill with solid roof and new timber double doors. Replacement of original windows with double glazed timber sash windows at 95 Castlehaven Road, Camden, London NW1 8SJ in accordance with the terms of the application, Ref 2023/3379/P, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with drawing Nos PL 06 Rev A, PL 07 Rev A, PL 08 Rev A, PL 09 Rev A, PL 10 Rev A, PL 11 Rev A, PL 12 Rev A.
 - 3) No development above ground level shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Preliminary Matters

2. The appeal relates to a planning application that was not determined by the Council within the prescribed period. I have had regard to the information submitted in relation to the appeal in framing the main issue below.

3. Amended plans were submitted to the Council which included the removal of the mansard roof extension, enlargement of the first floor rear extension, metal railings around the roof terrace and timber windows and doors. Interested parties have had an opportunity to review and make comments on evidence submitted as part of the appeal. Therefore, I do not consider that the Council or any interested parties would be prejudiced by me accepting this report.
4. The description of development in the heading above has been taken from the planning application form. However, in the interests of clarity, I have used the wording from the appeal form as this reflects the amended plans submitted to the Council.

Main Issue

5. The main issue is the effect of the proposed development on the character and appearance of the host property, including whether it would preserve or enhance the character or appearance of the Kelly Street Conservation Area (KSCA).

Reasons

Significance and setting

6. The KSCA includes the properties on Kelly Street and also those on the northern end of Castlehaven Road. The flat fronted terraces are a rare example of Victorian architecture in the area, following post-war rebuilding. The width of Castlehaven Road relative to the building height gives the street an open, spacious quality.
7. The appeal relates to 95 Castlehaven Road (No 95) which is a traditional three storey mid terrace property, and is a well preserved example of high quality Victorian architecture. The front elevation is relatively unaltered, to the rear there is a ground floor extension with a roof terrace bound by a timber balustrade.
8. The significance of the KSCA is derived in part by the terraces which are a well preserved example of high quality traditional architecture. The principal elevations remain relatively unaltered and a consistent design and palate of materials maintains a uniformity within the street scene. The relationship between the width of the street and the height of the properties instils a sense of openness which is a positive contribution to the setting of the properties. The KSCA derives much of its character and appearance from these features, which all make important contributions to its historical and architectural significance.

Effect of the proposal

9. The proposal is for the erection of extensions on the rear elevation, this would include alterations to infill an extension at ground floor level and the erection of a first floor rear extension. The proposal also includes the extension of an existing roof terrace bound with a metal railing above the ground floor rear extension and replacement of the timber sash and case windows and doors.

10. The majority of properties on the street have been extended to the rear. The proposed extensions would be relatively modest and would be subservient to the host property. Further, the replacement windows and doors would reflect existing in terms of design and materials. The metal railings around the roof terrace would be similar to those around the neighbouring property. The existing boundary treatments and pattern of development is such that the extension would not be visible from the public realm. Views of the extension would be limited to the immediate neighbours, and would be obscured by existing development, and mature planting on the boundary. As such the extensions and alterations would have a neutral effect and therefore preserves the character and appearance of the KSCA.
11. In conclusion I find that the proposed development would respect the character and appearance of the host property to the extent that it would preserve the character and appearance of the KSCA. Hence, there would be no conflict with s72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policies D1 and D2 of the Camden Local Plan 2017. When read together, these policies seek to ensure the development respects local context and character and development within conservation areas preserves or, where possible, enhances the character or appearance of the area. There would also be respect for the National Planning Policy Framework insofar as it relates to achieving well-designed places and conserving and enhancing the historic environment.

Other Matters

12. My attention has been drawn to a recent appeal for a mansard roof extension at Grafton Crescent¹ that was dismissed. A mansard roof was included as part of the initial planning application, which was subsequently amended and this element was removed from the proposal. As such, this appeal does not form a direct parallel to the proposal before me.

Conditions

13. I have attached conditions specifying the timescale for the initiation of the development and specifying the approved plans in the interests of certainty. Conditions regarding proposed external materials has also been attached to protect the character and appearance of the KSCA.
14. Although the appellant has raised concerns that Condition 3 may lead to an unacceptable delay, deemed discharge provisions under s74A of the Act exist to prevent this scenario. Overall, I am satisfied that this condition is necessary in order to protect the character and appearance of the KSCA.

Conclusion

15. For the reasons given above the appeal should be allowed.

C Livingstone

INSPECTOR

¹ APP/X5210/D/24/3341315

Appendix C – Decision Notice for Application Ref: PE9800578R1



ENVIRONMENT

**Development Control
Planning Services**
London Borough of Camden
Town Hall
Argyle Street
London WC1H 8ND

Tel 0171 278 4444
Fax 0171 314 1975

Eldridge and Smerin,
Ref. PS/A101/3.1,
17 Cinnamon Row,
Plantation Wharf,
London,
SW11 3TW

Application No: PE9800578R1
Case File: B10/12/7

14th December 1998

Dear Sir(s)/Madam

DECISION

Town and Country Planning Act 1990
Town and Country Planning (General Development Procedure)
Order 1995
Town and Country Planning (Applications) Regulations 1988

PERMISSION FOR DEVELOPMENT - Subject to Conditions

Address :
The Lawns, 16 South Grove, N6

Date of Application : 30/10/1998

Proposal :

Demolition and replacement of existing garage and conservatory structures. Removal and replacement of existing second floor roof extension. Erection of kitchen extension, entrance and stair lobby and screen wall. External remodelling, as shown on drawing numbers> PL001, PL002, PL003, PL004, PL005, PL006, PL007, PL008, PL009, PL010 as amended and described in agent's letter dated 30th October 1998.

The Council has considered your application and decided to grant permission subject to the following conditions:

Standard condition:

The development hereby permitted must be begun not later than the expiration of five years from the date of this permission.

Standard Reason:

In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

**Development Control
Planning Services**
London Borough of Camden
Town Hall
Argyle Street
London WC1H 8ND

Tel 0171 278 4444
Fax 0171 314 1975

Additional conditions:

- 1 The development shall be constructed in strict accordance with the drawings hereby approved and any details subsequently approved, in accordance with the following conditions.
- 2 No development shall take place until full details of hard and soft landscaping and means of enclosure of all unbuilt, open areas have been submitted to and approved by the Council.
- 3 Please note that all tree work should be carried out in accordance with the relevant recommendations of British Standard 3998: 1989 (Recommendation for Tree Work).
- 4 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 to the satisfaction of the Council for a period of at least 12 months following the completion of the development hereby approved, or such longer period as may be required under Sections 198 and 211 of the Town and Country Planning Act 1990.
- 5 By not later than the end of the planting season following the completion of the development hereby permitted, or any phase of the development, trees shall be planted on the land in such positions and of such size and species as may be agreed with the Council. Any trees removed, dying, being severely damaged or becoming seriously diseased within 5 years of planting shall be replaced by trees of a similar size and species to those originally required to be planted.
- 6 Samples of all external materials to be used on the building including the rendered panel, stock brick, obscured glass, metal trellis and roof materials, shall be submitted to and approved by the Council before any work on the site is commenced.
- 7 Section details at 1:20 scale of the steel framed structure and steel frame to glazed units shall be submitted to and approved by the Council before any work on the site is commenced.
- 8 Works of construction, demolition and ancillary activity shall not take place other than between the hours of 0830hrs and 1730hrs on Mondays to Fridays and 0830hrs and 1300hrs on Saturdays, with no working on Sundays or Bank Holidays.

**Development Control
Planning Services**
London Borough of Camden
Town Hall
Argyle Street
London WC1H 8ND

Tel 0171 278 4444
Fax 0171 314 1975

Reasons for additional conditions:

- 1 To safeguard the appearance of the premises and the character of the immediate area.
- 2 In order that the Council may give consideration to the details of the proposed development.
- 3 To ensure the preservation of the amenity value of the tree (s) in question.
- 4 To ensure that the Council may be satisfied that the development will not have an adverse effect on existing trees and in order to maintain the character and amenities of the area.
- 5 To enable the Council to ensure a reasonable standard of visual amenity in the scheme.
- 6-7 To ensure that the Council may be satisfied with the external appearance of the building.
- 8 To safeguard the amenities of the adjoining residential occupiers and the area generally.

This application was dealt with by Donna Hipkins on 0171 278 4444 ext 2682.

Your attention is drawn to the notes attached to this notice which tell you about your Rights of Appeal and other information.

Yours faithfully



Environment Department
(Duly authorised by the Council to sign this document)

DecfplanWC/TPFU

Appendix D – Additional Details for Application Ref: PE9800578R1

Find an architect

House in the Highgate Village Conservation Area

Camden



Project Details

£50M or more

Within a Conservation Area, New Build

Practice

Eldridge London

17 Calico Row , Plantation Wharf , LONDON , SW11 3TW

This project for Frances and John Sorrell, formerly Chairman of the Design Council, was completed in August 2000 after Eldridge London successfully obtained a planning consent for a strongly contemporary design within the Highgate Conservation Area. The design wraps a series of new extensions around the core of an existing 1950s detached house supplementing the original ground floor area with three double-height, predominantly glazed volumes to create extended living accommodation and a dramatic new entrance to the house. At high level, a complete floor of accommodation is added in place of the existing pitched roof forming an expansive new studio space and opening up views south over the city. The shifting transparent and reflective qualities of the frameless glazed strip that addresses the street allows the top floor to float above the rest of the house dissolving on occasions into the sky. The project won a Royal Institute of British Architects Award in 2001 and was shortlisted for the Stirling Prize. The RIBA awards jury described The Lawns :“as an exemplary example of how the 21st century house can be incorporated into historic conservation areas as part of the continuing evolution of domestic architecture. It should also inspire other clients and architects to positively confront the challenges of the UK planning process.” The Lawns also won a Civic Trust Award and Camden Design Award in 2002.



Appendix E – Decision Notice for Application Ref: 2021/6130/P

Application ref: 2021/6130/P
Contact: Elaine Quigley
Tel: 020 7974 5101
Email: Elaine.Quigley@camden.gov.uk
Date: 2 February 2022

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

HK Architects
198 High Street
Barnet
Herts
EN5 5SZ

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990

Certificate of Lawfulness (Proposed) Granted

The Council hereby certifies that the development described in the First Schedule below, on the land specified in the Second Schedule below, would be lawful within the meaning of Section 192 of the Town and Country Planning Act 1990 as amended.

First Schedule:

Erection of an outbuilding in the rear garden
Drawing Nos: CLP.01.

Second Schedule:

25 Hampstead Lane
London
N6 4RT

Reason for the Decision:

- 1 The proposed outbuilding is permitted under Class E of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Informative(s):

- 1 You are reminded that this decision only permits an outbuilding used for purposes incidental to the existing residential use of the dwelling house. Any alternative use of the outbuilding for temporary accommodation, i.e. for periods of less than 90 days for tourist or short term lets etc, would constitute a material

change of use and would require the grant of planning permission.

- 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 paragraph 38 of the National Planning Policy Framework 2021.

You can find advice about your rights of appeal at:

<http://www.planningportal.gov.uk/planning/appeals/guidance/guidancecontent>

Yours faithfully



Daniel Pope
Chief Planning Officer

Notes

1. This certificate is issued solely for the purpose of Section 192 of the Town and Country Planning Act 1990 (as amended).
2. It certifies that the use*/operations*/matter* specified in the First Schedule taking place on the land described in the Second Schedule was*/would have been* lawful on the specified date and thus, was not*/would not have been* liable to enforcement action under Section 172 of the 1990 Act on that date.
3. This Certificate applies only to the extent of the use*/operations*/matter* described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use*/operations*/matter* which is materially different from that described or which relates to other land may render the owner or occupier liable to enforcement action.
4. The effect of the Certificate is also qualified by the provision in Section 192(4) of the 1990 Act, as amended, which states that the lawfulness of a described use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations begun, in any of the matters relevant to determining such lawfulness.