

APPEAL STATEMENT OF CASE

30 CHALCOT ROAD,
CAMDEN, LONDON, NW1
8LN

01 JANUARY 2025

DOCUMENT CONTROL

Project Title 30 Chalcot Road

Client Name Kerem Cevahir

Firstplan Ref 24262/MS/gc

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DOCUMENTS

DOCUMENT 1:	Decision Notice and Officer Report for Application 2024/4195/P
DOCUMENT 2:	Decision Notice, Officer Report and Approved Plans for Application 2024/0035/P
DOCUMENT 3:	Decision Notice and Officer Report for Application 2015/7019/P
DOCUMENT 4:	Appeal Decision for Appeal ref: APP/X5210/A/01/1079446
DOCUMENT 5:	Decision Notice and Officer Report for Application 2005/5560/P
DOCUMENT 6:	Decision Notice and Officer Report for Application 2003/0875/P

SECTION 1 | INTRODUCTION

- 1.1 This Appeal Statement has been prepared by Firstplan in support of an appeal, submitted on behalf of our client, Mr Kerem Cehavir, against the decision of the London Borough of Camden (herein referred to as 'the Council') to refuse planning permission 2024/4195/P for the following development at 30 Chalcot Road, London, NW1 8LN:

“Erection of first floor rear infill extension and associated works”

- 1.2 The appeal concerns a 4-storey mid terraced town house on the south-west side of Chalcot Road in Primrose Hill, Camden. The objective of the appeal is to allow a modest infill extension to the rear of the building, which it is proposed will sit on top of the lower ground floor extension approved under application 2024/0035/P and provide additional living accommodation. Importantly, the extension has been designed to an extremely high standard to ensure it complements the existing building and makes a positive contribution to the character of the residential terrace and the appearance of the wider area.

- 1.3 The application was registered on 01 October 2024 and was subsequently refused on 26 November 2024. The Council's decision notice sets out the following reason for refusal:

“The proposed first floor rear extension when assessed cumulatively with other extensions, by reason of its excessive scale, inappropriate siting and design, would not be subordinate to the host building and cause harm to the character and appearance of the Primrose Hill Conservation Area contrary to Policies D1 and D2 of the London Borough of Camden Local Plan 2017, the London Plan 2021 and the National Planning Policy Framework 2023”

- 1.4 A copy of the Council's decision notice, delegated officer report and approved plans for the application are attached at Document 1.

- 1.5 We are firmly of the view that the scheme aligns with national, London-wide and local planning policies/guidance and comprises sustainable development that should be welcomed. This Statement considers the merits of the proposal in further detail, and takes the following format:

- Section 2 of this Statement describes the site and surrounding area and summarises relevant planning history;
- Section 3 provides further details of the appeal scheme;
- Section 4 summarises relevant planning policies and guidance;
- Section 5 assesses the proposals in the context of these policies and the Council's single reason for refusal;
- Conclusions are drawn at Section 6.

SECTION 2 | BACKGROUND INFORMATION

a) Site and Surrounding Area

- 2.1 The appeal site comprises a 4-storey mid terrace town house on the south-west side of Chalcot Road in Primrose Hill, Camden. The building features a traditional townhouse design, constructed with London stock brick and features a decoratively painted white stucco frontage at ground floor level that matches the white frames of the windows on the upper floors. The rear of the property features an original closet wing projection and some smaller extensions beyond/around this on each of its different levels. Photographs of the front and rear elevations are provided below at images 1 and 2.

Images 1 & 2: Photographs of front and rear elevations



- 2.2 The property was built in the same style as the neighbouring terraced properties along Chalcot Road, which feature consistency in their building heights and the design of their street facing elevations. It sits at the end of a three-storey terrace, where each property features a raised ground floor, basement and lightwell surrounded by railing, and where each building is flat fronted with paired of sash windows defining each floor, and the original roof form hidden from view by a horizontal parapet. To the northwest, the site adjoins slightly larger villa properties, which have their principle elevation further set back from the street and extend slightly further to the rear as a result.
- 2.3 The rear elevations of the properties within this section of the street are somewhat more varied, with each property generally featuring an original closet wing projection along with various and inconsistent extensions beside this. These provide the terraced houses, which feature relatively narrow and small footprints, with much needed additional floorspace. The extensions are entirely hidden from view from the public realm by the surrounding houses, however an aerial view showing the inconsistency between the extensions is provided below at Image 3.

Image 3: Aerial view of rear elevation showing varied design of rear extensions along Chalcot Road

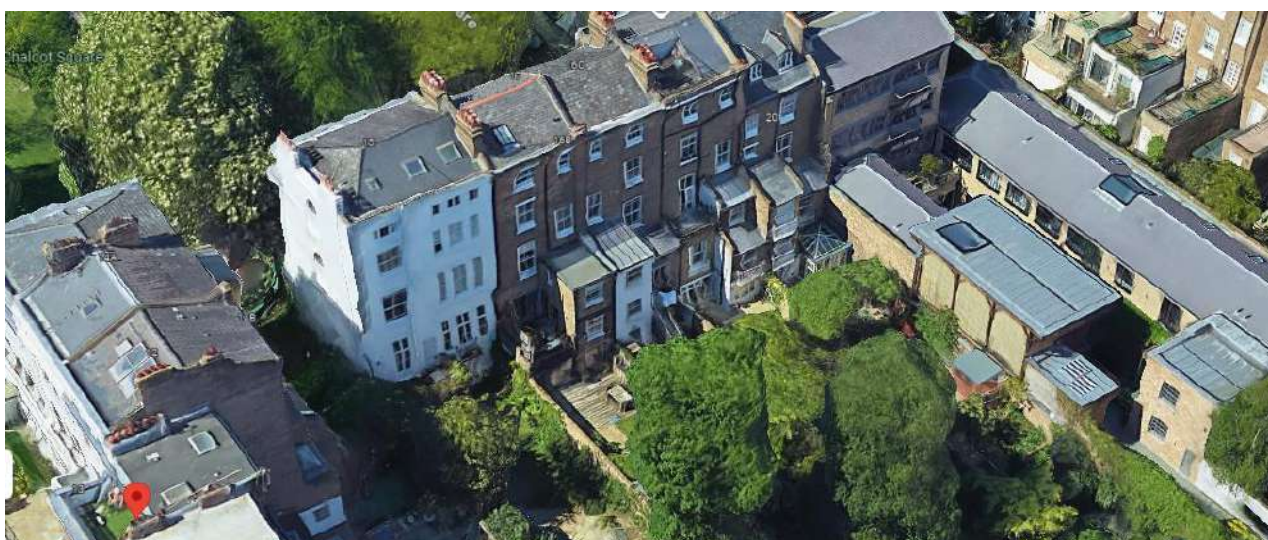


2.4 The miscellaneous alterations and extensions within the immediate surrounding context are further shown at images 4 & 5 below.

Image 4: Aerial view towards Fitzroy Road to East



Image 5: Aerial view towards Chalcot Square to East



- 2.5 The surrounding area is characterised by similar terraced houses with stucco facades at ground floor level, and various different extensions to the rear. It is primarily residential in character, however there are some retail uses as well as offices on the upper floors of buildings.
- 2.6 The property is not listed, however the neighbouring properties at 12-14 Chalcot Road are grade II listed and the site is also positioned within the Primrose Conservation Area.

b) Planning History

i) Appeal Site

- 2.6 In October 2011, permission was granted for the change of use of the property from two flats to a single dwelling house and the erection of a single storey rear extension at lower ground floor level (ref: 2011/3811/P). This facilitated the use of the building as a single dwelling.
- 2.7 More recently, an application was approved on 21st June 2024 for the erection of a single storey lower ground floor and ground floor extension with associated works (ref: 2024/0035/P). This application was submitted by the Appellant and sought permission for lower ground floor and upper ground floor extensions, along with associated works including replacement windows to the rear with like for like timber framed sash windows, and new double-glazed units to replace the existing windows at ground floor level.
- 2.8 Initially, the application sought to include an upper first floor extension (similar to what is being proposed under the appeal scheme), however concerns were raised regarding the design of the upper first floor extension with it deemed not to be an appropriate addition. Officers and conservation officers concluded that:
- “The new extension at first floor would result in the rear elevation being totally obscured from lower ground to first floor. No other house in the terrace has had permission to do this and the result of the upper extension would be in contravention of the relevant planning guidance and therefore is not considered acceptable”*
- 2.9 The appellant strongly disputed these comments as there are a number of similar examples for first floor extensions in the surrounding area (including within terrace itself) where the original rear elevation is totally obscured, however noting the urgency for the lower ground floor works to be approved so that they could press on with works, the first-floor extension was omitted from the scheme to allow a positive determination of the application.

- 2.10 Application 2024/0035/P was approved on 21st June 2024 and works have since commenced on the lower ground floor extension. The approved decision notice, delegated officer report and plans are attached at Document 2.
- 2.11 More recently, the appellant has secured permission for upgrades to the windows on the rear elevation of the building (ref: 2024/2751/P), and for a new condenser unit to the front of the property in order to provide air conditioning (ref: 2024/2752/P).

Appeal Scheme

- 2.12 Upon further detailed design investigations and noting the lack of space within the house for the Appellants family, they decided to re-explore the prospect of a modest first floor extension, similar to what has been permitted on a number of similar properties in the area. On the 1st October 2024, an application (ref: 2024/4195/P) was submitted for the following development:

“Erection of first floor rear infill extension and associated works”

- 2.13 This is the most recent application to which the appeal relates. The application was supported by a robust Planning Statement, which included reference to a number of highly relevant precedents of similar developments in the area (see below), as well as explaining revisions to the scheme and that it now comprised a smaller extension than originally proposed.
- 2.14 During the course of the application, Camden officers again raised concerns with the development on the basis it would involve the entirety of the original rear projection at first floor level being obscured. The precedents of identical developments in the immediate setting were dismissed by officers, and the application was subsequently refused on 26 November 2024. The Council's decision notice sets out the following reason for refusal:

“The proposed first floor rear extension when assessed cumulatively with other extensions, by reason of its excessive scale, inappropriate siting and design, would not be subordinate to the host building and cause harm to the character and appearance of the Primrose Hill Conservation Area contrary to Policies D1 and D2 of the London Borough of Camden Local Plan 2017, the London Plan 2021 and the National Planning Policy Framework 2023”

- 2.15 The Council considered the infill extension to be unacceptable due to design and heritage impacts, and namely that the extension would have an unacceptable impact on the character of the conservation area. The delegated officer report dismisses the precedents presented, and also highlights some disparities with the drawings – noting overall the extension is unacceptable.
- 2.16 The appellant strongly disputes these reasons for refusal, as is set out within section 5 of this report.

ii) Neighbouring Sites

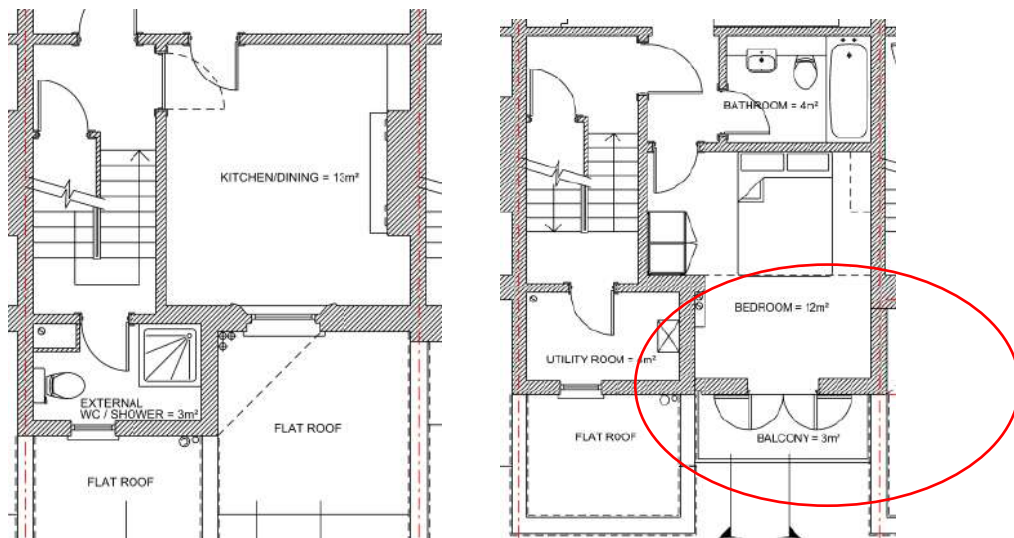
- 2.17 Chalcot Road and the surrounding streets within the Primrose Hill Conservation Area are characterised by Victorian terraced properties, of a similar architectural style to the application site. Practically all of the buildings along Chalcot Road have been subject to some form of rear extension, with these often formed in an incoherent and piecemeal fashion.
- 2.18 In the consideration of previous application 2024/0035/P at the site, it was noted by officers that none of the neighbouring buildings had infill extensions at first floor level, however we have undertaken a review of neighbouring sites and there are a number of relevant cases where an infill first floor extension has been approved, spanning the full width of the building and blocking of the entirety of the original rear façade –

therefore establishing the principle of this form of development within the surrounding area. Some relevant examples are listed below:

26 Chalcot Road (2015/7019/P)

- 2.19 This property is located 4 houses along from the site, sitting within the same Victorian terrace, and featuring a similar architectural design. In 2015, permission was granted for the erection of a single storey rear infill extension at first floor level and terrace bounded by railings for additional residential accommodation to create a 1 x bedroom flat (Class C3) – ref: 2015/7019/P. Existing and proposed plans and elevations are provided below, showing the extent of the approved first floor extension. A photograph of the extension taken from the rear garden of the application site is provided below this. The decision notice and officer report for approved application are attached at Document 3.

Images 5 & 6: *Existing and Proposed (approved) first floor plans for application 2015/7019/P.*



Images 7 & 8: *Existing and Proposed (approved) rear elevations for application 2015/7019/P.*



Image 9: Rear first-floor extension approved under application 2015/7019/P as seen from rear garden of application site



2.20 As seen above, an infill extension was allowed beside an existing first floor extension, therefore allowing for the full width of the first floor to be extended (and for the entirety of the rear elevation to be extended at ground, lower ground and first floor level) with none of the original rear projection remaining visible within this section of the site. This is significant, as it establishes the principle of full width extensions within this section of the terrace, contrary to the Council's previous assessment of the application site where they noted that no other house in the terrace has permission to totally obscure the rear elevation from lower ground to first floor levels.

2.21 This precedent demonstrates that there has in fact been a first-floor infill extension approved within the terrace, and that the Council did not raise issue with this when previously considering the principle of this addition. In fact, on the contrary, the delegated officer report for the approved application at no. 26 states the following:

"Although the proposal would be an isolated form of development within this terrace, its limited depth (1/2 depth of the extension below) and detailed design would represent a subordinate addition, using sympathetic and appropriate materials. The proposed extension would not appear unduly prominent alongside a variety of other extensions, albeit at a higher level. The resulting impact of the extension would be limited. The proposal would not harm the character and scale of the terrace and the Primrose Hill Conservation Area."

2.22 The Council have clearly therefore taken a more favourable view when considering other developments of this nature within the terrace. They approved the first-floor addition on the basis it was 1/2th the depth of the extension below (which is the same as the application site) and there is no reference to this blocking up the entirety of the original rear projection. The officer report refers to the same conservation area guidance as the officer report for the previous application at the site, so it is unclear why Camden have not taken a consistent approach in assessing the two proposals.

- 2.23 The extension put forward under this application is of almost the exactly the same as that at no. 26 in terms of its footprint, is significantly shorter in depth than the extensions on the floor below, and will have less of a visual impact as it is not sited centrally within the terrace/exposed to views from the neighbouring buildings – rather it is tucked away beside the larger villa properties to the northwest (which are set back further from the street and extend further to the rear), and will not extend beyond the rear projection of this deeper row of properties. It will, like the approved extension at no 26, result in the original rear façade at first floor level being totally obscured, however there is no established form of development within this section of the terrace, and no. 30 in particular is concealed from views to the side.

28 Chalcot Road (PEX0100465)

- 2.24 This site is located between no. 26 Chalcot Road and the application site, sitting in the middle of the terrace. In 2001, planning permission was initially refused for the replacement of an existing rear conservatory with a new full width conservatory (ref: PEX0100465), as the extension was deemed to have a detrimental effect on the appearance of the building and the character of the Conservation Area contrary to local plan policy, however an appeal was subsequently submitted and allowed, overturning the Councils reason for refusal (ref: APP/X5210/A/01/1079446).
- 2.25 This application and subsequent appeal related to a lower ground floor extension as opposed to a first-floor extension like the application site, however it is highly relevant as the Inspectors appeal decision puts weight on the varied character of the rear terrace when overturning the Councils justification for refusing the application on design grounds. The Inspectors report is attached at document 4 and states the following:

“The appeal site is located in the central part of the Conservation Area, which is very urban in character with high density development dominated by long terrace of mid 19th century housing. 28 Chalcot Road is a substantial mid terrace building on four floors plus accommodation in the roofspace...The facade of the terrace in which it is situated has retained its architectural integrity. However at the rear I notes that the houses in this part of Chalcot Road and elsewhere in the block have been altered and extended in various ways including new windows, two storey extensions and full and half width conservatories. These alterations have undermined the architectural integrity of individual buildings and the units of the terraces as seen from the garden areas.

The traditional building layout has already been subsumed by earlier extensions...I acknowledge that the proposed development would not propose with draft SPG advice on the size and siting of conservatories. However, this SPG is in draft form for consultation purposes and I do not give it significant weight, particularly in circumstances where the host building has already been significantly modified and where the proposed development would have no material impact on the public domain”

- 2.26 This appeal decision is dated, however the same design considerations should be made when assessing current proposals to extend to the rear of Chalcot Road, as the terrace has since been developed even further and now comprises a number of upper ground and first floor extensions to the rear further contributing to the variance in the terrace.
- 2.27 Furthermore, the appeal at 28 Chalcot Road was ultimately allowed on the basis the existing building had already been significantly modified, and because the proposed development would have no material impact on the public domain – which is an identical scenario to the proposed extension at 30 Chalcot Road, which similarly has already been significantly altered with the original plan form subsumed by previous extensions, and similarly sits within a terrace that no longer features its original shared architectural value to the rear, and remains hidden from view to the public domain. The proposed extension should therefore be deemed acceptable on the same grounds the appeal at 28 Chalcot Road was allowed.

27 Chalcot Road (2014/0551/P)

- 2.28 This property is located just a few doors along from the site, again sitting within the same terrace. In 2014, permission was granted for the conversion of the existing dwelling to 3 no. flats including a two-storey rear extension and mansard roof (ref: 2014/0551/P). This included a two-storey contemporary glazed extension that is far more prominent than what is proposed at the application site.

14 Chalcot Square (2005/5560/P)

- 2.29 This property is located to the northwest of the application site, sitting on the corner of Chalcot Road and Chalcot Square. It is a grade II listed property, and also forms one of the larger villa properties within the terrace that extends further to the rear.
- 2.30 In 2006, planning permission and listed building consent was granted for the erection of a rear extension at first floor level along with the installation of replacement windows, reinstatement of front balcony, and installation of solar panels on the roof of the building, and the change of use of the building from 4-self contained flats to a single dwelling (ref: 2005/5560/P & 2005/5563/L). This included a significant two-storey infill extension bedside the existing closet wing projection, so that the entirety of the rear façade was extended at lower ground, ground and first floor levels – and the original plan form of the listed building was therefore no longer legible.
- 2.31 Existing and proposed plans and elevations showing the extent of the approved infill extension are provided below. An aerial photograph of the built-out extension, taken from google maps, is provided below this.

Images 8 & 9: *Existing and Proposed (approved) rear elevations for application 2005/5560/P*



Image 10: Aerial view showing approved infill extension to grade II listed building in red, and proposed location of infill extension at application site in green



2.32 The property at 14 Chalcot Square is far more sensitive site than the application site in that it is a grade II listed property which extends further to the rear and is in a more prominent location with views from neighbouring properties. Notwithstanding this, when considering the acceptability of a two-storey infill extension beside the existing outrigger – Camden found the principle of extension to be entirely acceptable, raising no concerns with the mass, design, or the fact it would result in the entirety of the first-floor rear projection to no longer be legible. The officer report for the approved application states the following in relation to the rear extension:

“The extension is minor, and acceptable. It respects the scale and appearance of the host building and given the extent of the existing back addition would not result in the rear elevation of the building being made flat.”

The extension would not result in any adverse effects on any neighbours’ amenity, in terms of loss of daylight, sunlight, outlook or privacy”

2.33 This exact same interpretation should be reached when assessing the current proposals at 30 Chalcot Road, where there is also a small external space enclosed on both sides that is appropriate for an infill extension (as can be seen in the image above). The application site is enclosed by the existing first floor extension and by the neighbouring villa where there is a large blank façade that extends further to the rear. It is proposed to provide a small infill extension, that like 14 Chalcot Square, will not extend to the full depth of the existing extension and therefore will not result in a flat extension across the full width of the building. It would just be a very small infill section of the building that is concealed from view on both sides. It is less visible than the approved extension at no 14 Chalcot House, and also does not relate to a listed building so is less sensitive in heritage terms, so should therefore be deemed entirely appropriate in this context.

24 Fitzroy Road (2003/0875/P)

- 2.34 This property is located to the east of the site on Fitzroy Road, and comprises a similar four storey property within a terrace that has been significantly altered to the rear. It features a full width extension from lower ground to first floor level that is visible from the rear of the pre-application site, as can shown in the photograph below.

Image 11: Photograph taken from rear windows of pre-application site showing approved full width first floor extension on adjoining terrace



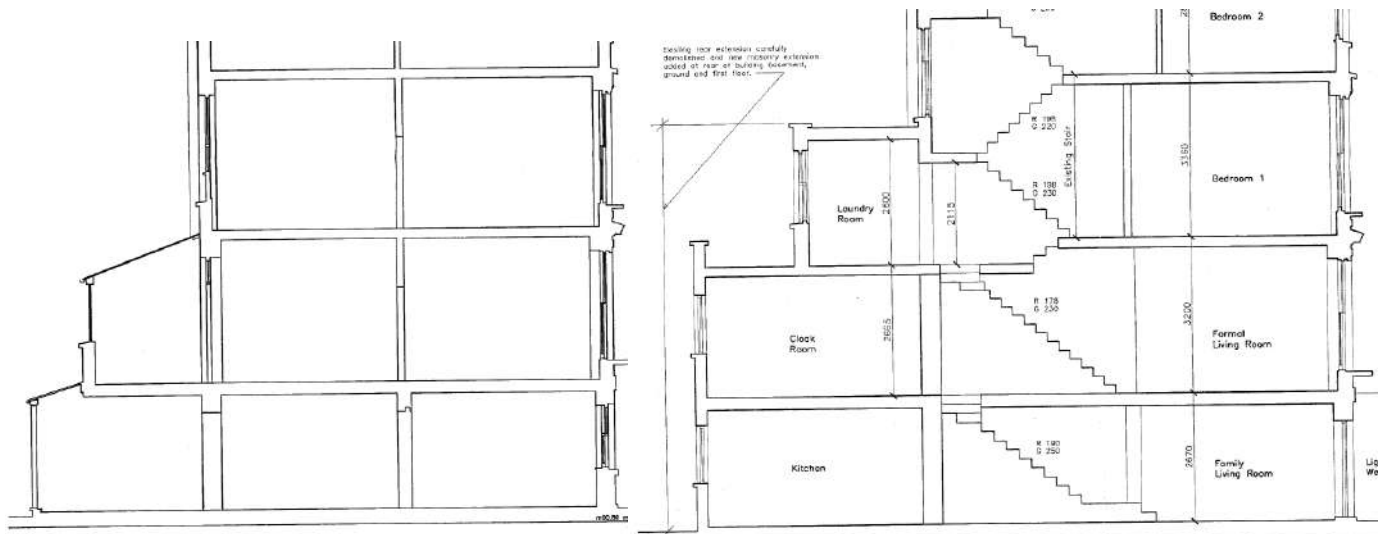
- 2.35 In December 2003, permission was granted for the continued use of the property as a single-family dwellinghouse, and the erection of replacement extensions at the rear at basement, ground, first and second floors, and a mansard roof extension (ref: 2003/0875/P).
- 2.36 When assessing this application, no concerns were raised with the principle of a full width first floor extension rather the officer report for the approved application notes the following when assessing the rear works:

“The replacement second storey extension and extension at first floor level is considered to have minimal impact on adjacent occupiers along Chalcot Road due their design, location and glazed privacy screen. (for the latter). It is considered that overall, the proposed development at the rear, would complement the character and appearance of the application site and the Conservation Area, having minimal impact on adjacent occupiers in terms of loss of light or sense of enclosure. As such, it is considered that the proposed works at the rear comply with SPG and policy”

- 2.37 The full width extension at first floor level was therefore deemed to be entirely acceptable on the basis it would have minimal impact on the neighbouring buildings (even though it is highly visible from the neighbouring

properties). Existing and proposed section drawings showing the extent of the extensions and the first-floor addition are provided below.

Images 12 & 13: Existing and proposed (approved) sections showing full width extensions allowed from ground to first floor level



- 2.38 It is acknowledged that this consent is somewhat dated and that additional policy documents have been adopted since this application was approved, however the conservation area guidance and policies at the time were similar to those today, and this application clearly establishes the acceptability of full width extensions on the upper rear projection within the immediate context.
- 2.39 Overall, it is clear that there are a range of very similar, and in some cases almost identical, first floor extensions that have been allowed within the immediate context surrounding the site. Noting the rear of the terrace is very varied in character with no established form of development, that several infill extensions blocking the entirety of the rear first floor have previously been allowed, and that there is nothing within the Primrose Hill Conservation Area statement that states the rear of these terraces make a significant contribution to the Conservation Area, the principle of a small infill extension at first floor level should be supported at the site.

SECTION 3 | APPEAL PROPOSALS

- 3.1 This appeal is submitted following the Council's decision on 26 November 2024 to refuse planning permission for the erection of a small infill extension to the rear of the property (ref: 2024/4195/P).
- 3.2 The Council justified the refusal on the grounds the extension, when assessed cumulatively with other extensions, by reason of its siting, scale and design, would not be subordinate to the host building and would cause harm to the character of the Primrose Hill Conservation Area.
- 3.3 The appellant strongly contests the reasons for refusal as the extension is very minor in scale, comprising small infill addition on a section of the rear façade that is almost entirely screened from neighbouring properties, and features a design that is complementary to the host building without causing any harm to the specific interest of the Conservation Area.
- 3.4 The extension will provide the Appellant with additional habitable space as part of the wider refurbishment of the existing dwelling, in order to create an upgraded, functional and attractive home. The small infill extension has been designed to follow the proportions of the host building, providing valuable additional space, in line with many of the neighbouring buildings in the conservation area have provided.
- 3.5 As shown on the accompanying plans, the extension has been designed to respect the scale and appearance of the host building, with the external envelope formed of brick to match the existing rear elevation and include a traditional sash window to match the upper floor windows and other windows within the rear terrace.
- 3.6 Comments received during previous application 2024/0035/P were taken on board and incorporated into the scheme to ensure the development responds to the surrounding context, remains ancillary to the host building, provides a high-quality standard of residential accommodation, and does not harm the amenity of neighbours. The key change is that the height of the infill extension has been dropped by 500mm, which is a significant reduction and will allow for a greater proportion of the buildings original façade to remain legible, and that the overall mass of the extension is not excessive.
- 3.7 The proposed extension can be seen within the submitted appeal documents. Overall, the updated proposal for the first floor rear addition represents a carefully thought-out refurbishment of the site, which along with the already approved lower ground floor extensions will ensure an excellent standard of residential accommodation for the applicant without harming the architectural integrity of the terrace or having any negative impacts on the Primrose Hill Conservation Area.
- 3.8 A full assessment of the proposals against the Council's reasons for refusal and relevant planning policies is provided within section 5 of this report. A detailed description of the proposed scheme is also provided within the Planning Statement provided in support of the original application.

SECTION 4 | PLANNING POLICY

- 4.1 This section of the report sets out the key planning policies and guidance relevant to the appeal scheme, which are the policies within the NPPF (2023), London Plan (2021), Camden Local Plan (2017), the Proposals Map (2017) and the Camden Planning Guidance. The Primrose Conservation Area Statement also forms a material consideration, along with Camden SPD guidance.

a) National Planning Policy Framework

- 4.2 The latest National Planning Policy Framework (NPPF) was adopted in 2023 and provides the Government's overarching economic, environmental and social planning policies for England.
- 4.3 The document emphasises the importance of making use of previously developed land, and the need to provide good design and maximise housing provision where possible.
- 4.4 Paragraph 130 sets out the design principles that planning policies and decisions should adhere to, noting that they should ensure developments function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development, are that they should be visually attractive as a result of good architecture, and be sympathetic to local character and history.

b) London Plan (2021)

- 4.5 The London Plan is the overall spatial development strategy for London, setting out an integrated economic, environmental, transport and social framework for the development of London over the next 20 – 25 years. The overall strategy is for 'Good Growth' to promote sustainable development – including the use of previously developed land and buildings in a design-led approach, ensuring development is accessible and takes into account physical constraints.
- 4.6 **Policy D1** relates to local character. It notes that development should specifically have regard to the "characteristics, qualities and value of different places", in particular the urban form and structure, housing type and tenure, and transport networks.
- 4.7 **Policy D3** supports development that takes a design-led approach, with architecture that makes a positive contribution to a coherent public realm, streetscape, and wider cityscape. It should incorporate the highest quality materials and design appropriate to its context. Part B of this policy sets out that developments should: (inter alia)
- be of high quality, with architecture that pays attention to detail;
 - enhance local context;
 - provide active frontages;
 - respond to local distinctiveness through their layout, orientation, scale, appearance, and shape;
 - encourage and facilitate active travel;
 - aim for high sustainability standards and take into account the principles of the circular economy;
 - provide conveniently located green and open spaces for social interaction, play, relaxation and physical activity; and
 - achieve safe, secure and inclusive environments.

- 4.8 **Policy D4** indicates that Design and Access Statements submitted with planning applications should demonstrate that the proposal meets the design requirements of the London Plan.
- 4.9 **Policy D6** states that Housing development should be of high-quality design and provide adequately sized rooms (see Table 3.1) with comfortable and functional layouts which are fit for purpose. Policy D6 also sets out the minimum space standards for new homes.

c) Camden Local Plan (2017)

- 4.10 **Policy G1** outlines that the Council will support development that makes best use of its site, taking into account quality of design, its surroundings, sustainability, amenity, heritage, transport accessibility and any other considerations relevant to the site.
- 4.11 **Policy D1** confirms the Council will seek to secure high quality design in development. Specifically, it is required that development (inter alia):
- is sustainable in design and construction;
 - respects local context and character;
 - preserves or enhances the historic environment and heritage assets;
 - uses details and materials that complement the local character;
 - integrates well with the surrounding streets, and contributes positively to the street frontage;
 - preserves strategic and local views;
 - provides a high standard of accommodation for housing.
- 4.12 **Policy D2** seeks to protect and, where appropriate, enhance the character and appearance within conservation areas.
- 4.13 **Policy A1** states that the quality of life for both occupiers and neighbours will be protected. When assessing new applications, the Council will consider:
- Visual privacy and outlook.
 - Sunlight, Daylight and Overshadowing.
 - Artificial lighting levels.
 - Impacts of the construction phase.

d) Primrose Hill Conservation Area Statement

- 4.14 The Primrose Hill Conservation Area was designated on 1st October 1971, and is formed of 3 main sub areas. The site is located within the Regents Park Central Area 'Sub Area 2', which is a flat section of the Conservation Area and is largely flat with a small incline from southeast to northwest. The area is urban in character with a high density of development with sporadic areas of greenery and is dominated by long terraces of mid-19th century houses that are set back from the pavement with small lightwells and railings to basement areas. The site is located within one of the main 'Mid Victorian Residential Terraces' within this section of the Conservation Area, which are described as follows:

"Terraces usually consist of at least five buildings that are uniform in character. Each building is three storeys high with a raised ground floor, basement and lightwell surrounded by railings to the main street elevation. Principal elevations are flat fronted with pairs of sash windows

defining each floor and the original roof form hidden from view by a horizontal parapet. To the rear elevation, the windows are staggered in order to serve the staircase landing, and the roof form has a butterfly profile. A number of properties also have a rear closet wing to half width and part height of the main building”

- 4.7 The primary interest in the terrace in which the site sits therefore lies in the front elevation, which is visible from the surrounding conservation area, with the rear elevations featuring staggered windows and various rear extensions. Indeed, there is no specific reference to the rear elevations within this section
- 4.8 The final section of the conservation area provides guidelines for development within the conservation area. The following legislation relates to rear extensions/conservatories:
- **PH25** Extensions and conservatories can alter the balance and harmony of a property or of a group of properties by insensitive scale, design or inappropriate materials. Some rear extensions, although not widely visible, so adversely affect the architectural integrity of the building to which they are attached that the character of the Conservation Area is prejudiced.
 - **PH26** Rear extensions should be as unobtrusive as possible and should not adversely affect the character of the building or the Conservation Area. In most cases such extensions should be no more than one storey in height, but its general effect on neighbouring properties and Conservation Area will be the basis of its suitability.
 - **PH27** Extensions should be in harmony with the original form and character of the house and the historic pattern of extensions within the terrace or group of buildings. The acceptability of larger extensions depends on the particular site and circumstances.
 - **PH28** Rear extensions will not be acceptable where they would spoil a uniformed rear elevation of an unspoilt terrace or group of buildings.
 - **PH30** Conservatories, as with extensions, should be small in scale and subordinate to the original building and at ground floor level only. The design, scale and materials should be sensitive to the special qualities of the property and not undermine the features of original building.

e) Home Improvements Planning Guidance (2021)

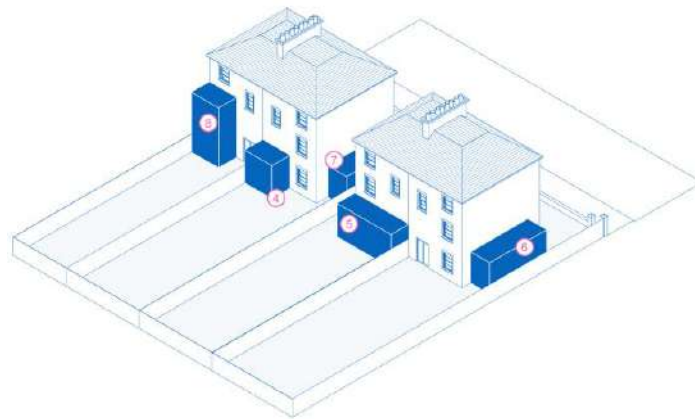
- 4.9 This document provides guidance on how homes can be adapted and improved so that residents are able to live healthy and independent lives. The document provides guidance on various additions to existing houses, including rear extensions.
- 4.10 The guidance recommends that as part of the preparation to extend a property at ground level, a preliminary site assessment is undertaken to consider the following:
- The existing rear elevation and if there are any extensions to it;
 - The rear elevations visibility and prominence in relation to gardens, street scene and the wider area;
 - The pattern of development of neighbouring buildings to include historic extensions and new types of development;
 - Other rear extensions present at the neighbouring buildings which obtained permission through a planning application;
- 4.11 The applicant has accordingly undertaken a detailed assessment of the surrounding area, as detailed within the following section of this report.
- 4.12 The document notes that depending on where a home is located, there are scenarios where it is appropriate for the rear of a building to be architecturally distinguished, either through forming a harmonious composition, or

through visually contributing to the townscape. The document recognises that in some cases, a more innovative design approach could address specific site constraints and that in others, a structure that matches the existing home may be better to respond to the existing context.

- 4.13 Importantly, the guidance stipulates that there is no pre-requisite format for what style of rear extension should be provided, with it instead recognised that a range of different extensions might be appropriate depending on the property's characteristics. The guidance states the following:

“Ground extensions could be single or multiple storeys in height, and could include but are not limited to: a rear extension to the main rear elevation, to the rear return, an infill rear extension, a wrap-around rear extension, infill side extension, corner facing side extension, front extension”

- 4.13 There is nothing in the guidance that specifically precludes two storey extensions, rather the key diagram (below) actually identified two storey extensions as an appropriate form of development.



- 4.14 The document provides guidance for rear extensions, noting inter alia that they should:

- Be subordinate to the building being extended, in relation to its location, form, footprint, scale, proportions, dimensions and detailing;
- Be built from materials that are sympathetic to the existing building wherever possible;
- Respect and preserve the original design and proportions of the building, including its architectural period and style;
- Respect and preserve existing architectural features, such as projecting bays, decorative balconies, cornices and chimney stacks;
- Be carefully scaled in terms of its height, width and depth;
- Allow for the retention of a reasonably sized garden;
- Ensure your extension complies with Building Regulations for energy efficiency measures which include insulating cavities and floors, making provision for low energy lighting, installing thermostatic valves on any new radiators;
- Respect and duly consider the amenity of adjacent occupiers with regard to daylight, sunlight, outlook, light pollution/ spillage, and privacy;
- Ensure the extension complies with the 45 degree test and 25 degree test as set out in the Amenity CPG – or demonstrate BRE compliance via a daylight test;

- Consider if the extension projection would not cause sense of enclosure to the adjacent occupiers;
- Ensure the extension does not cause undue overlooking to neighbouring properties and cause a loss of privacy. Consider opaque lightweight materials such as obscured glass on elevations abutting neighbouring properties, in order to minimise overlooking;
- Respect and preserve the historic pattern and established townscape of the surrounding area, including the ratio of built to unbuilt space;
- Retain the open character of existing natural landscaping and garden amenity, including that of neighbouring properties, proportionate to that of the surrounding area;
- Have a height, depth and width that respects the existing common pattern and rhythm of rear extensions at neighbouring sites, where they exist.

SECTION 5 | STATEMENT OF CASE

5.1 This appeal seeks planning consent for the erection of a small infill extension to the rear of the property at first floor level, which will sit on top of an existing already approved extension, and infill a small space between the buildings existing closet wing projection and the neighbouring property. The appeal proposals form part of a wider refurbishment of the site, and will allow the applicant to provide an additional bathroom at first floor level, as well a more spacious internal layout to be enjoyed by the family.

5.2 The internal layout of the extension and quality of residential accommodation was considered acceptable by the Council, and it is was also recognised that the addition would not cause any undue amenity impacts, with the officer report for the recently refused application noting the amenity impact in terms of loss of light, outlook and privacy is acceptable and in accordance with Policy A1 of the Camden Local Plan 2017. As such, the sole issue for contention in the determination of the appeal, having regard to the Councils reason for refusal, is the design of the extension and the impact on the character of the surrounding conservation area.

5.3 The Council's decision notice provides the following reason for refusal:

“The proposed first floor rear extension when assessed cumulatively with other extensions, by reason of its excessive scale, inappropriate siting and design, would not be subordinate to the host building and cause harm to the character and appearance of the Primrose Hill Conservation Area contrary to Policies D1 and D2 of the London Borough of Camden Local Plan 2017, the London Plan 2021 and the National Planning Policy Framework 2023”

5.4 In their assessment of the application, the Council have taken a view that a third-floor addition is unacceptable because it would completely block the original rear projection of the building at this level, and because the addition on top of the already approved extensions on the lower ground floors would result in an overly large addition to the building. The appellant contests this rationale, as there is nothing within Camden or London wide policy documents that precludes first floor infill extensions of this nature, or that notes they are unacceptable. Rather, Camden and London wide design policies more generally seek to ensure an extremely high standard of architectural design that is in keeping with the surrounding area. Policy D1 of Camden's Local Plan seeks to ensure development respects local context and character, preserves the historic environment and uses details and materials that complement the local character, whilst Policy D2 seeks to protect and, where appropriate, enhance the character and appearance within conservation areas. The London Plan expands on these general design policies, noting new developments should specifically have regard to the “*characteristics, qualities and value of different places*”, in particular the urban form and structure, housing type and tenure. The proposed extension has been formulated with these design policies in mind, and comprises a subtle infill extension that matches the character of the terrace.

5.10 The Camden Home Improvement Planning Guidance SPD (2021), which is a recently adopted policy document, provides more specific guidance for residential extensions, and recognises that depending on where a home is located, there is a scenario where “*it is appropriate for the rear of a building to be architecturally distinguished, either through forming a harmonious composition, or through visually contributing to the townscape*”. The document recognises that in some cases, a more innovative design approach could address specific site constraints and that in others, a structure that matches the existing home may be better to respond to the existing context. Importantly, the guidance stipulates that there is no pre-requisite format for what style of rear extension should be provided, with it instead recognised that a range of different extensions might be appropriate depending on the property's characteristics. The guidance states the following:

“Ground extensions could be single or multiple storeys in height, and could include but are not limited to: a rear extension to the main rear elevation, to the rear return, an infill rear extension,

a wrap-around rear extension, infill side extension, corner facing side extension, front extension”

- 5.11 There is therefore nothing within the guidance that specifically precludes infill extensions, and they are actually noted as being an appropriate form of development subject to the site constraints.
- 5.12 The SPD guidance goes on to state that *“if you live in a Conservation Area, you should check the Conservation Area Appraisal and be aware of what contributes to its significance. It might be that the rhythm of the original rear return is significant, and therefore the proposed design of extensions should respect this feature”*. Accordingly, as part of the application submission, the Appellant undertook a thorough review of the Primrose Hill Conservation Area Appraisal to understand the significance of the site.
- 5.13 A robust assessment of the site characteristics is provided within the accompanying Planning and Heritage Statement supporting the original application. The Primrose Hill Conservation Area recognises Chalcot Road as being dominated by long terraces of mid-19th century houses that are set back from the pavement with small lightwells and railings to basement areas, however there is no specific reference to the rear elevations of the building, or indeed anything to suggest they hold special character. The rear part of the terrace is instead characterised by a mixture of rear additions, with practically all the buildings in the terrace having been reconfigured. There is as such no distinct rhythm to the rear return of the building, with the rear instead featuring a range of extensions of varying heights, and no uniform pattern or design. There are also only limited views of the rear from the wider conservation area (as shown within the aerial views within section 2), so this modest infill extension within a small, hidden, section of the rear first floor is not deemed to harm the significance of the Primrose Hill Conservation Area.
- 5.14 Furthermore, as is evidenced in detail within Section 2 of this report, there have been a number of approvals for similar, almost identical, developments in the area, including refs 2015/7019/P, 2005/5560/P and 2003/0875/P, where first floor infill extensions of a similar nature and in some cases far more obtrusive (with greater mass/full width extensions/more visible from surrounding conservation area/fixed to listed buildings etc.) were deemed to be acceptable, thus establishing the principle of this form of development in the immediate context. Therefore, not only is the character varied in the area with no uniform pattern to the rear, but the Council have also allowed this to take place in the past – recognising themselves that the rear elevations of the terrace are of less architectural and historical value to the significance of the conservation area.
- 5.15 The Council have changed their approach when assessing the appeal scheme, dismissing the precedents that the Appellant presented either on the basis they are materially different to the appeal scheme (which the appellant strongly disputes), or simply because they are dated applications that were approved before the adoption of the most recent Local Plan. The delegated officer report for the dismissed application provides the following brief assessment of the precedents presented:

“The submitted planning and heritage statement cited several examples of other first floor rear extensions as precedents to justify this proposal. However, the latest permission cited is that at 26 Chalcot Road, which was approved in 2015 (Ref: 2015/7019/P) which was before the adoption of the current local plan. The approved extension at 26 Chalcot Road was different as its height does not project above the existing rear closet wing, whereas this proposal would measure 1.22m above the existing first floor rear outrigger. Even if this proposal were to match the existing height of the outrigger, it would still not be acceptable firstly in principle and secondly due to the cumulative harm caused by the erosion of the historic pattern and rhythm of the rear elevation and in turn harmful to the character and appearance of the host property and conservation area.

Other examples quoted including, 27 and 28 Chalcot Road, 14 Chalcot Square and 24 Fitzroy Road are either older than the permission granted at 26 Chalcot Road, or with proposals incomparable to this application because they relate to extensions at different floor levels or extensions simply replacing the existing”

- 5.16 The Council have essentially attempted to dismiss the precedents primarily on the basis they are dated, comprising applications that were approved prior to the adoption of the current Local Plan in 2017. This would be a relevant consideration and grounds for objection had the previous iteration of the Local Plan included policies on heritage and conservation that were materially different to the currently adopted Local Plan – however it did not, it included policies with the same objective of ensuring development respects local context and character, preserves the historic environment, uses details and materials that complement the local character, and protects and enhances the character and appearance of conservation areas. The approach to conservation and preservation has not changed throughout the different plan periods, and it is therefore a weak argument to dismiss the precedents solely on the basis they were considered under a different policy document – and especially when they are not actually that old, largely comprising applications that have been approved within the past 10 years.
- 5.17 Furthermore, the Primrose Hill Conservation Area appraisal (which forms the relevant heritage asset for the site) was adopted in December 2000 and remains in place now, so the aforementioned precedents would all have, like the current appeal scheme, been assessed in the context of this document. To suggest the precedents are not relevant just because they are old, rather than understand the relevance of the precedents based on their similarities in terms of size, siting and design – highlights a lack of understanding of the cases presented.
- 5.18 Whilst the Councils primary concern with the cases presented appears to be that they are dated, they have also tried to dismiss them on the basis they comprise developments that are *‘incomparable to the application because they relate to extensions at different floor levels or extensions simply replacing the existing’*. This is not accurate and again highlights a fundamental misunderstanding of the cases presented. They have dismissed the relevant case at no 26 on the basis its height is slightly lower than that proposed at the appeal site, failing to acknowledge that this approval results in the entirety of the original first floor projection being blocked, and have then later dismissed the application at the appeal site on the basis it would result in the entirety of the first floor being blocked and in doing so being the only property in the terrace to do this – which is plainly inaccurate. They have mentioned cumulative impact, but the appeal scheme is unique from the other properties in the terrace, as it is tucked away beside larger villa properties to the northwest (which are set back further from the street and extend further to the rear), and will not extend beyond the rear projection of this deeper row of properties. No other property in the terrace benefits from this screening, so it cannot be reasonably argued that this would result in a cumulative impact resulting in a deterioration of the special interest in the conservation area.
- 5.19 The relevant cases presented at numbers 17 and 28 Chalcot Road, 14 Chalcot Square and 24 Fitzroy Road have been dismissed on the basis they relate to extensions at different floor levels or extensions simply replacing existing, but again this is not true. The case presented at 28 Chalcot Road does concern a lower ground floor extension rather than first-floor, however the intention was not to draw a direct comparison, rather it was to direct the Council towards their own assessment within the delegated report where it is noted the rear part of the terrace has already been significantly altered and extended in various ways, and that an extension should there be supported on the basis the architectural integrity of the rear of the building has been undermined (which is the same approach that should be taken when assessing this current scheme). The case at 14 Chalcot Square is highly relevant, comprising an infill extension at first floor level just like what is being proposed at the site, but on a far more prominent and sensitive grade II listed building. Similarly, 24 Fitzroy Gardens included a full width first floor extension in the immediate context contrary to the LPA interpretation.
- 5.20 Rather than understand the relevance of the highly relevant precedents, the LPA have simply disregarded them on the basis they are ‘old’ and because they consider them to be materially different. The appellant strongly

contests this, and encourages the inspector to review the cases presented in detail, along with the Councils delegated officer reports when assessing these schemes (which themselves accept the rear part of the terrace is varied in design and does not contribute to the significance of the Conservation Area) and therefore take a more favourable approach when assessing these other applications. The same, consistent, approach should be taken when assessing this current appeal, which is for a far more modest addition than has been allowed elsewhere in the terrace / surrounding conservation area.

- 5.21 In addition to reviewing the precedents provided, we would encourage the inspector to view the property from the rear and if possible from the neighbouring properties, as we are sure they will share our view that this particular section of the terrace is inconspicuous and almost entirely screened from view from the surrounding dwellings. The first-floor addition represents an extremely high-quality design, formed of carefully selected bricks to match the colour and materiality of the existing bricks, and with a traditional window to match the other windows on the upper floors of the building and within the terrace. The proposal therefore complies with policies D1 and D2 of Camden's Local Plan which seek to ensure high quality design that respects local character, and also the SPD guidance which recommends design is based on the surrounding context, and will not cause any harm to the qualities of the Primrose Hill Conservation Area.
- 5.22 The massing similarly has been carefully considered to ensure the addition remains subordinate to the original building. The proposed addition extends just a few metres from the building to provide additional bathroom space, however it is significantly shorter in depth than the extensions on the floor below and will sit behind the existing closet wing so as not to give the effect that it is a full width extension. It is positioned in a narrow, tucked away section of the site between the adjoining blank façade of the neighbouring villa, and will be largely screened from view. The principle of this additional mass should therefore be considered acceptable.
- 5.23 The Council have within their delegated report for the refused application highlighted some drawing discrepancies in an attempt to dispute the quality of the scheme. The delegated officer report state that the drawings include disparities which *'instal a general lack of confidence in the quality of the overall scheme and hinder a comprehensive assessment on the impacts of the proposed works'*, with this comment essentially relating to some of the proposed plans and sections not showing the extensions approved on the lower ground floors of the building. These comments were not raised at any point throughout the application process, nor was it raised by the Council at validation stage. Had they been raised, the Appellant would have provided updated drawings right away, as it has never been the intention to conceal anything from the LPA or present drawings in a misleading way. There are some very small discrepancies on the drawings due to complexities of the application relating to an extension on top of approved extensions that at the time of submission had not yet been submitted so were not 'existing'), however the Appellant has been clear throughout the submission that this would include a small infill extension on top of existing additions, and the Council are well aware of this. It is a small brick extension on top of the existing additions, and it is clear from the plans where it will sit within the site. These small disparities do not hinder a comprehensive assessment on the impacts of the works as is suggested by the LPA – and we are sure the Inspector will be able to make a thorough assessment based on the drawings provided. Should additional tweaked drawings be provided as part of the appeal process, we would be more than willing to provide these, and similarly we would be more than happy for a condition to be applied to an approved consent requiring updated sections to be provided should the Inspector deem this necessary.
- 5.24 Overall, it is clear that there are a range of very similar, and in some cases almost identical, first floor extensions that have been allowed within the immediate context surrounding the site. Noting the rear of the terrace is very varied in character with no established form of development, that several infill extensions blocking the entirety of the rear first floor have previously been allowed, and that there is nothing within the Primrose Hill Conservation Area statement that states the rear of these terraces make a significant contrition to the Conservation Area, the principle of a small infill extension at first floor level should be supported at the site.
- 5.25 The subtle extension will allow the Appellant to provide an additional bathroom to serve the rooms on the upper floors, and a far more practical internal layout thus improving living conditions – whilst having no impact on the

surrounding street scene or character of the conservation area. Importantly, the unique characteristics of the site mean that it will not set a precedent for other properties in the terrace, which are far more visible and would themselves be determined based on their individual characteristics, so any concerns that the development would set a precedent for other first floor extensions are unsubstantiated.

- 5.26 In the light of the above, it is considered that the Council's reason for refusal is wholly unjustified. The traditional design and use of brick / sash windows is entirely appropriate for the location. Contrary to the Council's assessment, the development as a whole would not be out of character with the area which and would not lead to a harmful erosion of the existing qualities of the area.

SECTION 6 | CONCLUSIONS

- 6.1 This appeal relates to proposals at 30 Chalcot Road in respect of the refusal of application 2024/4195/P on 26 November 2024 for the *'Erection of first floor rear infill extension and associated works'*.
- 6.2 The quality of the proposed residential accommodation was considered acceptable during the assessment of the original application, as was the impact on surrounding amenity, so these issues have not been considered further within the assessment. The Statement of Case focusses on the sole reason for refusal, which is the design of the extension and the impact on the character of the surrounding conservation area.
- 6.3 The statement demonstrates that the proposed extension is of an appropriate design, scale, height and mass that can comfortably be absorbed by the existing building. The proposed extension will enhance the quality of accommodation within the house through upgrading and enlarging the existing spaces, improving the internal layout, and providing an additional bathroom at first floor level, whilst also ensuring the character of the Primrose Hill Conservation Area is not harmed.
- 6.4 Critically, this statement demonstrates that the character and nature of the surrounding area is varied in design terms and this has been highlighted by the Council in their assessment of previous applications at the site. The appeal submission includes several examples of similar developments that have been improved in the area, including some of greater mass/that expand the full width of the first floor/relate to listed buildings/are more exposed to views from the surrounding area – along with an assessment as to why, contrary to the LPA decision, these are relevant to the appeal proposals.
- 6.5 The appeal also demonstrates that there are no policies with Camden's Local Plan or the London Plan which specifically preclude first floor rear additions, rather policies indicate a decision should be made based on the character of the area. On this basis, a thorough review of the Conservation Area has been undertaken and demonstrated that the rear section of the terrace is varied in design with no uniform pattern. Accordingly, the modest addition should be viewed favourably.
- 6.6 Overall, the statement demonstrates that the Council's concerns regarding design and impact on the wider conservation area have been addressed. The appeal proposal is therefore considered to comply and directly follow all relevant national, regional and local planning policy guidance, and should be welcomed. We therefore respectfully request that the appeal is upheld, and planning consent is granted.

