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Contact: Sam FitzPatrick
Direct line: 020 7974 1343
Email: sam.fitzpatrick@camden.gov.uk

Dear Sir/Madam,

Appeal site: 12 & 13 Primrose Hill Studios, London, NW1 8TR

Appeal by: Mr and Mrs Rory and Barbara Campbell-Lange

Proposal: Erection of single storey extension to courtyard, with doors to both existing studio building and Kingstown Street. Alterations to southern and eastern boundary walls including increase in height and replacement of garage entrances with steel doors.

I refer to the above appeal against the Council's refusal to grant planning permission and listed building consent. The Council's case is largely set out in the Officer's delegated report. The report details the application site and surroundings, the site history and an assessment of the proposal. A copy of the report was sent with the questionnaire. The inspector is requested to read the delegated report, which contains floor plans, before reading the following statement.

In addition to the information sent with the questionnaire, I would be pleased if the Inspector takes the following information and comments into account before deciding the appeal.

1. Summary

1.1. The planning application and listed building consent applications are both for the erection of a single storey extension to courtyard, with doors to both existing studio building and Kingstown Street, along with alterations to the southern and eastern boundary walls including an increase in height and the replacement of garage entrances with steel doors.

1.2. The application for planning permission was refused for the following reasons:

- 1) *The proposed extension, by reason of its scale, position, and siting, would undermine the historic relationship between the two listed buildings, disrupt the planform of the host property, and result in the unacceptable loss of historic fabric, resulting in harm to the character and appearance of the conservation area and the special interest of the listed buildings, contrary to Policies D1 (Design) and D2 (Heritage) of the London Borough of Camden Local Plan 2017.*

- 2) *The proposed extension, by reason of its location and position, would result in direct overlooking to the windows and amenity space of the neighbouring property, resulting in harm to the amenity of neighbouring properties, contrary to Policy A1 (Managing the impact of development) of the London Borough of Camden Local Plan 2017.*

1.3. The application for listed building consent was refused for the following reason:

- 1) *The proposed extension, by reason of its scale, position, and siting, would undermine the historic relationship between the two listed buildings, disrupt the planform of the host property, and result in the unacceptable loss of historic fabric, resulting in harm to the character and appearance of the conservation area and the special interest of the listed buildings, contrary to Policies D1 (Design) and D2 (Heritage) of the London Borough of Camden Local Plan 2017.*

1.4. The appeal site relates to two buildings; no.12 Primrose Hill Studios and what is referred to as no.13, though historically known as 'The Lodge', located within Primrose Hill Studios. Both are accessed primarily from Fitzroy Road and into the Primrose Hill Studios yard, though there is also an entrance into the Primrose Hill Studios yard through the rear from Kingstown Street; this rear entrance also allows access into The Lodge from the yard, but not into no.12. As confirmed by the Appellant's statement, the two properties are under the same ownership, however are considered to be separate planning units. The site is located within the Primrose Hill Conservation Area and both buildings are Grade II listed.

1.5. The proposed development involves the erection of a single storey extension within the yard located between the two properties that comprise the application site. This would be accessed internally through a new opening leading into no.12, and would also have large glazed doors opening onto the yard and directly facing the southeast elevation of The Lodge, with a separation distance of approximately 5m from the entrance of The Lodge. The proposal also involves alterations to the boundary wall facing Kingstown Street, which would involve an increase in height, changes to the existing openings, and the creation of a new opening from the proposed extension onto the street.

1.6. The proposal is considered to cause harm by creating disrupting the historic relationship between the two buildings, the planform of the host property, and resulting in the unacceptable loss of historic fabric. The extension would blur the distinction between the two separate dwellings, which is an important part of their special interest, regardless of the current ownership status. Additionally, it is considered that the proposed extension would result in an unacceptable level of overlooking to the windows and amenity space of The Lodge, as there would be a directly line of site from the kitchen within the extension into the neighbouring building and associated yard.

Site appraisal

1.7. The application site is located within the Primrose Hill Conservation Area, wherein the Council has a statutory duty to pay special attention to the desirability of

preserving or enhancing the character or appearance of that area, in accordance with Section 72 of The Planning (Listed Buildings and Conservation Areas Act) 1990 (as amended).

- 1.8. The appeal site also consists of two buildings, both of which are Grade II listed. The Council has a statutory duty to give special regard to the desirability of preserving the listed building, its setting, and its features of special architectural or historic interest, under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).
- 1.9. Policy D1 of the Local Plan seeks to secure high quality design which respects local context and character; preserves or enhances the historic environment and heritage assets in accordance with Policy D2; comprises details and materials that are of high quality and complement the local character; and preserves strategic and local views. Policy D2 seeks to preserve and, where appropriate, enhance Camden's rich and diverse heritage assets and their settings, including conservation areas and listed buildings.
- 1.10. Given the listed status of the two buildings that make up the appeal site, it is considered to contribute positively to the conservation area. Both properties are also part of Primrose Hill Studios, which are a group of Grade II listed buildings constructed as speculative development for artists' studio houses. No.12 would have been one of these studios, and The Lodge would have been a dwellinghouse for a porter. It is noted that the Primrose Hill Conservation Area statement dates from prior to the listing of the studio buildings, however they are noted to contribute positively to the conservation area irrespective of this. The list entry for the studios does make clear that they are listed "*as an early, attractive, and well-preserved example of speculatively built artists' studio houses*".

2. Comments on appellant's grounds of appeal:

- 2.1. The appellant's grounds of appeal focus initially on non-determination, as the appellant submitted their appeal prior to determination of the applications. However, before the appeal was validated, both planning permission and listed building consent were refused. The appellant goes on to respond to the Council's heritage and amenity concerns, respectively, and has provided an addendum to cover issues raised by the refusal that they wished to respond to, in addition to the already submitted appeal statement.

Summary of grounds of appeal

- 2.2. The appellant has presented their case largely in three parts: focusing first on administrative matters primarily relating to non-determination, before then covering heritage concerns and amenity concerns, separately. The later addendum largely builds on these existing parts rather than presenting any new matters of contention. For simplicity, the content of each part of the case is summarised and addressed below under the relevant headings, with the appellant's initial statement and subsequent addendum discussed in each part of the case, rather than discussing the addendum separately.

Non-determination

- 2.3. The appeal statement notes that the planning officer contacted the applicant to make clear the Council's position with regards to recommending refusal of the application and setting out the 8 week statutory timeframe (paragraph 1.3). The appeal statement fails to mention that the reason for this email was to suggest withdrawing the application and seeking pre-application advice, in the interest of seeking to work with the applicant in a positive and proactive way, in accordance with the National Planning Policy Framework (see Appendix A). As the appeal statement correctly confirms, the Council took the position that, due to targets to determine applications within 8 weeks, it would not be appropriate to seek revisions to reach an appropriate scheme in this instance – hence the suggestion by the planning officer to seek pre-application advice. Regrettably, the 8-week period expired prior to determination of the applications, given heavy work loads.
- 2.4. Paragraphs 1.4 and 1.5 of the appeal statement also assert that the reasons for refusal were not valid or supported by current policy, and that “*no specific supporting policies were identified to justify these claims*”. The Council's reasons for refusal are set out in the refusal decision notices and refusal report. It is also clear that, given the planning officer noted ‘heritage’ and ‘amenity’ concerns as the rationale for the recommendation to refuse, the relevant policies would be those contained in the ‘Design and heritage’ and ‘Protecting amenity’ sections of the Camden Local Plan.
- 2.5. It is worth noting throughout that the emails contained in appendices A and C of the appellant's statement clearly show that the planning officer attempted to engage in a proactive and positive way, albeit in the context of confirming an intention to refuse the application. The recommendation was clearly and transparently communicated to the appellant, and opportunities were given to work with the Council through the pre-application service to attempt to find an acceptable scheme.

Heritage concerns

- 2.6. At paragraph 2.1, the appellant notes that the list description says that “*interiors have not been inspected*”. The vast majority of list descriptions say this, except in the case of some public buildings. It has no bearing upon the protection afforded to the interiors of listed buildings.
- 2.7. From paragraph 5.1, the appellant goes on to address the argument that the proposal will tend to merge the use of the two houses. They start by enlarging upon the point above, that it is the external appearance of the buildings that is important. They go on to note that it is the “*outward appearance that is the critical heritage concern ... and not their distinctiveness of use*”. However, it is the Council's position that the Lodge was historically an entirely separate entity from Studio 12 – the first was a lodging for servants, the second a place of work for artists – and it is considered desirable to retain this clear separation, and therefore the hierarchy and plan form (in relationship terms).
- 2.8. As part of the context, it should be noted that the appellant has consent to remove parts of the façade of the Lodge that were rebuilt after the war and replace them with

a large section of glazing (2022/3694/P). The façade of the Lodge facing towards the proposed extension already has a number of glazed openings as well as the main entrance of the dwelling, regardless of whether or not the approved scheme is implemented. This elevation faces the yard area (where garages were previously located) and currently has no overlooking concerns, however if the proposal was approved and implemented, an extension consisting of a glass-fronted kitchen dining room with five bifold doors would open into this area. This cannot fail to create an intimate relationship between the two buildings that should not be present; whilst the approved works to the Lodge can be implemented without impacting amenity, the proposed works would establish a situation in which two elevations of separate dwellings are in extremely close proximity. This point will be referred to in the following section on amenity, but it is important to note that the proposed works would create a relationship between the two buildings that is not historic or characteristic of the existing context.

- 2.9. At 5.4.1, the appellant again refers to the listing, this time saying it doesn't mention the yard. Again, it must be said that list descriptions almost never give full details of their buildings, and this does not in any way confer significance or its lack to any given feature. The appellant notes that the proposal would not be publicly visible. However, public visibility is not a strong defence where listed buildings are concerned, and especially where matters of plan form are being considered.
- 2.10. At 5.5.1, the appellant notes that the complex of studios was not built as housing, which is not contested. They also note that they began being converted into residential units in the 1960s, and then asserts that two adjacent houses being occupied by one family should not affect the physical distinction between the two properties. But, as explained above, the ownership is not the issue; the fact is that the proposed works resulting in so intimate an arrangement, including through openable elevations facing one another across a "shared" yard will tend to weld the two properties together in a way that is not characteristic of the buildings.
- 2.11. At 5.6, the appellant again highlights the imperfections of the list description, this time pointing out that it doesn't mention "use" as a heritage concern. Again, it must be pointed out that list descriptions almost never go into this kind of detail.
- 2.12. In section 5.7, the appellant mentions a lateral connection between two other studios that took place before the site was listed, and again refers to the primacy of "historic elevations". The fact that the site was not listed at the time means that this consideration is of very little relevance to this case. It is quite possible that, were such an application to be made now (post-listing), it would be resisted on plan form grounds. This would certainly be the case if the lateral connection were to be proposed on a principal storey, where the appearance of a doorway in an incorrect position would be harmful. Such doorways are regularly resisted, even between one room and another within the same building.
- 2.13. The appellant goes on to argue in the same section of the appeal statement that the invisible connection of these two dwellings shows that there's no harm in merging them. However, it cannot be denied that a) their plan form has been harmed and historic fabric lost and b) those two other dwellings referred to differ from the appeal site in that they are directly connected to one another with a party wall, and

are of identical hierarchy. Conversely, the problem with this application (and subsequent appeal) is that it tends to connect two buildings that a) are not already connected and b) should be entirely hierarchically separate.

- 2.14. Within section 5.8, the appellant discusses the consented 2018 scheme at the same application site. The merit of the consented scheme referred to here is that it provides a discrete structure that does not connect Studio 12 to the Lodge, but maintains their separateness. It is not denied that a one-storey scheme would have less impact than a two-storey one. But the one-storey scheme has the linking effects described above, which the consented one does not.
- 2.15. The appellant notes in section 5.9 that the Primrose Hill Conservation Area Advisory Committee (CAAC) did not object to the proposal, and that they remain two separate dwellings. It should be noted that CAACs are consulted on applications within their area, but their role is merely as a consultee. The Council is well within its right to disagree with their consultees; the role of CAACs is to provide a local focus on design, conservation, and heritage matters, and their feedback on these specific areas are used to inform planning decisions.
- 2.16. Section 6.3 of the appeal statement notes that the proposal would provide amenity space to no.12, stating that *“currently 12 Primrose Hill Studios does not have the benefit of any outdoor amenity space”*. This is not strictly true, as all the studios in this group of listed buildings benefit from the central communal courtyard (accessed from Fitzroy Road). It may not benefit from private amenity space that exclusively belongs to the occupants of the property, but it does have access to outdoor amenity space. Similarly, it is worth noting that the historic character of the properties somewhat dictate the availability of private amenity space, and the lack of this is alleviated by the incredibly close proximity (less than 100m as the crow flies) to Primrose Hill park, which provides approximately 60 acres of open space.
- 2.17. In section 6.4, the appellant discusses whether or not the site is a mews property. It is the Council’s position that the relationship between the various studios facing one another across the yard ought to be different from that between the Lodge and Studio 12. Therefore, arguments about mews elsewhere in London do not apply. At this particular site, the Lodge ought not to be essentially linked to Studio 12.
- 2.18. The appellant also discussing the importance of shared/communal space in section 6.4, and repeatedly describes the space between the two appeal site properties as ‘shared’, as though it is to be public. In fact, it will be private to the users of the Lodge and Studio 12. So, given that the space will be gated at both ends and is shown containing the appellant’s car, so is private, these arguments do not apply. The yard will instead unify the Lodge and Studio 12 in an inappropriate manner, as previously described. They will not be re-providing historic, ungated access, so there is no benefit in terms of shared or communal space.
- 2.19. Within section 6.7, the Primrose Hill CAAC’s lack of objection to certain aspects of the proposal is discussed. As previously noted, the CAAC is a consultee that the Council utilises to inform planning decisions, and the proper remit of CAACs is commenting on matters affecting the character and appearance of conservation areas. It is therefore not surprising that the CAAC did not object about the detailed

design of a development that is enclosed. Where the structure would be visible – in terms of its height – the CAAC has objected.

2.20. Within the addendum that addresses the matters raised in the formal refusals, the appellant notes two further issues, relating to the plan form of no.12 and the property ownership and shared amenity matters.

2.21. The appellant states in section 3 of the addendum that adding a doorway to Studio 12 would not harm its plan form. However, this building was constructed as a double-height space with one means of access. The addition of a doorway in this space, leading to a connected side extension, would alter the unique character of the space. As stated above, it is generally considered inappropriate to add connections in principal spaces of listed buildings, especially where the very core of the building's uniqueness would be affected, as here. There is also the related loss of historic fabric that would be caused by the creation of the doorway and its associated lintel. These matters would not be an issue if the consented scheme were to be built, which is entirely structurally independent of Studio 12.

2.22. The appellant goes on to highlight an apparent discrepancy in the Council's concern about uniting the dwellings. They write:

“The Planning Officer’s Delegated Report states on the one hand that “the Council does not resist the amalgamation of the two units” but then goes on to state, in Paragraph 4.8, that the proposal “would fundamentally blur the distinction between the two properties”.

2.23. However, the paragraph that is cited actually comes after an explanation in the summary of consultation responses section of the report. The addendum also neglects to include the full quotation, which reads: *“it is noted that the amalgamation of two existing dwellings into one home is not resisted, provided there is not a net reduction in housing of more than one dwelling, as set out in Policy H3 of the Camden Local Plan. However, the joining of the two dwellings is resisted for heritage reasons, as set out in section 4 of this report”*. This makes clear that the proposal is being assessed both in planning terms and in heritage ones. Given this, there is no inconsistency.

2.24. The appellant goes on to differentiate between use and appearance. As has been explained, where listed buildings are concerned, facades are only part of the special interest. It is not the “use” that is in question; both buildings are and will remain residential. It is the harm to plan form, caused both by connecting this listed building to an extension, and by relating it to the Lodge. The proposed connection would be harmful to the plan form of Studio 12's principal space and would cause loss of historic fabric.

2.25. By constructing an elevation of extensive glazing facing another property's primary façade (which could also include extensive glazing if a previously granted permission is implemented) across a private garden, the proposal would tend to unite the two premises, by virtue of making it impossible for them to be occupied independently of one another, and would functionally link them in a way that is historically incorrect. This is harmful to their plan form.

- 2.26. The addendum notes that the planning officer suggested pre-application on the basis that there may be a revised form of development that the Council could support in this position. This would need to be designed in such a way that any loss of historic fabric is minimal and that the relationship of separateness between The Lodge and no.12 is retained, such that there is no harm to plan form. This could be achieved through changes in size, fenestration, and orientation, and could be investigated through pre-application – however, it is not appropriate to find a solution as part of an ongoing application, as suggested by the appellant. The suggestion that there may be a potentially acceptable alternative scheme does not contradict the reasons for refusal given for the application as submitted and assessed, that is the subject of this appeal.

Amenity concerns

- 2.27. Section 6.2 of the appeal statement notes contests the Council's position that the scheme would result in unacceptable amenity impacts. The appellant's reference to fixed standards or Building Regulations with respect to overlooking is totally irrelevant, as the Council's assessment is against the policies of the Camden Local Plan, not alternative regimes outside of the planning system.
- 2.28. The appellant argues that 6m is a reasonable distance between separate homes, given the shared courtyard that exists between them. The Camden Planning Guidance on 'amenity' notes that separation distances should ideally be, at a minimum, 18m between windows. It does note that there may be instances where distances of less than 18m may be acceptable, for example due to the historic character of the area, however in this instance the separation distance is very significantly less than 18m, being approximately 5.5m at the closest point between the buildings. Similarly, this is not a mews context or the same relationship as the studios have facing one another across the central yard, but a completely different context. As noted earlier in LBC's statement, the Council's position is that relationship between Studio 12 and the Lodge ought to be different than that between studios within the wider Primrose Hill Studios. It is also incorrect to assert, as the appellant does, that a separation of 5.5m is not uncommon within London. Indeed, a separation of 5.5m between the doors of one dwelling's kitchen and the doors of one dwelling's living room is quite an unusual situation.
- 2.29. The reference made in paragraph 6.2.3 to the consented 2018 scheme is not relevant to the determination of this application. Most notably, as this is a separate permission and all applications are assessed on their own merit, so the assessment of amenity impacts for a previous application from eight years ago is not relevant to this case. However, it is also worth noting that the overlooking that the appellant argues exists is at an oblique angle. The window at no.34 Kingstown Street that the appellant has indicated in their appeal statement would result in overlooking is also a high level letterbox window, so extremely unlikely to provide any direct opportunities for overlooking.
- 2.30. The refusal report for the subject applications goes into sufficient detail with respect to amenity impacts of the proposed scheme. It is noted that the appellant makes much of the fact that the two buildings that comprise the appeal site are

currently under the same ownership. The addendum to the appeal statement goes into this further, referring to HM Land Registry to demonstrate that the two properties are under one title. As has been made clear, land ownership is not a material planning consideration, and the two properties must be assessed as separate dwellings (as is also their historic character). When referring specifically to privacy, the proposed extension would completely remove the ability of the two dwellings to be occupied separately; were the sites to be separated in future, there would be an intolerable level of overlooking, so this proposal would de facto permanently merge them. This is unacceptable due to the heritage reasons set out earlier in this statement, but also for amenity reasons, as it is impossible to imagine unrelated occupants of the Lodge and Studio 12 feeling comfortable to have such a direct line of site and overlooking between two properties.

2.31. As noted earlier in this report, the appellant's quotation of the officer's refusal report in section 3.2 of the addendum as saying '*the Council does not resist the amalgamation of the two units*' is a mistaken interpretation of the Council's position. The report is clear that the Council cannot resist the amalgamation of two units into one (provided that the net loss is no more than one), but that the conjoining of the units is resisted in heritage terms. Therefore, as the units cannot be considered as amalgamated for heritage reasons (regardless of whether they are occupied as one unit), the extension would subsequently have an unavoidable impact on the amenity of the occupants of the two properties.

2.32. The appellant's objection to the use of the word 'blur' is not obviously clear or useful in understanding their position. It is a perfectly reasonable term to use in this context, to explain the lack of a distinct separation between dwellings. The suggestion that it is a subjective term has no merit or particular relevance to the case.

2.33. Overall, the proposed extension, by reason of its scale, position, and siting, would undermine the historic relationship between the two listed buildings, disrupt the planform of the host property, and result in the unacceptable loss of historic fabric, resulting in harm to the character and appearance of the conservation area and the special interest of the listed buildings. The proposal would therefore result in harm to the significance of the conservation area and listed buildings, without any public benefits. Additionally, the proposed extension would result in direct overlooking to the windows and amenity space of the neighbouring property, resulting in harm to the amenity of neighbouring properties.

2.34. In line with NPPF guidance, the Council considers that the harm to the designated heritage asset (the Primrose Hill Conservation Area) amounts to "less than substantial harm" and there are no public benefits associated with the proposal to outweigh the harm.

3. Conclusion

3.1. Based on the information set out above, and having taken account of all the additional evidence and arguments made, the proposal is considered to be contrary to Policies A1, D1, and D2 of the London Borough of Camden Local Plan 2017.

- 3.2. The information submitted by the appellant in support of the appeal does not overcome or address the Council's concerns. The proposal presents no benefits that would outweigh the harm identified.
- 3.3. For these reasons the Inspector is respectfully requested to dismiss the appeal. However, should the Inspector be minded to approve the appeal, suggested conditions are included in Appendix 1.
- 3.4. If any further clarification of the appeal submission is required, please do not hesitate to contact Sam FitzPatrick on the above direct dial number or email address.

Kind regards

Sam FitzPatrick
Senior Planning Officer
Regeneration and Planning
Supporting Communities

Appendix 1 – Suggested Planning Conditions

1. The development hereby permitted must be begun not later than the end of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

Existing plans: 170.1250.00; 170.100.01; 170.100.02; 170.100.03; 170.100.04; 170.100.05; 170.100.06.

Demolition plans: 170.100.11; 170.100.12; 170.100.13; 170.100.14; 170.100.15; 170.100.16.

Proposed plans: 170.100.21; 170.100.22; 170.100.23; 170.100.24; 170.100.25; 170.100.26; 170.100.27.

Supporting documents: Planning and Heritage Statement & Design and Access Statement (prepared by Humphrey Kelsey Architecture, dated September 2024); Car Parking Statement (prepared by Humphrey Kelsey Architecture, dated October 2024).

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

3. All new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the existing building, unless otherwise specified in the approved application.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of Policies D1 and D2 of the London Borough of Camden Local Plan 2017.

4. Before the relevant part of the work is begun, detailed drawings, or samples of materials as appropriate, in respect of the following, shall be submitted to and approved in writing by the local planning authority:

a) Details including sections at 1:10 of all windows (including jambs, head and cill), ventilation grills, external doors, and gates;

b) Manufacturer's specification details of all facing materials (to be submitted to the Local Planning Authority) and samples of those materials (to be provided on site).

The relevant part of the works shall be carried out in accordance with the details thus approved and all approved samples shall be retained on site during the course of the works.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policies D1 and D2 of the London Borough of Camden Local Plan 2017.