



Appeal Decision

Site visit made on 11 March 2025

by N Unwin BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 April 2025

Appeal Ref: APP/X5210/W/24/3353558

Flat 5, 1 Lyndhurst Gardens, Camden, London NW3 5NS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Lambros Tsentas against the decision of the Council of the London Borough of Camden.
 - The application ref is 2024/2243/P.
 - The appeal development is described as: Construction of a new conservatory at first floor level to Flat 5 over part of an existing roof terrace area.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of a new conservatory at first floor level to Flat 5 over part of an existing roof terrace area at Flat 5, 1 Lyndhurst Gardens, Camden, London NW3 5NS in accordance with the terms of the application, ref 2024/2243/P, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: L(PL)1LG-10; L(PL)1LG-20; and L(PL)1LG-21.
 - 3) The external surfaces of the development hereby permitted shall be constructed in accordance with the materials specified within the application form.

Preliminary Matters

2. Third parties have raised concerns regarding the notification of the owners of the land or building to which this application relates as part of the certificate of ownership B within the application form. Nonetheless, the Council validated the application and raise no concerns regarding this matter. Furthermore, the appellant states that as part of the planning appeal, notice was served on numbers 1,2,3,4,6, and 7, 1 Lyndhurst Gardens and there is no evidence before me to dispute this. As such, I am satisfied that no one would be prejudiced or any injustice caused by me proceeding with the appeal.
3. There was a mistake in the address within the application form. I have therefore used the address within the decision notice and appeal form within the banner heading and my decision.

Main Issue

4. The main issue is whether the proposed development would preserve or enhance the character or appearance of the Fitzjohns/Netherhall Conservation Area (CA).

Reasons

5. The appeal site is within Fitzjohns/Netherhall Conservation Area wherein I have a statutory duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.
6. The Fitzjohns/Netherhall Conservation Area Character Appraisal and Management Plan (2022) describes the character of the CA as being formed of buildings with common features, reflecting their time of construction in the late 19th and first half of the 20th century. It describes these buildings as being stylistically diverse, but predominantly draw on Queen Anne Revival and Arts and Crafts influences. It goes on to describe the character of Lyndhurst Gardens as being formed of distinctive properties exhibiting Queen Anne style, identifying 1 Lyndhurst Gardens as making a positive contribution to the area.
7. The appeal property is one of a number of flats comprising an imposing three-storey property, reflective of the scale and architecture of the surrounding large traditional buildings. Whilst the appeal building has been altered and extended, these appear subservient, and the original traditional form and architectural details remain legible. The grand scale of these buildings combined with their largely consistent architecture, including that of the appeal property, make a positive contribution to the character and appearance of the CA.
8. The appeal property forms a first-floor flat with an external terrace above a ground floor projection adjoining the main body of the property. The proposed conservatory would extend at first-floor level over part of the existing external terrace. Whilst not set back from the existing building line, it would be confined to the footprint of the ground floor projection and thus respect the form of this element. The flat roof of the proposed conservatory would reduce its massing, finishing below the first-floor eaves of the main body of the dwelling. As such, it would appear subservient and proportionate, permitting the original form, architectural detailing, and symmetry of the main building to be read, in addition to preserving the contribution that it makes to the character and appearance of the area.
9. The use of brickwork to match that of the host property and timber windows would permit a visual connection to the host building. Nevertheless, the more contemporary higher level of glazing would serve to distinguish it from the host, permitting the original fabric of the main building to be read, preserving the appeal building's contribution to the character and appearance of the CA.
10. Whilst the Home Improvements Camden Planning Guidance (2021) states that side extensions should be confined to a single storey, it goes on to say that there may be instances where a taller side extension could be permitted. Given the proposal would appear a subservient and proportionate addition, in this instance an extension above single storey level would be acceptable.

11. The Council reference two appeal decisions that included a proposed conservatory/ glazed extension within conservation areas that were dismissed at appeal. Appeal APP/X5210/W/22/3300405 was for a lean-to conservatory enclosing part of an existing roof terrace. The conservatory was far more extensively glazed than that of this appeal, lacking any similarities in its design or materials to achieve a visual coherence with the host property. Appeal APP/X5210/W/24/3343919 was for the erection of a glazed extension, enclosure of two balconies, formation of new insert balconies in addition to other alterations. The development was far more extensive than the appeal development, in addition to being within the setting of a Grade II listed building. As such, I do not consider either of these appeals comparable to the appeal before me.
12. For the above reasons, I conclude the proposed development would preserve the character and appearance of the CA and accord with Policies D1 and D2 of the Camden Local Plan (2017). When read together these policies require new development to respect local context and character, and preserve the character or appearance of conservation areas.

Other Matters

13. The Council have assessed the effect of the appeal development on the outlook, privacy, and daylight and sunlight of neighbouring occupiers. On all counts, the Council have found the appeal development to be acceptable. Whilst I have considered third party representations, given the limited scale of the proposal and its relationship to neighbouring properties, I see no reason to disagree with the Council in this regard.
14. Third parties have raised concerns regarding potential damage to properties during the construction of the appeal development. This is a civil matter and not something I can consider as part of this appeal.

Conditions

15. In addition to the standard time limit condition, I have imposed a condition specifying the approved plans as this provides certainty. I have also imposed a condition relating to materials to safeguard the character and appearance of the building and the area.

Conclusion

16. For the above reasons, I conclude that the appeal should be allowed.

N Unwin

INSPECTOR