



Date: 16 July 2013
PINS refs: APP/X5210/A/13/2194070 and APP/X5210/E/13/2194170
Our ref: 2012/5536/P and 2012/5323/L
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Chris Ries
The Planning Inspectorate
3/05a Wing
Temple Quay House
2 The Square
Bristol, BS1 6PN

Dear Mr Ries,

Appeal by Mr and Mrs N Roditi
Site at 12 Cannon Place, London NW3 1EH

I write in connection with an appeal relating to the above building located within the Hampstead conservation area.

The appeal arises from the refusal of planning permission 2012/5536/P and listed building consent 2012/5323/L on 12 December 2012 for the erection of a single-storey rear extension following demolition of existing conservatory to dwelling house (Class C3).

Planning permission was refused on the grounds that the proposed single-storey rear extension, by reason of its scale, bulk and location would be harmful to the special architectural and historic interest of the Grade II* listed host building and the character and appearance of the Hampstead Conservation Area contrary to policy CS14 (promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy; and policies DP24 (securing high quality design) and DP25 (conserving Camden's heritage) of the London Borough of Camden Core

The Council's case is set out in the delegated officer's report (refs: 2012/5536/P and 2012/5323/L) and the decision notice that has already been sent with the questionnaire and should be relied on as the principal Statement of Case. Copies of the relevant LDF policies and accompanying guidance have also been sent with the questionnaire.

In addition to these submissions, I would be pleased if the Inspector would also consider various matters set out below relating to the confirmation of the status of policy and guidance, comments on the grounds of appeal and further matters that the Council requests be considered if the Inspector is minded to grant permission.

Site

The appeal site contains a mid-19th-century, Grade-II*-listed, three-storey (plus basement) single family dwellinghouse located on the southern aspect of Cannon Place, close to its junction with Cannon Lane. The property is located within the Hampstead Conservation Area.

Planning History

9570305 – Listed building consent was granted on 27/02/1996 for the approval of details of rooflight in pursuant to Condition 03 of listed building consent (9570005), granted on 9 June 1995, for installation of glazed roof over basement area.

L9600268 – Listed building consent was granted on 28/06/1996 for alterations to front garden including removal of timber shed and addition of white painted single glazed orangery together with the laying out of a new driveway and paving.

L9603328 – Listed building consent was refused on 27/02/1997 for the formation of opening in front boundary wall to create a personal painted gate.

P9600267 – Planning permission was granted on 31/01/1996 for the erection of white painted single glazed orangery.

P9603327 – Planning permission was refused on 30/10/1996 for the formation of opening in front boundary wall to create a personal, painted timber gate.

Status of Policies and Guidance

The full text of the relevant policies was sent with the questionnaire documents.

On 8th November 2010 the Council **formally adopted** the Core Strategy and Development Policies documents of the Local Development Framework. These documents have been through an Examination in Public, and the appointed Inspector found the documents to be sound in a decision published on 13th September 2010. The relevant LDF policies are set out in the decision notices.

CS5 (Managing the impact of growth and development)

CS14 (Promoting high quality places and conserving our heritage)

DP24 (Securing high quality design)

DP25 (Conserving Camden's heritage / conservation areas)

DP26 (Managing the impact of development on occupiers and neighbours)

In refusing the application the Council also refers to supporting guidance in:

- Camden Planning Guidance 1 (Design) and 6 (Amenity) which were subject to public consultation and approved by the Cabinet on 6 April 2011.
- The Hampstead Conservation Area Statement 2002 which was subject to public consultation and was adopted by the Cabinet in October 2002.

Comments on the Grounds of Appeal

The appellant's grounds of appeal are summarised below in italics and addressed beneath:

1) The appellant states at 6.4 and 6.5 that the house was repaired after suffering bomb damage in World War II and therefore its exterior is subordinate in significance to its interior, which contains original panelling and a feature staircase, to which it owes its listing.

The building and its curtilage are listed in their entirety, and the fact that one part may be older than another does not exempt it from protection. The fact that part of the site was rebuilt after World War 2 bombing bears witness to important world events and is as such an a part of the building's history. The damaged parts were reconstructed as a reproduction of the original so, even if they do lack significance from an "original fabric" point of view, they still contribute architecturally to the building's special interest.

2 The appellant states at 6.6 that only the rear elevation of this exterior will be affected.

As noted, the building is listed in its entirety, so the fact that the development involves a rear elevation is not relevant. The rear parts are no less listed than the façade, or the interior.

3 The appellant states at 6.6 that the rear elevation is already asymmetrical and irregular in form.

The asymmetry of the rear elevation is not in doubt; however, the replacement of the conservatory with a considerably more substantial structure would entail the destruction of historic fabric, cutting through or obscuring the very attractive early-19th-century architrave, pilasters and cornice. The proposed conservatory would also crowd the historic windows and balcony. Paragraph 134 of the NPPF, the 2012 document that supersedes previous PPSs and PPGs, states that "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use". There is no public benefit in the proposal and the building is already in its optimum use, as a dwellinghouse, and can operate successfully without the alteration.

4 The appellant states at 6.7 that the existing conservatory is of no historic interest and its removal has been permitted.

The removal of the existing modern conservatory would not be contested.

5 The appellant states at 6.10 that the council's objection to the positioning of the extension is invalid because the east and west extensions mean the building is asymmetrical.

The historic extensions that cause the asymmetry of the rear elevation were added in the period before planning control. In our era, it is believed that the proposed changes would harm the building's special architectural and historic interest. Furthermore, while the existing conservatory springs entirely from a historic extension, and is therefore subordinate, the proposed extension bridges the gap between the historic extension and the original building. This blurs the distinction between the original form of the building and its subsequent expansion.

6 The appellant also states at 6.10 that the proposed addition only extends across one third of the width of the house and is only one storey tall, so would leave the main building legible, and is in proportion with the original dwelling.

It is not argued that the proposed extension would completely conceal the rear of the property; rather, that it would be unacceptably large and bulky and would diminish the special interest of the listed building.

7 The appellant states at 6.10 that the appellant states that the new building would be an improvement over the existing conservatory.

It is not in question that the building's owner would benefit from increased utility from the development. However, the harm to the listed building would not be outweighed by any public benefit.

8 The appellant states at 6.10 that the removal of the door is not major work that would harm the integrity of the building.

The early-19th-century doorway is an attractive feature of the rear elevation. We believe that its loss would constitute major work and would harm the building's architectural interest.

9 The appellant states at 6.10 that the relevant elevation is “not historic fabric”.

As noted above, the effects of important historic events 66 years ago upon historic fabric are capable of adding to the historic interest of a building rather than diminishing it. Although the fabric is not original to the building, architecturally its appearance is appropriate to the age and style of the building.

10 The appellant states at 6.12 that, being in a back garden behind a high wall, the proposal will have a negligible effect on the conservation area.

This may be so from the perspective of the public arena, but future users of the house and the inhabitants of the surrounding houses are also entitled to enjoy the conservation area.

11 Finally, the appellant states at 6.13 and 6.14 that the proposal will offer increased amenity to the occupants, who have maintained the listed building since 1994.

The fact that the owners will benefit from the changes is not a sufficient reason to adversely affect the character and appearance of a conservation area or special interest of the listed building.

Conclusion

Having regard to the entirety of the Council’s submissions, including the content of this letter, the Inspector is respectfully requested to dismiss the appeal.

If however, the inspector is minded to allow the appeal, the Council considers the conditions set out in Appendix 1 are necessary.

If any further clarification of the appeal submission is required please do not hesitate to contact Nick Baxter on the above direct dial number or email address.

Yours sincerely

Nick Baxter

Planning Officer (East Team)
Culture and Environment Directorate

Appendix 1

Suggested conditions should the appeal be allowed.

Planning permission

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) 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 policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 and DP25 if in CA of the London Borough of Camden Local Development Framework Development Policies.

Listed building consent

1) The works hereby permitted shall be begun not later than the end of three years from the date of this consent.

Reason: In order to comply with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2) All new work and work of making good shall be carried out to match the original work as closely as possible in materials and detailed execution.

Reason: In order to safeguard the special architectural and historic interest of the building in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP25 of the London Borough of Camden Local Development Framework Development Policies.

3) 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 before the relevant part of the work is begun:

a) Plan, elevation and section drawings of all new doors at a scale of 1:10 with typical moulding and architrave details at a scale of 1:1.

b) Plan, elevation and section drawings, including jambs, head and cill, of all new window and door openings.

c) Plan, elevation and section drawings of all new windows at a scale of 1:10 with typical glazing bar details at 1:1.

d) Samples and/or manufacturer's details of new facing materials (to be provided on site and retained on site during the course of the works).

The relevant part of the works shall not be carried out otherwise than in accordance with the details thus approved.

Reason: In order to safeguard the special architectural and historic interest of the building in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP25 of the London Borough of Camden Local Development Framework Development Policies.