



Appeal Decisions

Inquiry held on 1 - 2 February 2012

Site visit made on 2 February 2012

by **Olivia Spencer BA BSc DipArch RIBA**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 14 March 2012

Appeal Ref: APP/X5210/E/11/2161175 **18 Redington Road, London NW3 7RG**

- The appeal is made under sections 20 and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant conservation area consent.
 - The appeal is made by Mr Alex Midgen against the decision of the Council of the London Borough of Camden.
 - The application Ref 2010/5113/C, dated 22 September 2010, was refused by notice dated 24 March 2011.
 - The demolition proposed is demolition of an existing building and construction of a new build detached family house.
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Appeal Ref: APP/X5210/A/11/2161172 **18 Redington Road, London NW3 7RG**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Alex Midgen against the decision of the Council of the London Borough of Camden.
 - The application Ref 2010/5099/P, dated 22 September 2010, was refused by notice dated 24 March 2011.
 - The development proposed is demolition of an existing building and construction of a new build detached family house.
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Decisions

Appeal Ref: APP/X5210/E/11/2161175

1. The appeal is allowed and conservation area consent granted for demolition of an existing building and construction of a new build detached family house at 18 Redington Road, London NW3 7RG in accordance with the terms of the application Ref 2010/5113/C, dated 22 September 2010 and the plans submitted with it subject to the conditions set out in Annex A Schedule of Conditions.

Appeal Ref: APP/X5210/A/11/2161172

2. The appeal is allowed and planning permission is granted for demolition of an existing building and construction of a new build detached family house at 18 Redington Road, London NW3 7RG in accordance with the terms of the application, Ref 2010/5099/P, dated 22 September 2010, subject to the conditions set out in Annex B Schedule of Conditions.

Application for costs

3. At the Inquiry an application for costs was made by Mr Alex Midgen against the Council of the London Borough of Camden. This application is the subject of a separate Decision.

Preliminary matters

4. Application drawing 200 Proposed Garage Plan shows a swimming pool. The pool is not shown on any other application drawings and was, the appellant states, included on this drawing in error. Drawing B-200 Rev 2 submitted during the course of the appeal corrects this error by omitting the pool. This amounts to a minor amendment that would have no significant impact on any interested party. I have therefore considered the appeal on this basis.

Main Issues

5. A **section 106 agreement** to carry out the development in accordance with an agreed Construction Management Plan, to make contributions towards highway works and to construct and manage the development in accordance with an approved Sustainability Plan was submitted at the Inquiry. The Council are satisfied that the agreement overcomes reasons 2,3 and 4 of the refusal of planning permission. I therefore consider the main issues are:
 - the effect of the proposed development on the setting of 16 Redington Road which is listed grade II and the on the character and appearance of the Redington/Frogna Conservation Area
 - the effect on local hydrogeology.

Reasons

Listed building and Conservation Area

6. The Redington/Frogna Conservation Area is a well preserved example of a late 19th century and Edwardian residential suburb. The large houses typical of the area are characteristically red brick and set amongst mature vegetation. Redington Road is the longest road in the Conservation Area. The Council's *Conservation Area Statement* notes that there is no consistent architectural style in the road, but that red brickwork, clay tiles, dormer and sash windows are common elements of the Arts and Crafts, Queen Anne, Edwardian and neo-Georgian houses. The relationship between the buildings and the street varies along the length of the road. Nos.16-28 are set back from the road behind dense vegetation.
7. Nos. 18-28 are identified in the Conservation Area Statement as making a positive contribution to the Conservation Area. It was evident at the site visit that not only is the group in terms of its building type generally consistent with others in the Conservation Area, but that the space and vegetation between the houses and the street adds very positively to its verdant character. However, the house at no.18 has been much altered. In particular additions at the front of the building give it a cluttered appearance and emphasise the visual heaviness and large proportions of the mansard roof. On this basis I concur with the view expressed by English Heritage that the existing building, considered on its own, makes a neutral contribution to the character and appearance of the Conservation Area.

8. The adjoining house at no.16 is listed grade II and identified as a rare example of the work of Arthur H. Mackmurdo, designed in an innovative style for its date. The house pre-dates that on the appeal site and historic maps indicate that it was the first of the group to be built. It sits in the north-western corner of its plot but like the other properties subsequently built on the adjacent plots running north-west and similarly set back from the street, its formal, grandest and primary elevation faces the public road. No.18 was built closer to the boundary with no.20 leaving a substantial gap between this house and the listed building. However, there is nothing in the form of no.16 to suggest that it was designed to be seen as an isolated building rather than as one of a number of large suburban houses laid out along the street. Its apparently spacious and verdant setting, and the secluded character referred to by the Inspector in her 2006 decision on an appeal at no.14A derives principally in my view from the set back of no.16 and its neighbours to the north-west, and from the mature vegetation within the largely enclosed front gardens of these properties. It is an early example of high quality suburban development in Redington Road.
9. Whilst providing a substantially increased floor area, the proposed replacement building would be approximately the same height as the existing house and would sit further back from the street. The lower level of accommodation would form part of a 3 storey front elevation. There is no disagreement that the architectural approach, which would incorporate red brick, stone dressings, timber sash windows, a hipped slated roof and decorative cornice and chimneys, would be consistent with characteristic houses in the area. Existing mature vegetation at the front of the house would be retained, the 1920s garage entrance reused and the later vehicle entrance to the site replaced with a more discreet and enclosed pedestrian entrance. These are positive benefits of the scheme that would improve views of the site from the street and provide greater visual separation from Redington Road. The apparent, and characteristic, leafy seclusion of this property and thus also of the group would be enhanced.
10. The proposed building would be wider than the existing house with its east elevation some 3 metres closer to the boundary with the neighbouring listed building no.16. Whilst this may amount to a reduction of the historic distance to the boundary of some 35-40 percent, the space between the neighbouring buildings would nevertheless remain quite generous. Views from the front garden and side windows of no.16 to the appeal site would change and the removal of an oak tree from the boundary would reduce the extent of screening vegetation. However, given the suburban setting, the presence of a neighbouring large house is not now, and would not be following re-development, incongruous or unexpected. The proposed distance to the boundary would be sufficient to provide visible separation of the houses and space for boundary planting. And unlike the scheme considered at appeal at no.14A, the proposed house would not occupy a prominent location in the street nor would it sit forward of no.16. As now, no.16 would sit within its generous garden, part of a suburban street of large houses, and part of a group of detached houses within Redington Road that are set well back from the street within enclosed and verdant plots. It is these elements of the setting of the listed building which I consider contribute to its significance.
11. I conclude therefore that the proposed demolition and re-development would preserve the setting of the adjacent listed building 16 Redington Road and

enhance the character and appearance of the Redington/Frogna Conservation Area. I thus find no conflict in these respects with Policies CS14, DP24 and DP25 of the London Borough of Camden Local Development Framework (LDF) 2010.

Hydrogeology

12. I understand the concerns of local residents that the proposed scheme could impact on the hydrogeology of the area given basement works carried out at nos.14 and 14A and the hole that recently opened up in the road just a little way from the appeal site. However the potential for the proposed basement forming an effective barrier to ground water flow in combination with other structures in this part of Redington Road is very limited indeed given their different positions on the slope. The garden room under the tennis court for example sits substantially above the proposed basement (and indeed well above the measured ground water level), the swimming pools at nos.14 and 14A would sit below it. There exists thus a very different situation to that shown on the diagram extracted from the ARUP report which represents a terrace of houses.
13. A report by Morrish Structural Engineers was submitted with the application. This set out the ground conditions and the results of boreholes dug on the site and concluded that the proposed excavations and basement would have no significant adverse effect on either underlying groundwater or surface water hydrology. A more extensive investigation and report was submitted to accompany a subsequent application for a proposal that would involve excavation to the same depth and with the same relationship to the north and west boundaries as the appeal scheme. The Council's Policy DP27 requires developers to demonstrate that basement development would avoid direct or cumulative impact on the structural stability of neighbouring properties or the water environment in the local area. The policy is supported by a Supplementary Planning Document (SPD): *Camden Planning Guidance CPG4 Basements and lightwells*. This sets out in detail the information that should be included in a Basement Impact Assessment (BIA). A letter from the ARUP confirms that the more recent report by RSK follows the guidelines in the SPD.
14. The RSK report has been submitted in support of the appeal. It identifies a sloping water table within the Claygate Member and indicates that the proposed basement would intersect with the uppermost part of the water table in the northeast part of the site only. It concludes that the depth of penetration would be limited to some 0.4 metres into the water table and that it would be unlikely to have any effect on ground water flows. I have seen no evidence to indicate that either the evidence contained in the report or its conclusions are unreliable. As now, surface water would be controlled by site drainage and garden retaining walls. On the basis of the evidence before me I cannot therefore conclude that the proposed development would have any adverse impact on local hydrogeology or thus conflict with the objectives of Policy DP27.

Other considerations - Section 106 agreement

15. The proposed development would involve extensive works of demolition and construction that would have the potential to cause significant disruption to highway users in the area. Adherence to an approved Construction

Management Plan would ensure that any adverse effects in these terms would be minimised.

16. An approved Sustainability Plan would ensure the development met the sustainability objectives of LDF Policies CS13 and DP22 by requiring achievement of Code for Sustainable Homes Level 3. Whilst in my view on-going management in strict accordance with the Code may in practice be difficult for the Council to monitor and thus enforce, the appellant's undertaking to adhere to it accords with the objectives of the development plan policies to which I have referred.
17. The proposed development includes removal of an existing vehicular entrance to the site. Repair and reinstatement works to the public footway in front of the site would therefore be necessary. The agreed sum is based on an estimate for the works and is therefore both necessary and directly related in scale and kind to the development proposed. I have therefore taken the agreement into account in coming to my decision.

Conditions

18. A condition preventing demolition before a contract for construction of a new dwelling is made will ensure the site is not left in a condition that would detract from the character and appearance of the Conservation Area. Conditions requiring prior approval of materials, the provision and retention of the green roof and protection of retained trees are necessary to protect the character and appearance of the Conservation Area and to promote biodiversity in accordance with development plan policies. The provision of cycle storage will promote sustainable transport in accordance with national and development plan policies.
19. A condition requiring the development to be carried out in accordance with the approved plans is necessary for the avoidance of doubt and in the interest of proper planning. Compliance with the Code for Sustainable Homes forms part of the Section 106 agreement and relevant parts of the arboricultural method assessment are subject to a separate condition. Other documents were submitted to provide support to the application. It is not necessary therefore to include these documents in the condition.

Olivia Spencer

INSPECTOR

Annex A Appeal Ref: APP/X5210/E/11/2161175

Schedule of Conditions

- 1) The works hereby authorised shall begin not later than three years from the date of this consent.
- 2) The works of demolition hereby authorised shall not be carried out before a contract for the carrying out of the works of redevelopment of the site has been made and planning permission has been granted for the redevelopment for which the contract provides.

Annex B Appeal Ref: APP/X5210/A/11/2161172

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) No development shall take place until details of the construction, planting and maintenance of the green roof have been submitted to and approved in writing by the local planning authority. The green roof shall be installed in accordance with the approved details before the building is first occupied and retained thereafter.
- 3) All trees on the site, or parts of trees growing from adjoining sites, unless shown on the approved drawings as being removed, shall be retained and protected from damage in accordance with the protection measures set out in the submitted Tree Survey and Arboricultural Method Assessment dated 6 September 2010. Works including any demolition shall not commence on site until a Council Tree Officer has inspected and approved in writing the implementation of the tree protection measures. The protection measures shall remain in place until all development works are complete.
- 4) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. The samples shall include a panel of brickwork showing the proposed brick type, bond, mortar mix and pointing erected on site and this panel shall be retained and made available for viewing throughout the course of the construction works. Development shall be carried out in accordance with the approved details.
- 5) The cycle storage hereby approved shall be provided in its entirety prior to first occupation of the dwelling and shall be retained thereafter.
- 6) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, 001, 002, 003, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 200 Rev 2, 201, 202 Rev 01, 203 Rev 01, 204 Rev 01, 205 Rev 01, 206, 207 Rev 01, 208 rev 01, 209 Rev 01, 210, 300, 301, 400.

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

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| Mr G Atkinson of Counsel | Instructed by the Head of Legal Services |
| He called | |
| Miss H Walker BA(Hons) MSc | Principal Planner Conservation and Design |
| Miss J Litherland BA(Hons) MA | Town Planner |

FOR THE APPELLANT:

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| Mr J Pereira of Counsel | Instructed by DP9 |
| He called | |
| Mr K Murphy BArch MUBC | KM Heritage |
| RIBA IHBC | |
| Mr M Gibbs BSc MA MRTPI | DP9 |
| Dr S Williams BSc PhD CEng | Director of Geotechnical Engineering |
| MICE | RSK Environment Ltd |

INTERESTED PERSONS:

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| Mr J Alderton | Local resident |
| Mr J Sokel | Local resident |
| Cllr C Knight | Councillor |

DOCUMENTS SUBMITTED AT THE INQUIRY

- 1 Agreed Statement of Common Ground
- 2 Response to 3rd party representations submitted by the appellant
- 3 Rebuttal proof of evidence of Mr K Murphy submitted by the appellant
- 4 Bundle of 3rd party letters in support of the proposal submitted by the appellant
- 5 Draft section 106 agreement submitted by the appellant
- 6 Conservation Area Statement
- 7 Policy DP27, SPD Basements and lightwells and ARUP report Guidance for subterranean development
- 8 Bundle of documents – hydrogeology issues submitted by Mr Alderton
- 9 Bundle of photographs submitted by Cllr Knight
- 10 Rebuttal to Dr Freitas' report by Dr Williams submitted by the appellant
- 11 Further draft section 106 agreement submitted by the appellant
- 12 Section 106 agreement
- 13 Application for costs by the appellant against the Council

