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# Appeal Decision

Site visit made on 12 September 2011

**by Janet L Cheesley BA (Hons) DipTP MRTPI**

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

**Decision date: 14 September 2011**

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**Appeal Ref: APP/X5210/D/11/2156880**  
**22 Hillway, London N6 6QA**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with a condition subject to which a previous planning permission was granted.
  - The appeal is made by Mr Nicolas Wyatt against the decision of the Council of the London Borough of Camden.
  - The application Ref 2011/1351/P, dated 9 March 2011, was refused by notice dated 24 May 2011.
  - The application sought planning permission for the erection of a single-storey rear extension at ground floor level to existing dwelling house (Class C3) without complying with a condition attached to planning permission Ref 2010/5311/P, dated 30 November 2010.
  - The condition in dispute is No. 2, which states that: 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.
  - The reason given for the condition is: 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.
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## Decision

1. The appeal is dismissed.
2. The views of interested parties have been taken into account in reaching this decision.

## Preliminary Matter

3. The variation to Condition 2 sought is to permit a light-weight aluminium glazed conservatory.

## Main Issues

4. I consider the main issues to be the effect of the proposed variation of Condition 2 on the character and appearance of the host building and the Holly Lodge Conservation Area.
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## **Reasons**

5. The *Planning (Listed Buildings and Conservation Areas) Act 1990* imposes duties requiring special regard to be had to the desirability, at Section 72(1), of preserving or enhancing the character or appearance of a Conservation Area.
6. The appeal dwelling lies within the Holly Lodge Conservation Area. This is an estate built primarily in the 1920s inspired by the Arts and Crafts movement. The dwellings would have originally had timber casement windows.
7. The appeal property is characteristic of the rows of dwellings in the area and as such makes a positive contribution to the character and appearance of the Conservation Area.
8. The proposed conservatory would not be visible within the streetscene, but would be visible from neighbouring property. The appeal property and neighbouring properties have UPVC and metal framed windows in the rear elevations. I consider that these materials detract from the overall harmony and quality of the residential environment. The introduction of the proposed aluminium frame, due to the use of such an inappropriate and unsympathetic material, would create further harm. This would not preserve the character or appearance of the Holly Lodge Conservation Area and would further erode the appearance of the host building by further harm to the architectural tradition of the dwelling.
9. For the above reasons, the proposal to vary Condition 2 would be contrary to the London Borough of Camden Local Development Framework Core Strategy (2010) Policy CS14 and Policies DP24 and DP25 of the London Borough of Camden Local Development Framework Development Policies. These policies, amongst other matters, seek the highest standard of design and seek to preserve and enhance conservation areas.

*Janet Cheesley*

INSPECTOR