



# Appeal Decision

Site visit made on 19 September 2006

by **B D Bagot** BA(Arch) MCP MRTPI

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

The Planning Inspectorate  
4/11 Eagle Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN  
☎ 0117 372 6372  
e-mail: [enquiries@planning-inspectorate.gsi.gov.uk](mailto:enquiries@planning-inspectorate.gsi.gov.uk)

Date: 24 October 2006

## Appeal references: (A) APP/X5210/E/06/2009560; (B) APP/X5210/A/06/2009559 33 Heath Drive, London NW3 7SB

- Appeal A is made under Section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal of listed building consent.
- Appeal B is made under Section 78 of the Town and Country Planning Act 1990 against a refusal of planning permission.
- The appeals are made by Mr & Mrs R Boschetto against the decisions of the Council of the London Borough of Camden.
- The applications in the appeals, references (A) 2005/2233/L and (B) 2005/2232/P, both dated 2 June 2005, were refused by notices dated 25 August 2005.
- The works proposed in appeal A are internal alterations.
- The development proposed in appeal B is minor external alteration to rear elevation & extension of basement with new windows to bay on side elevation.

## Decision

1. The appeals are dismissed so far as they relate to the insertion of new windows at basement level to the existing front bay and proposed side bay, and the construction of a new garage entrance on the side elevation. Appeal A is also dismissed so far as it relates to the open planning of bedroom 1 and the adjoining dressing room as shown on the submitted plan No 023/012/P1. However the appeals are allowed and listed building consent and planning permission granted for a basement extension under the rear part of the house at 33 Heath Drive, London NW3 7SB, in accordance with the terms of the applications Nos APP/X5210/E/06/2009560 and APP/X5210/A/06/2009559 dated 2 June 2005 and the plans submitted therewith.

## Reasons

2. The appeals concern a detached 2 storey house with tall attic floor standing at the north-east corner of Heath Drive and Bracknell Gardens. The house is a grade II listed building dating from 1905, and designed in a robust form of the 'Arts and Crafts' or 'Domestic Revival' style. It is within the Redington/Frognaal Conservation Area, which is characterised by large numbers of houses designed in a similar manner. Following a period during which the house was used as 3 dwellings, works are nearing completion to return it to use as a single dwelling, in accordance with listed building consent and planning permission that were granted in October 2001. The appeal applications propose a number of alterations to the works as authorised and permitted.
3. The submitted plans and elevations, drawings Nos A8 Rev A and A9 Rev A, show one and 2 light windows set in brick surrounds to the front and new side bays at basement level, those at the front being shown as about one metre high overall, and those at the side as about 1.3 metres high overall. I saw at my visit that single light windows of

lesser height have been inserted in the basement window bays, set in rendered surrounds that give the basement floor a plinth-like appearance. However my decision must be made in relation to the applications as submitted. In that respect, the size of the proposed windows, together with the additional areas of brick facings, would upset the overall proportions of the elevations by making the house seem to have an additional lower storey. Considerable re-grading of the soil around the windows might also be required. Those alterations would be harmful to the character of the house as a listed building. The windows and brickwork would make the building more prominent in its surroundings, and would detract from, and not preserve the character and appearance of the conservation area.

4. The proposed widening of the existing garage entrance would bear no relation to architectural design of the side elevation, and would also be harmful to its proportions. That proposal is not justified by the need for wider access to the garage, or by the appellants' intention to remove and rebuild the segmental brick arch above the doorway so that it would match the width of the enlarged opening.
5. The proposed first floor plan indicates an open plan arrangement between bedroom 1 and a dressing room. That is contrary to the cellular nature of the plan form of the building, which is illustrated by the conjectural 1937 plans prepared by the appellants' former architects. I saw that a sliding door has now been inserted between the bedroom and the dressing room, and following the refusal of the appeal applications the appellants also proposed reinstating the original room to its former size, with smaller ante-rooms used for study area and dressing room. Nevertheless the proposal as submitted would not preserve the original layout of this part of the listed building, and would be harmful to its character.
6. Together with the lowering of the basement floor and underpinning at the front of the house, the basement extension and underpinning to the rear part of the house, now completed, has provided a uniform foundation level for the listed building as whole. Bearing in mind the sloping nature of the site, and the local history of subsidence on clay soil, that work has been beneficial in helping to preserve the listed building, and is justified for that reason. It has had no perceptible effect on either the character or the appearance of the conservation area, which are preserved. The basement extension is not contrary to the extract from the conservation area statement to which the Council have referred, which seems mainly concerned with preventing development in the traditional 'areas' at basement level that are commonly found between Georgian style terraced houses and the street.
7. As the basement works have been completed no condition is necessary on the grant of listed building consent or planning permission. Except for the basement extension, the proposals as submitted in appeal B are not in accordance with policies EN21, EN31 and EN38 of the London Borough of Camden Unitary Development Plan adopted in 2000, or the equivalent policies of the draft replacement plan, concerning alterations to existing buildings, development in conservation areas, and the preservation of listed buildings.

*Brian Bagot*

INSPECTOR