



Appeal Decision

Site visit made on 5 April 2005

by **David Harrison BA Dip TP MRTPI**

an Inspector appointed by the First Secretary of State

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Date ~~10 3 APR 2005~~
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Appeal Ref: APP/X5210/A/04/1163675
34 Queens Grove, London NW8 6HN

- 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 G2 Design Consultants against the decision of the Council of the London Borough of Camden.
- The application Ref: 2003/3233/P, dated 19 November 2003, was refused by notice dated 6 August 2004.
- The development proposed is the demolition of the existing garage in the rear garden and the erection of a two-storey residential building to be used ancillary to 34 Queen's Grove plus the replacement of the entrance gate by a new brick wall and entrance door facing Woronzow Road.

Summary of Decision: The appeal is dismissed.

Site description and background to the appeal

1. No.34 Queen's Grove is a Grade II Listed Building. It is one half of a pair of semi-detached mid-19th Century villas with three storeys and semi-basements, and is situated on the corner of Woronzow Road, on the edge of St John's Wood Conservation Area. The boundary between the Borough of Camden and the City of Westminster runs along Woronzow Road, and it is likely that the Westminster side of the road is included within another conservation area, although this is not made clear in the representations.
2. The garden of No.34 is about 27 m long and the garage is at the end of it, with gates onto Woronzow Road. Planning permission for the construction of an independent two-storey dwelling on the site of the garage was refused in October 2002. A proposal for the replacement of the garage at No.3 Norfolk Road (which backs on to the appeal site) with a two-storey building comprising garage with studio over was refused in June 2001. A Tree Preservation Order covers trees in the front garden of No.34 but the trees in the rear garden are protected by conservation area legislation. There is a Silver Maple (*Acer saccharinum*) between the garage and the boundary to Woronzow Road which would be affected by the proposed development.

Planning policy

3. The development plan comprises the Camden Unitary Development Plan (UDP) 2000. The Revised Deposit Draft of the UDP includes policies which bring forward similar policy objectives. In July 2002 the Council adopted revised Supplementary Planning Guidance (SPG).

Main issue

4. The main issue is whether the development would have the effect of preserving or enhancing the character or appearance of the St John's Wood Conservation Area. As part of this assessment I need to consider the effect of works to, or the loss of, the Silver Maple.

Assessment

The effect of the building upon the conservation area

5. UDP Policy EN1 (Impact on amenity and environment), Policy EN13 (Design), Policy EN14 (Setting of new development), and Policy EN31 (Conservation areas) are relevant to this issue.
6. The appellant argues that the small scale development proposed would not be prominent in the street scene. The building would be set back 2 m from the boundary with Woronzow Road, would be partly screened by the brick boundary wall, and has been designed to enhance the setting of No.34. On the opposite side of Woronzow Road there are two-storey residential buildings, including Nos.25 and 27 which have been built in what were the rear gardens of houses fronting Queen's Grove and Norfolk Road. The proposed building would not look out of place in this context, and would enhance the character of the conservation area by providing a building compatible with surrounding development in terms of design, scale and materials.
7. The Council raises no objection to the principle of a replacement building for the garage, but is concerned about the proposed increase in height and closer proximity to the road. The area is characterised by long landscaped gardens with garden buildings being single-storey, and, generally, with only their slate roofs being visible over boundary walls. The open garden setting is a key characteristic of the conservation area. The proposed two-storey building would look out of place and it would be particularly intrusive as it would have two blank rendered elevations to Woronzow Road.
8. I agree that a smaller building on a similar footprint to that of the existing garage might be acceptable but the proposed building would intrude into the open area between two substantial houses, 3 Norfolk Road and 34 Queens Grove, and would partly obscure the elegant rear elevation of the latter. There is substantial development in the equivalent location on the opposite side of Woronzow Road, (within the City of Westminster) but this is not recent development (although Nos. 25 and 27 have recently been substantially modified), and there is no reason for it to be repeated. In my view the proposed building would be harmful to the character and appearance of the conservation area as it would intensify the level of development in the open garden setting between these substantial houses. I also consider that the two-storey building would be harmful to the setting of 34 Queens Grove which is listed Grade II.

The effect of the loss of (or works to) the Silver Maple upon the conservation area

9. Policy EN16 (Site layout) refers to the need to take account of existing trees, and Policy EN35 states that the Council will seek the retention and protection of trees which contribute to the character and appearance of the conservation area. Developers will be expected to incorporate any such trees sensitively into design proposals.

10. The building would be about 1.5 to 2 m away from the Silver Maple and the appellant proposes to remove it. A report produced by a qualified arboricultural consultant (Honey Tree Specialists) describes the tree as about 12 m high with a crown spread of about 6 m. It is placed within retention category "C" as set out in BS 5837:1991 *Trees in relation to construction*, that is to say, it could be retained, but it is not "desirable" that it should be retained (category B). It is regarded as not worthy of retention due to existing bark damage which could be a site for disease. It is recommended in the report that it should be removed and another tree planted rather than the building being designed with a view to retaining it.
11. The Council argues that the tree could be retained even if the appeal building was constructed, although the removal of part of the crown would be necessary in order to accommodate the building and the scaffolding used during construction. The Council suggests that this would result in large pruning wounds and would unbalance the tree both visually and structurally. It is also argued that the necessary works could lead to the loss of the tree; to the detriment of the tree canopy and the appearance of the conservation area. There is no justification for the removal of the tree which is not diseased or showing signs of ill health.
12. The Silver Maple is quite prominent in the street scene. It was not in leaf at the time of my visit but from the photographs it is clear that it makes a positive contribution to the attractiveness of the area, along with other trees in the surrounding rear gardens, including a Silver Birch at No.34, and four street trees in Woronzow Road. The tree has sustained some bark damage but there is nothing to indicate that it would not have a reasonable lease of life if it was not encroached upon by new building works. I have already concluded that the proposed building would be harmful to the character and appearance of the conservation area, and substantial works to the tree, or the total loss of the tree, would add to this harm. In my view the proposal as a whole conflicts with the aims of development plan policies which seek to protect trees and to preserve and enhance the character and appearance of conservation areas.

Conclusions

13. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Formal Decision

14. I dismiss the appeal.

David Hamson

Inspector