



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

RECEIVED 17 MAY 2005

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Date

03 MAY 2005

Land to the rear of 102 Agar Grove, London NW1 9TL

Appeal A : APP/X5210/A/04/1142730

- 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 A Maunders against the decision of the Council of the London Borough of Camden.
- The application Ref: 2003/2482/P, dated 29 September 2003, was refused by notice dated 26 November 2003.
- The development proposed is the demolition of a single-storey garage building and the erection of a 2-storey dwelling.

Summary of Decision: The appeal is dismissed.

Appeal B : APP/X5210/A/04/1164413

- 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 A Maunders against the decision of the Council of the London Borough of Camden.
- The application Ref: 2004/2135/P, dated 17 May 2004, was refused by notice dated 3 September 2004.
- The development proposed is the demolition of a single-storey garage building and the erection of a 2-storey dwelling.

Summary of Decision: The appeal is dismissed.

Appeal C : APP/X5210/E/04/1164419

- 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 A Maunders against the decision of the Council of the London Borough of Camden.
- The application Ref: 2004/2976/C, dated 7 July 2004, was refused by notice dated 2 September 2004.
- The building proposed to be demolished is a single-storey garage building.

Summary of Decision: The appeal is allowed, and conservation area consent is granted in the terms set out below in the Formal Decision.

Site description and background to the appeals

1. The appeal site is at the end of the rear garden of 102 Agar Grove which runs alongside St Paul's Crescent. It has a frontage of about 5.1 m and a depth of 7.4 m, and is occupied by a dilapidated garage which is set behind gates onto St Paul's Crescent. No.102 is a substantial lower ground plus four storey Georgian end of terrace which is divided into flats. The garage is separated from the garden by a timber fence. No.38 Paul's Crescent is a basement plus two storey Georgian end of terrace house which lies to the south of the garage. The site

lies within Camden Square Conservation Area which was extended to include this area in 2002.

2. The application the subject of Appeal B was submitted in an attempt to overcome the objections to the earlier scheme, the subject of Appeal A. Both planning appeals raise broadly similar issues but I will consider them separately after setting out the planning policy context.

Planning policy

3. The development plan comprises the Camden Unitary Development Plan (UDP) 2000. I will refer to specific policies when I consider the issues below. 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).

Appeal A and Appeal B

Main issues

4. Notwithstanding the differences between the applications, the subject of Appeal A and Appeal B, the main issues in determining both appeals are the same. Firstly, whether the development has the effect of preserving or enhancing the character or appearance of the Camden Square Conservation Area, secondly, the effect upon the residential amenities of future occupiers and nearby residents, thirdly, the provision of residential amenity space and fourthly, the appropriate level of car parking provision.

Assessment

Appeal A: The 2003 planning application for a two-storey dwelling

The effect upon the character and appearance of the conservation area

5. The Council refers to UDP Policy EN1 (Impact on amenity and environment), Policy EN13 (Design), Policy EN14 (Setting of new development), Policy EN18 (Design of infill developments) and Policy EN31 (Conservation areas).
6. The building proposed has a ridge height of some 6.5 m. It would be about 10 m from the rear of No.102 and immediately next to the boundary with No.38 St Paul's Crescent. The main characteristic of this part of the conservation area is substantial terraced houses which dominate the street scene, together with open garden areas at the rear of the houses. The introduction of a two-storey house with a gable end facing the road would appear incongruous immediately next to the elegant façade of No.38 St Paul's Crescent which is of quite different proportions. Furthermore, the front wall of the house would be directly in line with the existing boundary wall of No.102 with the entrance door and front windows right next to the pavement. The front wall would be some 3.5 m in front of No.38, and in this position the house would intrude into views down St Paul's Crescent and also cut off the open view over the rear gardens of the houses in Agar Grove.
7. The appellant argues that the proposed building would be a subordinate feature compared with the existing buildings and would preserve the character and appearance of the conservation area. I disagree. In my view the proposal would harm the character and appearance of the conservation area and would conflict with the policies in the development plan referred to by the Council. I intend to dismiss the appeal.

The effect upon residential amenity

8. Policy EN19 (Amenity for occupiers and neighbours) is concerned with, among other things, the implications for daylight and sunlight into and between properties and the extent of any loss of privacy. Section 2.3 of the SPG is concerned with the internal arrangements of dwellings, and it is suggested that rooms should have adequate lighting and ventilation. The Council is concerned about the level of amenity for the occupants of the first floor rear bedroom which would have inadequate light and outlook, as it is only lit by a rooflight. The appellant maintains that this is common practice in building conversions and complies with Building Regulations and environmental health requirements. Whilst this drawback would not in itself be a reason for refusing the application, this adds weight to my decision as it is indicative of the cramped nature of the development.
9. The Council is concerned about a loss of privacy to the flats at No.102 due to the kitchen and lounge windows which directly face the flats. If the existing timber fence is retained it will be immediately in front of these windows. This would eliminate the overlooking but would have a serious effect on the outlook from these rooms. The appellant is prepared to obscure glaze these windows but in my opinion this would not overcome the objection. This is a further indication of the difficulty of attempting to build a house on this confined plot, and adds weight to my decision to dismiss the appeal.

Residential amenity space

10. Policy HG13 (Provision of amenity space) states that where practicable, the Council will expect the provision of accessible garden space, private and/or communal, the size of which will depend on the location of the site, its physical conditions and constraints, and the scale and housing mix of the development. In this case there is no outside space whatever, and no provision for refuse bins. The appellant argues that this is a matter of personal choice for the potential occupiers, and there is public open space nearby. Paragraph 6.54 of the supporting text suggests that the overall pattern of gardens in relation to the built environment in the surrounding area should inform and guide the dimensions and design of new gardens. It seems to me that the lack of any garden at all is uncharacteristic of residential development in this part of the conservation area (apart from flat conversions). Not only does it indicate a poor level of amenity for the future occupiers, but in visual terms, the lack of a curtilage emphasises the cramped nature of the development, and this reinforces my decision.

Parking provision

11. No off-street parking provision is proposed. Policy TR17 is concerned with residential parking standards. Where it is not practicable to comply with the Council's minimum parking standards, the Council will consider designating the development car-free if it is located in an area of parking stress and within a controlled parking zone. The site lies within such a zone. A two-bedroom house would require a minimum of one parking space. The site has good accessibility to public transport, so if the scheme had been acceptable in other respects the Council would have invited the applicant to enter into a Section 106 agreement for car-free housing. The appellant argues that there is adequate provision of on-street parking through the "residents only" scheme, but the Council maintains that space is limited and car-free housing is required to prevent excessive competition for limited spaces. The lack of any arrangements for parking or any agreement to car-free housing weighs against approval of the scheme.

Conclusion

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

Appeal B: The 2004 planning application for a two-storey dwelling

The effect upon the character and appearance of the conservation area

13. This house would have a similar ground floor layout but only one bedroom occupying the whole of the first floor. In this proposal the building is set back from the pavement by 1 m, but it would still be 2.5 m in front of No.38 St Paul's Crescent, and would still be a significant intrusion into the street scene in my view. As in the case of Appeal A, the appellant maintains that the building would be subordinate to nearby buildings and would not harm the character or appearance of the conservation area. However, my conclusion is that the overall effect would still be seriously harmful to the street scene and the character and appearance of the conservation area, and I intend to dismiss the appeal.

The effect upon residential amenity

14. The proposed bedroom is lit only by rooflights, and the appellant makes the point that this is a common arrangement. As with Appeal A, whilst this drawback would not in itself be a reason for refusing the application, it adds weight to my decision, as it is indicative of the cramped nature of the development. There are no windows facing the rear of No.102, but there is no alternative source of natural light to the kitchen, which would result in a poor standard of amenity for the occupants. Again, this adds weight to my decision.

Residential amenity space

15. The proposal includes a small forecourt area 1 m deep and whilst this overcomes the difficulty of refuse storage, the very limited amount of amenity space is completely at odds with the size of gardens in the locality. Both parties rely on the same arguments as for Appeal A. My conclusion is that there is an inadequate area of residential open space and this adds weight to my decision.

Parking provision

16. Again, both parties rely on the same arguments as for Appeal A. I reach the same conclusion, that is to say, that the appellant's failure to address the parking issue adds weight to my decision to dismiss the appeal.

Conclusion

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

Appeal C: The application for conservation area consent for the demolition of the garage

The scope of the application

18. The Council refers to the effect of the loss of the gates and part of the boundary wall to St Paul's Crescent but I do not believe this is part of the proposed demolition. The proposal as stated on the application form is "demolition of existing garage", and the refusal notice describes the development as "demolition of existing single-storey garage building". The

plan submitted with the application is not numbered but is dated March 2004, and is the same plan that is submitted with the application the subject of Appeal B. There is no notation indicating the building (or other structures) which are proposed to be demolished, so it is necessary to rely on the written description of the proposal. It seems to me that the Council's assumption that the application for demolition includes the removal of the gates and the partial demolition of the boundary wall in St Paul's Crescent is wrong. I intend to treat the application as a proposal to demolish the garage only.

Assessment

19. The garage is an insubstantial structure about 2 m high with a flat roof. It is open at the front and partly open at the back, giving it more the appearance of a car port. Most of it is screened from view by the boundary wall and gates which are about 1.5 m high.
20. Paragraph 4.27 of Planning Policy Guidance Note 15 *Planning and the Historic Environment* sets out advice on dealing with applications to demolish buildings in conservation areas. In less clear-cut cases, where a building makes little or no contribution to the character or appearance of a conservation area, the local planning authority will need to have full information about what is proposed for the site after demolition. Consent for demolition should not be given unless there are acceptable and detailed plans for any redevelopment.
21. The Council describes the garage as making a limited contribution to the conservation area. It has no special architectural merit and is in poor condition. The appellant notes that the Council's concern is with the loss of boundary enclosure, rather than the garage itself, and suggests that consent for demolition could be granted subject to a condition requiring a scheme for the proposed boundary treatment to be agreed before demolition takes place.
22. I agree that the garage building has no visual merit and I believe that demolition is acceptable, even in the absence of any approved alternative form of development. I have given careful thought to the advice in PPG15, but as the Council has stated that the return of the site of the garage to garden land is acceptable, I see no reason why the lack of a clear alternative form of development should weigh against the granting of consent in this particular case.

Conclusion

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

Formal Decision

Appeal A : APP/X5210/A/04/1142730

24. I dismiss the appeal.

Appeal B: APP/X5210/A/04/1164413

25. I dismiss the appeal.

Appeal C: APP/X5210/A/04/1164419

26. I allow the appeal, and grant conservation area consent for the demolition of a garage² (which does not include the demolition of any part of the boundary wall or the gates) at 102 Agar Grove, London NW1 9TL in accordance with the terms of the application Ref: 2004/2976/C dated 7 July 2004 and the plans submitted subject to the following condition:

- 1) The works hereby authorised shall be begun not later than 5 years from the date of this consent.

David Harrison

Inspector