

Appeal Decision

Site visit made on 30 April 2002

Dismissed

by C S Turner MA BA DipTP MRTPI DMS

an Inspector appointed by the Secretary of State for Transport,
Local Government and the Regions

The Planning Inspectorate
4/09 Kite Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
☎ 0117 372 6372
e-mail: enquiries@planning-
inspectorate.gsi.gov.uk

Date, 13 MAY 2002

Appeal Reference: APP/X5210/A/01/1080621

The ground floor flat, 35 Downside Crescent, London NW3 2AN

- 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 by Maceplace Ltd against the decision of Camden London Borough Council.
- The planning application that led to this appeal (reference PEX0100549/P9/13/3) was dated 3 July 2001 and was refused by a notice dated 21 August 2001.
- The development proposed is a new Victorian style orangerie to the side of the building to replace the existing garden structure.

Summary of Decision: the appeal is dismissed.

Planning Context

1. The appeal site is in the Parkhill and Upper Park Conservation Area. Section 72 of the 1990 Planning (Listed Buildings and Conservation Areas) Act requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.
2. Section 54A of the 1990 Town and Country Planning Act indicates that planning applications and appeals should be determined in accordance with the development plan for the area unless there are material considerations that indicate otherwise. For the purposes of this appeal, the development plan is the *Camden Unitary Development Plan*, adopted in 2000.
3. This also says that development in conservation areas should preserve or enhance their character or appearance. The UDP also says alterations should retain existing original features (or restore them) where these are an important townscape element or contribute to the architectural integrity or proportions of the building or group. Materials that make a positive contribution to the character of the building should be used. Proposals to extend buildings are also to relate to the form, proportions and character of the building and its setting and have regard to the historic pattern of development in the surrounding area.
4. More generally, development is not to have an adverse impact on the amenity of the surrounding area and the quality of the wider environment. A high standard of design is encouraged and proposals are to have regard to their surroundings, the character of the area and the prevailing architectural style
5. There is more detailed design guidance in the Council's *Conservation Area Statement* and *Supplementary Planning Guidance*.

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The Main Issue

6. Bearing in mind the planning context set out above, I consider that the main issue in the appeal is the impact that the proposed structure would have on the character and appearance of the existing building, the street scene and the Conservation Area.

Reasoning

7. The proposal would replace an existing structure on the side of the building. The existing structure is a raised platform with ornamental fencing and an open super-structure all made of stained wood. I shall refer to this as the pergola to distinguish it from the proposed orangerie, which would be more akin to a conservatory because it would be glazed.
8. The Council has acknowledged that the pergola is lawful development, although it originally took the view that it was unauthorised. This has ramifications for the appeal because any assessment of the orangerie and its impact should therefore be made in comparison to what is at the site now. Thus, I attach little weight to considerations of whether or not it is acceptable in principle for any structure to be added to the side of this building. What is at issue, in my view, is how the impact of the proposed orangerie would compare to the impact of the existing pergola.
9. The character and appearance of this conservation area is determined by its residential use and its large Edwardian red brick buildings, originally houses but now often divided into flats (as at the appeal site). Although the house designs vary they are designed, detailed and laid out to relate to each other and to create a formal and composed street scene.
10. The proposed siting of the orangerie is on the side of the main building on the Lawn Road frontage. It would not be visible from Downside Crescent until one is in front of the site. Its main visual impact would be apparent in Lawn Road.
11. The proposed orangerie would be larger than the existing pergola, both in its footprint and height, although the increase in height does not apply over the whole of the structure. It would also be glazed where the existing structure is not. Because of this, it is likely that it would be more used (and lit) at night, at dusk and in winter. All these considerations would increase its visibility, "presence" and visual impact.
12. As to the design of what is proposed, I find that I have no details of the materials that it is intended to use. However, the Council has suggested a possible condition to the effect that the frame of the orangerie should be made of wood, painted to match the windows in the house with the plinth made of bricks to match those in the house. Since the appellants do not oppose this suggested condition I will proceed on the basis that this is what is intended.
13. On this basis I consider that the design and appearance of what is proposed would be more in keeping with the character and appearance of the main building than the rough stained finish of the wood in the pergola. In general I find the detailing, shape and design of what is proposed to be sympathetic to the period and detailing of the surroundings. For the avoidance of doubt, I record that in my view the same could not be claimed for a PVC or metal (eg aluminium finish) structure.
14. Even though it would be larger than the pergola, the proposed orangerie would be much smaller than the main building itself and would clearly be subordinate to it. It would be on the side elevation, set back a little from the main front façade. The Council says that it

would be out of scale with the windows in the building's east elevation but it would be against a blank part of the wall so that it would not disrupt the existing pattern. Indeed, in my view it could be said to enliven what is now a rather dull part of this elevation. I conclude, therefore, that the impact on the building itself – assessed in isolation – would be no worse than what it would replace and would be acceptable in this respect.

15. As far as the street scene is concerned, I consider that it is the impact in Lawn Road that is most important. This is a prominent corner site. The proposed structure would protrude in front of the original building line in Lawn Road. Because of its elevated position, height, bulk, light coloured woodwork, glazing and lighting it would be an obtrusive feature – to a greater extent than the existing pergola. Especially from the south it would disrupt the original pattern and arrangement of the buildings because of its intrusion in front of the building line, which I regard as an important part of the historic pattern of the area. Notwithstanding its merits as a design compared with the pergola, I conclude that it would harm the street scene.
16. Turning to the impact on the Conservation Area as a whole, I have already concluded that the design itself would be acceptable. However, because of its harmful impact on the street scene – and especially because it would disrupt the historic pattern of the building line in Lawn Road – I conclude that it would neither enhance nor preserve the overall character and appearance of the area.

Other Matters

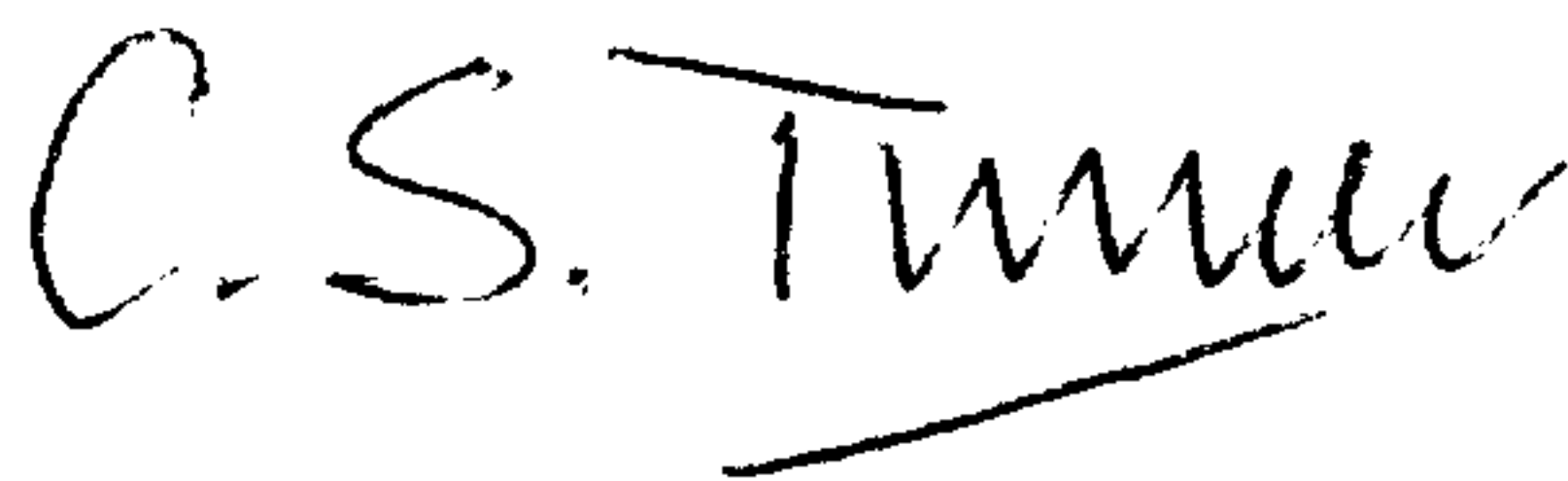
17. I have taken into account all the other matters raised in the written material that has been sent to me but can find nothing to override or outweigh these conclusions. In particular I have considered the other examples of side extensions the appellant has brought to my attention but none of these are comparable to this proposal or, more importantly, this prominent corner site.

Conclusion

18. Overall therefore, whilst the proposal is not without some merit in terms of its detailed design, I conclude that on balance it neither complies with Section 72 of the 1990 Planning (Listed Buildings and Conservation Areas) Act nor accords with the Development Plan. Accordingly I conclude that the appeal should be dismissed.

Formal Decision

19. For the above reasons and in exercise of the powers transferred to me, I dismiss the appeal.



INSPECTOR