
Appeal Decision

Hearing held on 2 September 2014

Site visit made on 2 September 2014

by Thomas Shields MA DipURP MRTPI

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

Decision date: 16 September 2014

Appeal Ref: APP/X5210/A/14/2216978
5 and 6 Cliff Villas, London, NW1 9AL

- 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 Camden Development Company Limited against the decision of the Council of the London Borough of Camden.
 - The application Ref 2013/7259/P, dated 11 November 2013, was refused by notice dated 6 March 2014.
 - The development proposed is the demolition of the existing three storey plus basement buildings at 5 and 6 Cliff Villas and erection of a new six storey building, comprising twelve residential units.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of the existing three storey plus basement buildings at 5 and 6 Cliff Villas and erection of a new six storey building, comprising twelve residential units at 5 and 6 Cliff Villas, London, NW1 9AL in accordance with the terms of the application, Ref 2013/7259/P, dated 11 November 2013, and the plans submitted with it, subject to the schedule of conditions set out in the Annex to this decision.

Procedural Matters

2. Revised drawings amending the set back and layout of the fifth (top) floor were submitted with the appellant's statement of case. The Council was concerned that local residents had not had sufficient time to consider and comment on these. For clarity, I have determined the appeal on the basis of the original drawings submitted with the planning application.
3. The design of the proposed replacement building was closely based on an earlier design which received a positive response in pre-application advice from the Council in 2008. However, that advice pre-dated the Council's current Development Plan policies and the Framework¹. Accordingly, I have determined the appeal on its own merit in the light of current local and national planning policies.
4. Following the Council's determination of the application, and prior to the Hearing, a Section 106 agreement was completed and signed by both of the main parties. I return to this matter later.

¹ National Planning Policy Framework (2012)

5. An appeal² against the Council's decision to refuse prior approval of a notification under the GPDO³ for demolition of the existing buildings is subject of a separate decision.

Main Issue

6. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

7. Cliff Villas is a quiet street which runs between Cliff Road and Camden Green Road, close to and parallel with the busy York Way in Camden.
8. The appeal site comprises Nos. 5 and 6 Cliff Villas (the villas), a pair of semi-detached villas with front and rear gardens, and currently internally sub-divided and occupied as 8 flats. The villas are located on the eastern side of the street between a large warehouse building, known as the Depository, at the corner of Cliff Villas to the north, and Brecknock Primary School immediately to the south. Nos. 41-95 Camelot House, a 5 storey housing scheme, occupies the western side of the street. Other than the imposing Depository building, and the school on either side of the appeal site, the street scene remains predominantly residential in character.

Existing buildings

9. Contrary to the appellant's view, the Council argues that the villas possess architectural and townscape significance, such that they should be regarded as non-designated heritage assets, and that their demolition would harm the character and appearance of the area contrary to local and national planning policies.
10. The villas are a symmetrical pair being 3 storeys over a raised basement, and have rusticated stucco imitating block stonework across the front ground floor elevation. Steps bound by balustrade walls lead up to portico entrances, front elevation windows at first floor have classical Ionic pilasters below pediments, and upper floor windows are framed inside moulded architraves. The villas are typical examples of many such Italianate-styled properties constructed around the mid-19th Century in London. Although the front façade is in need of some restoration work the villas are nonetheless attractive in their own right. I consider they have some architectural significance which contributes to the local character and appearance of the street scene.
11. At the southern end of Cliff Villas there are properties of similar architectural style. These include two semi-detached villas at Nos. 19-21, and No. 22 a detached villa. From historical map evidence it is clear that these buildings, together with the villas, are the remnants of the original crescent of dwellings along the eastern side of Cliff Villas that fronted the reservoir (now Camelot House). I consider that these remaining buildings share some group townscape significance resulting from their shared historical and visual relationship which I was able to see during my visit to the appeal site and the surrounding area.

² Appeal APP/X5210/A/14/2219998

³ Town and Country Planning (General Permitted Development) Order 1995, Schedule 2, Part 31

12. The appellant argues that the internal and external conditions of the villas are poor, and that the existing 8 flats fail to meet modern housing standards, for example in terms of habitable space and level access. From my observations during my visit to the appeal site I have no reason to disagree. However, there is no convincing evidence before me to indicate that restoration, together with an improvement of living conditions to an appropriate standard for historic buildings, would be financially unviable with regard to asset or rental values. Accordingly, I attach little weight to these considerations.
13. The appellant also argues that the villas are but two examples of many such buildings in London, including in Camden, and that far better examples exist, such that their significance should be regarded as minimal. Having regard to the wider area I have some sympathy with that view, but I do not accept that their significance is minimal.
14. I agree with the Council that the large adjacent Depository building is anomalous to the predominantly residential character and appearance of the street scene. Due to its height and bulk it is vastly out of scale with the villas, and indeed all other buildings in the street. In particular, the flank elevation is a dominant and severely overbearing backdrop against which the villas are seen from southern and more directly facing views. Consequently, the villas' positive contribution to the character and appearance of the area is somewhat marred by this poor relationship.
15. Overall, notwithstanding that the villas are included on a draft 'local list', which may or may not be adopted by the Council in due course, I consider that for the reasoning set out above, the villas have a limited degree of local significance and hence should be regarded as non-designated heritage assets.

Proposed building

16. The Council's chief concerns are that the proposal would harm the character and appearance of the area due to its height, bulk and forward projection.
17. The proposed replacement building would be a contemporary 6 storey design, set back at fourth and fifth floor levels and constructed in brick and comprising 12 apartments, 2 on each floor. The apartments would have their own amenity space which consists of private courtyards, balconies and roof terraces. Decorative brickwork features would reference other buildings in the street. The front elevation would have regular framed openings onto the street with inset balconies, and there would be a tall curved screened façade to the rear elevation. A high level front boundary wall would match those adjoining on either side.
18. Although I agree with the Council that the form and scale of the Depository building owes its appearance to the context of larger buildings on York Way, it nonetheless remains an imposing feature in the street scene context of Cliff Villas. From the appellant's DAS⁴, and from evidence I heard during the Hearing, I consider that the design of the proposal in terms of height and scale is appropriately influenced by the contextual relationship it would have with the Depository building as well as other buildings in the street.
19. I accept that the proposal would be higher than the adjacent school building and Camelot House (opposite). However, due to the setting back of the upper

⁴ Design and Access Statement

- 2 storeys the height would step down towards those two buildings, such that the massing of the building most prominent in the street scene would comprise the first 4 storeys. As a result, I consider that the building would not appear overly tall or out of scale with surrounding buildings and would sit comfortably in the street scene.
20. The front building line of the lower storeys of the proposal would project a little further forward than the adjoining Depository building and other buildings in Cliff Villas. However, I consider that would not result in any significant harm to the character and appearance of the street scene.
21. Moreover, the height, massing and positioning of the proposed building would substantially reconcile the disparity of scale between the Depository building and other residential properties, a relationship which is detrimental to the street scene as I have previously described. In particular, the expansive and dominant southern flank wall of the Depository building would largely disappear from views. It would be replaced by the proposal's more detailed and interesting front and south facing elevations which, being overtly residential in appearance, would add a greater resonance to the residential character of Cliff Villas. In my view this would enhance the character and appearance of the street scene.
22. Paragraph 135 of the Framework sets out that in weighing applications that affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. Given that the Framework post-dates the Council's Development Plan policies I attach significant weight to it in reaching my decision.
23. I consider that the considerations weighing against and in support of the appeal are finely balanced.
24. Weighing against the appeal, the proposal would result in the loss of non-designated heritage assets in conflict with Policy CS14. Their loss would also conflict with Policy DP25 which seeks to protect heritage assets, referred to by the Council at the Hearing. However, I have previously found that their significance is limited.
25. In support of the appeal, the proposal has considerable merit as I have previously described. It would be of a high standard of design that would respect local context and character, and the form and scale of neighbouring buildings. As such, it would accord with Policy CS14⁵ and Policy DP24⁶. In addition, the Council does not dispute that the proposal would have positive benefits in meeting or exceeding requirements of other Development Plan policies, including for example in respect of its priorities for dwelling size, access, and habitable and private amenity space standards. It would also achieve the Code for Sustainable Homes Level 4, and the Lifetime Homes standard.
26. In conclusion, in the particular circumstances of this case, I consider that the balance tips in favour of allowing the appeal.

⁵ Camden Core Strategy (2010)

⁶ Camden Development Policies (2010).

Other matters

27. I have been provided with a Section 106 Agreement completed and signed by both of the main parties. It requires a construction and demolition management plan, a post-construction assessment to ensure a Level 4 COSH rating and maintenance of sustainability measures, and car free development for the extra 4 residential units. In addition, it requires financial contributions from the developer in respect of local education, off-site highway works, and public open space.
28. The policy context for these obligations is set out in Policies CS5, CS10, CS11, CS15, CS19, DP15, DP16, DP17, DP18, DP20, DP21, DP22, DP26 and DP31. In addition, the council provided detailed evidence in respect of the need for the various requirements, including how the financial contributions would be spent. From the evidence before me I am satisfied that the levels of contributions are necessary and fairly and reasonably related in scale and kind to the proposed development. As such, the Agreement would meet the statutory tests set out in Regulation 122 of the Community Infrastructure Regulations (2010). Accordingly, I have taken it into account in reaching my decision.
29. Local residents who live at the rear of the proposed development on York Way are concerned that the proposal would adversely affect their living conditions in respect of daylight and sunlight, privacy, noise, and property values. I was able to view the appeal site and the proposal from the rear of two of the neighbouring properties on York Way (one at ground floor, one at top floor).
30. Notwithstanding the conflicting views between the two consultants representing the appellant and local residents, I consider that the proposal would have a minor impact on daylight and sunlight to the rear of properties on York Way. However, I am satisfied that the impact would not be so significant that it would unacceptably affect the living conditions of local residents.
31. Given the intervening distances between the proposal and the rear of properties on York Way, together with the proposed curved vertical screen, positioning of balconies and terraces, and the existing tall lime tree, I consider there would be no unacceptable level of harm to the living conditions of neighbours resulting from overlooking. In addition, there is no evidence before me which would lead me to conclude that domestic use and activities in the proposed development would give rise to any unacceptable increase in typical noise levels for residential areas. Moreover, these concerns did not form one of the Council's reasons for refusing the application.
32. Concerns relating to feared effects on property values are not material planning considerations to which I can attach any significant weight.
33. None of the other matters raised, either individually or collectively, are of such significance that they would outweigh my conclusions on the main issue.

Conditions

34. The Council have suggested 11 conditions, which I have considered against the advice in the national Planning Policy Guidance and retained Annex A (model conditions) of former Circular 11/95: Use of Conditions in Planning Permission. Where necessary and in the interests of precision, I have amended them to bring them in line with the guidance.

35. In addition to the statutory 3 year limitation for implementation it is necessary, for the avoidance of doubt and in the interests of proper planning, to define the plans with which the scheme should accord.
36. Given the prominent location of the development, conditions are required to protect the character and appearance of the area. These include the development's materials and protection of the TPO⁷ tree during demolition and construction, and a condition which prevents the demolition of the existing buildings until a contract for carrying out re-development of the site has been made, and for which planning permission has been granted.
37. In the interests of ensuring the delivery of a high quality design and sustainable and accessible development, it is necessary to impose conditions to secure the details and provision of energy resource and efficiency measures, on-site renewable energy sources, refuse and secure cycle storage, and lifetime homes features and facilities.

Conclusion

38. For all the above reasons, and taking account of all other matters, I allow the appeal.

Thomas Shields

INSPECTOR

Attached – Conditions Schedule

⁷ Tree Preservation Order

ANNEX

CONDITIONS SCHEDULE

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: PL 001, PL 002, PL 003, PL 004, PL 005, PL 006, PL 007, PL 008, PL 009, PL 010, PL 100, PL 101, PL 102, PL 103, PL 106, PL 107, PL 108, PL 200, PL 201, PL 202, PL 203, PL 300, PL 301, PL 011, PL 012, PL 013, PL 014, PL 015, PL 016, PL 017, Arboricultural Impact Appraisal and Method Statement, (Ref:13317-AIA-MW), Tree Protection Plan (Ref: 01613 A & SK 100 REV C), Code for Sustainable Homes Pre-Assessment Report, dated 08/11/2013, Energy Strategy Report dated 07/11/2013.
- 3) The details of the facing materials to be used on the building shall not be otherwise than as those submitted to and approved in writing by the local planning authority before any work is commenced on the relevant part of the development. The relevant part of the works shall not be carried out otherwise than in accordance with the approved details.
- 4) A sample panel of the facing brickwork demonstrating the proposed colour, texture, face-bond and pointing shall be provided on site and approved in writing by the local planning authority before the relevant parts of the works are commenced and the development shall be carried out in accordance with the approval given. The sample panel shall be retained on site until the work has been completed.
- 5) All work shall be carried out in accordance with the relevant recommendations of British Standard 3998: 2010. (Recommendation for Tree Work)
- 6) All trees on the site, or parts of trees growing from adjoining sites, unless shown on the permitted drawings as being removed, shall be retained and protected from damage in accordance with the approved protection details.
- 7) Before the development commences, details of a secure and covered cycle storage area for 12 cycles shall be submitted to and approved in writing by the local planning authority. The approved facility shall be provided in its entirety prior to the first occupation of any of the new units, and permanently retained thereafter.
- 8) The lifetime homes features and facilities as indicated on the drawings and documents hereby approved shall be provided in their entirety prior to the first occupation of any of the new residential units.
- 9) The demolition hereby permitted shall not be undertaken before a contract for the carrying out of the works of redevelopment of the site has been made and full planning permission has been granted for the redevelopment for which the contract provides.
- 10) Prior to first occupation of the building, details showing the location and extent of photovoltaic cells/solar water heaters to be installed on the building and manufacturer's specifications shall have been submitted to and approved in writing by the local planning authority. The equipment shall be installed in full accordance with the approved details and permanently retained thereafter.
- 11) Before the development commences, details of a secure and covered refuse storage area which would not overhang the public highway (including footway)

shall be submitted to and approved in writing by the local planning authority. The approved facility shall thereafter be provided in its entirety prior to the first occupation of any of the new units and permanently retained thereafter.

END OF SCHEDULE

APPEARANCES

FOR THE APPELLANT:

Iain Rhind BA (Hons) MPhil MSc DipUD MRTPI	Nathaniel Lichfield & Partners
Ben Kelway MPhil BSc MRTPI	Nathaniel Lichfield & Partners
Frances Young	Nathaniel Lichfield & Partners
Dominic May	Method Architects
Wendy Ebringer	Method Architects

FOR THE LOCAL PLANNING AUTHORITY:

Alan Wito BSc (Hons) MSc IHBC	Senior Planning Officer, Conservation
Gideon Whittingham BA BSc (Hons)	Senior Planning officer

INTERESTED PERSONS:

L. Frazer	Near neighbour
D. Rodrigues	Near neighbour
Natasha Thompson	Near neighbour