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Dear Ms Wootton,

Planning Appeal by Mr Stephen Chrulew
Site at 14 Daleham Mews, London, NW3 5DB

Appeal against refusal of planning permission for change of use of part of ground floor vehicle repair garage (Class B2) to utility / storage room ancillary to first floor flat (Class C3) and erection of first floor rear extension to flat.

The Council's case for this appeal is largely set out in the officer's delegated report dated 06/06/2014 which details the site and surroundings, the site history and a consideration of the main issue: visual amenity. A copy of the report was sent with the questionnaire.

In addition to the information sent with the questionnaire I would be pleased if the Inspector could take into account the following information and comments, before deciding the appeal.

Summary of issues

The site is a two storey mews property on the western side of Daleham Mews, located in the Belsize Park Conservation Area. The development would result in the loss of a small area of floorspace of the existing vehicle repair garage. There is no objection to this element of the appeal proposal. The main issue is the harmful impact the proposed first floor extension would have on the host property and the conservation area. The height of the extension would extend to eaves level and so would have an uncomfortable relationship with the rear elevation of the host property and would appear incongruous and clumsy. Therefore the proposed extension would harm the architectural integrity of the mews property and would neither preserve nor enhance the conservation area.

Status of Policies and Guidance

The London Borough of Camden Local Development Framework was formally adopted on the 8th November 2010. The policies of relevance to the appeal scheme as expressed in the reasons for refusal are: CS14 and DP24 and DP25 (The full text of the relevant policies was sent with the questionnaire documents).

The Council also refers to supporting guidance documents: The Camden Planning Guidance has been subject to public consultation and was approved by the Council in December 2011 and CPG1 (Design) was amended and approved 4th September 2013. The Belsize conservation area statement was adopted by the Council in April 2003.

With reference to the National Planning Policy Framework 2012, policies and guidance contained within Camden's LDF 2010 are up to date and fully accord with paragraphs 214 – 216 (Annex 1) of the NPPF and should therefore be given full weight in the decision of this appeal. The National Planning Policy Framework was adopted in April 2012 and states that development should be refused if the proposed development conflicts with the local plan unless other material considerations indicate otherwise. There are no material differences between the Council's policies and the NPPF in relation to this appeal.

Comment on the Appellant's Ground of Appeal

The appellant grounds of appeal can be summarised as follows.

1. The rear extension conforms to Camden Planning Guidance 1: Design as the extension would appear as a subordinate, secondary addition to the original building and would not project above the existing eaves level of the building.
2. The rear elevation is not identified as important in the conservation area statement.
3. The proposal respects the historic pattern of development in the surrounding area, to some extent mirroring the existing first floor rear extension at the attached property to the north and would not rise above the general height of neighbouring projections and nearby extensions.
4. The privacy screen is a permanent structure, of robust construction and is subject to ongoing repair and maintenance. Since the application was submitted, trees have been planted adjacent to the rear boundary of the site, which provide additional screening
5. The local planning authority has afforded insufficient weight to the fact that the extension would be virtually invisible from all surrounding sites and the street scene.

The Council's comments on the grounds of appeal

The Council does not accept the appellant's assertions and will address each of the appellants' grounds of appeal individually replicating the format above.

1. Conformity to Camden Planning Guidance

Whilst the extension conforms to some of the principles set out in CPG, significantly, it would not respect and preserve the original design and proportions of the building or respect and preserve the historic pattern and established townscapes of the surrounding area (paragraph 4.10 of CPG1 Design).

Moreover CPG 1 states that extensions that are higher than one full storey below roof eaves/parapet level will be strongly discouraged (paragraph 4.13). The extension would not be one full storey below eaves level and would extend up to eaves level. The proposed first floor extension would have an uncomfortable relationship with the rear elevation of the host property and would appear both incongruous and clumsy.

2. The rear elevation is not identified as important in the conservation area statement.

The rear elevation of Daleham Mews is not specifically mentioned in the conservation area statement. The absence of a reference to the rear elevation is not unusual and does not have any particular significance. Moreover, the conservation area statement provides specific details for the character and appearance of the mews area of Belsize Village (sub area 2 of Belsize conservation area) and notes its consistent roofscape. It states:

The single-aspect, two storey mews terraces are built generally in London stock brick, with red brick detailing, fronting directly onto the narrow streets and courtyards. The properties are generally uniform in their simple elevational treatment providing a rhythm and consistency to the terrace. The pitched roofs are generally slate, with the party walls between the properties expressed as upstands at roof level and having shared chimney stacks at the ridge. As a result of this consistent roofscape, inappropriate dormers are particularly jarring.

Daleham Mews is a particularly charming and consistent street of mews houses and garages retaining many original features. It is notable for the slightly projecting square bays that predominate on the north side of the street. The long winding mews road changes alignment as it rises up the hill giving views of the roofscape and the frontages of the terraces stepping up the hill.

Furthermore, the conservation area statement emphasizes that rear extensions 'can alter the balance and harmony of a property or of a group of

properties by insensitive scale, design or inappropriate materials. Some rear extensions, although not widely visible, so adversely affect the architectural integrity of the building to which they are attached that the character of the Conservation Area is prejudiced. Rear extensions should be as unobtrusive as possible and should not adversely affect the character of the building or the Conservation Area' (page 41, paragraph BE22).

3. The proposal respects the historic pattern of development in the surrounding area

The pattern of development is two storey terrace properties with pitched roofs and with a single storey ground floor extending to the rear of the plot. It is noted that there is a first floor extension at no. 12 Daleham Mews. This extension reaches the same height as the eaves of No.12. However it was granted planning permission in 1970 (planning reference G7/7/3/7724), long prior to the establishment of the Council's current policies, and the conservation area that the site is within (the conservation area was designated March 1973). Therefore, the extension at No. 12 is not considered a type of development which should be replicated.

4. The privacy screen is a permanent structure

Planning permission was granted 08/12/2011 for a 2.1m high timber screen (at first floor level) to the rear boundary (ref: 2011/5035/P). The retention of the screen cannot be guaranteed: it may be removed or given that it is timber it is likely to degrade over time and may not be replaced in its entirety. It is therefore important that the extension has an acceptable relationship with the host property with or without the existing timber privacy screen.

5. Insufficient weight given to the extensions visibility

It is accepted that the extension would not be readily visible in public views as it would be located behind an existing timber screen on the rear boundary. However, as noted above, it is important that the proposed extension has an acceptable relationship with the host property with or without the existing timber screen being in place. Furthermore, properties on Daleham Gardens to the rear (west) of the site have rear windows at second and third floor level. These windows are located at a higher level than the timber screen, so it would be possible for the proposed extension to be viewed by occupiers of these properties even with the timber screen in place.

While public views are important, private views from neighbouring buildings must also be taken into account. Moreover, the proposal would not accord with policy BE22 of the conservation area statement (page 41). The policy emphasizes some rear extensions, although not widely visible, so adversely affect the architectural integrity of the building to which they are attached that the character of the Conservation Area is prejudiced. The appeal proposal would harm the consistency of the roofscape and the architectural integrity of the two storey mews property and so would neither preserve nor enhance the conservation area.

Other Matters

On the basis of information available and having regard to the entirety of the Council's submissions, including the content of this letter, the Inspector is respectfully requested to dismiss the appeal.

In the event of the appeal being allowed the conditions suggested in appendix 1 should be attached.

If any further clarification of the appeal submissions is required please do not hesitate to contact David Peres da Costa on the above direct dial number or email address.

Yours sincerely

David Peres da Costa
Planning officer
Culture and Environment Directorate

Appendix 1

1. The development hereby permitted must be begun not later than the end of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development shall be carried out in accordance with the following approved plans: Site location plan; RT/14 DM: E01 RevA; E02 RevA; E06; E04 RevA; E05; E03; E07; P01 RevA; P02 RevA; P05; P03 RevA; P06; P07; P04 RevA.

Reason: For the avoidance of doubt and in the interest of proper planning.

3. All new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the existing building, unless otherwise specified in the approved application.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policies DP24 and DP25 of the London Borough of Camden Local Development Framework Development Policies.