
Appeal Decisions

Site visit made on 19 January 2015

by Mr JP Sargent BA(Hons) MA MRTPI

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

Decision date: 30 January 2015

Appeal A: APP/X5210/A/14/2217363

7 Lyme Street, London NW1 0EH

- 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 Mr Glenn Dunn against the decision of the Council of the London Borough of Camden.
 - The application Ref 2014/0235/P, dated 7 January 2014, was refused by notice dated 21 February 2014.
 - The development proposed is an extension to the rear of the lower ground floor and minor internal modifications
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Appeal B: APP/X5210/E/14/2217365

7 Lyme Street, London NW1 0EH

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr Glenn Dunn against the decision of the Council of the London Borough of Camden.
 - The application Ref 2014/0382/L, dated 7 January 2014, was refused by notice dated 21 February 2014.
 - The works proposed are an extension to the rear of the lower ground floor and minor internal modifications.
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Decisions

APP/X5210/A/14/2217363

1. The appeal is dismissed.

APP/X5210/E/14/2217365

2. The appeal is dismissed.

Main Issues

3. The main issues in relation to these appeals are
 - i) whether the works would have regard to the special architectural and historic interest of this Grade II listed building, and whether they would harm its significance (Appeals A & B);
 - ii) whether the development would preserve or enhance the character or appearance of the conservation area in which the site sits, and again cause harm to the significance of that heritage asset (Appeal A only);
 - iii) whether the development would result in adequate living conditions for the residents at the property (Appeal A only) and,

- iv) if any harm would be caused to the heritage assets, whether that harm would be outweighed by public benefits (Appeals A & B).

Reasons

The effect on the listed building

4. Sections 16 and 66 of the *Planning (Listed Buildings and Conservation Areas) Act 1990* state that, when considering works to a listed building, regard must be had to the desirability of preserving the building or any features of special architectural or historic interest it possesses. Moreover, the *National Planning Policy Framework* (the Framework) highlights the need to consider harm to the building's significance.
5. The appeal property is one of a row of 10 semi-detached Grade II listed villas along Lyme Street that were built in the mid-19th Century as dwellings. Their front elevations are relatively ornate with a stucco finish, pronounced eaves and varied but complementary detailing, and they form an attractive and pleasing composition in the street. Their rear elevations are simpler, being a brick finish with less detailing, and they have also been subject to a number of alterations over time. However, despite these facts, they reflect an approach to the original design and function of the buildings and so add to their understanding and appreciation. Moreover, the original plan form of the Appellant's property is still apparent. These factors therefore contribute to the significance of No 7 as a heritage asset.
6. In the 1950s a flat roofed double garage that covered roughly half of the rear garden was added to the back of the property at lower ground floor level (the existing addition). This existing addition has now been converted into living accommodation with an opening through to the dwelling's basement kitchen. On its roof is a patio, which is accessed from the ground floor living room and also by external stairs to the side.
7. The proposal would be an extension onto the existing addition and would be of similar dimensions and height, but it would have a flat 'sedum' roof with a roof light feature. It would result in the open area between the rear of the existing addition and the back boundary wall (the rear area) being entirely covered.
8. Currently the rear area maintains some sense of a garden at the property. However, as a result of this scheme the only outside space at ground level would be the wide functional side passage but, because of its dimensions, this would not be perceived as an amenity area. There would also be the patio, though that would clearly be a roof terrace. Consequently the historic element of the building would no longer appear to have an associated garden, and so in this respect the works would compromise its residential character and its original form.
9. Moreover, the existing addition and the proposal would together be a sizeable enlargement of what was originally a relatively small property. With their flat roofs they would also be of a discordant appearance that related poorly to the house. As such, their combined effect would be to challenge the dominance of the original building and diminish an appreciation of its form and character.
10. In coming to this view I fully accept that the existing addition is lawful and was present when the building was first listed. Therefore, even if it would be a departure from the policies now in place, its presence cannot be questioned.

However that does not mean further additions that exacerbated any departure from policy have to be subsequently accepted, and to my mind the cumulative concerns I have raised are valid.

11. Turning to the internal works, the chimney breast in the basement is concealed sufficiently behind kitchen units and tiling to mean it now makes little if any contribution to an understanding of the building, and I have no reason to consider this would change in the future. Moreover, there is limited information before me to show the role of this feature. Therefore its removal would not be harmful.
12. However, the opening from the original basement to the existing addition is at present relatively limited (though quite workable). To my mind this is important as its restricted dimensions mean there is a clear differentiation between these 2 elements, and so the existing plan form of the building is safeguarded. Opening it to the degree proposed would notably dilute this effect, so harming an understanding of the plan and resulting in the existing addition being more strongly incorporated into what was the original building. I was told by the Appellant that in 2005 listed building consent was granted for a similar opening in this wall. However, he added that consent was not enacted and so I assume it has lapsed. Therefore the weight afforded to it is limited. If, for some reason, the 2005 consent is nonetheless extant the Appellant said that opening was not as wide as the opening now proposed and so is not a basis to lead me to different findings.
13. In addressing this issue I have not treated the listing details as an exhaustive collection of the features that merit the building being listed. Moreover, while these 10 buildings were listed because of their group value, they are each listed individually and merit protection in their own right. From my assessment above it is clear the significance of No 7 does not just rest on its front elevation or its contribution to the collective value and I consider that any harmful impact should not necessarily be assessed only in the context of the group as a whole. Indeed, the proposal would not be sufficiently visible from the adjacent listed buildings to have any harmful effect on their settings.
14. Accordingly I conclude that the works would fail to preserve the special architectural or historic interest of the building, and would cause harm to its significance. This harm would be less than substantial, but I consider that it is a level of harm to which great weight should be attached.

The effect on the conservation area

15. These 10 villas are in the Regent's Canal Conservation Area. This conservation area follows the canal as it weaves across north London, but it includes many historic buildings as well that are along the line of the waterway. In my opinion this adds to the significance of the canal by integrating it into its surrounding townscape. The rear elevations of the appeal property and the rest of the row enclose this section of the canal corridor, and so enhance its context. As such, the appeal property makes a positive contribution to the character and appearance of the conservation area.
16. However, when looking from the canal, and even when looking from Lyme Terrace that is above the canal, the ground floor and upper floor of No 7 can be seen but the existing addition is not apparent. Therefore the extension would also be substantially concealed when looking from these views. Consequently,

although the works would cause harm to the building, the role of No 7 in the conservation area would not be adversely affected.

17. Accordingly, I conclude the works would preserve the character or appearance of the conservation area and so, in this regard, they would not conflict with Policy CS14 in the *Camden Core Strategy 2010-2025* (the Core Strategy), Policies DP24 and DP25 in *Camden Development Policies 2010-2025* (DP) or the Framework.

Living conditions

18. The Framework lists, as one of its core planning principles, the need to seek a good standard of amenity for all existing and future occupiers.
19. At the moment the site has 2 areas for outdoor recreation that are of roughly equal size – namely the rear area on which it is proposed to erect this extension and the patio on the existing addition. The difference in height between these means they cannot be readily used together, but rather are distinct and separate spaces. While there is also a side passage, its dimensions, its form, and the fact that it serves as a fire escape to the building behind all limit its amenity value.
20. The proposal would result in the loss of the rear area. Because of its size and its location on the north side of the house, the Appellant contended it was an unusable space that was too small and '*effectively useless*' as a garden. However, noting that the adjacent residents appear to utilise their slightly larger rear yards for recreation I do not accept that this space is effectively useless in this regard. Indeed, from my experience in tight inner-urban locations small shaded external areas associated with residential accommodation can be put to beneficial use if the occupiers are so inclined.
21. However, even with the loss of this space there would still be the patio. This is of a similar size to the rear area, and is lighter and more airy. It also has less of a sense of enclosure and has direct access to the ground floor living room. I consider this would adequately fulfil the reasonable needs of the residents for outside recreation and so appropriate amenity space would remain.
22. The Council appears to have given little weight to the patio in reaching its decision, as it identified the 40sqm it considered to be '*perfectly respectable*' as comprising the rear area and part of the adjacent side passage. Putting aside my reservations about the usefulness of that side passageway, to my mind the inclusion of the patio would ensure amenity space in the region of the 40sqm identified by the Council remained at the house.
23. Concern was also raised by the adjoining residents about the effect on day light and enclosure. However, the rear of that property is already appreciably enclosed, and the limited additional effect of this scheme would not be unreasonable.
24. Accordingly I conclude the development would not result in inadequate living conditions for residents at the appeal property or adjacent, and so would not conflict with Policy CS15 in the Core Strategy, DP Policies DP24 and DP26, or the Framework.

Public benefits to outweigh the harm

25. Paragraph 132 of the Framework says great weight should be given to the conservation of a designated heritage asset, and any harm requires clear and convincing justification. In paragraph 134 it goes on to state that where a proposal would lead to less than substantial harm to the significance of such an asset that harm should be weighed against the proposal's public benefits.
26. The works would, no doubt, create a property that better suit the Appellant's needs, but I have no basis to consider the dwelling's residential use would be called into question if this appeal were to be dismissed. Under the definitions in the Framework the rear area is not previously developed land, and, while there would be a 'sedum' roof, in the absence of substantive details the weight I can give to any effect on bio-diversity is limited. Therefore, I am aware of no public benefits that would result from the works and outweigh the less than substantial harm I have identified.
27. Accordingly I conclude that the works would fail to preserve the special architectural or historic interest of this listed building causing less than substantial harm to this heritage asset. In the absence of any public benefits to outweigh this harm I conclude the works would conflict with Policy CS14 in the Core Strategy, DP Policies DP24 and DP25 and the Framework.

Conclusions

28. For the reasons given I conclude the appeals should both be dismissed.

J P Sargent

INSPECTOR