
Appeal Decisions

Hearing held on 13 January 2015

Site visit made on 13 January 2015

by Elaine Benson BA (Hons) DipTP MRTPI

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

Decision date: 13 February 2015

Appeal Ref: APP/X5210/A/14/2228272
11 Prince Albert Road, London NW1 7SR

- 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 Anil Varma against the decision of the London Borough of Camden Council.
 - The application Ref 2014/1054/P dated 17 January 2014, was refused by notice dated 19 August 2014.
 - The development proposed is *Erection of a 2 storey side extension at lower and ground floor level to dwellinghouse with associated side entrance and external stair.*
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Appeal Ref: APP/X5210/E/14/2228385
11 Prince Albert Road, London NW1 7SR

- 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 Anil Varma against the decision of the London Borough of Camden Council.
 - The application Ref 2014/1066/L, dated 17 January 2014, was refused by notice dated 19 August 2014.
 - The works proposed are *Internal and external alterations to include the erection of a 2 storey side extension at lower and ground floor level to dwellinghouse with associated side entrance and external stair, removal and addition of internal partitions and doors.*
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Decision

1. The appeals are dismissed.

Main Issues

2. The main issues in both appeals are whether the proposed development and works would preserve the special architectural or historic interest of the Grade II listed appeal property and whether they would preserve or enhance the character or appearance of the Primrose Hill Conservation Area.

Reasons

Heritage Assets

Listed building

3. The five-storey appeal property (including basement and attic) is one of a row of pairs of houses. It stands within a larger group of stucco fronted detached

and semi-detached 19th-century listed villas located at Nos 1-15 Prince Albert Road (the group). The imposing villas are Italianate in style and the use of a simple and restrained palette of materials unifies the individually designed buildings. The front facades of the semi-detached houses are broadly symmetrical although some have been extended to the side. This use of symmetry is a key characteristic, lending the pairs the appearance of single large villas. Nos 10 and 11 are unique in their survival as a symmetrical pair which has not been extended. Although their rear gardens are small, the individual villas and pairs are separated by generous landscaped side and front gardens which contribute towards their grandeur. The balance of buildings and the spaces between them is important to their settings and significance.

4. There are public views of the front elevation of the appeal villa and its imposing flank elevation, both of which are visually important. There are more limited glimpsed views of the back of the villa from between buildings on Regents Park Road. The rear elevation has been partially re-built over time and its plain appearance reflects its lesser importance. The interior of No 11 has been extensively altered and features have been lost. Its interest and significance is derived from the remaining cellular plan form, chimney breasts, staircase and limited original detailing.

Conservation Area

5. The appeal site is within the Primrose Hill Conservation Area. The Primrose Hill Conservation Area Statement describes the character and appearance of the sub area in which the appeal property lies as dominated by large villa style properties surrounded by substantial garden spaces. The low density villas at Nos 1-15 Prince Albert Road are consistent with this description. Notwithstanding that the appeal villa stands on a busy road, the character of the area is one of a most attractive and spacious setting to which the general uniformity and grandeur of the listed villas make a significant contribution.
6. The group of villas provides a backdrop to the extensive landscape of Regents Park, a Grade I registered park and garden of special historic interest. This contributes towards the group's architectural interest, providing a somewhat theatrical setting to the edge of Regents Park which is visible for some distance. The group's consistent pattern of development reflects the Grade I and II* listed buildings by Nash found in the locality. They broadly follow his Masterplan for the Regents Park area and this contributes to the historic interest of the appeal building and its neighbours and to the significance of the heritage assets.

Appeal Proposals

7. Consent is sought for a two-storey side extension at lower ground and ground floor levels and for internal alterations to the listed villa. The proposals seek to address the reasons for dismissing appeals relating to the erection of a three-storey side extension at lower ground, ground and first floor levels¹. In 2011 the Inspector stated that the loss of symmetry resulting from the proposed extension would harm the unique appearance of the pair of dwellings within the group and the special architectural interest of the 15 buildings which are identified for their group value. She noted that gaps between the buildings

¹ APP/X5210/E/11/2149277 & APP/X5210/A/11/2149781

- contribute in an important way to the character and appearance of the area and concluded that the proposal would harmfully erode the spaciousness of the good-sized garden at the side of the dwelling, harming the character and appearance of the conservation area.
8. The overall height and mass of the currently proposed extension would be significantly smaller than in the dismissed appeals. However, its width would be greater than that of the front bay between the 2 pilasters and would not be in proportion to the width of the villa. The extension would contrast unacceptably with the front elevation of the villa which is broken down into various architectural elements and it would have a markedly different void to solid arrangement. The scale of the pair of villas is significant in terms of symmetry; however the side extension would not be sufficiently subservient in scale and set back from the front to avoid an imbalance and thus would fail to preserve the character and appearance of the listed villa and the pair.
 9. When viewed against the prominent flank wall, the extension would appear dominant and would detract from the appreciation of the listed building. The side extension would also significantly reduce the width of the garden at the side of No 11 to the detriment of the villa's spacious setting, notwithstanding that there would be a gap between the extension and the neighbouring boundary. This loss of openness would be particularly visible from public viewpoints at the front and on the approach from the canal area.
 10. The garden feels somewhat enclosed at present due to the changes in levels and the presence of the large scale buildings around it. It would be even smaller and enclosed as a result of the proposed extension and this would harm its character. Although a gap to the boundary and some open space would be retained around the villa, I am not convinced that the resulting loss of openness and the greater sense of enclosure could be satisfactorily addressed by a scheme of landscaping.
 11. I have considered the screening effect of the front boundary wall, the trees and shrubs and consider that a significant proportion of the extension would be visible above the wall when viewed from the public realm and my conclusions set out above remain unaltered. Views of the upper level of the villa which are more evident in longer distance views would be unchanged by the proposed extension and the oblique views of the villa's rear elevation glimpsed from the public realm would be little altered.
 12. I conclude that the extension would disrupt the intended uniformity of the original composition of the pair of villas to the detriment of its essential architectural interest. There would be additional harm to the identified historic group value. The proposed extension, the corresponding loss of some garden and the views through this area to the buildings, gardens and trees behind, would in combination also fail to preserve the character and appearance of the Primrose Hill Conservation Area, notwithstanding that this view is not identified as an important one in the Conservation Area Statement.
 13. Permission was granted to extend No 12 in a similar manner to the extension at No.13 in order to balance the pair. Although it is not known whether the consents have been formally implemented, the extension has not been built and the appearance of the pair remains asymmetrical. The fact that villas within the group have extensions of various ages, sizes and designs does not affect my conclusions which are in part based on the unique appearance of Nos

10 and 11 as a pair without extensions. This approach is supported by the Council's policies which indicate that past development should not necessarily be regarded as a precedent.

Internal Works

14. The listed building consent application identifies a number of internal alterations which would benefit the character of the building, including restoration of some of the historic cellular layout. The proposed interventions into the historic fabric of the villa are more limited than in the earlier dismissed appeal. No objections are raised to the majority of the alterations and particularly those on the upper levels. I have no reasons to disagree as the works would preserve or enhance the special architectural and historic interest of the listed villa. However, I share the Council's concerns about forming openings in the side walls of the ground floor and lower ground floor to enable access into the proposed extension.
15. It is proposed to break through the ground floor flank wall to access the extension which would provide a kitchen/entertainment room significantly larger than the existing reception rooms. Although the existing and new rooms would have separate volumes, the historic rooms would effectively become routes to the extension. Its rooms would take precedent in terms of its size and focus. Whilst I acknowledge that the use of rooms has changed over time, the proposed alteration would in my view harm the historic domestic plan form and the hierarchy of use of the rooms. The creation of openings next to a chimney breast and fireplace would unbalance the symmetry and classic proportions of the rooms, also detracting from the traditional focal point. I do not consider that the use of a 'jib' or 'hidden' door as suggested would overcome these concerns.
16. In reaching these conclusions I share the view of the previous Inspector that the extension to the side would harm the plan form of the listed building which is one of its most important characteristics. Furthermore, the construction of new doorways on both levels would cause an unacceptable loss of historic fabric and would harm the balanced composition of the principal rooms leading to them. The revised scheme has not overcome these concerns. Whilst I note that the plan form of other buildings in the wider group has changed over time, I am required to determine the effect of the appeal proposals on No 11.

Conclusion on the Main Issues

17. Overall, I conclude that the harm to the special architectural interest of the listed building and its setting, the diminution of the identified group value and the harm to the character and appearance of the Primrose Hill Conservation Area would conflict with the Council's aims of preserving and enhancing its heritage assets as set out in Camden Core Strategy Policy CS14 and Development Policy (DP) DP25 and the objective of DP Policy DP24 to achieve high quality design. The proposed development would also be counter to the guidance within PH29 of the Primrose Hill Conservation Area Statement which states that side extensions will not be acceptable where they are unduly prominent, unbalance the composition of a building group or where they compromise gaps between buildings through which views are afforded of other properties, rear gardens, mature trees, or the Regent's Canal.

18. These policies are consistent with the objectives of the Framework to conserve heritage assets. The harm caused to the significance of the designated heritage assets conflicts with national policy and the statutory duty relating to listed buildings and conservation areas.

Degree of Harm

19. Guided by the advice within the National Planning Practice Guidance I conclude that the harm caused by the proposed extension and works would be less than substantial harm, rather than the substantial harm identified by the Council. In accordance with Paragraph 134 of The Framework, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits, including securing its optimum viable use.
20. In this case, there is no doubt that the extension would provide additional space which would add to the appellant's enjoyment of the already generously sized home. However, this is unlikely to be of wider public benefit. The villa appears to function adequately as a viable dwelling and it has not been shown that its continued stewardship is dependent on the appeal proposals. The building has not been vacant for a lengthy period, albeit that it is undergoing significant refurbishment. Landscaping the garden could benefit the appearance of the villa and the streetscape and this is addressed above. The long term sustainable use of the property and the internal and external features that are to be restored, including replacement stucco rendering, are important benefits of the proposed scheme. However they are insufficient to outweigh the identified harms to the symmetry and the unaltered qualities of the villa and the pair and the resulting harm to the spatial qualities of the appeal site.

Other Matters

21. Issues were raised by the Council in addition to those identified in the Reasons for Refusal, some of which were raised by consultees. However, there was the opportunity to address them fully at the Hearing and it is likely that I would have requested comments on these matters during the proceedings in any event. There were differences between the case put forward by the Council and the original officer report to Committee. However, the Committee was entitled to reach a different view to officers and for its decision to be properly justified in the appeal process. I note the appellant's frustration about the manner in which the applications, appeal and subsequent applications have been handled by the Council. However, these matters do not affect the merits of the case.

Conclusion

22. The proposed works and development would fail to preserve the special architectural interest of the listed building and its setting and would not preserve the character or appearance of the Primrose Hill Conservation Area. The less than substantial harm to the heritage assets would not be outweighed by the benefits of the proposed scheme. All other comments made have been considered but do not affect the conclusions already set out. For the reasons given, the appeals should be dismissed.

Elaine Benson

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Matthew Gibbs	Director DP9 Ltd
Marc Timlin	Senior Planner, Turley Heritage
Anil Varma	Managing Director Harrison Varma, Appellant
Almas Bavcic	AD Design Concepts Ltd

FOR THE LOCAL PLANNING AUTHORITY:

David Peres da Costa	Planning Officer, London Borough of Camden
Antonia Powell	Conservation Officer, London Borough of Camden

INTERESTED PERSONS:

Richard Simpson	Chair Primrose Hill Conservation Area Advisory Committee
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DOCUMENTS

- 1 List of drawings
- 2 Delegated officer report re 12 Prince Albert Road
- 3 List entry summary 1-15 Prince Albert Rd
- 4 Development Control Committee minutes 31/7/14
- 5 Statement of Common Ground - Final