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## Appeal Decision

Site visit made on 2 March 2015

**by Michael Boniface MSc MRTPI**

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

**Decision date: 6 March 2015**

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**Appeal Ref: APP/X5210/D/14/2221283**

**38 Frognal Lane, London, NW3 6PP**

- 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 Malcolm Cook against the decision of the Council of the London Borough of Camden.
  - The application Ref 2013/7989/P, dated 12 December 2013, was refused by notice dated 7 April 2014.
  - The development proposed is two storey rear extensions, first floor side extensions, installation of three dormer windows to the front elevation and one to the rear elevation, conversion of garage into habitable use and alterations to openings.
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### Decision

1. The appeal is allowed and planning permission is granted for two storey rear extensions, first floor side extensions, installation of three dormer windows to the front elevation and one to the rear elevation, conversion of garage into habitable use and alterations to openings at 38 Frognal Lane, London, NW3 6PP in accordance with the terms of the application, Ref 2013/7989/P, dated 12 December 2013, subject to the following conditions:
  - 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: PL501, PL502, PL503, PL504, PL505, PL506, PL507, PL508, PL509, PL510, PL511, PL751A, PL752A, PL753, PL754, PL755, PL756A, PL757A, PL758, PL759A, PL760, PL761, PL762 and PL763.
  - 3) The materials to be used in the construction of the external surfaces of the extensions hereby permitted shall match those used in the existing building.

### Preliminary Matter

2. I have used the description of development contained in the Council's decision rather than the planning application as this more accurately describes the proposals.

### Main Issue

3. The main issue is whether the development would preserve or enhance the character or appearance of the Redington and Frognal Conservation Area.

## Reasons

4. The site comprises a substantial detached dwelling within a large plot. It is located in a residential area accommodating a range of building types, many of which are significantly larger. Previous alterations and extensions to the appeal property were evident during my visit, particularly from the rear. Planning permission has also been granted by the Council for a range of further extensions and alterations which are yet to be implemented, some of which are included on the appeal drawings.
5. The building currently presents a good degree of symmetry from the public realm. However, the appellant highlights that an extant planning permission allows for the first floor extension over the existing garage shown on the submitted drawings and the Council has not raised a concern in respect of this part of the proposal. The extension now proposed to the west elevation of the building would be set back from the front elevation with a much lower roof height. Its scale and proportions would be modest in the context of the existing building. It would appear as a subordinate addition and a separate entity that would not be prominent from the streetscene and would maintain the symmetry of the principal building.
6. The proposed two storey extensions to the rear would be substantial in size and scale, but are proportionate to the greater scale of the appeal property. Furthermore, I noted only limited views from the public realm towards the rear of the site. Such views would be reduced further still by the proposed first floor extensions either side of the building. Whilst large, the building stands amongst properties that are considerably larger and its substantial plot and setting provide some scope for sizeable additions in my view. The rear elevation of the property is of no particular architectural merit, nor does it reflect the design and appearance of surrounding buildings in the area. The additions would not be prominent or intrusive from the streetscene.
7. I note concerns that the various extensions proposed and subject to extant planning permission would cumulatively result in overdevelopment, creating excessive mass and bulk. However, I have concluded that the visual impact would be very limited from the streetscene and the additional mass and bulk could be readily accommodated to the rear of the property without harm to its character and appearance, much of its positive attributes being contained in its symmetry and form when viewed from the front.
8. Although the appeal property is noted as making a positive contribution to the conservation area within the Redington/Frognaal Conservation Area Statement, the document notes that the majority of buildings in the area do so, and seeks to ensure their retention. For the reasons set out, the proposed development would not undermine the positive contribution of the building to the conservation area, not least because much of it would not be visible from the public realm. Therefore, I am satisfied that the character or appearance of the conservation area would be preserved.
9. As such, I find no conflict with Policy CS14 of the Camden Core Strategy (2010), which requires good design that reflects local context and character, with particular regard to the preservation of heritage assets; or Policies DP24 and DP25 of the Camden Development Policies, which requires consideration of the character and proportions of the existing building, as well as the character, setting, context, scale and form of neighbouring buildings, with particular

regard to maintaining the character of conservation areas. Furthermore, I find no harmful conflict with the detailed design advice contained within the Camden Planning Guidance, Design (2013).

10. I have had regard to the comments made by the Redington/Frognaal CAAC, which are largely addressed in the main issue above. Whilst I note concerns that the building might be used for separate self contained apartments, this does not form part of the appeal proposal and would require separate planning permission.
11. The Council has suggested conditions in the event that planning permission is granted. I have attached a requirement for the development to accord with the approved plans for the avoidance of doubt. The use of matching materials is also necessary to ensure an appropriate appearance for the development and to protect the character of the conservation area.
12. In light of the above, and having considered all other matters, the appeal is allowed.

*Michael Boniface*

INSPECTOR