

Appeal Decision

Site visit made on 28 April 2015

by Roger Pritchard MA PhD MRTPI

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

Decision date: 12th June 2015

Appeal Ref: APP/X5210/W/15/3007097

19 McCrone Mews, Belsize Lane, London, NW3 5BG

- 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 Michael O'Shea against the decision of the Council of the London Borough of Camden.
 - The application Ref 2014/3989/P, dated 17 June 2014, was refused by notice dated 24 September 2014.
 - The development proposed is the extension/remodelling of the existing mews building to create three new two-bedroom flats.
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Decision

1. The appeal is allowed and planning permission is granted for the extension/remodelling of the existing mews building to create three new two-bedroom flats at 19 McCrone Mews, Belsize Lane, London, NW3 5BG in accordance with the terms of the application, Ref 2014/3989/P, dated 17 June 2014, 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: Drawing Nos 14-14-PL: 01 Rev A; 02; 03; 04 Rev A; 05 Rev A and 06.
 - 3) The form, colour and texture of the materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.
 - 4) No development shall take place until full details of the location and design of a waste and recyclables bin store have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details, the bin store shall be provided before the first occupation of the residential units hereby approved and shall be retained thereafter.
 - 5) No development shall take place until full details of secure and covered storage for four cycles have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details, the cycle storage shall be provided before the first occupation of the residential units hereby approved and shall be retained thereafter.

Main Issues

2. I consider the main issues to be the effect of the proposed development on –
 - i. The character and appearance of the host buildings, McCrone Mews, and whether it would preserve or enhance the character and appearance of the Belsize Conservation Area; and
 - ii. The living conditions of both its future occupants and those of neighbouring properties in Baynes and Daleham Mews.

Reasons

3. McCrone Mews is a 19th century, 'mews' style development situated on the north west side of Belsize Lane, to which access is secured through an archway. There are similar forms of development to the north – Baynes Mews – and to the west – Daleham Mews. All these mews vary in detailed layout and design, but McCrone Mews is especially distinctive, taking a courtyard form, around which are grouped two-storey, galleried carriage houses above original stables. The carriage houses have been converted to flats with a mix of residential and commercial uses now occupying the ground floors. The buildings are not nationally listed, having been subject to a degree of alteration over the years, including the addition of residential accommodation over the archway, but the site is within the Belsize Conservation Area.
4. The proposed development would erect an additional floor above the existing flats on the northern terrace thereby providing two additional, two-bedroom flats on the new second floor, whilst the existing 1-bedroom maisonette, No 19, would be extended through the conversion of an existing garage thereby forming a two-bedroom flat on the ground floor and a one-bedroom flat on the first floor. The net increase would be three, two-bedroom flats, which Policy DP5 of Camden's Development Management Development Plan Document (DPD) identifies as a priority form of housing.
5. The internal floorspace of the new accommodation would either be just within or slightly below the standards set by the London Housing Design Guide. However, the combination of issues associated with the conversion of historic buildings, adequate bedroom size and the presence of private terraces have caused the Council to accept that, for the most part, the proposed standard of accommodation is satisfactory. I agree. Nor, so far as the first and second floor accommodation is concerned, are there any issues associated with their natural lighting or outlook. There are, however, two exceptions. The first is the ceiling height of the new second floor flats: the second is the outlook from the new, ground floor, two-bedroom flat. I deal with these matters below.

The character and appearance of the host buildings and whether the character and appearance of the Conservation Area would be preserved or enhanced

6. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special regard to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. That national policy is carried forward through the policies of the Borough's adopted development plan, particularly Policy CS14 (Promoting High Quality Places and Conserving Our Heritage) of the Core Strategy and Policies DP24 (Securing High Quality Design) and DP25 (Conserving Camden's Heritage) of the Development Management DPD.

7. Specific to the appeal site is the Belsize Conservation Area Statement, which identifies McCrone Mews as making a positive contribution to the special character and appearance of the Conservation Area. The mews' houses are described specifically as, *'...simple rendered...fronting a small courtyard'*. A particular feature to which attention is drawn is the contrast between the small-scale, two-storey form of McCrone Mews compared to the higher and more imposing buildings that form the adjacent frontage of Belsize Lane.
8. The Council concedes that the design of the extension to McCrone Mews is *'...a sympathetic response to the host property...'* with the new second floor replicating the galleried access to the flats. I also note that the Conservation Area Advisory Committee has raised no objection to the proposed development, commenting that it *'...seems quite well done...'*
9. The principal objection to the proposed development, however, is the effect of adding a second storey to the northern terrace. I accept that this would represent a significant change in the detailed context of McCrone Mews but I am less convinced that it would result in substantial harm to the character and appearance of the Conservation Area as a whole. In that wider context, I was struck by the contrast between the traditional forms of the other mews in the area, e.g. Baynes Mews immediately to the north that extends back from Belsize Lane, and the courtyard layout and galleried first floor of McCrone Mews. I especially note that the roof of the northern terrace as extended upwards would still be below the gateway buildings that face Belsize Lane, from which the proposed development would be invisible other than by way of glimpses through the archway. The additional storey would therefore be prominent only from within the courtyard of McCrone Mews itself, in the context of which the immediate character and appearance would be respected.
10. I therefore conclude that any material harm to the character or appearance of the Conservation Area would be limited. In these circumstances, where the identified harm to a heritage asset (i.e. here the Belsize Conservation Area) is *'...less than substantial...'*, as is also agreed by the Council, paragraph 134 of the National Planning Policy Framework ('the Framework') advises that this harm should be weighed against the public benefits of the development. The Council has carried out this assessment and concluded that the benefits of the additional accommodation that would be provided does not outweigh the harm to the Conservation Area.
11. I disagree. Conservation Areas cannot be exempt from any new development and in areas of housing pressure, which this certainly is, weight must be given to any proposal that increases the stock of accommodation, especially if that increase is in a form that has been identified, as here, as a priority. It is therefore my view, that the limited harm to the Conservation Area produced by the proposed development is outweighed by the public benefit of the additional three units of priority accommodation. I therefore conclude that the proposed development is justified.

The living conditions of both its future occupants and those of neighbouring properties in Baynes and Daleham Mews

12. The Council has raised two issues about the standard of new accommodation that would be provided. The first is that, at 2.1 metres high, the ceiling heights of the second floor flats would be below the minimum headroom requirement of 2.3 metres. The difference is minimal and as the appellant has

pointed out, and the Council has conceded, additional height could easily be created by opening up the internal roof space. I agree, although given that these are not listed buildings, I consider that matter could be resolved through the building regulation process.

13. The second issue is the degree of natural light that would reach the new, one-bedroom, ground floor flat. I accept that this unit, which occupies the north west corner of the courtyard, would probably receive less natural light than the other proposed units. However, as the appellant points out, the conversion of the adjacent garage, necessary to create this unit, also provides the opportunity for new windows that would let in additional natural light. On balance, I do not consider that this is an issue that should weigh against the proposed development.
14. The final issue is the possible effect of the proposed development on the living conditions of the occupants of the adjacent residential units in Baynes and Daleham Mews. In respect of Daleham Mews to the west, its properties are at a higher level than those in McCrone Mews and, as a consequence, the impact of the additional storey would be insignificant.
15. Baynes Mews shares a party wall with the northern terrace of McCrone Mews and the properties on its southern side have a series of rooflights on their south facing roof slopes. The Council suggests that the additional storey to be added to the latter, which would have a roof ridge at a similar height to that of Baynes Mews, would reduce the levels of daylight and sunlight reaching the rooflights in the facing slope. Despite the absence of a specific daylight impact study, I am sceptical of the degree of harm produced by these effects. Both McCrone and Baynes Mews would have pitched roofs with their ridges running approximately east to west. The existing rooflights on the latter's roof slope are therefore at an angle pointing upwards and, whilst I accept that there may be a small degree of loss of outlook if and when the occupants of Baynes Mews were to look directly out of their rooflights, I consider that the loss of daylight and sunlight entering these south facing windows would be limited. I therefore again conclude that this matter should not weigh against the allowing of the appeal.

Other Matters

16. In refusing the original application, the Council also advanced three reasons unrelated to those matters that led to the main issues that I have identified above. All three were concerned with the absence of legal agreements in the form of section 106 Unilateral Undertakings and were specifically concerned with ensuring that the proposed development was car-free, that a Construction Management Plan had been provided to minimise disruption to neighbouring occupiers during the process of development, and that appropriate sustainability measures had been taken to reduce carbon emissions and minimise the use of energy.
17. Subsequently, however, the appellant submitted an Undertaking, duly signed and dated 20 May 2015 that gave the legal assurances that the Council had sought. I am satisfied that the agreement was properly made and that it applies to matters outside those covered by the Community Infrastructure Levy Regulations 2010. Moreover, the Council confirmed to me in an e-mail dated 26 May 2015, that it, too, was content with the Undertaking and that, on this basis, it withdrew the three related reasons for refusal.

Conclusion

18. For the reasons given above I conclude that the appeal should be allowed.

Conditions

19. I have considered the conditions put before me by the Council that it would wish me to impose were the appeal to be allowed in the light of policies towards conditions as now set out in the Government's Planning Practice Guidance (PPG) and the model conditions included in the still extant Annex to Circular 11/95, *The Use of Conditions in Planning Permissions*. In this case, apart from the standard conditions that set a time limit on the development and ensure that it is carried out in accordance with the submitted plans, conditions are required that the materials, including their colour and texture, used in the development hereby allowed shall match those used in the original building, and that arrangements for refuse and cycle storage are approved by the Council prior to the commencement of development. I shall impose conditions in all these respects.

Roger Pritchard

INSPECTOR