

would be a striking and relatively tall feature that rose up to a similar height to the top of the bay window. Moreover, given the height of this gable and the limited openings there would be extensive areas of render apparent, especially when seen from the side. Therefore, taking these factors together with its form, it would not be a subservient addition to No 45. Rather, it would be disproportionate and visually dominant, jarring sharply with the Victorian nature of the original property and significantly challenging the scale and architectural integrity of the building.

24. The development could, at most, be merely glimpsed from the surrounding roads. However, its scale and appearance mean it would be noticeable from many of the flats in the surrounding properties and when seen from those it would be an appreciable incursion into this leafy block of back gardens.
25. For these reasons the extension subject of Appeal A would adversely affect the contribution the building and its garden made to the Belsize Conservation Area.
26. The Appellant said that the bay could be demolished in any event and, if the property reverted to a dwelling, a domestic extension of a greater impact could be erected as 'permitted development'. However, I have no reason to consider either scenario would occur and so have afforded them little weight.

#### *The 2008 scheme – the merits*

27. Mr Lane gave evidence on behalf of the Appellant in relation to this issue. He understood that the 2008 scheme had been implemented and so was a fall back option that could be built if the Appeal A scheme were to be dismissed. Although he expressed support for the Appeal A scheme, this was solely on the basis that it was preferable to the 2008 scheme. As a result it would cause less harm to the conservation area and so would satisfy the tests in the legislation and policy. He acknowledged though that if the 2008 scheme had not been permitted then the Appeal A scheme would not be acceptable.
28. When comparing the 2 schemes the height of the main solid structure of the 2008 scheme (as opposed to the height of any glazed elements that may be on the roof) would be appreciably lower than the Appeal A scheme. Moreover, when this is coupled with its 'L' shape it would result in less render and would mean it did not dominate the rear elevation of the original building to the same degree. It would also leave the bay unaffected as a feature. While its 'L' shape would be unorthodox, on balance from what I can understand of the 2008 scheme if it were to be a fall back option I consider it would not be as harmful as the Appeal A scheme.
29. Mr Lane also considered the roof arrangement of the 2008 scheme was more complex. For the reasons I discuss below I have no certainty as to the precise roof form proposed for that earlier scheme. However, even if I inferred the most complex scenario from the various plans, that would not be sufficient to lead me to a different finding in relation to the relative merits of the 2008 scheme and the Appeal A scheme.

#### *The 2008 scheme – its implementation*

30. While the Council accepted the 2008 scheme had been commenced before that permission expired in mid-January 2011, this was not accepted by the Rule 6 Party, Mr Tankel. He therefore contended the 2008 scheme was not, in fact, the fall-back option that Mr Lane understood it to be.