



## Appeal Decision

Site visit made on 14 July 2015

by **Clive Tokley MRTPI**

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

Decision date: 11 August 2015

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**Appeal Ref: APP/X5210/W/15/3004790**

**22 Lancaster Grove, London, NW3 4PB.**

- 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 Katherine Somers against the decision of the Council of the London Borough of Camden.
  - The application Ref 2014/2037/P, dated 11 March 2014, was refused by notice dated 3 October 2014.
  - The development proposed is demolition of existing single residential unit and replacement with four new residential units.
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### Application for Costs

1. An application for costs is made by Katherine Somers against the Council of the London Borough of Camden. That application is the subject of a separate decision.

### Decision

2. The appeal is dismissed.

### Main Issues

3. The main issues are whether the proposal preserves or enhances the character or appearance of the Belsize Conservation Area (CA) and the effect of the proposal on the living conditions of the occupiers of neighbouring residential properties as regards light and outlook.

### Reasons

#### *Character and appearance*

4. The CA is a predominantly residential area between the local centres of Belsize Park and Swiss Cottage. The Southern end of Lancaster Grove (including the appeal site) lies within Sub Area Three of the CA which comprises mainly late Victorian houses; however exceptions to this occur in the vicinity of the appeal property where mid to late C20th houses are in evidence.
  5. On the north side of Lancaster Grove similarly-designed deep-plan and closely-spaced detached houses have small front gardens behind low front walls. As they follow the outside of curve in the road the houses towards the north west
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are laid out in a shallow echelon resulting in parts of their flank walls and side-facing roof planes being visible when approached from the south east. To the south the more recently built houses have wider frontages and are set back further into their plots behind (mostly) high brick walls. These houses are laid out with their front walls roughly following the curve in the road. The materials, design and detailing of most of these houses lends them an "Arts and Crafts" air however those characteristics are not present in the mid/late C20th houses at No 22 and No 24.

6. The dwelling on the appeal site dates from the mid 1980s; it has no architectural merit and its design, materials and detailing do not make a positive contribution to the distinctiveness of the area. I therefore consider that its demolition and replacement by an appropriate building would not be harmful to the CA. The Council raises no concerns about the effect of the proposal on the setting of the Grade II listed No 30 Eton Avenue to the south and based on what I have read and seen I have no reason to take a different view.
7. With the exception of the appeal property all of the dwellings on the south side of Lancaster Grove within Sub Area Three have retained high red brick front walls with stone plinths and copings and stone string courses in the gate piers. To the west of the appeal site the houses are built at a lower level than the road and this combined with the front wall results in the ground floors being screened from the street. Despite the roadside wall the set back of the buildings from the road combined with the spaces between buildings, mature street trees and garden trees creates a feeling of space on the south side of the road.
8. The design and detailing of the proposed building is sympathetic to the Arts and Crafts influences of the houses on the south side of Lancaster Grove whilst reflecting the front gables and bay windows of the north side of the street. The low-eaves roofs of the houses to the west result in a less assertive appearance than the houses to the east. However the height of the proposed building is comparable with the houses to the east and with the indicated dimensions of the development permitted at No 18-20. The east wall of the house would be close to the boundary with No 24 and the angled flank wall of that property would result in a diminishing space towards the rear; however a wider space would remain between the dwelling and the western site boundary. Overall I consider that as regards the height and width and design of the front elevation the proposal would not appear out of place in the street and the reinstatement of the front boundary wall would enhance the CA.
9. The front gable at the eastern end of the proposal would be forward of the existing house and closer to the side boundary. The Officer report describes the projection in front of No 24 as "slight"; however when approached from the east towards the shallow curve in Lancaster Grove the front part of the flank wall would be prominently in view across the front garden of No 24 and above the flat roofed garage of that property. Limited views of flank walls where buildings are in echelon are characteristic of this area; however being on the inside of the curve in the road the forward projection of the proposal would be uncharacteristically intrusive in the street scene.
10. The effect of a forward-projecting flank wall was identified as an issue in the appeal against the refusal of permission for the redevelopment proposal at Nos

18-20. In allowing that appeal (ref APP/X5210/A/07/2048016) the Inspector commented on the quality of the design of the dwelling and the relief that would be provided on its eastern elevation. I do not have full details of that proposal but based on what I have seen I consider that as a result of the curvature in the road the current proposal would be more prominently in view from the east. With the exception of the quoins the flank elevation as proposed does not contain the detailing of the front elevation. The detailing of the flank wall windows does not reflect that of the front of the house and there is no identifiable relationship between the two differently-sized dormers and the windows below.

11. The Design and Access Statement considers the front and rear elevations but does not address the design or impact of the flank elevations. The Beacon Design Heritage Assessment that accompanies the appeal indicates that projecting side elevations are common street-scape features; however I consider that as a result of the design and projection of the east flank wall this aspect of the proposal would not preserve or enhance the character or appearance of the CA.
12. When seen from closer to the appeal site the full depth of the flank wall of the proposal would be visible revealing the deep-plan bulk of the building. When approaching from the north-west the replacement building at No 18-20 would screen the appeal proposal in longer views; however the depth and bulk of the building would also be seen through the space between the replacement building and the proposal.
13. The proposed building would project back further into the site than the existing dwelling and some distance beyond the replacement building at No 18-20 Lancaster Grove. The officer report drew attention to the replacement building permitted at 18-20 indicating that it was of a similar design and scale to the appeal proposal. However based on the documents submitted by Point 2 Surveyors on behalf of the appellant it appears to me that the proposed building would be more bulky than the 18-20 building and it is clear that it would have a significantly greater effect on the character of the area at the rear of the site.
14. The full depth and bulk of the proposal would be apparent from neighbouring gardens and especially so when seen from the lower ground to the west. Beacon Planning on behalf of the appellant indicates that the rear garden makes little contribution to the appearance of the CA; however the CA includes the land to the rear of the houses and in my view the undeveloped character of the gardens makes an important contribution to its spatial quality.
15. I consider that as a result of its overall bulk, its intrusion into the street scene and rearward projection the proposal would materially detract from the spacious character of the south side of Lancaster Grove, including the area at the rear of the buildings. I consider that the harm to the character and appearance of the CA, whilst material, would be "less than substantial" as indicated in the National Planning Policy Framework (The Framework).
16. The proposal would conflict with Policy CS14 of the Camden Core Strategy 2010 (CS) which indicates that heritage assets should be preserved and enhanced and Policies DP24 and DP25 of Camden Development Policies 2010 (CDP) which seek to ensure that all development is well designed and maintains the

character of the Borough's conservation areas. These policies pre-date the Framework but as regards design and the consideration to be given to development affecting heritage assets, their objectives are consistent with the general approach adopted by the Framework.

### *Living Conditions*

17. The detached house at No 24 Lancaster Grove is built at a higher level than No 22. It occupies a much smaller plot than No 22 and in response to the curve in the road the garden narrows to the rear. The gardens are divided by a high brick wall. The main rear-facing gabled wall of No 24 has a wide bedroom window at first floor level and multiple glazed doors on the ground floor. The appellant's Daylight, Sunlight and Overshadowing reports (DSO reports) submitted with the application include a ground floor plan of part of No 24 which indicates that the living room served by the glazed doors is "open plan" with a dining room which has both rear-facing and side-facing windows (identified respectively as S3 and S5 in the DSO reports).
18. The side window is the larger of the two and may therefore be considered to be the main window lighting this part of the dining room; however the smaller window faces south-west whereas the larger one faces north west and therefore the smaller window is likely to be of greater benefit as regards direct sunlighting. The revised DSO report indicates that the proposal would have a limited effect on window S3 with the ratio of light reaching that window being 80% of its current value whereas window S5 would be subject to a perceptible loss of light. The response to the DSO Report prepared on behalf of Dr Samuel of No 24 by BVP indicates that it is conventional to view the living room and dining room as two separate spaces; however in reality the dining room would benefit from light from the large windows in the living room. I consider that the loss should be balanced against the light reaching the dining room from window S3 and the "borrowed light" from the large south facing windows in the living room.
19. The appeal documents include an assessment of Daylight Sunlight and Shadow by Point 2 Surveyors (February 2015). This assessment post-dates the determination of the planning application and is indicated to be based on more accurate data than the DSO reports. It concludes that taking account of both windows the sunlight received by the dining room would be "exceptionally good" as compared with the BRE recommendations and based on what I have read and seen I have no reason to disagree with that assessment.
20. The rear-facing dining room window has an outlook onto the back garden of No 24 that is framed by the boundary wall to the right and the flank wall of the gable projection to the left. From within the dining room the proposal would have a limited effect on the outlook from this window. The development would dominate the view from the side window (S5); however taking account of the garden views from window S3 and the outlook through the living room I consider that the proposal would not be unacceptably harmful to the outlook from the dining room.
21. The single storey garage at the side of No 24 has been converted to a breakfast room with access direct from the kitchen via an arched opening. The breakfast room has a rear-facing unglazed door and window with an outlook into the

narrowing area between the side boundary wall and the two- storey main walls of the house. The flank wall of the proposal would be off set from the boundary line and beyond the rear wall of the breakfast room the upper floor would be inset from the ground floor. However the rear wall of the breakfast room is angled towards the side boundary and the proposal would be a dominant presence to the right when seen above the boundary wall from the breakfast room window. Nevertheless that room would retain a narrow view towards the rear garden, albeit currently restricted by a garden building and vegetation.

22. The breakfast room was not part of the original habitable accommodation at No 24 and the method of conversion results in reliance to some extent on light and outlook across No 22. I consider that in these circumstances the occupiers of such rooms cannot reasonably expect to be able to benefit in perpetuity from unimpeded light. These circumstances are recognised by the Building Research Establishment (BRE) guidance which indicates that where the relationship between neighbouring properties places an unreasonable burden on a potential development site its normal guidelines carry less weight.
23. The Point 2 assessment indicates that the breakfast room would retain a Vertical Sky Component that would be of 16.54% as compared the BRE recommended 17% which creates potential for good daylighting. Nevertheless I consider that the proposal would result in a perceptible reduction of natural light levels in that room. However taking account of the relationship between that room and the appeal site, the residual light levels within the room and the nature of that room in the context of the house as a whole I consider that the effect of the proposal on light reaching the breakfast room would not be of sufficiently harmful to the living conditions within No 24 to justify the refusal of permission.
24. The proposal would dominate views to the west from the rear garden of No 24; however as a result of the difference in ground level and the progressive stepping back of the building towards the rear I consider that it would not be an unacceptably over-dominant presence when seen from the main part of the garden of No 24. The proximity of the building would result in it having a greater effect on the narrow area between the house at No 24 and the side boundary but I consider that this relationship would not be sufficiently harmful to justify the refusal of permission.
25. The Point 2 report includes a detailed assessment of the effects of the proposal on the replacement building at 18-20 Lancaster Grove. It concludes that the proposal would have a harmfully adverse effect on daylight reaching three windows and that one would fail the BRE sunlight test; however those windows would all serve rooms lit by other windows and based on the information about that development I am satisfied that the proposal would not result in unacceptable harm to the future occupiers of that building.
26. CS Policy CS5 indicates that the amenity of residents will be protected by making sure that the impact of developments on neighbouring occupiers is fully considered. CDP Policy DP26 indicates that permission will only be granted for development that does not cause harm to amenity. Whilst I understand the Council's desire to ensure that residential amenities are safeguarded this absolute test must be subject to a balanced judgement taking into account the specific circumstances of development proposals. In this case the proposal

would conflict with a strict interpretation of policy DP26; however I consider that it would not conflict with the approach of Policy CS5 and that the harm caused to the living conditions of the occupiers of neighbouring properties would not be sufficient to justify the refusal of permission.

*Other matters*

27. Nearby residents have raised concerns about a number of other issues including the number of new dwellings, the adequacy of off-street parking, loss of trees and the possible effects of the construction of the basement. However these matters and others raised are not reflected in the refusal reasons and based on what I have read and seen, including the undertakings in the planning obligation, they would not amount to justified reasons for refusing permission.

**Framework Balance and Conclusion**

28. The development is in a sustainable location and the net increase of three dwellings would contribute to the housing stock of the Borough. The carrying out of the development and the fitting and furnishing of the houses would also contribute to the economy. In addition the re-instatement the front wall would be of benefit to the CA.

29. All of these factors weigh in favour of the proposal; however I have concluded that as a consequence of the bulk of the proposal, its encroachment into the space at the rear of the buildings and its intrusion into the street scene the proposal would significantly detract from the spacious character of the south side of Lancaster Grove. I consider that the harm to the character and appearance of the CA would be "less than substantial" as indicated in the National Planning Policy Framework; however I have not identified any public benefit sufficient to outweigh that harm.

30. I have concluded that the proposal would conflict with CS Policy CS14, Policies DP24 and DP25 of the CDP and with the policy of the Framework as regards heritage assets. Taking account of all matters I have concluded that the appeal should not succeed.

*Clive Tokley*

INSPECTOR