

# Appeal Decision

Site visit made on 9 December 2015

**by E Gray MA(Hons) MSc IHBC**

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

**Decision date: 01 February 2016**

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**Appeal Ref: APP/X5210/W/15/3130700**

**36A Estelle Road, Camden, London NW3 2JY**

- 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 Paul Latham against the decision of the Council of the London Borough of Camden.
  - The application Ref 2015/1692/P, dated 20 March 2015, was refused by notice dated 22 July 2015.
  - The development proposed is the erection of a single storey rear infill side extension to existing ground floor rear extension.
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## Decision

1. The appeal is dismissed.

## Application for costs

2. An application for costs was made by Mr Paul Latham against the Council of the London Borough of Camden. This application is the subject of a separate Decision.

## Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the conservation area.

## Reasons

4. The appeal site is a semi-detached property on a pleasant residential street in the Mansfield Conservation Area.
  5. The conservation area predominantly comprises terraced housing that was built in the late Victorian period. The Mansfield Conservation Area Appraisal and Management Strategy (MCAAMS) 2008 notes that the majority of the houses 'conform to one basic plan form and period of development', and it is this consistency and uniformity of design that characterises the residential parts of the conservation area.
  6. On Estelle Road, the properties are arranged in terraces of varying lengths. It appears that the original pattern of development was to set the main house at the front of the plot, with a brick wing to the rear, and a smaller brick closet at the very back. Thus, moving back from the road, each built element becomes progressively smaller and narrower than the one before. On either side of each
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terrace, a passageway was provided, running back from the street to the rear garden.

7. Many of the properties have been altered at the rear, and the majority of the brick closets have disappeared. However, the historic layout of the plot and the form and design of the rear wing can still be discerned at No 36A. The MCAAMS highlights the important contribution of historic rear elevations to the character of streets and groups of buildings, and states that rear extensions that would diverge significantly from the historic pattern will not be acceptable.
8. The appeal proposal would add a single storey extension to the side elevation of the property, adjoining the existing modern lean-to extension at the rear. The proposal would diverge from the established historic pattern in two ways. Firstly, the new extension would entirely block off the passageway, which is a key element of the layout of the plot. Secondly, it would increase the width of the rear wing to beyond that of the main house, which is at odds with the established subservient form of the rear wing. By detracting from the uniformity of design of the terrace, which is a key characteristic, I conclude that the appeal proposal would harm the significance of the conservation area.
9. The appellant considers that the positive elements are the first floor elements of the rear wings, the lean-to rear extension, and the gap at the front of the property, adjacent to the main house. I disagree with that position, as it is the overall form and layout of the building, including its plot, which contribute to the significance of the conservation area. The lean-to extension is a poorly-considered addition which detracts from the historic and architectural character of the property.
10. I note that the proposal would not be visible from the street, but the MCAAMS specifically protects historic rear elevations, many of which will be hidden from public view. I agree with the appellant that the rear elevations on Estelle Road may not be architecturally distinguished or harmonious. However, the statutory test is that they should contribute to the special architectural or historic interest of the conservation area, and I consider that the test is met in this instance.
11. I find that the proposal would be contrary to Policy DP25 of the London Borough of Camden Local Development Framework Development Policies (LDFDP), which seeks to protect the character and appearance of conservation areas. The proposal also conflicts with Policy CS14 of the London Borough of Camden Local Development Framework Core Strategy 2011, which seeks to conserve heritage assets, and Policy DP24 (LDFDP), which seeks to secure high quality design.

### **Other Matters**

12. The appellant cites two examples of planning permissions at 11 Rona Road and 39 Sherlock Road in support of their case. However, these decisions were made prior to the adoption of the London Borough of Camden Local Development Framework Core Strategy 2011, and the Mansfield Conservation Area Appraisal and Management Plan (MCAAMP) 2008, and therefore cannot be considered to be direct precedents for the appeal proposal. I have also considered the other planning appeals (refs APP/X5210/D/10/2128905 & APP/X5210/D/13/2208189) provided by the appellant, and the details of a number of extensions in the

area. However the exact circumstances in these cases all vary to the extent that they add little weight to my findings on the main issue.

13. The appellant also expresses dissatisfaction with the pre-application advice received from the Council. However, informal pre-application advice is given without prejudice and cannot pre-determine the outcome of a subsequent application, which must take account of all material factors.

### **Conclusion**

14. I conclude that the proposed development would unacceptably harm the character and appearance of the conservation area. Whilst the identified harm would be less than substantial (in terms of the phraseology used in the National Planning Policy Framework), this does not mean that the harm to the conservation area would not be significant. Furthermore, I have not identified any public benefits that would outweigh that harm.
15. For the reasons above, I find that the appeal should fail.

*E Gray*

INSPECTOR