
Appeal Decisions

Site visit made on 11 January 2016

by Tim Wood BA(Hons) BTP MRTPI

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

Decision date: 09 February 2016

Appeal A: APP/X5210/W/15/3133389 **18 Grove Terrace, London NW5 1PH**

- 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 and Mrs J Vara against the decision of the Council of the London Borough of Camden.
 - The application Ref 2015/1217/P, dated 11 November 2014, was refused by notice dated 5 June 2015.
 - The development proposed is the excavation and construction of a lower ground rear extension with a courtyard; enlargement of the front lightwell and some internal alterations.
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Appeal B: APP/X5210/Y/15/3133369 **18 Grove Terrace, London NW5 1PH**

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr and Mrs J Vara against the decision of the Council of the London Borough of Camden.
 - The application Ref 2015/1695/L, dated 4 November 2014, was refused by notice dated 5 June 2015.
 - The works proposed are the excavation and construction of a lower ground rear extension with a courtyard; enlargement of the front lightwell and some internal alterations.
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Decisions

1. The appeals are both dismissed.

Preliminary Matter

2. The Council has granted a separate listed building consent (Ref 2015/2192/L) for internal alterations which effectively supersedes the internal works contained in this proposal. I note that it is subject to a number of detailed conditions and the appellant indicates that consideration of the internal works contained in the appeal proposal is no longer necessary. Therefore, I shall not consider these items in my determination of the appeals.

Main Issues

3. The main issues in these appeals are;
 - The effects of the proposal on the significance of the listed building and conservation area
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- The effects of the proposal on the privacy of neighbours
- Whether matters included in a Basement Impact Assessment and a Construction Management Plan are adequately dealt with

Reasons

The effects of the proposal on the significance of the listed building and conservation area

4. The appeal relates to this terraced property which forms part of a terrace of 22 similar houses, dating from the mid to late 18th Century. The terrace forms an impressive architectural set-piece being set back and on higher ground than the main adjacent road. All of the properties have very long rear gardens which, as far as I could tell, are separated by brick walls which attach to the houses and appear original. The terrace is grade II* listed and sits within the Dartmouth Park Conservation Area.
5. The building retains much of the original features and characteristics which give it (and its neighbours) its special architectural and historic interest and make it a very good example of Georgian domestic architecture. I agree with the Council's summary, that this grade II* listed building has a high degree of significance and national importance. As well as the many internal features and characteristics, the Council identify the plan form of the property as contributing to its significance. It consists of compartmentalised spaces, with a typical location of walls, stairs, chimneys and secondary spaces. I agree with the Council that the internal division of spaces, the pattern of rooms created, including their size, is an important characteristic of the age and type of building.
6. Within the basement, the main dividing wall between the 2 rooms has been partly removed, however, the plan form is still legible and the relative room sizes are clear. The proposed basement extension would be accessed by the formation of a door in the rear wall of the basement. The proposal would contain a main room and an additional projecting element at one side. Its overall length would be significantly greater than either of the existing rooms at the basement level and the main room would also be larger than either of the existing rooms. At the basement level, the extension would be perceived as a continuous part of the existing house and no visible or physical distinction would be present, apart from a couple of steps down into it. From within this level of the house, I consider that the effect of the proposed addition would be to place a disproportionately larger element (in total and taking the main room by itself) connected to the original house. The strong plan form which runs through the entirety of the existing house on all floors would be disrupted by the inclusion of the additional large element which also contains a disproportionately larger room within it. In this way, I consider that the special interest of the building would be unacceptably affected.
7. In relation to the perception of the extension from other areas of the appeal site, although there is some attempt to provide a visual break between the proposed extension and the original house, I consider that this would not be successful. The proposed break would be insufficient to result in the extension being perceived as anything other than a clear extension to the original building which, again, would result in it being seen as a disruptive addition.

8. The appellants have pointed out the extension at the neighbouring No 19 in support of their proposal and have enclosed a copy of the appeal decision. Whilst it is not for me to seek to justify my fellow Inspector's decision, it strikes me that there are some clear differences between the 2 schemes which allow different considerations to apply. The extension at No 19 is an almost 'stand-alone' structure, only linked to the original house by a short walk-way; it is constructed of glass and its shape as an oval means that there is space around it which reduces its overall effects and clearly separates it from the house. Therefore, the presence of the extension at No 19 does not compel me to look favourably on the appeal scheme.
9. The information submitted by the appellants indicates that significant works would be required to the foundations of the listed building and garden walls in order to accommodate the proposal. The submitted information is contained within the Basement Impact Assessment (BIA) and whilst it has been suggested that the planning application drawings should take precedence, I consider that the BIA is the only evidence before me of how the appellant intends to construct the extension and no alternative method is before me. Therefore, I shall have regard to its contents. This indicates that significant parts of the original foundations at the rear, including those of the garden walls would be removed and replaced with reinforced concrete. In addition, the details show that the concrete would be provided in the garden walls above the ground level of the neighbouring gardens. Not only would this be visually unacceptable, but the alteration/removal of the proposed amount of the original structure which is typical of its age, construction method and materials along with the new reinforced concrete works would further harm the significance of the listed building.
10. The proposed structure would be set below the level of the adjacent garden walls and would take up only a small proportion of the generous rear garden. Whilst I have found harm to the listed building, I consider that these factors would mean that its effects on the character and appearance of the conservation area would be neutral, and so, acceptable.
11. Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that decision takers shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The National Planning Policy Framework (the Framework) states that when considering the impact of a proposal on the significance of an asset, great weight should be given to the asset's conservation. Further, it adds that any harm or loss should require clear and convincing justification. I have found that the proposal would result in harm to the significance of this important listed building. I assess that harm as being 'less than substantial' (as set out in paragraph 134 of the Framework) and I attach considerable importance and weight to this harm in the determination of these appeals. The appellant has not indicated that there are any public benefits that would arise from the proposal but I have balanced the harm against the prospect of the general refurbishment that would arise from some of the works. However, I find no benefit which is sufficient to outweigh the harm that I have identified. As a consequence, I conclude that the proposal is contrary to the relevant parts of Policy CS14 of the Core Strategy (CS) and Policies DP24 and DP25 of the Development Policies (DP).

The effect of the proposal on the privacy of neighbours

12. I agree with the Council that the use of the roof of the proposed extension would give rise to the opportunity for unreasonable levels of overlooking into neighbouring properties. However, I agree with the appellants that a condition preventing the use of the area as a sitting out area/terrace would be appropriate and enforceable.

Whether matters included in a Basement Impact Assessment and a Construction Management Plan are adequately dealt with

13. The submitted Building Impact Assessment seeks to address the Council's concerns in respect of this reason for refusal. The Council indicates that they would wish for an assessment to be undertaken by their preferred specialists who they regard as independent. As a matter of principle, I see no reason why the appellants should not appoint their own specialists to prepare a report; what matters are the contents and implications of the report. Therefore, I raise no objections to this aspect of the cases. In relation to the water environment, I am satisfied that the information submitted shows that the scheme is capable of implementation without undue effects.
14. The Council express reservation in relation to matters expressed as uncertainties within the BIA due to the potential for effects on the structural integrity of the listed building. Although there is always the possibility of unexpected consequences during construction works, based on a careful assessment of what is before me, I agree that the BIA seems to leave too much open for future assessment, in some cases, when construction works are on-going, for example, the possibility of movement in the listed building. In any event and perhaps more fundamentally, I find that the proposed construction that is indicated in the BIA would itself cause unacceptable harm to the listed building and in this respect, I find its contents unacceptable.
15. In relation to a Construction Management Plan the Council considers that one should be the subject of a S106 obligation, whilst the appellant considers that a condition would suffice. I agree with the appellants' that, if permission were granted, then a suitably worded condition would be appropriate and pass the relevant tests in the PPG.

Conclusions

16. I have found that the proposal would have an unacceptable effect on the significance of the listed building and would fail to preserve its special architectural and historic interest. I have concluded that there are no public benefits sufficient to outweigh such harm.
17. Although I have agreed with the appellants in relation to some matters, these are not such that the aforementioned harm is reduced or outweighed. As a consequence, I have identified conflict with the Council's policies, the Framework and the PPG. Therefore, the appeals are dismissed.

S T Wood

INSPECTOR