



Appeal Decision

ALLOWED

Site visit made on 09 October 2001

by **J D Micklethwaite BA DipTP MRTPI**

an Inspector appointed by the Secretary of State for Transport,
Local Government and the Regions

The Planning Inspectorate
4/09 Kite Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
☎ 0117 372 6372
e-mail: enquiries@planning-
inspectorate.gsi.gov.uk

Date 16 OCT 2001

Appeal Ref: APP/X5210/A/01/1068519

27 Princess Road, London NW1.

- 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 A Wilkins against the decision of the Council of the London Borough of Camden.
- The application (Ref: PEX0000670), dated 1 August 2000, was refused by notice dated 3 January 2001.
- The development proposed is the change of use of basement ancillary retail/storage to a self-contained flat together with the erection of a conservatory to the rear and excavation of the front area to create a lightwell.

Summary of Decision: the appeal is allowed and planning permission granted subject to conditions set out in the Formal Decision below.

Procedural Matters

1. On the application form the proposed development is described as "lower ground floor flat". It is clear from the plans that more than this is involved and I consider that the description used by the Council and set out above is a more accurate one.

Planning Policy

2. The development plan for the area is the London Borough of Camden Unitary Development Plan (UDP). Changes to the policy numbering were made in the final published version and this has led to some confusion about which policies the Council rely on. In my opinion, though, the most relevant policies are HG8 and 9, EN22 and 31 and SH9 (using the numbers of the final published version).
3. Policies HG8 and 9 aim to increase the supply of housing and encourage, in principle, changes to residential use of non-residential buildings which are surplus to requirements. Policy EN22 requires extensions to respect the form, proportions and character of the existing building and its setting. Policy EN31 sets out the general requirement to preserve or enhance the character or appearance of conservation areas. And SH9 sets out criteria for assessing proposals for changes of use within neighbourhood centres.
4. More detailed guidance on development within the Primrose Hill Conservation Area is included within the Council's Conservation Area Statement for Primrose Hill (CAS).

Main Issues

5. In the light of this, I consider that there are 2 main issues, namely whether the appeal proposals would:
 - a. preserve or enhance the character and appearance of the Primrose Hill Conservation Area;
 - b. be detrimental to the retail character and function of the neighbourhood centre.

Reasons

Issue a: Effect on the Conservation Area

6. The Primrose Hill Conservation Area consists mainly of 19th century villas and terraces. Within this generally residential area, there are local retail/commercial centres such as the one on the west side of Princess Road.
7. The Council's objections relate to 2 aspects of the appeal scheme – the creation of a lightwell at the front of No 27 and an extension at the rear. I shall look at each in turn.
8. Paragraph PH38 of the CAS points out that the majority of properties within the conservation area have lightwells surrounded by railings and I saw on my visit that this is the case for the residential properties to the north and west of the terrace which includes No 27. However, paragraph PH40 says that the excavation of a lightwell is unlikely to be acceptable where this is not characteristic of the street or building type, such as the forecourt of a shop.
9. There is no dispute that there are lightwells and railings in front of 4 of the units in the terrace which includes No 27, but the Council appear to suggest that these should be disregarded since they are not original features. However, to my mind there are enough of these and they are mostly of such longstanding that they now form part of the character of the retail parade. Therefore I do not consider that the creation of a lightwell with railings in front of No 27 would conflict with paragraph PH40 of the CAS or be harmful to the character and appearance of the conservation area.
10. At the rear, the appeal scheme includes a timber framed conservatory. It would be small in scale (about 6 sq m) and would fit in the corner created by an original rear projection of No 27. In my view, it would be entirely consistent with the requirements of policy EN22 and would be in keeping with the backs of the properties here which have nearly all been extended. Moreover, the extension would be effectively screened by existing boundary walls/fences, including the overhanging eaves which seem to be the main cause of concern to the Council.

Issue b: Impact on the Retail Character and Function

11. Policy SH9 of the UDP says that a change from retail use within neighbourhood centres will be permitted provided that it would not be detrimental to the retail character and function or to the local environment. In this case the retail space at ground-floor level would be retained and there is no dispute that the basement area is surplus to retail needs. The Council's main argument is that the proposed lightwell would prevent people from getting a good view of the goods in the shop window, but I do not agree with this. The set back

would only be about 1.5m and in any event it is possible to see the goods on display through the angled glass door into No 27.

Conclusions

12. I conclude, therefore, that the appeal proposals would preserve the character and appearance of the Primrose Hill Conservation Area and would not be detrimental to the retail character and function of the neighbourhood centre. Moreover, the creation of a dwelling would be in accord with policies HG8 and 9 of the UDP. For these reasons and having regard to all other matters raised, I conclude that the appeal should be allowed.

Conditions

13. In the event of my allowing the appeal, the Council suggest the imposition of 2 conditions in addition to the statutory commencement condition. I do not see any need for a condition requiring the timber frame of the conservatory to be painted, but I accept the need for a condition to control the appearance of the front railings. In my view, this is best dealt with by requiring the submission of details of the railings and this would be acceptable to the appellant.

Formal Decision

14. In exercise of the powers transferred to me, I allow the appeal and grant planning permission for the change of use of basement ancillary retail/storage to a self-contained flat together with the erection of a conservatory to the rear and excavation of the front area to create a lightwell at 27 Princess Road, London NW1, in accordance with the terms of the application Ref: PEX0000670, dated 1 August 2000, and the plans submitted therewith, subject to the following conditions:

- 1) The development hereby permitted shall be begun before the expiration of five years from the date of this decision.
- 2) The railings at the front of the property shall be installed in accordance with details which shall be submitted to and approved by the local planning authority before development commences.

Information

15. A separate note is attached setting out the circumstances in which the validity of this decision may be challenged by making an application to the High Court within 6 weeks from the date of this decision.
16. This decision does not convey any approval or consent that may be required under any enactment, by-law, order or regulation other than section 57 of the Town and Country Planning Act 1990.
17. An applicant for any approval required by a condition attached to this permission has a statutory right of appeal to the Secretary of State if that approval is refused or granted conditionally or if the authority fails to give notice of its decision within the prescribed period.
18. Attention is drawn to the provisions of section 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires consent to be obtained prior to the demolition of buildings in a conservation area.

19. Attention is drawn to the enclosed note relating to the requirements of the Chronically Sick and Disabled Persons Act 1970, as amended.

JD Micklethwait

INSPECTOR