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Simon Dunn
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Dear Mr Dunn

Appeal by Zyda Law C/O Ms Jacqueline Eringer
Site Address: Flat 2 22 Lymington Road, NW6 1HY, London.

Application proposal: Erection of a single storey roof extension and alterations to windows

The Council's case is briefly set out in the officer's delegated report (sent with the Questionnaire). This details the proposal, site and surroundings, the site history, consultation responses and an assessment of the proposal.

In addition to the information sent with the questionnaire, I would be pleased if the Inspector would take into account the following information and comments before deciding the appeals.

1.0 Summary The appeal relates to a large 3 storey semi-detached house on the southern side of Lymington Road. It is located in the West End Green Conservation Area and is identified as a positive contributor. The building is located in a uniform frontage and there is a pattern of development at the rear along the southern side of Lymington Road, The appeal relates to a flat located at the rear of the building with access to the rear garden. There are 5 other flats in the building. The surrounding use is primarily residential. The site borders a builder's yard to the rear.

The application was refused on 11/03/2015 on two grounds summarised as follows:

1. The proposed rear extension, by virtue of its depth, width, and siting would fail to be subordinate to the host building and would cause harm to the appearance of the host property and to the character and appearance of the West End Green Conservation Area.
2. The proposed replacement windows at lower ground floor level, by reason of their inappropriate materials and design, would be harmful to the appearance of the host building and the character and appearance of the West End Green Conservation Area. ,

The building has already been extended under planning permission granted in 1981 for a lower ground floor extension to a depth of 4 metres beyond the rear wall of the main building. This existing extension is the full width of the main building and roughly matches the depth of the rear extension of the adjoining property at No. 24 Lymington Road. There is a pattern of development along the rear of buildings of ground floor extensions along Lymington Road however full width rear extensions are not common in the surrounding row of houses. The proposed extension combined with the existing rear extension would result in a full width lower ground floor extension extending to a depth of 7.5 metres beyond the rear wall of the main house, a depth comparable to the depth of the original building. Due to the combination of the existing rear extension on site and the proposed rear extension, it is considered that the resulting built form would not be subordinate or respect the scale and proportions of the main building in accordance with CPG 1. The proposal would also undermine the existing symmetry of the rear elevations of the host building and its attached neighbour. The proposal is not in keeping with the scale and form of rear extensions along this section of Lymington Road which are typified by modest infill and part width single storey extensions of a much shallower depth which preserve the overall composition of their host's rear elevations and maintain the symmetry between the semi-detached pairs. Due to the resulting harm to the rear elevation caused by the full width and excessive depth of the proposal, it is not considered to preserve or enhance the character or appearance of the West End Green Conservation Area.

The proposals would include the replacement of two timber sash windows on the side elevation with PPC aluminium casement windows and the installation of a high level PPC aluminium casement side windows at lower ground floor level. While the installation of a higher window in the existing extension might be acceptable, the replacement of the existing sash windows with PPC aluminium casement windows would be contrary to the detailing and historic character of the host building and contrary to the surrounding character of the West End Green Conservation Area, harming the character and appearance of the host building and the conservation area.

Status of the Development Plan Policies

National Policy Documents

4.1 On the 27th of March 2012 the Government published the National Planning Policy Framework (NPPF). The policies contained in the NPPF are material considerations which should be taken into account in determining planning applications. Paragraphs 14, 17, 56-68 and 126-141 are most relevant.

Regional Planning Policy Framework

4.2 The London Plan March 2016 is a material consideration for this application. The London Plan Policies most applicable here include policies 7.4, 7.6 and 7.8.

Local Development Framework

4.3 The Statutory Development Plan is the Council's Local Development Framework (LDF), which was formally adopted on 8th November 2010. The primary documents within the LDF relevant to this appeal are the Camden Core Strategy 2010-2025 and Camden Development Policies documents, both formally adopted on 8th November 2010 after due public consultation and examination. The Inspector is therefore invited to give substantial weight to the LDF policies and supporting text.

4.4 The relevant LDF policies and Conservation Areas Appraisal are set out in the delegated report

The Appellant's Grounds of Appeal

The appellant's statement (Zyda Law dated 17/05/2016) is summarised below:

- a) Although the application site is within a conservation area, the main emphasis is on the front facades. The proposed extension is to the rear of the property which border onto a builder's yard as well as West Hampstead Thameslink/Overground and is therefore not visible in the street scene or from neighbouring private vantage points.
- b) There is already a significant lack of symmetry in development along Lymington Road. The uniformity and coherence has been eroded by developments along the row of houses, for example the rear extension at No. 16.
- c) The proposed extension is subordinate to No. 22 Lymington Road is only 3 metres in depth which is a typical depth of rear extensions under permitted development. Full width rear extensions are not uncommon in the area.
- d) The proposed windows are PPC windows as opposed to the existing UPVC windows and they are not contrary to Camden's Planning Guidance.

Response to the Appellant's Statement

Overall the Council reaffirms that it considers the proposed changes would result in significant material harm to the character of the host building, No. 22 Lymington Road, and harm to the West End Green Conservation Area. The proposed rear extension would also detract from the existing pattern of development along the southern side of Lymington Road.

Response to (a) – The appellant puts forward the case that the proposed extension is to the rear of the property, not readily visible from public points, and the front facades of building's along Lymington Road are more important from a conservation standpoint. However the proposed rear extension would be visible from upper floor windows of several properties including Nos. 18-28 Lymington Road. No. 22 Lymington Road is also listed as a positive contributor in the West End Green Conservation Area Appraisal and Management Strategy. CPG1 Design states that extensions should be subordinate to the original building in terms of scale and situation. The proposed extension by reason of its full width and depth beyond the original rear wall of No. 22 (linking on to previous extensions) would detract from the character of host building by reason of creating a non-subservient addition to the host building. By reason of detracting from the character of a positive contributor in the West End Conservation Area, the proposed extension would represent harm to Conservation Area.

Response to (b) – There is a pattern of rear development along the southern side of Lymington Road however the proposed rear extension would lay outside this pattern.

CPG1 Design states that rear extensions should respect and preserve the historic pattern and established townscape of the surrounding area. The predominant pattern of the surrounding area would be for ground floor and first floor rear extensions to a depth of approximately 3 metres and commonly broken up into narrower elements less than full width. No. 16 Lymington Garden does exhibit an extension of comparable depth to the proposed extension but this rear extension at No. 16 is not full width and is not representative of the pattern of rear extensions along this row of buildings. The proposed rear extension would also help create an incongruous relationship between the host building with No. 24 Lymington Road and with No. 20 Lymington Road.

Response to (c) – As the appellant admits the application building is not a dwellinghouse and does not benefit from permitted development rights. It is rather put forward by the appellant that permitted development options provide an analogous guideline for acceptability. However the analogy breaks down somewhat when it is considered that depths for rear extensions under permitted development are always taken from the original rear wall. Hence as in this case, a proposed 3 metre rear extension attached to an existing extension would not necessarily be seen as acceptable. The appellant also points to the fact that full width rear extensions are not uncommon in the area. However, other than No.22 itself there no clear examples of full width single rear extensions. As in the case of No. 24 the normal pattern is for single storey rear extension not to be full width and to possibly incorporate a half width first floor element. Even taking into account the extensions at No. 16 Lymington Road, there is no precedence in the surrounding area for full width rear extensions at such a depth beyond the original rear wall. The full width nature of the proposed rear extension magnifies the excessive depth of the extension beyond the original rear wall and helps create a resultant built form that is not subservient to the host building.

6.5 Response to (d) – The proposed windows are labelled as PPC windows which is interpreted as meaning Polyester Powder Coated windows. PPC windows are not explicitly mentioned in Camden's CPG1 Design Guidance and the appellant points out that the proposed PPC material is common in the area. Although the proposed windows are PPC as opposed to UPVC they do not reflect the traditional form or windows along Lymington Road. Camden's Planning Guidance 1 Design states that 'where timber is the traditional window material, replacements should also be in timber frames'. The traditional window materials of these Edwardian townhouse along Lymington Road is timber frame hence any alternative material to this as replacement windows would harm the character of the West End Conservation Area.

8.0 Conclusion

8.1 The appellant's principal argument is that the proposed extension is to the rear of the property and not being visible from public vantage points would not cause harm to West End Conservation Area and that the depth and width of the proposed extension would not be excessive. However, the proposed extension would link onto existing rear extensions that already extend beyond the original rear wall of the building. The proposed extension in combination with previous extensions would result in an incongruous built form that is not subservient to No. 22's original house, a building which is listed as a positive contributor to the West End Conservation Area. The proposed PPC windows, although not UPVC windows, would not copy the traditional materials of windows of houses along

Lymington Road and would therefore would not preserve or enhance the West End Conservation Area.

8.2 In light of these points and the officer's delegated report the Planning Inspector is asked to dismiss this appeal.

9. Conditions

9.1 In the event that the Inspector is minded to allow the appeal, the Council would suggest the following conditions listed below.

1 The development hereby permitted must be begun not later than the end of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

2 All new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the existing building, unless otherwise specified in the approved application.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policies DP24 and DP25 of the London Borough of Camden Local Development Framework Development Policies.

3. The development hereby permitted shall be carried out in accordance with the following approved plans: 002/2, 002/ 1 REV A, 002/ 3 REV A, 002/ 4 Rev A, 002/ 8 REV A, Design and Access, Design and Access Statement.

Reason: For the avoidance of doubt and in the interest of proper planning.

4. No part of the flat roof of the single storey rear extension hereby created shall be used as a roof terrace without the express consent of the planning authority, and any access out onto this area shall be for maintenance purposes only.

Reason: In order to prevent any overlooking of the neighbouring occupiers in accordance with the requirements of policy CS5 (Managing the impact of growth and development) of the London Borough of Camden Local Development Framework Core Strategy and policy DP26 (Managing the impact of development on occupiers and neighbours) of the London Borough of Camden Local Development Framework Development Policies.

9.2 On the basis of information available and having regard to the entirety of the Council's submissions, including the contents of this letter, the Inspector is respectfully requested to dismiss the appeal.

9.3 Please do not hesitate to contact me if you have any comments or questions.

Yours sincerely,

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10.0 Appendices

Appendix 1: Officer Delegated Report

Appendix 2: Decision notice