

## Statement of Case

Site at 54 Regent's Park Road, London, NW1 7SX

Appeal by Mr David Yeo.

Replacement of metal railings around rear balconies (approved under application no. 2015/2786/P) with glass balustrades.

LB Camden ref: 2016/0822/P

## 1. Introduction

- 1.1. The application site is a semi-detached, 5-storey period property on the Northern side of Regent's Park Road. The property is not Listed and there are no Listed buildings immediately adjoining the site. The property is in the Primrose Hill Conservation Area.

## 2. The Reason For Refusal

- 2.1. The application was refused under officer-delegated powers on 14<sup>th</sup> June 2016 for the following reason:

*1. The proposed alterations to the rear elevation, by reason of the choice of materials and design, would harm the character and appearance of the host building and the wider Primrose Hill conservation area contrary to policy CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy and policies DP24 (Securing high quality design) and DP25 (Conserving Camden's Heritage) of the London Borough of Camden Local Development Framework Development Policies.*

- 2.2. The statement of case shall address this reason for refusal.

### 3. Relevant Planning history

**2015/2786/P – GRANTED 09/11/2015**

Lowering of existing lower ground floor level including front light well. Erection of front and rear extensions at 2nd floor level and single storey extension at rear lower ground floor level with terrace and metal railing above. Increase in width of side dormer to roof, creation of new terrace at 3rd floor level with metal railing and enlargement of existing rear windows. Installation of replacement front dormer window. Conversion from 2 x flats to 1 x single family dwelling house.

**2014/7956/P – GRANTED 28/04/2015**

Erection of single storey rear extension at lower ground floor level with terrace and metal railing above. Erection of front and rear extensions at 2nd floor level. Increase in width of side dormer to roof, creation of new terrace at 3rd floor level with metal railing and enlargement of existing rear windows. Installation of replacement front dormer window. Conversion from 2 x flats to 1 x single family dwelling house.

## 4. Policy Context

### National Planning Policy Framework (NPPF) (March 2012)

- 4.1. The NPPF is a material consideration in planning decisions. The NPPF contains a strong presumption in relation to sustainable development. In the context of this appeal the following key aims are relevant:

*Para 56*

*'The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.'*

*Para 60*

*'Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.'*

- 4.2. The use of glazing is widely used and accepted form of material for balustrades, even in Conservation Areas. A key consideration in this case is the Council has already permitted significant extensions to the rear of the appeal property. These extensions comprise of large area of glazing and they are unashamedly contemporary in appearance. In the context of these permissions it seems perverse that the Council is insisting that the balustrades should comprise of metal railings when it is clear that the rear elevation as proposed could just as easily (arguably, if not more) be suited to a glazed balustrades.

*Para 131*

*'In determining planning applications, local planning authorities should take account of:*

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*

4.3. A case for enhancement would be difficult to justify. However, it is contended the aesthetic benefits arising from the use of glazed railings as opposed to a metal balustrade are minimal particularly in the context of the extensions that have already been permitted. Overall, the glazed railings would have a neutral effect on the character of the host building and the wider conservation area.

Para 134

'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use'.

4.4. The proposal would lead to less than substantial harm. There would be no public benefits arising from the uses of glazed railings, but then again it is equally difficult to derive a case for public benefit if the balustrade was metal railings as opposed to the glazed panels as sought by the appeal.

*Camden's Core Strategy (2010).*

- 4.5. The Council's reason for refusal refers to **Policy CS14** (Promoting High Quality Places and Conserving our Heritage). This requires all development to be a high standard of design and to ensure development preserves and enhances Camden's rich and diverse heritage assets and their settings.

*Camden's Development Policies (2010).*

- 4.6. The reason for refusal refers to **Policies DP24** (Securing High Quality Design) and **Policy DP25** (Conserving Camden's Heritage).
- 4.7. **Policy DP 24** expects all extensions to respect the character and proportions of the existing building and use high quality materials.
- 4.8. In common with the Core strategy Policy CS14, **Policy DP25** will only permit development that conserves and enhances the character of the conservation area.
- 4.9. It is considered use of glazing for the balustrades would not materially undermine the key aims of these policies. This is a relatively minor change to the rear elevation of the property if compared to the previous planning decisions and overall the character of the conservation area would be preserved.

*Primrose Hill Conservation Area Statement.*

4.10. No. 54 Regent's Park Road is listed as making a positive contribution to the character of the conservation area. As per the following extract, page 28 of the document identifies current issues affecting the conservation area.

**CURRENT ISSUES**

Being a predominantly residential and commercial area, there are strong pressures for alterations and extensions to existing properties. These alterations include:

- Increased on street parking and pressure for forecourt parking
- Excavation or extension of basement areas for additional accommodation and increased light levels
- Roof extensions and changes to roof profiles and detail
- Rear and side extensions
- Elevational alterations and loss of details
- Loss of garden space, hard and soft landscaping
- Pressure to fell and lop trees
- Alteration and replacement of shopfronts
- Signage and canopies
- Loss of uses that form part of the established character of the Conservation Area, such as retail activities and employment uses

4.11. Most of these issues are associated with visible changes and threats to the public realm.

4.12. Page 30 of the statement refers to the use of materials for extensions, repairs and alterations. When replacing existing /original architectural features it states that traditional materials should be used. It also identifies some materials that would be generally unacceptable (concrete roof tiles, artificial slate and PVC u) windows. The statement does not specifically refer to the use of glazed balustrades, nor does it rule out the use of a contemporary design approach for extensions. Page 34 refers to the need to use traditional patterned railings but it is clear this is only in the context of enclosures to front light wells. Moreover, as previously approved the railings have a simple design.

## 5. Evaluation Of The Council's Reason For Refusal

*Reason 1 'The choice of materials and design would harm the character of the conservation Area'.*

- 5.1. The delegated case officer's report acknowledges that the balconies would not be visible from any public view. While this is not sufficient a reason to solely offset the impact of a development, particularly in a conservation area, it is evident that a switch from the previously approved railing to a glazed balcony design on the rear of the building represents a minor change that will not significantly harm the outward appearance of the Conservations Area.
  
- 5.2. In the context of the development it is important to compare the existing rear elevation and highlight the extant permission that was permitted last year. Overleaf are photos and drawing extracts of the existing rear elevation, the elevation that was approved last year and the proposed rear elevation that is associated with this appeal.



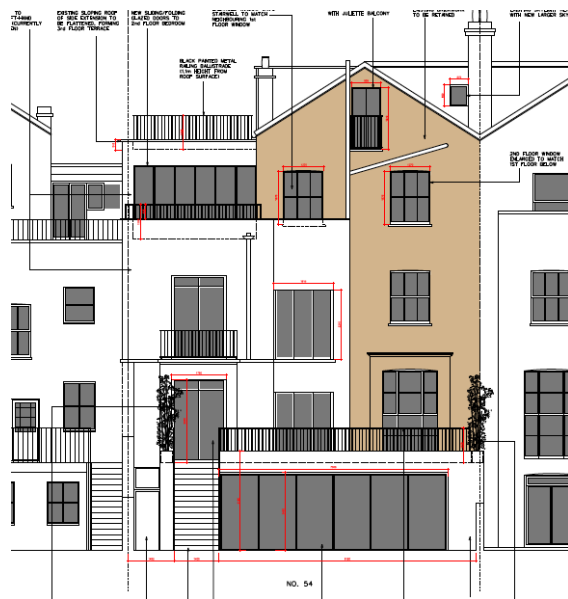
Existing rear elevation

Prior to commencement of works



2014/7956/P

Proposed Rear elevation (As approved)



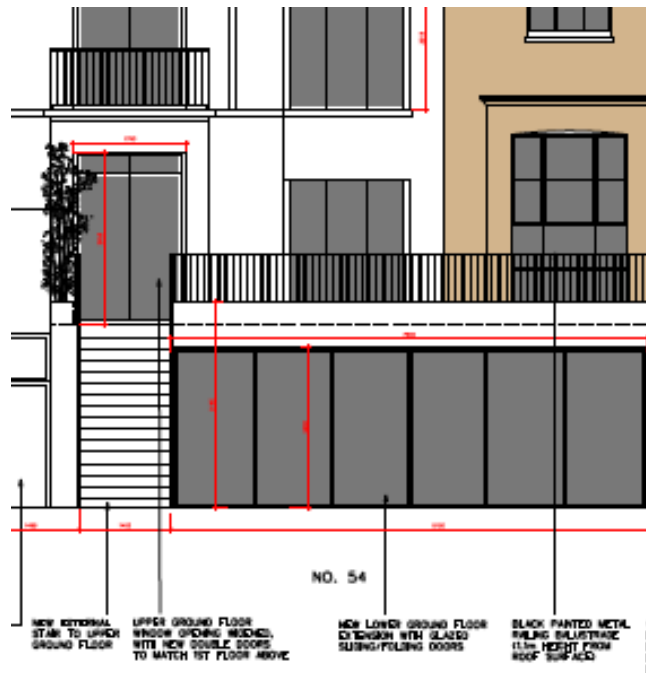
2016/0822/P

Proposed rear elevation. (Current appeal submission).



5.3. In the context of the drawing extracts on the previous page it is contended the switch from railing to balconies would not be materially harmful. In fact the change is barely perceptible when seen against the backdrop of the other changes to the building. As stated the form of the permitted extensions in terms of their design and the style of the window openings are contemporary in appearance. The glazed balconies would be in keeping with these elements.


5.4. The railings that were permitted on the rear elevation of the building in 2014 were not ornate. As stated the approved design was quite simple, consisting of a flat balustrade rail with a tubular rail and post design. They do not reflect the period character of the building any more than the glazed balustrade that is the subject of this appeal.

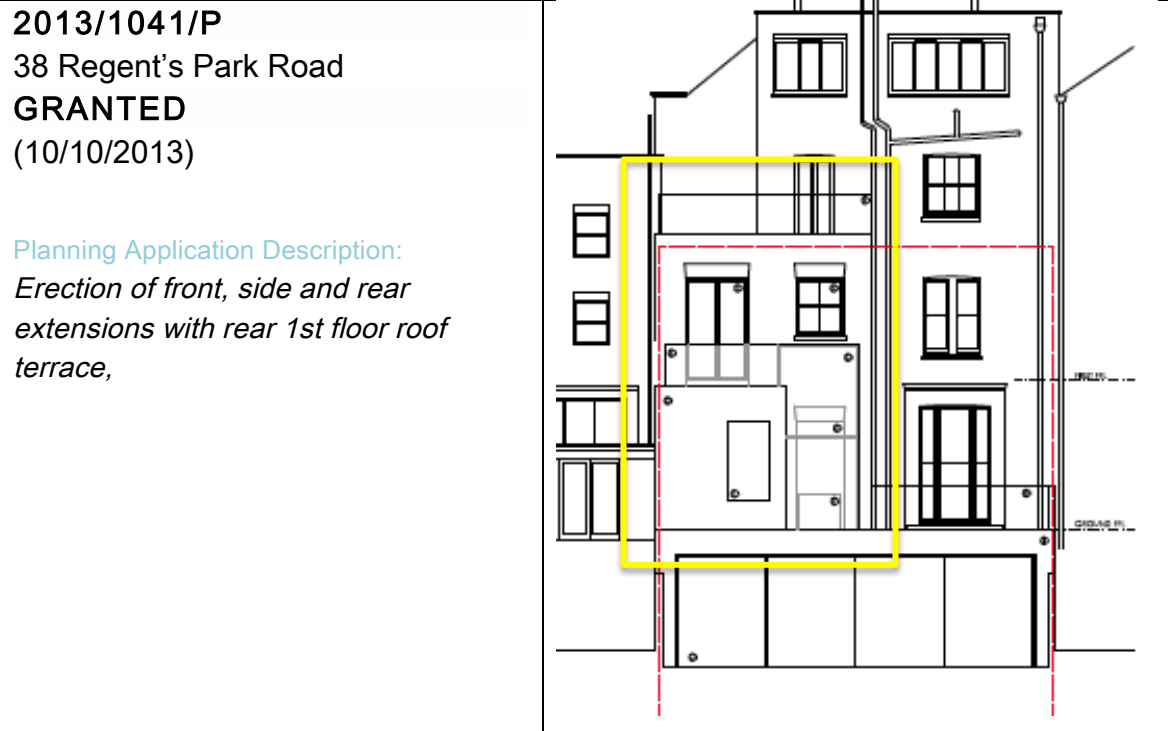


5.5. It is necessary to have some form of enclosure given the extent of the ground floor roof terrace and the terraces on the upper floors. However, the amount of area that is needs to be enclosed is quite significant to a point that the approved railings start to clutter the rear elevation of the building. In contrast the glazed balustrades with their seamless frames provide a clean and transparent form of enclosure. This ensures unhindered views of the rear elevation of the building.

5.6. A review of the planning history of other properties on Regent's Park Road has several examples whereby the council have permitted glazed balconies on other properties. These properties are also in the Primrose Hill Conservation Area. Both decisions were made using the same local plan policies, which the council are now reliant upon to justify their refusal.

5.7. While each site should be treated on its own merits this at least points to a degree of inconstancy in the council's decision making process. The example at No. 38 is interesting. This property was converted into flats and it clearly had been subject to a several less than sympathetic alterations in the past. However, the property is not dissimilar to the appear property and as indicated the Council permitted a significant amount of glazed balustrades and glazed cladding elements to the rear elevation of the building.

<p><b>2013/6901/P</b>          13 Regent's Park Road  <b>GRANTED</b>          (27/12/2013).</p> <p style="color: #00AEEF;"><i>Planning Application Description:</i>  <i>Erection of single storey rear extension at lower ground floor level with terrace above, replacing the existing conservatory and terrace above.</i></p>	 <p style="text-align: center;"><b>PROPOSED REAR ELEVATION</b></p> <p>1 brick to match existing          2 folding/sliding doors          3 glass balustrade to balcony</p>
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## 6. Conclusion

In the light of the issues raised in this statement the Inspector is respectfully asked to allow the appeal.

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**Consultant Chartered Planner**

**July 2016.**