
Appeal Decision

Site visit made on 21 June 2016

by **C L Humphrey BA (Hons) DipTP MRTPI**

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

Decision date: 2nd August 2016

Appeal Ref: APP/X5210/W/16/3146913

21 Princess Road, London NW1 8JR

- 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 Peter Fraser, Endgrade Limited against the decision of the Council of the London Borough of Camden.
 - The application Ref 2015/2598/P, dated 8 May 2015, was refused by notice dated 6 November 2015.
 - The development proposed was originally described as 'Lower ground office change of use to residential Ground and lower ground floor rear extensions'.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Notwithstanding the description of development set out above, which is taken from the application form, it is clear from the submitted plans that the appeal proposal would also result in the creation of a lightwell and erection of railings to the front of the appeal property.
3. The Council's Decision Notice describes the proposed development as 'Change of use of lower ground floor from office (Class B1a) to create 1 no. self-contained 2 bed flat (Class C3), creation of front lightwell and erection of railings, and erection of two storey rear extension to provide additional floor space at lower and upper ground floor levels'. I note that the appellant has used this description on the appeal form. The revised description of development more accurately describes the appeal proposal, and I have therefore considered the appeal on that basis.

Main Issues

4. The main issues are:
 - (a) The effect of the proposed development upon the character and appearance of the appeal property and the surrounding area, and whether the proposal would preserve or enhance the character or appearance of the Primrose Hill Conservation Area; and
 - (b) Whether the proposed development would provide acceptable living conditions for future occupants of the appeal property, with particular regard to outlook.
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Reasons

Character and appearance

5. The appeal property is located within Primrose Hill Conservation Area. It is a mid-terraced building located on the western side of Princess Road in the centre of a parade which forms the Princess Road Neighbourhood Shopping Centre (NSC). There are 11 properties within the parade, comprising a pub on the corner of Princess Road and Kingstown Street and 10 smaller units immediately to the north. The surrounding area is predominantly residential.
6. The Primrose Hill Conservation Area Statement (PHCAS) states that a number of terraces, including the Princess Road NSC, were designed to accommodate retail uses, small businesses and public houses on the lower floors, with residential flats above. It explains that the retail and small business units generally occupy a standard width terrace property or corner property, incorporating an original framework and shopfront at ground floor level, and front forecourt (as opposed to basement lightwell) with glazed pavement lights.
7. The representation from the Primrose Hill Conservation Area Advisory Committee includes an extract from the Ordnance Survey map of the area dated 1894-95 which appears to show that the parade had no front lightwells.
8. There is a notable difference between the parade of shops in the Princess Road NSC, where the absence of front lightwells is historically established, and nearby residential terraces which consistently feature original front lightwells serving basement accommodation. This established form of development makes a positive contribution to the character and appearance of the Conservation Area.
9. Paragraph 132 of the National Planning Policy Framework (Framework) states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
10. This is reflected in development plan policies and guidance referred to by the Council and appellant. Policy DP27(j) of the London Borough of Camden Local Development Framework Development Policies (LDFDP) states that, in determining applications for lightwells, consideration will be given to whether the architectural character of the building is protected and the character and appearance of the surrounding area is harmed.
11. The Council's development plan policies are supported by guidance set out in the London Borough of Camden Supplementary Planning Document Camden Planning Guidance (CPG). CPG4 deals with basements and lightwells, whilst CPG1 relates to design. Paragraph 7.12 of CPG1 states that creating open lightwells with railings in front of a shopfront is not generally acceptable as it prevents window shopping and disrupts the buildings relationship to the rhythm of the street.
12. Also of relevance to the appeal proposal, Guideline PH40 of the PHCAS states that excavation of a basement lightwell is unlikely to be acceptable where this is not a characteristic of the building type or street, i.e. to the side elevation of a terrace property or to the forecourt of a shop or public house.

13. The appeal property has an existing basement which is lit to the front by a glazed pavement light set into the narrow forecourt. The appeal proposal would replace this pavement light with a lightwell and railings, thereby introducing a feature that would not be characteristic of the parade of shops and creating an obstruction between the shopfront and the footway which would interrupt the relationship with the street.
14. Of the 11 properties within the parade, 5 have front lightwells, some of which include staircases. Few details have been provided regarding their planning history, but they seem to be of longstanding and the Council has stated that those at number 15 and 19 Princess Road appear to pre-date the designation of the Primrose Hill Conservation Area. The most recent lightwell to be created is at number 27 Princess Road, which was allowed at appeal in 2001¹. I have had regard to the Inspector's decision in that case. However, it predates the development plan and CPG. Whilst I note that there are also examples of lightwells and railings in other NSCs within the Conservation Area, I have not been provided with any evidence relating to their planning history. I have determined the appeal on its own merits and with regard to the development plan and other material considerations.
15. Rather than setting a precedent for the appeal proposal before me, these examples serve to highlight how the cumulative effect of incremental changes to buildings can have a materially adverse effect on their character and appearance. I consider that the existing lightwells are uncharacteristic additions which have caused harm to the integrity and architectural rhythm of the historic parade of shops and to the Conservation Area. The harm caused by unsympathetic development in the past makes the preservation of remaining examples of the historic townscape all the more important.
16. The appellant states that the PHCAS refers to a number of 'shopfronts of merit' within the Princess Road NSC, including Nos 27 and 31 which have lightwells and railings. I have no evidence before me regarding the criteria for assessing which properties feature on this list, and can draw no conclusions as to whether the presence of lightwells was taken into account in this assessment.
17. The appeal proposal also involves the erection of a two storey rear extension to provide additional floor space at lower and upper ground floor levels. There is an existing two storey extension adjacent to the appeal property and other examples along the rear of the terrace, and I note that the Council's Delegated Report concludes that this element of the proposed development would not appear unduly prominent or cause unacceptable harm to the character or appearance of the appeal property or the Conservation Area. I agree with the Council's assessment in this regard. However, the rear extension is integrally linked to the overall scheme and is thus not clearly separable.
18. For the reasons set out above, I conclude that the proposed creation of a lightwell and erection of railings would have a harmful effect upon the character and appearance of the appeal property and the surrounding area, and would fail to preserve or enhance the character or appearance of the Primrose Hill Conservation Area. As such, the proposed development would be contrary to the design and heritage conservation and enhancement aims of Policy CS14 of the London Borough of Camden Local Development Framework

¹ APP/X5210/A/01/1068519.

Core Strategy (LDFCS), LDFDP Policies DP24, DP25 and DP27, paragraph 7.12 of CPG1 and Guideline PH40 of the PHCAS.

19. In addition to the development plan policies and guidance set out above I have also had regard to the presumption in favour of sustainable development, the core planning principles and the policy aims in respect of the supply of housing, design and the historic environment set out in the Framework, and to Planning Practice Guidance in respect of conserving and enhancing the historic environment. For the reasons set out above, the proposed creation of a lightwell and railings would fail to respond to local character and history or reflect the identity of local surroundings, as required by paragraph 58 of the Framework. Furthermore, the appeal proposal would fail to sustain or enhance the significance of the heritage asset and would not make a positive contribution to local character and distinctiveness, contrary to paragraph 131 of the Framework.
20. When considered against paragraph 132 of the Framework, I consider that the harm to the Conservation Area which I have identified above would be less than substantial. Paragraph 134 of the Framework states that, 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.
21. The appeal proposal would result in the creation of a self-contained flat within the basement of the appeal property. The need to encourage the effective use of land and to boost significantly the supply of housing is accepted. However, I note that an application for prior approval in respect of the proposed change of use of the basement to a 1 bedroom flat was granted. It would therefore appear that a self-contained flat could be created in the basement of the appeal property in any event. With regard to the appeal proposal before me, I do not consider that the provision of one additional dwelling would amount to a public benefit sufficient to outweigh the harm that would be caused to the heritage asset.

Living conditions

22. I note that the Council considers that the proposed development would provide satisfactory living conditions in terms of space standards, outdoor amenity space, daylight and sunlight, privacy, security, and noise.
23. With regard to outlook, the proposed flat would be dual aspect with the bedrooms looking out over the rear garden area. The outlook from the living room and kitchen of the proposed flat would be onto the front lightwell. However, the proposed front elevation would feature two large windows and the front entrance door. Although the lightwell would be small, set below pavement level and contain the access staircase, it would be a fairly light space open to the sky. I consider that this matter alone would not cause significant harm to the living conditions of future occupants.
24. I conclude that, for the reasons set out above, the proposed development would provide acceptable living conditions for future occupants of the appeal property, with particular regard to outlook. As such, in respect of the second main issue, the proposed development would accord with the design and overall amenity protection aims of LDFCS Policies CS5 and CS14 and LDFDP Policy DP26.

Conclusion

25. I have found that the appeal proposal would provide acceptable living conditions for future occupants of the proposed development, with particular regard to outlook. However, the proposed lightwell and railings would have a harmful effect upon the character and appearance of the appeal property and the surrounding area, and would fail to preserve or enhance the character or appearance of the Primrose Hill Conservation Area. Although the harm to the heritage asset would be less than substantial, I have found that there would be no public benefits sufficient to outweigh it.
26. For the reasons given above, and having had regard to all other matters raised, I therefore conclude that the appeal should be dismissed.

C L Humphrey

INSPECTOR