

Appeal Statement

38 Regents Park Road, London, NW1 7SX

Appeal Ref:

LPA Ref: 2016/0276/P

Firstplan Ref: 15371

Date: September 2016

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Section 1 Introduction

1.1 This appeal statement has been prepared by Firstplan, on behalf of our client, Mr Steven Novick, and presents the case for planning permission to be granted in respect of planning application reference 2016/0276/P at 38 Regents Park Road. The application relates to the upper two Class C3 residential flats, and proposes to demolish the existing, modern side extension and erect a side and front extension at first and second floor, small rear extension at second floor and to create a third floor roof terrace to the rear, together with associated external alterations.

1.2 The refusal of planning permission was issued by London Borough of Camden on 12 July 2016. The application was refused for the following reason:

“1 The second and third floor rear and side extensions, by reason of their design, bulk and mass, would harm the character and appearance of the Primrose Hill conservation area and the setting of the listed building at no. 36 Regent’s Park Road. As such the proposal would be contrary to policies CS5 (Managing the impact of growth and development) and CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Local Development Framework Camden Core Strategy and policies DP24 (Securing high quality design) and DP25 (Conserving Camden’s heritage) of London Borough of Camden Local Development Framework Development Policies.”

1.3 The decision notice and case officer’s report is attached at appendix 1. The officer identified four main issues in their report to be considered as follows:

- Land Use
- Design
- Amenity
- Highways

APPENDIX 1

- 1.4 In terms of land use, the officer concludes that the proposal is considered to be acceptable and in accordance with policy DP2, following the revision to remove the amalgamation of the two flats, which was originally proposed.
- 1.5 In terms of amenity, the officer concludes that the proposal is acceptable and in compliance with policies CS5 and DP26.
- 1.6 In terms of highways, the officer concludes that a Construction Management Plan is not considered necessary for the proposal.
- 1.7 The only issues for consideration in this appeal therefore solely relate to design, and the subsequent impact on the designated heritage assets.
- 1.8 The reason for refusal on the decision notice relates to the second and third floor rear extension. For clarity, it is our interpretation that the Council are referring to the first and second floor rear extension, as there is no third floor rear extension proposed. Therefore we continue to refer to the first and second floor extensions throughout this Statement.
- 1.9 As such, the reason for refusal of the appeal scheme relates specifically to the design of the rear and side extension at first and second floor levels. However, the external alterations to the existing first floor level extension are already approved under permission ref: 2013/1041/P and there are no changes to its situation, bulk, scale or massing. As such, the focus of this Statement relates to the impact of the second floor extension and third floor terrace above.
- 1.10 Section 2 of this statement sets out the planning history and describes the site and surrounding area. Section 3 explains the details of the appeal scheme. Section 4 sets out the relevant planning policies. Section 5 provides an assessment of the Council's grounds of refusal. Conclusions are set out in section 6.

Section 2 Background Information

a) Site and Surrounding Area

- 2.1 The appeal site at no 38 Regents Park Road is located on the north side of the road, between the junctions with Fitzroy Road and Princess Road. The road is largely characterised by residential uses at this part, with retail and commercial uses at the northern end of the street. The site lies within the Primrose Hill Conservation Area and is situated adjacent to no. 36 Regents Park Road, which is a Grade II listed building. The appeal site itself is not listed.
- 2.2 Number 38 forms a five storey plus lower ground level building, comprised of four flats. The uppermost fourth floor comprises a glazed roof pod. The development relates to the upper two flats, set out over the second floor, and the third and fourth floors, respectively, together with the associated communal stairwell. The glazed atrium set above the main entrance which accommodates the stairwell was a later addition to the property and detracts from the streetscene and wider conservation area.
- 2.3 The adjacent Grade II listed building at no. 36 forms a four storey plus lower ground level building. It is listed jointly with no. 34, and together the pair form the building to the corner of Regents Park Road and Princess Road.
- 2.4 The site falls within a group of properties (nos. 38-70 Regents Park Road) which are identified as making a positive contribution to the conservation area. The Italianate villas at nos. 38-56 were originally constructed as pairs of properties and are similar in their architectural form. They were originally constructed as three storey plus basement residential properties, with entrances set to the side, adjoining the neighbouring entrance. Alterations are evident within the streetscene, with many side infill extensions above the entrances. Roof level alterations and additions are also prevalent.
- 2.5 Nos. 62-64 and 66-68 share a resemblance to this paired architectural form, although have undergone more substantial changes with the installation of an additional storey at nos 62-64 and alterations to the roof form of both. The architectural form of nos 58 and 60 also differs as these appear to have been constructed as individual houses rather than pairs. Rear extensions are also prevalent throughout the properties on the street, particularly at nos. 36, 38, 44, 46 and 54 in the immediate vicinity.
- 2.6 Photographs of the site and views from the surrounding area are attached at Appendix 2.

b) Planning History**i) The Site**

- 2.7 Planning permission and listed building consent was granted in October 1981 for side and rear extensions at second floor across both nos. 36 and 38 Regents Park Road (refs: CTP/J10/15/D/32120 and CTP/J10/5/D/HB2655(R)). This was only partially implemented, on the side of no. 36. However, this consent could be implemented in full, and thus the second floor rear and side extension at no. 38 could be built out, at any point. This consent was granted since the conservation area was designated, in 1971, and following the listing of no. 36 in 1974. The approved second floor rear extension at no. 38 under this consent is half the width of that proposed in the current scheme, however the height remains the same. Therefore the principle of a second floor extension at this height, and increased massing at this second floor level, has once been accepted and could indeed be built out, given that the permission has been implemented.
- 2.8 Planning permission was granted in October 2013, in relation to the two lower flats at no. 38, for erection of front, side and rear extensions with rear first floor roof terrace, including basement excavation and various external alterations, and conversion of two flats at lower ground, ground and first floor levels to one maisonette (Class C3) (ref: 2013/1041/P). The appeal scheme relating to the upper flats at no. 38 was designed to complement the works granted under this consent, in order to ensure the overall appearance of the building remained harmonious.
- 2.9 A further planning permission was simultaneously granted for excavation to create a sunken garden room at basement level with roof terrace above at north end of rear garden to provide ancillary accommodation to existing residential dwelling (Class C3) (ref: 2013/1624/P).
- 2.10 Prior to the refusal to which this appeal relates, planning permission was refused in July 2015 for a much larger scale scheme (ref: 2014/7971/P). This application proposed the conversion of the two upper flats into one (Class C3) involving demolition of side and roof extension and erection of side extension at first, second and third floor, rear extension at second floor, third floor rear roof terrace and roof extension. The refusal was based on design and heritage grounds only, as follows:

“1. The second floor and roof extensions, by reason of their design, height, bulk and massing, would harm the character and appearance of the conservation area and the

setting of the listed building at no. 36 Regents Park Road. As such the proposal would be contrary to policies CS5 (Managing the impact of growth and development) and CD14 (Promoting high quality places and conserving our heritage) of the London Borough of Local Development Framework Camden Core Strategy and policies DP24 (Securing high quality design) and DP25 (Conserving Camden’s heritage) of London Borough of Camden Local Development Framework Development Policies.”

- 2.11 A copy of the refused plans are attached at Appendix 3, together with all relevant decisions for the site. The current appeal scheme had been reduced in scale significantly, in order to overcome these concerns.

APPENDIX 3

- 2.12 Planning permission at 38 Regents Park Road was refused on 12 July 2016 for demolition of the side extension and erection of a side and front extension at first and second floor, rear extension at second floor and to creation of a third floor roof terrace, together with associated external alterations (ref: 2016/0276/P). It is this refusal to which this appeal relates.

- 2.13 The application was refused for the following reason:

“1 The second and third floor rear and side extensions, by reason of their design, bulk and mass, would harm the character and appearance of the Primrose Hill conservation area and the setting of the listed building at no. 36 Regent’s Park Road. As such the proposal would be contrary to policies CS5 (Managing the impact of growth and development) and CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Local Development Framework Camden Core Strategy and policies DP24 (Securing high quality design) and DP25 (Conserving Camden’s heritage) of London Borough of Camden Local Development Framework Development Policies.”

- 2.14 The application was amended during the course of the application following advice from officers to remove the element to amalgamate both flats as it would be contrary to Policy DP2. As set out above, this did not form a reason for refusal in the previously refused scheme, which the Council admitted had been an error on their part.

2.15 A comparison diagram is attached at Appendix 4, in order to show the differences between the existing building, the approved scheme at lower levels (ref: 2013/1041/P), the previously refused scheme (ref: 2014/7971/P) and the current appeal scheme (ref: 2016/0276/P).

APPENDIX 4

2.16 Copies of all the relevant planning permissions and plans are attached at Appendix 3.

ii) The Surrounding Area

2.17 A number of the properties within the surrounding area have been extended to the side and rear, including at second floor level. Indeed, the large majority of the buildings within the terrace identified in the conservation area appraisal as making a positive contribution to the area (nos 38-70) comprise a rear return and many of these buildings comprise additions to the rear, side and at roof level. The majority also comprise a side infill of a greater height than originally constructed, and these infills vary between two and four storeys in height.

36 Regents Park Road

2.18 As referenced above, no. 36 adjacent to the appeal site comprises a second floor rear and side infill extension, which was granted planning permission and listed building consent in October 1981 (refs: CTP/J10/15/D/32120 and CTP/J10/5/D/HB2655(R)).

44 and 46 Regents Park Road

2.19 Nos 44 and 46 were granted permission in 1963 for the construction of a three-storey extension, forming an infill between Nos. 44 and 46 at first, second and third floor levels to form residential accommodation and a studio (ref: TP103252/NE). This permission appears to be partly implemented, and the properties comprise a side and rear extension up to second floor level with third floor terrace.

54 Regents Park Road

2.20 No. 54 comprises a rear and side extension up to second floor level. The rear extension covers two thirds of the width of the property and incorporates a second floor level terrace. Planning permission was granted in April 2015 for front and rear extensions to the existing second floor side infill, including the creation of a third floor roof terrace (ref: 2014/7956/P). This consent increased the height of the full width of the existing extension up to eaves level, and increased the height above the side infill of

the neighbouring dwelling. The balustrading associated with the third floor roof terrace protrudes above the height of the eaves.

60 Regents Park Road

- 2.21 Planning permission was granted in August 2011 for the erection of a rear extension at lower ground, first and second floor level including extension of rear roof slope and enlargement of existing side extension at lower ground and ground floor level (ref: 2011/3180/P). The consent permitted the rear extension of the first and second floor levels to be brought in alignment with the rear stair return at these levels, across the full width of the property.

62 and 64 Regents Park Road

- 2.22 Nos. 62 and 64 towards the western end of the row of properties are of a larger scale, comprising five storeys, including roof extension, plus basement. Each property comprises a side and rear extension which extends up to third floor level, level with the existing eaves height. No. 64 was granted consent in June 1989 for the erection of a two storey rear extension at second and third floor levels to provide additional accommodation for the second and third floor self-contained dwellings and the creation of a roof terrace at fourth floor level for the upper floors maisonette (ref: PL/8802703/R1).
- 2.23 Both no. 62 and 64 appear to incorporate roof terraces above the third floor level side and rear extensions. At no. 62, a roof extension at fourth floor level was granted in July 2015 (ref: 2015/2556/P) which sought to retain the roof terrace. Notwithstanding the comparatively greater height of these properties within the street, the proposal also increased the height of the existing fourth floor level considerably, almost to ridge height.

66 Regents Park Road

- 2.24 Planning permission was granted in January 2006 for the erection of a side extension at second floor level and associated third floor level roof terrace (ref: 2005/4750/P), which has since been implemented. The extension terminates at eaves height, and the approved balustrading protrudes above eaves height.
- 2.25 There are other examples of second floor level side and rear extensions, which terminate less than a full storey below the original eaves height. No. 56 incorporates a side infill extension up to second floor

level, terminating at eaves height, and no. 58 appears to incorporate a two storey rear return, which terminates marginally below the existing level of the eaves.

- 2.26 These completed and consented schemes demonstrate that side and rear extensions are prevalent in the majority of properties along this section of the street, which is identified by the Council as making a positive contribution within the conservation area. There are a variety of side and rear extensions of differing forms present within the terrace, including those extending up to second floor level.
- 2.27 The above permissions, particularly those recently granted, are useful in that they provide an overview of the Council's positive interpretation of planning policy, in respect to the erection of extensions set to at least second floor level and above, specifically within this set of properties within the Primrose Hill Conservation Area.
- 2.28 Copies of the relevant planning permissions are attached at Appendix 5.

APPENDIX 5

- 2.29 An aerial view of the rear of the properties between 36 and 70 Regents Park Road is attached at Appendix 6. This shows the rear returns evident within the area, varying together with the number of second, third, fourth floor and roof level alterations, including roof terraces.

Section 3 The Appeal Scheme

- 3.1 The application seeks planning permission for the demolition of the existing side extension and erection of side and front extensions at first and second floor, rear extension at second floor and creation of third floor roof terrace, together with external alterations.
- 3.2 The proposals respond to the previously refused scheme (ref: 2014/7971/P) and take into account the comments detailed within the officer's report regarding the reasons for refusal. The proposed scheme was also amended during the course of the application in order to remove the originally proposed amalgamation of the two upper flats.
- 3.3 The proposals seek to build upon the previously approved scheme relating to the amalgamation of the two lower flats at no. 38, set out over lower ground, ground floor and first floor levels, for the erection of front, side and rear extensions with rear first floor roof terrace, and various external alterations (ref: 2013/1041/P). Indeed, the proposals have been carefully designed in order to integrate harmoniously with the approved scheme and to respect and complement the architectural form of the wider building.
- 3.4 When viewing the front elevation, the proposed first and second floor front and side extensions will remain as approved. The only change will be the replacement of the top section of the existing, non-original glazed atrium with a new balustrade, to the existing third floor level front roof terrace.
- 3.5 To the rear, the proposals incorporate a second floor rear extension and third floor rear roof terrace, set above the existing first floor rear extension. The proposal appears to be of a similar depth and same height to that approved in 1981 and partially implemented (refs: CTP/J10/15/D/32120 and CTP/J10/5/D/HB2655(R)). The rear extension will be of the same width and depth of the existing extension below, with the exception of a small Juliette balcony which protrudes a marginal amount from the rear elevation.
- 3.6 The single reason for refusal on the decision notice relates to the second and third floor rear extension. For clarity, it is our interpretation that the Council are referring to the first and second floor rear extension, as there is no third floor rear extension proposed. As detailed in the original application and set out in Section 2, the property comprises five storeys plus lower ground level. These levels are clearly labelled on proposed section drawings ref: 111 C and 112 E. It appears that the Council have considered the lower ground level to be the ground level, which is where the confusion has arisen. Therefore we

refer to first and second floor extensions throughout this Statement. Notwithstanding this, of course the first floor rear extension already has permission under application ref: 2013/1041/P and reflects the same bulk and massing as the existing first floor rear extension.

Section 4 Planning Policy Context

4.1 This section of the report discusses the key planning issues affecting the application proposals in the light of the relevant planning policies. As set out in Section 2, the main considerations are the design and the proposals' effects on the character and appearance of the conservation area and the setting of the adjacent Grade II listed building.

a) National Planning Policy Framework (NPPF) (2012)

4.2 The NPPF sets out the Government's economic, environmental and social planning policies for England. The document specifically states that at the heart of the planning system, there is a "*presumption in favour of sustainable development*", which should be seen as a "*golden thread*" running through both plan-making and decision taking.

4.3 The design of the built environment is set out as being an important consideration in Section 7. Paragraph 58 stipulates that decisions should respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation and are visually attractive as a result of good architecture and appropriate landscaping.

4.4 With regard to heritage assets, the NPPF at paragraph 132 stipulates that when considering the impact of a development proposal on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be.

4.5 Paragraph 133 states that local planning authorities should refuse consent for proposed development which will lead to substantial harm to or total loss of significance of a designated heritage asset, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.

4.6 Paragraph 134 sets out 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.

4.7 The application site is situated within the Primrose Hill Conservation Area, and adjacent to a Grade II listed building at no. 36, which comprises the relevant designated heritage assets.

4.8 This proposal is a sustainable form of development which is consistent with the Framework. Indeed, the proposed scheme optimises the development potential of the site, whilst improving the appearance of the building. The design is in-keeping with the character of the surrounding conservation area and will sit comfortably in its location in terms of scale, appearance and massing.

b) Local Planning Policy

4.9 The statutory development plan for Camden comprises the Camden Core Strategy 2010-2015, Camden Development Policies 2010-2015 together with the London Plan (2011 with consolidated amendments 2016). The draft Camden Local Plan 2015 is also considered. The Council's Proposals Map designates the site as falling within Primrose Hill Conservation Area.

i) Camden Core Strategy 2010-2015

4.10 Policy CS5 seeks to protect and enhance the environment, heritage, the amenity and quality of life of local communities, and protect the amenity of Camden's residents.

4.11 Policy CS14 requires development of the highest standard of design that respects local context and character, preserves and enhances heritage assets, promotes high quality landscaping and works to streets and public spaces and seeks the highest standards of access in all buildings and protecting important local views.

ii) Camden Development Policies 2010-2015

4.12 Policy DP24 relates to securing high quality design and expects development to consider the following matters:

"a) character, setting, context and the form and scale of neighbouring buildings;

b) the character and proportions of the existing building, where alterations and extensions are proposed;

c) the quality of materials to be used;

...

h) the provision of appropriate amenity space; and

i) accessibility.”

4.13 Policy DP25 seeks to protect and conserve Camden’s heritage assets. Development will only be permitted that preserves and enhances the character and appearance of conservation areas and would not harm the setting of listed buildings.

iii) Camden Planning Guidance 1 Design

4.14 Section 2 sets out that the Council is committed to excellence in design and schemes should consider the context of a development and its surrounding area, the design of the building itself and the materials used.

4.15 Section 3 provides guidance on development within conservation areas and affecting listed buildings.

4.16 Section 4 relates to extensions and alterations. It sets out that alterations should always take into account the character and design of the property and its surroundings; windows, doors and materials should complement the existing building; and rear extensions should be secondary to the building being extended in terms of location, form, scale, proportions, dimensions and detailing. The height of rear extensions should respect the existing pattern of rear extensions.

4.17 Section 5 relates to roofs, terraces and balconies. When proposing roof alterations, the main considerations should be the scale and visual prominence. Materials that visually blend with existing materials are preferred for roof alterations.

4.18 Balconies and terraces should complement the elevation upon which it is to be located. Consideration should be given to the detailed design to reduce the impact on the existing elevation; careful choice of materials and colour to match the existing elevation; possible use of screens or planting to prevent overlooking of habitable rooms or nearby gardens, without reducing daylight and sunlight or outlook.

iv) Draft Camden Local Plan 2015

- 4.19 Policy D1 states that the Council will require development to be of the highest architectural and urban design quality which improves the function, appearance, and character of the area. Development should be attractive and of the highest standard, respecting local context and character and conserving or enhancing the historic environment and heritage assets.
- 4.20 Policy D2 seeks to protect heritage assets including non-designated heritage assets (including those on the local list).
- 4.21 Policy TC2 seeks to protect and enhance the role and unique character of each of Camden's centres, ensuring that new development is of an appropriate scale and character for the centre in which it is located.

Section 5 Assessment of the Council's Grounds of Refusal

5.1 The London Borough of Camden Council refused the application for the following reason:

“1 The second and third floor rear and side extensions, by reason of their design, bulk and mass, would harm the character and appearance of the Primrose Hill conservation area and the setting of the listed building at no. 36 Regent's Park Road. As such the proposal would be contrary to policies CS5 (Managing the impact of growth and development) and CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Local Development Framework Camden Core Strategy and policies DP24 (Securing high quality design) and DP25 (Conserving Camden's heritage) of London Borough of Camden Local Development Framework Development Policies.”

5.2 The main issues for consideration relate to the impact of the design, bulk and mass on a) the character and appearance of the Primrose Hill Conservation Area and b) the setting of the adjacent Grade II listed building.

5.3 As set out in Section 3, it is our interpretation that the Council are referring to the first and second floor rear extension, as there is no third floor rear extension proposed. We continue to refer to the first and second floor extensions throughout this Section. The reason for refusal relates specifically to the rear and side extension at first and second floor level. The first floor rear and side extension already benefited from planning permission, under ref: 2013/1041/P, and therefore our assessment focuses on the second floor rear and side extension only.

a) Impact on the character and appearance of the Primrose Hill Conservation Area

5.4 This section of the statement considers the potential impacts of the appeal scheme proposals on the character and appearance of the Primrose Hill Conservation Area.

i) Character of the Conservation Area and Contribution of Site

- 5.5 In order to assess the impact of the proposed development, it is first necessary to consider the context and character of the conservation area and the contribution of the application site building to the conservation area.
- 5.6 The site is situated within the Regents Park Road South sub-area of the Primrose Hill Conservation Area. This sub-area is characterised by Italianate villas which were designed to appear as grand residential properties and are around four storeys high, plus basements. The majority of villas are semi-detached or form part of a terrace group. These types of buildings feature numerous decorative features. Dominant features of villa properties include shallow hipped roofs, strong parapet lines, chimney stacks, timber sliding sash windows and decorative railings to window cills. Stucco is usually applied to masonry surfaces on elevations that are visible from the street.
- 5.7 The application site building is identified in the Primrose Hill Conservation Area Statement as one of a group (nos. 38-70) of buildings which make a positive contribution to the character and appearance of the conservation area. It is an Italianate style villa which is typical of this part of the Primrose Hill Conservation Area. It features a number of decorative features including timber sash windows, decorative railings to window cills and chimney stacks, which contribute to the character and appearance of the conservation area. However, the building has been altered to accommodate a glazed addition to the front elevation which detracts significantly from the character and appearance of the streetscene and wider conservation area.
- 5.8 Furthermore, there are a number of rear, side and roof level alterations evident along these identified group of properties, which are identified as making a positive contribution to the character and appearance of the conservation area. This includes second floor level rear and side extensions at nos 44, 46, 54, and third floor level rear and side extensions at nos 62 and 64, as detailed in Section 2.
- 5.9 Photographs of the site and views from surrounding area are attached at Appendix 2.

ii) Assessment of the impact of proposals on appearance and character of Conservation Area

5.10 The officer's report states that:

“The proposal at rear and side, second and third floor levels are considered unsympathetic to the context and the character of the property; would have a significantly harmful impact on the architectural composition of the host building...would harm the symmetry of the terrace; and would detract from the character and appearance of Primrose Hill Conservation Area.”

5.11 The matters to consider therefore relate to the architectural merit of the proposed second floor rear and side extension, by means of its design, bulk and mass, and the impact this has on the preservation of the character and appearance of the conservation area.

5.12 The proposed rear and side second floor extension has been carefully designed in order to sensitively integrate with the approved scheme at lower levels under planning permission ref: 2013/1041/P. It has also taken into account the reasons for refusal and detailed comments in the officer's report for the refused scheme (ref: 2014/7971/P) in order to ensure that the proposed second floor rear extension will remain subordinate to the host building, including in respect of design, bulk and massing.

5.13 The initially refused scheme was much more substantial than the current appeal scheme, and incorporated extensions and alterations at third floor and fourth floor/roof level, which the appeal scheme omitted. The only comments made with respect to the second floor rear extension were in respect of height.

5.14 The height of the proposed side and rear second floor extension was reduced from the previously refused scheme (ref: 2014/7971/P) in order to align with the parapet of the rear and side extension at the adjacent property at no. 36. This change sought to address comments made in the accompanying officer's report stating that at a higher level than the neighbouring property, such an extension would compete with the neighbouring property rather than complement it. Notwithstanding this, there are numerous other examples within the street where second floor level rear and side extensions (predominantly of the stair tower) are apparent, including at nos. 36, 44, 46, 54, 58, 62 and 64. As such this part of the proposal will not detract from the appearance or character of the conservation area or harm the symmetry of the terrace.

- 5.15 The proposed side and rear extension has been reduced to a short distance below eaves level. Whilst the Council's guidance usually discourages rear extensions which are higher than one full storey below eaves level, this is in order to ensure the scale of the extension remains subordinate to the host building. In this instance, the proposed second floor rear extension will remain subordinate in the context of the host building, given the substantial scale of the property, comprising five storeys plus basement level, and given the numerous second floor level extensions up to eaves level found elsewhere within the terrace including at the neighbouring property at no. 36. The proposal is of the same height as the approved scheme at nos 36 and no 38 for a second floor rear and side extension granted in 1981 (refs: CTP/J10/15/D/32120 and CTP/J10/5/D/HB2655(R)) which has been partially implemented. Indeed, the height of the proposed second floor rear extension at no. 38 will align with that approved and built out at no. 36 under this consent. As such, the proposals are sympathetic to the context and character of the property.
- 5.16 In respect of bulk and massing, the proposed extension will remain within the footprint of the existing first floor rear extension, and will not extend further rearward than this existing extension with the exception of a small Juliette balcony which will only protrude a marginal amount. The retention of the rear building line of the proposed extension to that of the existing extension will be in keeping with the rearward extent of other rear returns at neighbouring properties within the conservation area, including nos. 40 and 42, together with those at higher second floor level at nos 44, 46, 60 and 62. These latter examples demonstrate that the continuation of the projection at second floor level is therefore not uncharacteristic within the conservation area, contrary to the officer's report. Notwithstanding this, the rearward extent of the first and second floor extensions will only project approximately 1.3m from the rear building line of the host property. This is a relatively small amount and is considerably scaled back from the projection of the approved rear extensions at lower ground and ground level. Furthermore, this projection is only marginally greater than that of the approved second floor rear extension granted in 1981 (refs: CTP/J10/15/D/32120 and CTP/J10/5/D/HB2655(R)) which has been partially implemented and could be completed at any time. As such, the proposal will remain subservient to the host building.
- 5.17 With regard to width, the officer's report states that the rear extension will become wider than existing, which is incorrect. The rear extension will retain the same width as the first floor extension below. Whilst it is acknowledged that some of the rear returns within the street are narrower in width, there are also a number of examples of wider rear extensions within the group of buildings identified as making a positive contribution to the conservation area, including at nos 44, 46, 54, 62 and 64. The

proposed width of the proposal will not be greater than those found at these properties, and indeed is narrower than those at 44 and 46. As such, it is considered to be in keeping with the character and appearance of the conservation area in this respect. Notwithstanding this, the width of the rear and side extension will only cover slightly over half of the width of the host building, and will not extend any further across the main body of the host building at the rear than other narrower rear returns at neighbouring properties. As such it will remain subordinate to the host building.

- 5.18 Furthermore, all of these examples comprising wider rear returns identified above (nos 44, 46, 54, 62 and 64) also extend to second floor level. These are clearly visible on the aerial image attached at Appendix 6. Therefore, contrary to the officer's report, the proposal to extend at second floor level in this manner would not represent a complete departure from what can be currently be seen in the conservation area by way of development. Indeed, it would be in keeping with the character and appearance of the conservation area.
- 5.19 It must not be forgotten that the current proposals follow the grant, and indeed implementation, of planning permission at nos. 36 and 38 in 1981 (refs: CTP/J10/15/D/32120 and CTP/J10/5/D/HB2655(R)) for a second floor rear extension at both properties. Whilst the approved second floor rear extension at no. 38 is half the width of that proposed in the current scheme, the height remains the same and the projection is only marginally greater, in order to line up with the existing footprint of the first floor extension below. Therefore the principle of a second floor extension at this height and a modest increase in bulk and mass at this level, has once been considered acceptable by the Council and could indeed be built out, given that the permission has been implemented.
- 5.20 The reduced height of the proposed second floor rear and side extension, together with the limited rearward projection and retention of the width of the existing first floor extension below, will ensure that the scale, bulk and massing of the proposal remains subordinate to the host building and, as such, will conserve the character and appearance of the Primrose Hill Conservation Area.
- 5.21 The widening of the stair tower to the rear has altered the architectural composition of the host building. However it is not considered that the proposed second floor extension, which retains the width of the existing stair tower, would have a significantly harmful impact on the architectural composition of the host building, given that the proposal would not increase this width further and would remain subordinate in scale, bulk and massing for the reasons outlined above. Furthermore the architectural composition should be viewed within the pair of villas and within the wider context of the

group of properties within the street. Given that the proposals will be aligning with the height of the parapet of the extension at no. 36, and given the numerous other examples of rear returns of similar increased width and height in the row of properties in the street, it is not considered that the proposal will significantly harm the architectural composition of either the host building, the pair of buildings together or the wider terrace. Indeed, the current scheme is considered to offer an improvement when comparing to planning permission granted in 1981 (refs: CTP/J10/15/D/32120 and CTP/J10/5/D/HB2655(R)) which has been implemented and thus could be built out, by reason of the wider second floor rear extension which will improve the architectural composition of the host building and symmetry between the buildings, as detailed in the following section.

- 5.22 Whilst it is accepted that there will be views of the proposed rear and side extension within the conservation area from private residences, the bulk and massing will not be out of keeping with the number of other rear and side extensions visible from neighbouring properties. Indeed, a variety of high level alterations and extensions are found within the wider street, including those of a much more substantial and visible scale. For example, the existing roof extension and alterations recently permitted at no. 62 (ref: 2015/2556/P). Furthermore, there will be minimal views from street level. There will be no views of the proposal from Regents Park Road, by means of the siting of the existing third floor level side extension which accommodates the stairs to the top flat. Views from Kingstown Street to the rear will be limited by means of the siting of buildings on this road which reduce the number of vantage points, and the mature landscaping which screens views from the car parking area. Photos of these views can be found at Appendix 2.
- 5.23 The officer's report states that the proposed third floor level roof terrace would immediately alter the character of the conservation area by creating an incongruous element at high level. However, roof terraces are prevalent within the area including those rearward projecting, such as at third floor level above the rear extension at nos 44, 46 and 54 and at fourth floor level above the rear extension at nos. 60 and 62. Indeed, consent was recently granted at no. 54 for front and rear extensions to the existing second floor side infill, including the creation of a third floor roof terrace (ref: 2014/7956/P), of which the balustrading protrudes above the eaves height. As such, roof terraces are considered to form part of the character of this part of the conservation area and the proposals will conserve this character.
- 5.24 The proposed glazed balustrading will result in a visually lightweight appearance within the conservation area and whilst more modern in style, the glazing is unobtrusive and forms a relatively small element in the context of the scale of the wider building. Its visual impact in the conservation area

is limited and as such it will preserve the character of the conservation area. It will also complement that approved at the lower levels of the host building, and was granted consent for use in the second floor roof terrace of the approved scheme (ref: 2013/1041/P) which would be visible from the same properties which will have vantage points to the proposed third floor roof terrace.

5.25 As such, and for the reasons set out above, the proposal is considered to conserve the character and appearance of the Primrose Hill Conservation Area with respect to its design, bulk and scale. The proposal has been sensitively designed, taking into account the context and character of the host building and the character of the properties within the surrounding area, in order to improve the overall appearance of the building and ensure the character and appearance of the wider conservation area is conserved.

c) Impact on the setting of the adjacent listed building at no. 36 Regents Park Road

i) Character of the Listed Building

5.26 The English Heritage listing description (ref: 1245875) refers to nos. 36 Regents Park Road and no. 4 St Mark's Square, two semi-detached villas which together form this Grade II listed building. The building is sited adjacent to the application property, on the corner of Regents Park Road and Princess Road. This building dates to mid-19th century and was listed in May 1974.

5.27 The description details the slated hipped roof with dormers and projecting bracketed eaves and tall slab chimney stacks. The description relates predominantly to the façade and does not provide detail regarding the rear elevation.

5.28 A copy of the full listing description can be found at Appendix 7.

APPENDIX 7

ii) Assessment of the impact of proposals on the setting of the listed building

5.29 The officer's report states that:

“The scale and design of the proposed rear extensions and terrace are not only too large for the host building as they would detract from its special architectural character, they would also have the result of adversely impacting the setting of the

listed building at no. 36 Regent's Park by detracting from views to the property. The rear extension at third floor would be higher than the neighbouring property at no. 36 Regents Park Road whereas currently it is at a lower level. This would compete with the neighbouring building rather than complement it."

5.30 It also states that:

"The proposal at rear and side, second and third floor levels ...would have a significantly harmful impact on the architectural composition of the host building and the listed building"

5.31 The matters to consider, therefore, relate to the impact of the design and scale, including the bulk, mass and height of the second floor rear and side extension on the setting of the listed building, taking into account views of the property and the architectural composition of the listed building.

5.32 As set out above, one of the key changes to the current appeal scheme from the previously refused scheme (ref: 2014/7971/P) was the reduction in height of the extension, following comments made in the officer's report which stated "*the rear extension at third floor would be higher than the neighbouring property at no.36 Regents Park Road where as currently it is at a lower level. This would compete with the neighbouring building rather than complement it*". The height in the current appeal scheme was reduced to line with the parapet of the side and rear extension of the listed building at no. 36 in order to address these comments. The officer's report to the current appeal scheme incorrectly states that the proposed extension would remain higher than no. 36. To the contrary, these concerns have already been addressed in order to ensure that the proposal complements, rather than competes, with the neighbouring building.

5.33 Indeed, the height of the extension will improve the architectural symmetry between the buildings as it will bring the stair tower of no. 38 up to that of no. 36, which was the original intention approved by the 1981 permissions (refs: CTP/J10/15/D/32120 and CTP/J10/5/D/HB2655(R)). It is unclear why this was only partially implemented on the side of no. 36, but it is clear that the works approved by these permissions could be completed at any point, without the opportunity for further consideration by the Council. However, the current proposals, as mentioned earlier in this statement, are considered to offer an improved, more cohesive appearance in respect of the application property and the adjacent listed building.

- 5.34 The architectural composition of the listed building and the host building have of course both been significantly altered since their original construction. However the architectural composition of both buildings as a pair will be improved by the erection of the second floor roof extension, as the improvement in symmetry will better unify the buildings. The increase in height will therefore not adversely impact the setting of the listed building, as suggested, but will rather complement the buildings.
- 5.35 The proposals will also remain subordinate to both the host building as set out above, and the listed building, by reason of its height lining with the parapet and remaining below the eaves of no. 36. The proposed extension follows the existing footprint of the first floor rear extension below and, as such, will project a minimal amount beyond the rear extension of that at no. 36, less than 0.5m. The proposed second floor extension will retain the same width of the existing first floor extension and as such will remain less than double the width of the rear return of no. 36. Notwithstanding this, the perceived bulk and massing has been reduced by the reduction of the height to align with that at no. 36. This is in complete accordance with the comments made in the officer's report for the refused scheme (ref: 2014/7971/P), and will improve the symmetry between the host and listed buildings and ensure the proposed rear alterations are subservient to both. Further to this, the resultant scale of the second floor extension in the context of the wider listed building, which comprises a substantial four storey plus basement building, will be relatively modest. Views of the listed building are already limited from the street, as set out above, and are mainly from private residences,. In this context, the relatively small addition proposed is not considered to significantly obscure or detract from views of the listed building from the existing vantage points. As such the proposed extension will not have a harmful impact on the setting of the listed building by reason of its bulk and mass and carefully considered height.
- 5.36 In respect of design and materials, the proposed small elements of glazing used to the balustrading have been carefully chosen to limit the perceptibility of the terrace and balcony, and in order to reduce its prominence, in the context of views of the adjacent listed building. Such materials were considered acceptable and considered to not have an adverse impact on the setting of the listed building in the approved scheme (ref: 2013/1041/P), which included the same extent of proposed glazed balustrading to the approved second floor roof terrace. Whilst the appeal scheme proposes such balustrading at a level of one storey higher, the views of the proposal from the street will remain limited by means of the siting of buildings and mature landscaping. The views will likely be limited to those from the same properties from which views were possible of the approved second floor roof terrace. Notwithstanding this, the limited perceptibility of the glazed materials together with small amount proposed, relative to the scale of the host building and adjacent listed building, will assist in reducing the visual impact at this

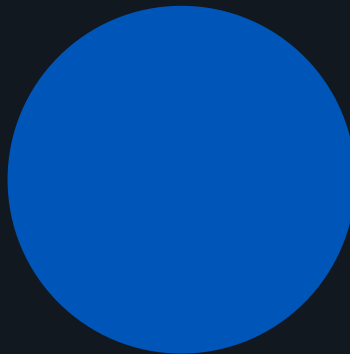
higher level which will ensure that the proposal will not detract from views to the listed building at no. 36.

- 5.37 As such, and for the reasons set out above, the proposals are considered to conserve the setting of the listed building at no. 36 with respect to its design, bulk and scale. The proposals have been sensitively designed, taking into account the architectural composition of the host building and listed building, in order to ensure the bulk and scale of the extension and roof terrace do not detract from views of the listed building, and indeed will improve the overall appearance of the pair when viewed together.

Section 6 Conclusions

- 6.1 This appeal statement presents the case for planning permission to be granted in respect of planning application reference 2016/0276/P at 38 Regents Park Road. The application proposes to demolish the side extension and erect a side and front extension at first and second floor, rear extension at second floor and to create a third floor roof terrace, together with associated external alterations. The reason for refusal of the appeal scheme relates specifically to the rear and side extension at first and second floor levels.
- 6.2 The application responds to the earlier refused scheme (ref: 2014/7971/P) which was much larger in scale and specifically seeks to address the reasons for refusal relating to the side and rear second floor extension, as detailed in the accompanying officer's report. The application has been designed to complement the previously approved scheme (ref: 2013/1041/P) relating to the lower ground to levels, in order to ensure the overall appearance of the building remains harmonious.
- 6.3 The site is situated in the Primrose Hill Conservation Area, within a group of buildings identified as making a positive contribution to the area. It is also situated adjacent to a Grade II listed building comprising no. 36 Regents Park Road and 4 St Marks Square.
- 6.4 The proposed appeal scheme has been carefully considered in its design, bulk and mass, in order to ensure that the character and appearance of the Primrose Hill Conservation Area and the setting of the adjacent listed building at no. 36 will be conserved.
- 6.5 The proposed second floor rear extension, by reason of its reduced height from the refused scheme, coupled with the modest footprint which follows the existing extension below, will ensure the perceived bulk and massing remains subordinate to the wider building and adjacent listed building. Indeed, the proposed height is consistent with that of the approved and implemented permission granted in 1981 (refs: CTP/J10/15/D/32120 and CTP/J10/5/D/HB2655(R)), which could be built out at any time. The resultant scale of the extension will be relatively small in the context of the substantial scale of the host building, listed building and those in the surrounding area. As such, the proposed extension will respect the context and character of the property, and will be in keeping with the character of this part of the conservation area, where similar extensions of such a height, width and projection are evident.

- 6.6 Although the architectural composition of the host building and adjacent listed building has been altered since it was originally constructed, by lining through with the parapet of no 36, the proposal will improve the symmetry between the properties, enhancing the unity of the pair. As such, the proposal will conserve the character of the conservation area, which is characterised in this part by pairs of villas.
- 6.7 Furthermore, the modest scale of the extension will not detract from views of the adjacent listed building at no. 36. Indeed, views of the building from the rear are limited from street level and the proposals will not significantly obscure existing views from surrounding private residences by reason of its reduced bulk and massing. Whilst the projection of the extension extends marginally beyond that of the rear return of no. 36, the proposal will complement the listed building by improving the overall appearance and architectural relationship between this pair of properties. As such the proposals will conserve the setting of the listed building.
- 6.8 In respect of design and materials, the small elements of glazing used for balustrading form a relatively small element in the context of the scale of the wider building. Indeed, the same extent of glazing to the terrace was considered acceptable at second floor level in the approved scheme (ref: 2013/1041/P). Notwithstanding this, the material is unobtrusive and has been chosen for its limited perceptibility in order to reduce the visual impact of the roof terrace within the conservation area and within views of the listed building. As such it will preserve the character of the conservation area and the setting of the listed building.
- 6.9 For the reasons set out above and detailed in this Statement, the design, bulk and massing of the proposal will indeed conserve the character and appearance of the Primrose Hill Conservation Area and setting of the listed building in accordance with policies CS14 and DP25.
- 6.10 In conclusion the appeal proposal complies with all adopted policies contained within the London Borough of Camden's Local Plan, planning policy guidance, and the NPPF, and it is respectfully requested that the appeal is allowed.



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