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Vicky Williams
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Kite N
Temple Quay House
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Dear Ms Williams,

Town and Country Planning Acts 1990 (as amended)
Appeal by Mr Nemanja Borjanovic
Site at Flat Ground Floor 30 Frognal, London, NW3 6AG

I write in connection with the above appeal against the refusal of planning permission (Ref: 2016/6661/P) for the ***single storey rear extension to lower ground floor flat***.

- 1.1 The Council's case is set out in detail in the attached Officer's Report (Appendix A) and it will be relied on as the principal Statement of Case. Copies of the relevant LDF policies and accompanying Camden Planning Guidance have also been sent with the questionnaire.
- 1.2 In addition to these submissions, I would be pleased if the Inspector would also consider various matters set out below relating to the confirmation of the status of policy and guidance, comments on the grounds of appeal and conditions that the Council requests should the Inspector be minded to grant permission.

2.0 Summary

- 2.1 The appeal site is a lower ground floor flat in a four storey semi-detached property forming part of a large group of substantial red brick turn-of-the-century semi-detached properties located on the east side of Frognal.
- 2.2 The appeal property is located within the Redington Frognal Conservation Area and has been identified as a positive contributor to the area.
- 2.3 The proposed single storey rear extension would project beyond the rear wall of the property by 3m. The extension is considered unacceptable in design terms and would cause unacceptable harm to the host property and wider Redington Frognal Conservation Area.

3.0 Status of Policies and Guidance

- 3.1 In arriving at its current decision, the London Borough of Camden has had regard to the relevant legislation, government guidance, statutory development plans and the particular circumstances of the case.

At the time of determination, the London Borough of Camden Local Development Framework was the primary policy documentation used in determining applications. The LDF was formally adopted on the 8th November 2010. The policies of relevance to the appeal scheme are:

Camden LDF Core Strategy 2010

- CS5 – Managing the impact of growth and development
- CS14 – Promoting high quality places and conserving our heritage

Camden Development Policies 2010

- DP24 – Securing high quality design
- DP25 – Conserving Camden's heritage
- DP26 – Managing the impact of development on occupiers and neighbours

These policies have been superseded by the London Borough of Camden Local Plan 2017 which was adopted 3 July 2017. Policies CS5 and DP26 have fed into policy A1 and do not materially differ from the adopted policy. Policies CS14, DP24 and DP25 have formed the basis for policies D1 and D2 and the aims of the previous policies are reflected in the new policies. The relevant London Borough of Camden Local Plan 2017 policies are as follows:

- A1- Managing the impact of development
- D1 - Design
- D2 - Heritage

The Council also refers to supporting guidance documents. The Camden Planning Guidance (CPG) was adopted on 7 November 2011 for which CPG1 was revised in 2015. The CPG1 specific clauses most relevant to the proposal are as follows:

- Design excellence: paragraphs 2.6 – 2.8, page 10
- Context & Design: paragraphs 2.9 – 2.10, page 11
- Rear extensions: paragraphs 4.9 – 4.15, page 33 - 34

- 3.3 The Council's current adopted policies do not materially differ from the Council's superseded policies and the NPPF policies in relation to this appeal.

4.0 Reasons for Refusal

- 4.1 The application for the ***single storey rear extension to lower ground floor flat*** which is the subject of the appeal was refused for the following reason:

1. The proposed full width rear extension, by virtue of its detailed design and the loss of the double height bay window feature would cause harm to the character of the host building, the semi-detached pair and the character

and appearance of the Redington and Frognal Conservation Area, contrary to policies CS5 and CS14 of the London Borough of Camden Local Development Framework Core Strategy and policies DP24, DP25, DP26 of the London Borough of Camden Local Development Framework Development Policies and policies A1, D1 and D2 of the Camden Local Plan Submission Draft 2016.

5.0 Comments on the Appellants' Grounds of Appeal

5.1 The following summarises the appellants' ground of appeal in italics, followed by the Council's comments:

- (i) *The appellant states that the proposal would not result in the loss of the double height bay window feature.*

The Council disagrees that the proposed extension would not result in the loss of the double height bay feature. The appellant makes the argument that only one element of the bay feature will be lost and therefore it cannot be claimed that the double height bay will be lost. The loss of the lower element will reduce the bay to a single height feature, unprecedented in the context of the rear elevation of Frognal, and therefore the bay will no longer be double height and maintain the characteristic rear feature.

- (ii) *The appellant states that similar applications have been approved at nearby neighbouring properties including Flat 2 34 Frognal for a single storey rear conservatory to upper ground floor residential flat and Flat A 24 Frognal for a single storey rear extension.*

The example at number 34 Frognal the appellant refers to was the replacement of an existing structure at the first floor of the property. Permission was granted 14/02/2013 for the extension (ref: 2012/6827/P) which replaced the existing aged structure with a contemporary addition of the same massing and had a smaller pitch on the roof. The extension was deemed in the officer report to have minimal impact on the property and would not have harmed the character and appearance of the conservation area given the existing structure and the modest size and nature of the extension. The officer felt that the proposed extension would continue to respect the architectural integrity of the parent building as it would not obscure the characterful bay window and would appear secondary to the host building. In this sense this application is different from the application being discussed as there would be no loss of the significant historic bay to the rear of the property.

The officer argued that had there not been an existing extension, there might have been harm to the host building by an extension of such a scale. However, given the scale of the proposed extension in the context of the parent building and due to the existing extension, it was considered that on balance the proposed works would not cause harm to the character and appearance of the surrounding conservation area.

Given the nature of this development and that it was to replace the existing unsightly extension, the Council considers the example incomparable.

The application 2012/6827/P referenced by the appellant is materially different to the application discussed. The materials proposed would be of a similar nature to the extension at 34, however given the larger scale of the extension under consideration the impact of the large glazed extension would be more harmful than that at 34.

The example given at number 24 relates to application reference 2016/695/P for a half width single storey rear extension incorporating the rear bay feature. This application is also considered materially different from the application being discussed as the extension was designed to complement the host property and sit alongside the significant bay window.

(iii) *The adjoining property 28 Frognaal was granted permission for a single storey rear extension under reference 2015/0214/P*

The application referred to was granted permission 16/02/2015 for a part-width lower ground floor extension and replacement windows to the existing bay. The application was amended following officer advice after it was considered that there would be harm to the bay window feature as a result of the development. The officer concluded that the revised proposal would be acceptable as it would not obscure the bay window and would preserve the traditional features of the property.

Of the examples given by the appellant, all are considered materially different from the application at hand as they all retain the significant double height bay feature of the properties and have been designed to retain the historic features of the rear elevation of the properties.

(iv) *The appellant states that the extension would sit comfortably on the host property by spanning the full width. The extension would not create an overbearing or bulky external feature because the width balances the appeal site and would be modest in size and scale.*

The Council disagrees with the appellant's statement that the extension would sit comfortably on the rear elevation of the host building. The full width element would not relate in form to the host building and would unbalance the pair of semi-detached properties. The Council's full assessment of the design of the extension can be found in paragraph 2.11 of the delegated report.

(v) *The appellant states that the proposal has been specifically designed to complement the existing host building. The design would respect and preserve the original design and proportions of the building and the extension would comply with the aims of CPG1 and it takes into account the character and design of the host property.*

The delegated report makes clear that the extension is unacceptable. The glazed design of the extension would not be sympathetic to the character of the host building. The extension was assessed against relevant guidance in CPG1 (Design) in the delegated report and was considered to be unacceptable by reason of its detailed design and location within the row of properties.

- (vi) *The appellant states that as the extension would not be visible from the street it would not harm the front façade and therefore would be no impact on the Redington Frogna Conservation Area.*

The Redington Frogna Conservation Area Statement explains that some rear extensions, though not widely visible, can adversely affect the architectural integrity of the building to which they are attached which can in turn detract from the character and appearance of the conservation area. Given the host building's importance as a positive contributor within the conservation area significant weight is placed on retaining the character and appearance of the property.

6.0 Conclusion

- 6.1 Based on the information set out above, and having taken account of all the additional evidence and arguments made, it is considered that the proposal remains unacceptable in that it would harm the character and appearance of the positive contributor and result in the loss of the historic double height bay feature to the rear of the property. The proposed development by reason of its location would harm the host building and the group of buildings of which it forms a part as well as the wider Redington Frogna Conservation Area
- 6.1 The information submitted by the appellant in support of the appeal does not overcome or address the Council's concerns. For these reasons the proposal fails to meet the requirements of policy and therefore the Inspector is respectfully requested to dismiss the appeal. However, in the event of the appeal being allowed please refer to the recommended conditions below in Appendix 1.

Yours sincerely,

Evelyn Jones

Planning Officer - Planning Solutions Team
Supporting Communities Directorate
London Borough of Camden

Appendix 1: recommended conditions should the appeal be allowed

Conditions

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 D1 of the London Borough of Camden Local Plan 2017.

3) The development hereby permitted shall be carried out in accordance with the following approved plans: 8000-001 A, 8000-002 A, 8000-003 A, 8000-E-01, 8000-E-02, 8000-E-03, 8000-E-04, 8000-101, 8000-P-01, Design and Access Statement, Heritage Statement, Aborigultural Impact Assessment, Aborigultural and Planning Integration Report

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