

Date: 04/08/2017
PINS Refs: APP/X5210/W/17/3172384
Our Ref(s): 2016/5642/P / 2016/5735/L
Contact: Kate Henry
Direct Line: 020 7974 2521
Kate.Henry@camden.gov.uk

Planning and Regeneration
Culture & Environment
Directorate
London Borough of Camden
2nd Floor, 5 Pancras Square
London
N1C 4AG

Lee McClean
The Planning Inspectorate
Room 3M
Temple Quay House
2 The Square
Bristol,
BS1 6PN

Tel: 020 7974 6751
www.camden.gov.uk/planning

Dear Mr McClean,

Appeal site: 6 Regent's Park Terrace, London, NW1 7EE

Appeal by: Mr & Mrs Samuel Geary-Jones

Proposal:

Planning (2016/5642/P): Double height rear conservatory (lower ground and upper ground floor level, with new upper ground floor level internally); relocation of upper ground floor level external balcony and steps to garden level; alterations to openings; new skylights to main roof

Listed building consent (2016/5735/L): Double height rear conservatory (lower ground and upper ground floor level, with new upper ground floor level internally); relocation of upper ground floor level external balcony and steps to garden level; alterations to openings; new skylights to main roof; various internal alterations, including installation of underfloor heating

I refer to the above appeal against the Council's refusal to grant planning permission and listed building consent. The Council's case is set out in the Officer's delegated report. The report details the application site and surroundings, the site history and an assessment of the proposal. A copy of the report was sent with the questionnaire.

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

1. Summary

- 1.1. The application site is 6 Regent's Park Terrace, which is a mid-terrace, four storey plus basement, residential dwelling on the eastern side of the road. Nos. 1-22 Regent's Park Terrace are Grade II listed and the application site is within the Primrose Hill Conservation Area.
- 1.2. The proposal to erect a double height conservatory, by virtue of its detailed design, would fail to meet the Council's policy requirements insofar as the proposal would be detrimental to the special architectural and historic interest of the Grade II listed building and also the character and appearance of the Primrose Hill Conservation Area.
- 1.3. The proposal to install underground heating at basement level was not considered to be acceptable at the time of the applications as the applicant failed to satisfactorily demonstrate that the proposed underfloor heating would not cause unacceptable harm to historic fabric, and consequently, the special architectural or historic interest of the Grade II listed building.
- 1.4. The planning application which is the subject of this appeal was refused for the following reasons:
 1. *The proposed double height rear conservatory, by virtue of its detailed design, would be detrimental to the character and appearance of the host building and the 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.*
- 1.5. The associated listed building consent application was refused for the following reasons:
 1. *The proposed double height rear conservatory, by virtue of its design, would be detrimental to the special architectural and historic interest of the Grade II listed building, contrary to Policy CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy and Policy DP25 (Conserving Camden's heritage) of the London Borough of Camden Local Development Framework Development Policies.*
 2. *The applicant has failed to satisfactorily demonstrate that the proposed underfloor heating would not cause unacceptable harm to historic fabric, and consequently, the special architectural or historic interest of the Grade II listed building, contrary to Policy CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy and Policy DP25 (Conserving Camden's heritage) of the London Borough of Camden Local Development Framework Development Policies.*

2. Status of policies and guidance

- 2.1. In determining both abovementioned applications, the London Borough of Camden had regard to the relevant legislation, government guidance, statutory development plans and the particular circumstances of the case.
- 2.2. The London Borough of Camden Local Plan 2017 (the Local Plan) was formally adopted on 03/07/2017 and has replaced the Local Development Framework Core Strategy and Camden Development Policies documents as the basis for planning decisions and future development in the borough. As such, the appeal will need to be determined in accordance with the Local Plan policies.
- 2.3. The overall aims of the policies in the Local Plan, insofar as they relate to this case, are considered to be broadly similar to those in the Council's previous Local Development Framework.
- 2.4. The following policies in the new Local Plan are considered to be relevant to the determination of the appeal:

A1 Managing the impact of development
D1 Design
D2 Heritage

3. Background

- 3.1. The applications to which this appeal relates were refused on 04/01/2017. However, prior to that time, the following 2 applications were approved by the Council, on 12/08/2016:

2016/3302/P: Double height rear conservatory (lower ground and upper ground floor level) with upper ground floor level external balcony and steps to garden level

2016/3393/L: Double height rear conservatory (lower ground and upper ground floor level) with upper ground floor level external balcony and steps to garden level; internal alterations

- 3.2. As noted by the appellant, the abovementioned applications included the double height rear conservatory; however, during the course of the applications, the Council negotiated changes to the proposed design to remove the internal upper ground floor level within the double height conservatory, and also to remove the underfloor heating at lower ground floor level.
- 3.3. After the abovementioned applications were approved, the appellant resubmitted planning and listed building consent applications to the Council to include the upper ground floor level internally within the double height rear conservatory (to provide a dining room), and the underfloor heating at lower ground floor level. Those are the applications to which this appeal relates.

- 3.4. In the meantime, the following applications have been approved by the Council, on 26/04/2017:

2017/1631/P: Installation of 2x skylights to main roof (1x new and 1x repositioned)

2017/1656/L: Installation of 2x skylights to main roof (1x new and 1x repositioned); installation of underfloor heating at lower ground floor level

- 3.5. On the basis of the above approved applications, the Council does not wish to comment on the skylights or underfloor heating as part of this appeal. Suffice to say, these elements are now considered to be acceptable by the Council.

4. Comments on appellant's grounds of appeal

- 4.1. The application site is located within the Primrose Hill Conservation Area, wherein the Council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of that area, in accordance with Section 72 of The Planning (Listed Buildings and Conservation Areas Act) 1990.
- 4.2. The host building is Grade II listed and the Council has a statutory duty, under Section 66 of The Planning (Listed Buildings and Conservation Areas) Act 1990, to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.
- 4.3. Policy D1 of the emerging Local Plan seeks to secure high quality design in all development and Policy D2, which relates specifically to heritage, notes that the Council will preserve and, where appropriate, enhance Camden's rich and diverse heritage assets and their settings, including conservation areas and listed buildings.
- 4.4. The appellant notes at paragraph 3.2 of their statement that the proposed internal upper ground floor level within the double height conservatory represents a "*small change*" to the consented scheme (2016/3302/P and 2016/3393/L); and the statement goes on to note that, "*Camden's assertion that such a floor plate would 'internalise' the existing rear ground floor room above and beyond the consented addition is ill-founded, as a new volume behind this room which is consented would have the same effect of creating another enclosed volume behind the house and rear room*".
- 4.5. The Council disagrees with this statement. The approved scheme, with the void at upper ground floor level, means the existing rear room would remain the rear room at upper ground floor level, as per the original design of the building. However, if the appeal scheme was allowed, the room would become internalised as there would be another room beyond it.

- 4.6. As noted by the Council in the Officer's Report, the internalisation of the room is unacceptable in listed building terms because it would harmfully impact on the hierarchy of spaces within the host building by reducing the importance of the original rear room, and the proposal would alter the historic plan form of the building, which contributes to the historical and architectural significance of the building.
- 4.7. The appellant acknowledges at paragraph 6.2.4 of their statement that the building is a typical example of a mid C19th terraced townhouse and its internal layout would probably have followed a characteristic late C18th / C19th plan form. They specifically note at paragraph 8.0 of their statement that, "*Of high significance is also its remaining plan form (particularly at ground and first floor levels) and surviving historic features...*".
- 4.8. In the same sentence, the appellant states that, "*Its rear elevation is not readily visible and has seen alteration; it is therefore of secondary significance*"; however, the Council disagrees with this statement. The fact the rear of the building is not visible in the public realm does not detract from its significance and the Council considers that the visibility of the internal floor level from outside the building would cause harm to the character and appearance of the host building, and the group of properties within the same terrace (which in turn would cause harm to the character and appearance of the conservation area), because it would highlight the fact there is an extra room at upper ground floor level within the host property.
- 4.9. The appellant goes on to note that, if it is accepted that there is harm caused by the proposed internal upper ground floor level within the double height conservatory, then the harm would be "*less than substantial*" (to use the National Planning Policy Framework wording) and the harm would be "*comfortably outweighed by benefits provided as part of the proposals*".
- 4.10. The National Planning Policy Framework (2012) (NPPF) states at paragraph 134 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*".
- 4.11. Contrary to what the appellant states, the Council does not believe that the proposal would provide a public benefit to outweigh the harm caused, particularly because planning permission and listed building consent exist for many of the other proposed works which the appellant has cited as providing a public benefit (application references 2016/3302/P and 2016/3393/L).
- 4.12. Furthermore, it is not considered that allowing this development would secure the optimum viable use of the host building. If the appeal is dismissed, the Council sees no reason why the building would not continue to be used as a single family dwellinghouse.

- 4.13. The appellant notes that at the heart of the NPPF there is a presumption in favour of sustainable development and that the appeal should be allowed on this basis; however, the Council is of the opinion that the proposal would fail to meet the environmental role necessary to achieve sustainable development as prescribed by the NPPF (para. 7), insofar as the development would not contribute to protecting and enhancing our built and historic environment.

Conclusion

- 4.14. Based on the information set out above, and having taken account of all the additional evidence and arguments made, the proposal is considered to be contrary to Policies D1 and D2 of the London Borough of Camden Local Plan 2017.
- 4.15. The information submitted by the appellant in support of the appeal does not overcome or address the Council's concerns. The proposal presents no benefits that would outweigh the harm identified.
- 4.16. For these reasons the Inspector is respectfully requested to dismiss the appeal. However, should the Inspector be minded to approve the appeal, suggested conditions are included in Appendix A.
- 4.17. If any further clarification of the appeal submission is required please do not hesitate to contact Kate Henry on the above direct dial number or email address.

Yours sincerely,

Kate Henry
Senior Planning Officer
Regeneration and Planning
Supporting Communities

APPENDIX A – Suggested conditions

Planning permission:

1	<p>The development hereby permitted must be begun not later than the end of three years from the date of this permission.</p> <p>Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).</p>
2	<p>The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan at 1:1250; E-2016.02.100; E-2016.02.101; E-2016.02.102; E-2016.02.103; E-2016.02.104; E-2016.02.105; E-2016.02.106; E-2016.02.200; E2016.02.300;P - 2016.02.100 B; P - 2016.02.101 B; P - 2016.02.102 B; P - 2016.02.103 B; P - 2016.02.104 B; P - 2016.02.105 B; P - 2016.02.106 B; P - 2016.02.200 B; P - 2016.02.300 B; Design and Access and Heritage Statement (dated 14/10/2016); Historic Building Report (dated October 2016).</p> <p>Reason: For the avoidance of doubt and in the interest of proper planning.</p>
3	<p>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.</p> <p>Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of Policies D1 and D2 of the Camden Local Plan 2017.</p>

Listed building consent:

1	<p>The works hereby permitted shall be begun not later than the end of three years from the date of this consent.</p> <p>Reason: In order to comply with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.</p>
2	<p>The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan at 1:1250; E-2016.02.100; E-2016.02.101; E-2016.02.102; E-2016.02.103; E-2016.02.104; E-2016.02.105; E-2016.02.106; E-2016.02.200; E2016.02.300;P - 2016.02.100 B; P - 2016.02.101 B; P - 2016.02.102 B; P - 2016.02.103 B; P - 2016.02.104 B; P - 2016.02.105 B; P - 2016.02.106 B; P - 2016.02.200 B; P - 2016.02.300 B; Design and Access and Heritage Statement (dated 14/10/2016); Historic Building Report (dated October 2016).</p> <p>Reason: For the avoidance of doubt and in the interest of proper planning.</p>

3	<p>Detailed drawings, or samples of materials as appropriate, in respect of the following, shall be submitted to and approved in writing by the local planning authority prior to the commencement of development:</p> <p>a) Detailed drawings, including sections, at 1:10 of the rear conservatory, including details of how it will affix to the historic fabric.</p> <p>b) Detailed drawings at 1:10 of all new joinery and fittings.</p> <p>c) Manufacturer's specification details of all facing materials (to be submitted to the Local Planning Authority) and samples of those materials (to be provided on site).</p> <p>The relevant part of the works shall be carried out in accordance with the details thus approved and all approved samples shall be retained on site during the course of the works.</p> <p>Reason: In order to safeguard the special architectural and historic interest of the building in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP25 of the London Borough of Camden Local Development Framework Development Policies.</p>
4	<p>All new work and work of making good shall be carried out to match the original work as closely as possible in materials and detailed execution.</p> <p>Reason: In order to safeguard the special architectural and historic interest of the building in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP25 of the London Borough of Camden Local Development Framework Development Policies.</p>