



Appeal Decision

Site visit made on 31 July 2017

by **Philip Lewis BA (Hons) MA MRTPI**

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

Decision date: 13 September 2017

Appeal Ref: APP/X5210/W/17/3175496
Garden Flat, 30 Frognal, London NW3 6AG

- 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 Nemanja Borjanovic against the decision of the Council of the London Borough of Camden.
 - The application Ref 2016/6661/P, dated 5 December 2016, was refused by notice dated 23 March 2017.
 - The development proposed was originally described as 'single storey rear extension with works to the rear garden to install access steps and terraced planters'.
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Decision

1. The appeal is dismissed.

Procedural matter

2. The Council adopted the London Borough of Camden Local Plan (Local Plan) on 3 July 2017 which has superseded the policies of the Camden Local Development Framework Core Strategy and the Camden Development Policies 2010-2025 which were cited in the reason for refusal. I wrote to the appellant inviting further comments in respect of the adoption of the Local Plan and have had regard to the comments received in determining the appeal.

Main Issue

3. The main issue for the appeal is whether the proposed development would preserve or enhance the character or appearance of the Redington and Frognal Conservation Area.

Reasons

4. The appeal relates to the ground floor flat at 30 Frognal, which is situated within the Redington and Frognal Conservation Area. The Conservation Area is predominantly residential in character consisting of Victorian/Edwardian residential suburbs, with large brick houses and mature vegetation.
5. No 30 is a 4 storey property paired with the attached No 28. It is constructed in brick with two storey projecting bays to the front and rear. Projecting bays are characteristic features on this part of Frognal. The Redington and Frognal Conservation Area Statement identifies No 30 within a group of buildings which makes a positive contribution to the Conservation Area.
6. It is proposed that a full width rear extension is added to the dwelling. This would require the removal of the lower part of the two storey rear projecting

- bay. The proposed flat roofed extension with rooflights would be of a contemporary appearance formed of aluminium framed glazed panels and an area of timber panelling.
7. Whilst there is a single storey rear extension at the attached No 28 which has affected the symmetry of the pair of buildings, the two storey rear projecting bay has been retained at that property. The proposed removal of the lower part of the projecting bay and addition of a full width rear extension would give rise to loss of historic fabric and would serve to further unbalance the pair of buildings. The host dwelling when considered separately from No 28 is not 'balanced' due to the projecting rear bay and the addition of the full width extension would appear incongruous within the established building form.
 8. The appellant has referred to the planning history of properties on Frognaal and has identified contemporary glazed rear extensions to 24, 28 and 34 Frognaal. During my site visit I was able to observe those at Nos 28 and 34 from the rear garden of the appeal property. Whilst I have limited information before me regarding these schemes, I note that the two storey rear projecting bays have been retained at these properties and that the approved extensions are not the full width of the respective properties. I am not convinced therefore that the circumstances of the developments cited are so sufficiently similar to that before me to lead me to a different conclusion in respect of harm.
 9. Although the appeal scheme would not be seen in public views and does not affect the front of the property and there would be some screening effect by vegetation, it would nevertheless be seen in some private views. I have had regard to the scale of the proposed extension in relation to the host dwelling and the comment that it has been designed so as to have minimal impact but nevertheless consider that the scheme would be harmful. The harm identified would not be addressed by planning conditions relating to the design of the extension as has been suggested.
 10. To conclude, I find that the appeal scheme would give rise to harm to the host building and to the character and appearance of the Conservation Area. Having found harm to the Conservation Area, I give it considerable importance and weight. Paragraph 131 of the National Planning Policy Framework (the Framework) states that in determining planning applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets. This is in line with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 in respect of development affecting conservation areas, which states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the area. Paragraph 132 of the Framework sets out that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the conservation of the asset.
 11. Paragraph 126 of the Framework recognises that historic assets are an irreplaceable resource that local authorities should conserve in a manner appropriate to their significance. The harm found in this case would be less than substantial to the extensive Conservation Area as a whole and paragraph 134 of the Framework sets out that any harm, which is less than substantial, must be weighed against the public benefits of the proposal. Whilst the harm to an individual site may be less than substantial, the incremental and

cumulative harm that could arise from similar proposals could adversely affect the Conservation Area and the heritage asset as a whole. As heritage assets are irreplaceable, any harm requires clear and convincing justification. In this case the proposal relates to a private dwelling. Whilst I have also taken into account the comments regarding improvements in respect of daylight which could result from the proposal and that it would provide open plan living for the occupiers of the flat, these are private rather than public benefits. In the terms of paragraph 134, such benefits do not outweigh the harm identified.

12. Of the policies cited by the Council, the appeal proposal conflicts with Local Plan Policy D1 which is concerned with design including that development preserves or enhances the historic environment and heritage assets. I also find conflict with Local Plan Policy D2 which is concerned with heritage and includes, amongst other things, that development will not be permitted which results in harm which is less than substantial to the significance of a designated heritage asset unless the public benefits of the proposal convincingly outweigh that harm and that the Council requires that development within Conservation Areas preserves or where possible enhances the character or appearance of the area. The proposal also conflicts with the Framework.

Other matters

13. I have had regard to the comments concerning the effects of the appeal scheme on the living conditions of neighbours and in regards to trees. I have also taken in consideration the policies of the Framework cited and the reference to the Councils Supplementary Planning Document on extensions. These matters do not however lead me to a different conclusion.

Conclusion

14. For the above reasons and having considered all matters raised I conclude that the appeal should be dismissed.

Philip Lewis

INSPECTOR