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# Appeal Decision

Site visit made on 26 September 2017

by **Daniel Hartley BA Hons MTP MBA MRTPI**

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

Decision date: 02 October 2017

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**Appeal Ref: APP/X5210/W/16/3165172**

**Lower Ground Floor Flat, 11 Regent's Park Road, London NW1 7TL**

- 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 Ms Samantha Mayaveram against the decision of the Council of the London Borough of Camden.
  - The application Ref 2016/2247/P, dated 18 April 2016, was refused by notice dated 24 August 2016.
  - The development proposed is a single storey rear extension.
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## Decision

1. The appeal is dismissed.

## Procedural Matters

2. I have taken the description of development from the Council's refusal notice as this more succinctly describes the appeal proposal.
3. The Council has confirmed that the Camden Local Plan (LP) was adopted by the Council on 3 July 2017 and has replaced the Camden Local Development Framework Core Strategy and the Camden Local Development Framework Development Policies documents as referred to in the Council's reason for refusal. I have therefore determined the appeal against Policies A1 (Managing the Impact of Development), D1 (Design) and D2 (Heritage) of the LP and the National Planning Policy Framework (the Framework).

## Main Issue

4. The main issue is whether or not the proposal would preserve or enhance the character or appearance of the Primrose Hill Conservation Area.

## Reasons

5. The appeal site comprises a lower ground floor flat on the south side of Regent's Park Road. It forms part of a building which was originally a semi-detached four storey town house. The pairs of grand Italianate villas on this side of Regent's Park Road share a number of common design characteristics which add positively to the significance of the Primrose Hill Conservation Area (CA). This includes the symmetry and decoration to the front of the properties; the elevated access to the top 3 floors of the building through a porch and the regularity of the curved bay windows to the rear of the semi-detached properties and others in the locality. The appeal site falls within Sub Area One

(Regent's Park Road South) in the Primrose Hill Conservation Area Statement (CAS) which states that "*the majority of villas are semi-detached or form part of a terrace group. In order to reinforce the appearance of grandeur, these groups are often detailed to resemble one large villa. Symmetry is the most common way of unifying a group*".

6. It is proposed to erect a single storey rear extension to the lower ground floor basement flat which would project about 4 metres from the existing rear elevation. Given the land levels, the extension would be conspicuous at ground floor level. I acknowledge that the appellant has made changes to the pre-application advice proposal in so far that the proposed extension would not extend across the full width of the appeal building. Furthermore, I note that the proposed materials would suitably reflect those that exist on the existing building. Nonetheless, the extension would have the effect of materially detracting from the very deliberate sense of balance and symmetry that exists for Nos 9 and 11 Regent's Park Road. Furthermore, and given the position and rear projection of the extension, it would unacceptably compete with the shallow curved bay windows that exist to the rear elevations of the semi-detached buildings and hence would not accord with PH28 of the CAS which states that "*rear extensions will not be acceptable where they would spoil a uniformed rear elevation of an unspoilt terrace or group of buildings*".
7. Whilst some of the properties in the area have been altered at the rear, the vast majority have not and hence there is an overall sense of design consistency that exists to the rear of the properties in this part of Regent's Park Road. I note that No 13 includes a rear extension, but I understand that this development replaced a conservatory. I do not consider that the limited number of other rear extensions in the area would justify allowing the proposal. This is because the aforementioned positive design attributes remain largely intact within this part of the CA.
8. The appellant considers that proposal should be allowed as it would not be conspicuous from public views. However, and in respect of this appeal, I would echo the views expressed by the Inspector who considered appeal Ref APP/X5210/W/16/3141776 who commented that the "*character of the CA derives from the buildings, layout and surrounding spaces as a whole, regardless of whether particular elements are open to public view. Its significance does not therefore rely only on the elements that can readily be seen*". In any event, the rear of the property would be visible from other surrounding residential properties in the area (i.e. in particular the neighbouring garden area) and so the development would not be solely viewed by occupiers of the appeal flat.
9. In the context of Paragraphs 133 and 134 of the Framework, the harm to the significance of the CA would be less than substantial. However, I do not consider that there are any identified public benefits sufficient to outweigh that harm. I conclude that the proposal would not preserve or enhance the character or appearance of the CA and would not accord with the design and conservation aims of the Framework and Policies A1, D1 and D2 of the LP.

### **Other Matters**

10. I recognise that the proposal would provide additional space for the occupiers of the flat and that the existing kitchen is relatively dark. However, these are

essentially private matters and do not outweigh my conclusion on the main issue.

11. I have taken into account the representation received from the Primrose Hill Conservation Area Advisory Committee and the comments raised have been addressed in the reasoning above.

**Conclusion**

12. For the reasons outlined above, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

*Daniel Hartley*

INSPECTOR