



Appeal Decisions

Site visit made on 22 August 2017

by **J J Evans BA (Hons) MA MRTPI**

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

Decision date: 17 October 2017

Appeal A Ref: APP/X5210/W/17/3172384

6 Regent's Park Terrace, London NW1 7EE

- 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 & Mrs Samuel Geary-Jones against the decision of the Council of the London Borough of Camden.
 - The application Ref 2016/5642/P, dated 14 October 2016, was refused by notice dated 4 January 2017.
 - The development proposed is a two storey glazed rear extension (with new ground floor dining room) with metal stair to the garden and general internal refurbishment including new kitchen and bathrooms.
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Appeal B Ref: APP/X5210/Y/17/3172386

6 Regent's Park Terrace, London NW1 7EE

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr & Mrs Samuel Geary-Jones against the decision of the Council of the London Borough of Camden.
 - The application Ref 2016/5735/L, dated 14 October 2016, was refused by notice dated 4 January 2017.
 - The works proposed are a two storey glazed rear extension (with new ground floor dining room) with metal stair to the garden and general internal refurbishment including new kitchen and bathrooms.
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Decision

1. Appeal A: the appeal is dismissed insofar as it relates to the internal refurbishment works. The appeal is allowed insofar as it relates to the erection of a two storey glazed rear extension with metal garden stair.
2. Appeal B: the appeal is dismissed insofar as it relates to the internal refurbishment works. The appeal is allowed insofar as it relates to the erection of a two storey glazed rear extension with metal garden stair.
3. Planning permission is granted for a two storey glazed rear extension (with new ground floor dining room) with metal stair to garden at 6 Regent's Park Terrace, London NW1 7EE, in accordance with the terms of the application Ref 2016/5642/P, dated 14 October 2016, so far as relevant to that part of the development hereby permitted and the plans submitted with it, and subject to the following conditions:-
 - 1) The development hereby granted permission shall be begun before the expiration of three years from the date of this permission.

- 2) The development hereby permitted shall be carried out in accordance with the following approved drawings:-
- a. Site location plan at 1:1250;
 - b. Dwg E-2016.02.300;
 - c. Dwg E-2016.02.100;
 - d. Dwg E-2016.02.101;
 - e. Dwg E-2016.02.102;
 - f. Dwg E-2016.02.103;
 - g. Dwg E-2016.02.104;
 - h. Dwg E-2016.02.105;
 - i. Dwg E-2016.02.106;
 - j. Dwg E-2016.02.200;
 - k. Dwg P-2016.02.300B;
 - l. Dwg P-2016.02.100B;
 - m. Dwg P-2016.02.101B;
 - n. Dwg P-2016.02.102B;
 - o. Dwg P-2016.02.103B;
 - p. Dwg P-2016.02.104B;
 - q. Dwg P-2016.02.105B;
 - r. Dwg P-2016.02.106B; and
 - s. Dwg P-2016.02.200B.
- 3) Detailed drawings and / or samples of materials shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. Such details shall include:
- a. Detailed drawings, including sections at a scale of 1:5 and 1:10 of the rear extension and stair case, including details of how they will affix to the historic fabric;
 - b. Details of the materials and detailed drawings at a scale of 1:5, 1:10 and 1:20 of all new windows, joinery and fittings, including skirtings, architraves and the new internal door; and
 - c. Details / samples of all the external facing materials.
- Development shall be carried out in accordance with the approved details and samples.
- 4) All new work and work of making good shall be carried out to match the original work as closely as possible in materials and execution.

4. Listed building consent is granted for a two storey glazed rear extension (with new ground floor dining room) with metal stair to garden at 6 Regent's Park Terrace, London NW1 7EE, in accordance with the terms of the application Ref 2016/5735/L, dated 14 October 2016, so far as relevant to that part of the works hereby consented and the plans submitted with it, and subject to the following conditions:-
- 1) The works hereby granted consent shall be begun before the expiration of three years from the date of this consent.
 - 2) The works hereby consented shall be carried out in accordance with the following approved drawings:-
 - a. Site location plan at 1:1250;
 - b. Dwg E-2016.02.300;
 - c. Dwg E-2016.02.100;
 - d. Dwg E-2016.02.101;
 - e. Dwg E-2016.02.102;
 - f. Dwg E-2016.02.103;
 - g. Dwg E-2016.02.104;
 - h. Dwg E-2016.02.105;
 - i. Dwg E-2016.02.106;
 - j. Dwg E-2016.02.200;
 - k. Dwg P-2016.02.300B;
 - l. Dwg P-2016.02.100B;
 - m. Dwg P-2016.02.101B;
 - n. Dwg P-2016.02.102B;
 - o. Dwg P-2016.02.103B;
 - p. Dwg P-2016.02.104B;
 - q. Dwg P-2016.02.105B;
 - r. Dwg P-2016.02.106B; and
 - s. Dwg P-2016.02.200B.
 - 3) Detailed drawings and / or samples of materials shall be submitted to and approved in writing by the local planning authority prior to the commencement of works. Such details shall include:
 - a. Detailed drawings, including sections at a scale of 1:5 and 1:10 of the rear extension and stair case, including details of how they will affix to the historic fabric;

- b. Details of the materials and detailed drawings at a scale of 1:5, 1:10, and 1:20 of all new windows, joinery and fittings, including skirtings, architraves and the new internal door; and
- c. Details / samples of all the external facing materials.

The works shall be carried out in accordance with the approved details and samples.

- 4) All new work and work of making good shall be carried out to match the original work as closely as possible in materials and execution.

Procedural Matters

- 5. 6 Regent's Park Terrace is a grade II listed building that forms part of a listed terrace within the Primrose Hill Conservation Area. As required by Sections 16(2), 66(1), and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) I have paid 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, and of preserving or enhancing the character or appearance of a conservation area.
- 6. The appeal proposal is one of a series of applications for the refurbishment and extension of the house. Permission and consent was granted in 2016 for a number of works including internal alterations, the provision of a two storey rear extension and external staircase. After the refusal of the applications that comprise the appeal scheme, the Council granted permission and consent for underfloor heating and skylights in 2017. For the appeal proposal the Council does not wish to comment on the skylights or underfloor heating as these elements of the proposal are now considered to be acceptable.
- 7. The description of the development in the heading above has been taken from the planning application form. However, in Part E of the appeal forms it is stated the description of the development has not changed but, nevertheless a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly I have used the one given on the original application form.
- 8. Notwithstanding the description of the development set out above, which is taken from the application form, it is clear from the plans and accompanying details that the development comprises internal works to the listed building, including proposed underfloor heating to the basement, a two storey rear extension and associated works, an external staircase and skylights. The Council dealt with the proposal on this basis and so shall I.
- 9. The Council refused the applications under policies within the London Borough of Camden Local Development Framework Core Strategy (2010) (CS) and the London Borough of Camden Local Development Framework Development Policies (2010) (DPD). In July 2017 the Camden Local Plan (LP) was adopted and replaced the CS and DPD. The Council have stated the policies in the LP that are relevant to the appeal, and the appellants were given an opportunity to comment on the implications of the LP with regard to the scheme. I am obliged to determine the appeals against the most up-to-date policy and have considered it on this basis, and am satisfied that natural justice would not be breached in this instance.

Main Issue

10. The main issue is whether the two storey rear extension, skylights and underfloor heating would preserve a listed building or its setting or any features of special architectural or historic interest which it possesses, and linked to that whether the proposal would preserve or enhance the character or appearance of a conservation area.

Reasons

Rear Extension

11. The appeal house is part of a long terraced row comprising four storey houses with basements. The high quality symmetrical façade of the front elevation is imposing and elegant, and as such the terrace makes a positive contribution to the historic buildings found within the conservation area.
12. Contrasting the symmetry of the front elevation of the terrace, the rear of these houses shows a variety of forms. There are original closet wings as well as historic and modern additions and alterations. Although works are underway on the 2016 and 2017 permissions, from my site inspection of 6 Regent's Park Terrace it was apparent that the cellular plan form of the house had mostly been retained, with the principal rooms to the front of the building. Several original features remain internally, including plasterwork and joinery. These elements of the house, its plan form, and the striking contrast between the imposing formality of the front of the terrace with the more plain and functional rear is part of the special interest of these listed buildings.
13. Like several of the nearby houses the appeal property has a deep and tall closet wing with a glazed room to its upper floor. In 2016 the Council permitted an external stair case and also a two storey rear extension that would fill in the gap between the closet wing of No 6 and its neighbour. The permitted extension would have three glazed panels to each floor, with those to the basement level being doors, separated by a solid horizontal break between the glazing.
14. The extent of the glazing within the proposed rear extension would allow much of the original rear wall of the house to remain visible. I note the Council's concerns that the provision of a floor would internalise the room behind it, thereby altering the original cellular plan form of the building. However, the design of the permitted extension is a fallback to which I must have regard. Although that permitted would have a ground floor void, the extension would nevertheless enclose the rear rooms, thereby altering the historic double depth plan form of the house. This enclosure would be readily apparent both within the house and when viewed externally. As the proposed extension would have a very similar form and amount of glazing to that permitted, its transparency would be such that it would allow the historic rooms it would enclose to be legible.
15. Moreover, the horizontal separation of the two sections of glazing has already been permitted. The provision of a floor behind this division would not significantly obscure the rear wall of the house, although I accept that furniture would be present at ground floor level. The enlargement of an existing window to provide a new door from the closet wing would result in the loss of a small amount of historic fabric, but the retention of the French doors would maintain

- the separate identity of the rear room. The simple style and form of the glazing and doors would be much as permitted by the Council in 2016. Having regard to the fallback position and that there is a genuine possibility that the extension and stairs could be implemented, the proposed extension and stair case would not significantly harm the special interest of the listed building.
16. Furthermore, having regard to the variety of alterations that have occurred to the rear of the houses within the terrace, including glazed extensions, the proposed two storey extension would not significantly harm the setting of the nearby listed buildings or the character and appearance of the conservation area.
 17. My attention has been drawn to other similar cases, including within the terrace and at 7 Regent's Park Terrace. However, the full details of these cases is not before me, and I note that some were permitted before the National Planning Policy Framework (the Framework). I cannot be sure that the cases referred to are directly comparable to that before me. Moreover, each scheme has to be considered on its own individual merits in accordance with the requirements of the current development plan and all other material considerations, as I have undertaken in this instance.
 18. The Framework requires that great weight should be given to the conservation of a designated heritage asset. Having regard to the fallback position that is present in this instance and for the reasons given, the proposed rear extension and stair case would preserve the special interest of a listed building, its setting and that of others, and would preserve the character and appearance of the conservation area. As such the proposal would accord with LP Policies A1, D1 and D2. These policies seek amongst other things high quality development that preserves or enhances the historic environment and heritage assets, reflecting objectives of the Framework.

Internal Works and Skylights

19. It was apparent from my site inspection of the property that many of works permitted by the Council in 2016 and 2017 had either been undertaken or were underway, whilst other works had not yet begun. Alterations for a kitchen and to the second floor plan form are underway after having been approved by the Council in 2016, and as such I have not considered them further. The appeal scheme proposes works that have been subsequently approved by the Council, namely the provision of underfloor heating within the basement and the repositioning and replacement of an existing skylight and the provision of another.
20. Whilst I acknowledge that the refurbishment of No 6 is ongoing with a complex planning history, the detail for the proposal before me with regard to the provision of underfloor heating and the skylights is limited. The appellants have referred to there being no historic features at basement level that would be affected by the heating system. However, this floor retains its original plan form and room proportions, chimneypiece and staircase, all of which would be effected in some way by the insertion of underfloor heating.
21. The skylights would be in a discreet roof-top position, but the duties of the Act apply even where there would be limited public views of a proposal. Whilst I accept that the installation of skylights would have a neutral impact on the character and appearance of the conservation area and setting of nearby listed

buildings, the proposal before me has not demonstrated the impact of these works on the historic fabric of the building. Nor in the case of the removal of the existing skylight has it been demonstrated how this would occur and be made good.

22. As I cannot be sure that the proposal would not harm the special interest of a listed building, I have to dismiss the appeals with regard to the internal works and the provision of the skylights. It follows that these elements of the scheme would therefore fail to accord with LP Policies A1, D1 and D2 and objectives of the Framework.
23. The Framework also requires that where a proposal would lead to less than substantial harm to the significance of a designated heritage asset, that this harm should be weighed against the public benefits of the scheme. The skylights and underfloor heating would result in less than substantial harm due to the size of them relative to that of the listed building and conservation area. The underfloor heating would allow the removal of radiators from the basement and the skylights would be in a more usable position. However, these would be personal benefits for the appellants rather than public benefits and as such would not outweigh the harm I have found. Nor would the works be imperative for the continuation of the use of the house as a single family dwelling.

Other Matters

24. Local residents are concerned there would be a loss of privacy and light to their properties. However, due to the height and proximity of houses within the terrace and their proximity to those to the rear there is already a degree of mutual overlooking occurring, and the proposed extension would not significantly increase this. The extension would be positioned between two tall closet wings and so it would not significantly reduce levels of light to nearby properties. As such the proposal would not unacceptably harm the living conditions of nearby residents.

Conditions

25. I have considered the conditions suggested by the Council against paragraph 206 of the Framework. Where necessary and in the interests of clarity and precision they have been altered to better reflect these requirements. I have imposed the standard time conditions and ones requiring the consented works to be carried out in accordance with the approved plans, so as to avoid doubt and in the interests of proper planning.
26. To protect the special interest of the listed building, its setting and that of others, and also the character and appearance of the conservation area, conditions are necessary to require details of the development hereby permitted. To that end I have imposed conditions requiring details of the materials of the rear extension and stair case, the joinery and the new internal door in the closet wing, as well as requiring that works should match the original.

Conclusion

27. The scheme involves a number of different elements that are physically and functionally independent. In this respect I find the proposed rear extension and stair case to be acceptable and clearly severable from the internal alterations, refurbishments and skylights. Therefore I propose to issue a split

decision in this case and grant planning permission and listed building consent for the rear extension and stair case, but dismiss the appeals insofar as they relate to the internal works and skylights.

28. Thus, for the reasons given above, and having considered all other matters raised, the appeals are part allowed and part dismissed.

J J Evans

INSPECTOR