



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: 20 October 2017

Appeal A Ref: APP/X5210/W/17/3173290

2 Provost Road, London NW3 4ST

- 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 Mrs Francesca Segal against the decision of the Council of the London Borough of Camden.
 - The application Ref 2017/0080/P, dated 9 January 2017, was refused by notice dated 23 March 2017.
 - The development proposed is a garden outbuilding as well as conservatory style ground floor extension and some minor internal alterations.
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Appeal B Ref: APP/X5210/Y/17/3176970

2 Provost Road, London NW3 4ST

- 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 Mrs Francesca Segal against the decision of the Council of the London Borough of Camden.
 - The application Ref 2017/0198/L, dated 9 January 2017, was refused by notice dated 23 March 2017.
 - The works proposed are a garden outbuilding as well as conservatory style ground floor extension and some minor internal alterations.
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Decision

1. Appeal A: the appeal is dismissed.
2. Appeal B: the appeal is dismissed.

Procedural Matters

3. 2 Provost Road is a grade II listed building within the Eton 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.
4. 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 considered relevant to the appeals, and the appellant was given an opportunity to comment on the LP with regard to the scheme. I am obliged to

determine the appeal 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.

5. The original applicant was Mrs Francesca Segal, although the appeal form referred to Dr Hugh Cullum as the appellant. Dr Cullum has confirmed that Mrs Segal is the appellant, and I have considered the appeal on that basis.

Main Issue

6. The main issue is whether the proposed outbuilding, extension and internal alterations 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

Outbuilding

7. 2 Provost Road is a semi-detached house within a mostly residential area comprising a mix of houses and apartments. Positioned upon a gently sloping hillside, the house is part of a row of similar semi-detached villas constructed of painted stucco under slate roofs. The repetition of the distinctive form and style of these paired villas makes a positive contribution towards the historic qualities of the conservation area.
8. The villas have shallow front gardens with generous rear gardens that slope gently down towards Constable House. The planting and trees within these gardens and that within those of the nearby houses and the grounds surrounding the apartment blocks, gives a mature and verdant character and appearance to the conservation area. This and the mostly open nature of the gardens is part of the significance of the conservation area and makes an important contribution towards the attractive setting of the listed villas.
9. The proposed outbuilding would be positioned close to the southern end of the rear garden, partly under the canopies of a silver birch and two cypress trees. However, the outbuilding would occupy much of the width of the garden. Although it would be single storey and positioned away from the house, due to its size it would be a large and incongruous feature not only within the rear garden of No 2 but also amongst the surrounding gardens. It was apparent from my site visit that there are other garden outbuildings and structures nearby, including a garden shed within the appeal property, but in most cases these are much smaller than the proposed outbuilding and have a discreet appearance.
10. The simple form of the building and the use of timber cladding and a sedum roof would soften the appearance of the building within its garden setting, and as such it would be legibly different from the houses. Despite this, the size of the building would make it a conspicuous and dominant addition that would unacceptably erode the open garden setting of the listed buildings and harm the character and appearance of the conservation area. This erosion would be further exaggerated by the proposed rear extension as together with the outbuilding the generous size of the garden would be much reduced by development. Although the appellant considers the nearby trees would partly

screen the outbuilding, the duties of the Act apply in all cases and not just where development is prominent or publically visible.

11. The appellant has drawn my attention to the presence of another permitted outbuilding that is considered to be prominent within a much smaller garden. I have also noted the Council's concerns that allowing the appeals would set a precedent for similar proposals. The full details and planning history of the other scheme referred to is not before me, and as regards setting a precedent I am bound to consider an appeal on its individual merits, in accordance with the requirements of the current development plan and all other material considerations.
12. The appellant has offered to accept a condition to change the proposed materials and overall dimensions of the outbuilding. However, conditions can only be used to make a minor modification to a proposal. Furthermore, the appeal process should not be used to evolve a scheme. It is important that the facts before me are essentially those considered by the Council and other parties. In the interests of openness and fairness the proper course of action would be to make a further application to ensure all interested parties have an opportunity to comment.
13. The National Planning Policy Framework (the Framework) advises that when considering the impact of proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. For the reasons given the proposed outbuilding would unacceptably harm the setting of a listed building and those nearby, nor would it preserve or enhance the character or appearance of a conservation area. As such the proposal would fail to accord with LP Policies A1, D1 and D2, and Policies 7.4, 7.6 and 7.8 of the London Plan (2016). These policies seek amongst other things, high quality development that preserves or enhances the historic environment and heritage assets, reflecting objectives of the Framework.
14. The Framework also requires that where a development proposal would be 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 outbuilding would result in less than substantial harm due to its relatively small size compared to that of the listed buildings and conservation area. I have taken into account the appellant's requirement to provide study space. However, this would be a personal benefit for the appellant and her family and would not outweigh the harm I have found.

Internal Works and Extension

15. The appeal proposal includes a number of internal works to the listed building and a single storey rear extension, to which the Council have raised no objection. I note however, that the Council have stated there is a requirement for further details.
16. The internal works would be extensive and in part connected to the provision of the rear extension. Although concentrated within the basement and ground floor the works would include significant alterations to the building, including the removal of a staircase, the provision of a new one, the alteration of the floor level of the existing kitchen, and the removal and construction of a new spine wall. The internal reconfiguration of these floors and the rear extension

would also require the provision of new internal and external doors and a new window.

17. I note that the house has been subjected to significant modifications over time, particularly from the use of the basement as a therapy practice. Notwithstanding this, I cannot be sure from the evidence before me of the extent, if any, of the loss of remaining historic fabric of the listed building. Furthermore, in the absence of the full details of the proposed alterations and reinstated features, particularly those involving significant structural works, I am unable to ascertain the impact of the works upon the listed building. As such I cannot come to a decision on these aspects of the scheme.

Other Matters

18. Issues concerning dirt, noise, dust, pollution and inconvenience have been raised by local residents. Many of these matters would be of a temporary nature occurring during the construction period of the scheme, but following my findings on the main issue I have no need to consider them further.

Conclusion

19. For the reasons given above and having considered all other matters raised, the appeals are dismissed.

J J Evans

INSPECTOR