

## **PLANNING APPEAL: APPELLANTS' STATEMENT OF CASE**

**SITE ADDRESS: CRANBROOK, 8 NUTLEY CRESCENT, LONDON, NW3 5SY**

**LOCAL AUTHORITY REFERENCE 2017/4434/P**

**LOCAL AUTHORITY: LB CAMDEN**

**APPELLANTS: MR & MRS MAISEL**

**APPEAL AGAINST THE REFUSAL OF PERMISSION BY LB CAMDEN FOR THE VARIATION OF CONDITION 3 (APPROVED PLANS) OF 2016/6864/P DATED 20/06/2017 FOR DEMOLITION OF EXISTING DWELLING HOUSE AND ERECTION OF 3 STOREY DWELLING HOUSE INCLUDING GARAGE, NAMELY FOR ALTERATIONS TO THE FRONT FENESTRATION AT FIRST AND SECOND FLOOR LEVEL**

### **1. Relevant Planning History**

- 1.1 Planning Permission (Ref: 2016/6864/P) was granted on 20<sup>th</sup> June 2017 for the demolition of the existing three-storey dwelling house and the erection of a three-storey dwelling house including a garage, the erection of a front boundary wall, plus hard and soft landscaping works This was subject to conditions and a Section 106 Agreement.
- 1.2 On 7<sup>th</sup> November 2017 Approval of Details (Ref: 2017/5088/P) was granted in respect of materials (including balustrade, windows, roof details and front boundary wall) as required by condition 5 of Planning Permission Ref: 2016/6864/P.
- 1.3 On 7<sup>th</sup> November 2017 Approval of Details (Ref: 2017/3664/P) was granted for details of brickwork of main house (condition 4) of Planning Permission Ref: 2016/6864/P.

### **2. The Application the Subject of This Appeal**

- 2.1 An application was made for Variation of Condition 3 (approved plans) of Planning Permission Ref: 2016/6864/P dated 20.06.2017 for alterations to the front fenestration at first and second floor level.
- 2.2 The proposed alterations to the approved design were:-
  - i) The omission of a first floor window on the west elevation of the front gabled cross-wing. This would result in a less visually cluttered appearance to the front of the building.
  - ii) The omission of one of the two rooflights on the west roof pitch over the front gabled cross-wing. This would reduce visual clutter on the front of the building.
  - iii) The addition of a small window at second floor level in the apex of the gable of the projecting cross-wing to provide alternative daylight to a bedroom in place of the deleted rooflight in a more appropriate traditional manner.
  - iv) An additional window to the front of the gabled projecting cross-wing at first floor level, giving the fenestration pattern on this part of the proposed new dwelling a more symmetrical arrangement.

Overall, these amendments would result in a more coherent, better and more appropriate traditional design.

- 2.3 This application was refused on the 25th October 2017. The Reason for Refusal was:-

*"The additional windows at first and second floor level, by reason of the impact they would have on the character and appearance of the building with regards to its perceived scale, status and formality, are considered detrimental to the host property, the streetscene, and the wider Redington Froggnal Conservation Area contrary to policy D1 and D2 of the Camden Local Plan 2017."*

2.4 There is an error in the reason for refusal. The site is not within the Redington Frogmal Conservation Area. It is in the Fitzjohn – Netherhall Conservation Area.

### 3. Revised Drawings

3.1 Having reviewed the design, further potential improvements have been identified. The following revised drawings Nos. 07.16.P13.C, 07.16.P14.B, 07.16.P15.C, 07.16.P16.D, 07.16.P19.C are submitted. The appellant respectfully requests that these be accepted and substituted for the respective drawings submitted with the refused application and that the appeal be determined on the basis of these revised drawings.

3.2 The revised drawings differ from those accompanying the refused application Ref. No. 2017/4434/P in the following ways:-

- i) The small window in the front gable at second floor level is shorter and slightly wider.
- ii) The remaining rooflight on the west roofslope of the front gabled cross-wing has been omitted.

### 4. The Site

4.1 The building is not Listed and is situated in the Fitzjohns - Netherhall Conservation Area. The pre-existing house at No 8, now demolished, was constructed circa the 1960s. It was of red brick with a dark brown-red tiled ridged roof and had cruciform patterned casement windows on its front elevation. The window frames were rather bulky. Its architectural design was undistinguished and it had no architectural or heritage significance. It is considered that it was harmful to the character of the Conservation Area.

### 5. The Context

5.1 The character of the Conservation Area is set out in the Fitzjohn – Netherhall Conservation Area Statement produced by LB Camden. This states, inter alia:-

*“Character and Appearance of the Area*

*Within a framework of broadly similar building types there is a mixture of architectural styles that includes neo-gothic, classical Italianate, Queen Ann, Jacobean, Domestic Revival, Arts and Crafts/Norman Shaw. A feature of the area is the number of properties built for individual owners, (some of whom were artist) by respected architects. The range of detail includes: fine rubbed brickwork, terracotta enrichments, stained glass, fine wrought iron work, Tudor-style chimney stacks, extensive tiling and tile hanging, Oriel windows, stone mullions to windows, bay windows, large studio windows for artists, well detailed front walls, gate piers, decorative tiled front paths, doorways and large porches, elevated ground floors. Roofs are an important and conspicuous element, a development of mid-late Victorian architecture that dominates the profiles of the skyline. The most common types of roof are gables (various designs), pitched with dormers, shallow pitched with overhanging eaves. The majority of the properties are detached or semi-detached with few terraces. The gaps between the buildings therefore provide views to the rear gardens and a rhythm to the frontage.”  
(Page 10)*

5.1 The Statement identifies separate sub-areas, with Nutley Terrace being in Sub-Area One - Fitzjohns, about which it says:-

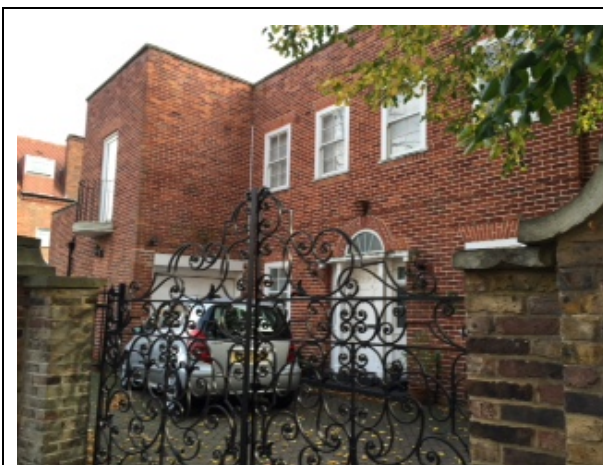
*“Built predominantly over a ten year period from the late 1870s to the late 1880s, it marks the style and preoccupations of the 1880s. General the architectural influences are the Queen Anne and Domestic Revival with purple and red brick, decorative ironwork, rubbed and carved brick, bargeboards and roof details.”.. (Page 13)*

5.2 It says about Nutley Terrace:-

*“The road divides the Fitzjohns section east/west with four roads cutting across north/south. There is little building facing the road except at the eastern end (perhaps due to concerns about structures over the railway line). The side elevations and gardens of the dissecting road contribute to the character of Nutley Terrace. Nos. 1, 3*

*4 were part of the original development (with No. 2 but that has been redeveloped). They are all detached, nos. 1 & 3 are double fronted with double height canted bay and double square bay, raised above the road and visible despite a high boundary wall." .. (Page 20)*

- 5.3 The historic buildings in the Conservation Area generally have asymmetric informal floor plans, but many elements, such as projecting gabled wings and window bays, display a high degree of formal rhythm or symmetry.
- 5.4 The character of Nutley Terrace is very mixed. It is comprised of large Victorian villas, principally on the corners, the large gardens of the corner buildings bounded by high brick walls and containing large trees, large 20<sup>th</sup> C blocks of flats, small 20<sup>th</sup> C two-storey dwellings, such as at No. 6 and 8 Nutley Terrace and a 19<sup>th</sup> century two-storey building at No. 10 that may originally have been a coach house. One of the blocks of flats built in the early 1990s at No. 2 Nutley Terrace is of red brick and has pitched tiled roofs, which reflects the character of the large villas. In my opinion detailed design of this building is bland and lacks sufficient visual interest. There is a more recent block of flats with off-white rendered walls, a flat roof and large windows, which does not reflect the historic character of the area. In my opinion it does not respect the rooflines, elevational design architectural features, detailing, profile and materials of adjoining buildings (The Fitzjohn - Netherhall Conservation Area Statement Guidance F/N1) and appears alien and out of character. A circa 1930s block of flats is of red brick with a flat roof. A terrace of townhouses is of a discordant coloured brick and also has flat roofs. I consider that whilst they are not as alien and incongruous as the most recent development, they are also out of character with the area.
- 5.5 Planning permission (2015/7025/P) was granted on 1.3.2017 for a pair of new three-storey houses at 6 Nutley Terrace. The design is of very formal townhouses in what could be described as a Neo Georgian style. They have very tall metal clad false-mansard roofs with flat tops and steep side pitches and large dormer windows. They have pedimented door surrounds and integral garages. Their windows are aligned vertically. When constructed, these will alter the context of the site of No. 8.
- 5.6 Overall, I would consider that the historic character of Nutley Terrace has been heavily compromised by modern development.



6 Nutley Terrace. An incongruous 20<sup>th</sup> C dwelling of no architectural merit



10 Nutley Terrace. Note the pair of first floor windows in the projecting gable.



8 Nutley Terrace with the building on the corner of Nutley Terrace & Maresfield Gardens in the background.



Corner of Nutley Terrace & Maresfield Gardens, with 8 Nutley Terrace in the background.



3 Nutley Terrace. Note the symmetrical arrangement of the bay windows.



6 Nutley Terrace & Nutley Cottage.



1930s block of flats on Corner of Nutley Terrace & Fitzjohn's Avenue.



5 Nutley Terrace, modern development that does not reflect the materials, roof forms or sizes and proportions of the historic buildings.





Modern brick flats at the site of 2 Nutley Terrace on the corner of Daleham Gardens.



Historic villa on north side of Nutley Terrace at corner of Daleham Gardens. Note the symmetrical bay window arrangement.



View of Nutley Terrace from Fitzjohn's Avenue, with modern terrace of townhouses on the left with flat roofs and discordant bricks. Note the symmetrical window arrangement of the historic villa on the right.

## 6. The Appellant's Case

### Comments on the Reason for Refusal

- 6.1 I consider that the additional windows at first floor level would not have a substantial impact on the character and appearance of the building. Their impact would in my opinion be "less than substantial" in the words of the National Planning Policy Framework. Moreover, I consider that their impact would be beneficial.
- 6.2 The additional windows would not have any impact on the scale or status of the building. It is accepted that the additional windows would have a minor effect on the overall informality of the building. However, I maintain that this is not detrimental to the host property but is beneficial.
- 6.3 The effect on the character of the new building of the additional windows would not be harmful. On the contrary, I consider that they would improve the design. The impact on the street scene is minor and therefore the proposal would have a minor beneficial impact on the street scene.

- 6.4 The character of this part of the Fitzjohn – Netherhall Conservation Area, i.e. Nutley Terrace is very variable and in my opinion has been compromised by a number of modern developments. Given the diversity of sizes, types, and styles of buildings, both historic and modern in the street, the changes to the design would not make the building appear out of place. Because of this, and the minor beneficial effect of the proposed alterations on the design of the new dwelling, they would not be harmful to the character of the conservation area. Instead, they would enhance its character.
- 6.5 The proposal would not be contrary to Policies D1 and D2 of the Camden Local Plan 2017, but satisfies them. Moreover, it would not be contrary to any other relevant national or local planning policies or supplementary planning guidance (see Section 8 below and Appendix 1).

#### **Comments on the Officer's Delegated Report**

- 6.6 The officer's report states:-

*"2.2 During the main application process ref: 2016/6864/P, officers worked with the applicant to achieve a design approach that was suitable for the site and wider conservation area. Integral to this approach was the importance of designing out scale to prevent the new dwelling from appearing as a miniature, pastiche version of its grander, early 20th century neighbours. The result was a proposal that responded to the site, taking on the character of a coach house, which relates to its historical relationship with 30 Maresfield Gardens. Coach houses by their nature are secondary, simply adorned utilitarian buildings. Large opening would have typically existed at ground floor level (represented by the large ground floor window - the header of which is visible above the front boundary wall) with smaller domestic windows for use by servants on the upper floor. "*

- 6.7 The insertion of new dwellings, particularly on small sites amongst grand villas and mansions, is always difficult to achieve satisfactorily. Seeking to imitate a coach house is one valid approach that can be taken, but it is not the only valid approach. Of greater importance is the need to ensure that their size and scale are subordinate to the grander historic buildings and that their roof forms and materials are sympathetic to the character of the area. The diverse sizes, forms, styles and materials prevalent in Nutley Terrace allow alternative design approaches.
- 6.8 Whilst under the guidance the Local Planning Authority's Conservation Officer, the new dwelling was designed to reflect the character of a coach house, the outcome is a building that looks like a house and not like a coach house or a modern interpretation of a coach house.
- 6.9 Coach houses (and indeed mews buildings) were not always simple and unadorned or asymmetrical. Where coach houses had a single window in a gable end on the first floor, these were generally positioned centrally. Openings in gables sometimes were hayloft doors. Moreover, symmetry in their elements and paired windows on upper floors were not uncommon. The asymmetry of the first floor front gable-end window of the approved scheme appears distinctly odd and has no known architectural precedent. The large tripartite sash window opening on the ground floor of the approved scheme does not reflect coach house doors. Whilst only the top of it would be visible from the street above the high front boundary wall, it would clearly read as a domestic window. Similarly, the projecting front entrance porch with its recessed six-panelled door does not look like anything seen on coach houses. Again, whilst only the top of it would be visible from the street, it would read clearly as a domestic house entrance.
- 6.10 The Officer's Report further states:-
- "2.3 The variation of the approved proposal seeks to undo these design efforts and introduce an additional window opening at first floor level and a new window at second floor level. The detrimental impact of these two windows is considered threefold. Firstly, the windows give undue status to the dwelling and reduce the ability to recognise the design intent, which is considered important. Secondly, the second floor window serves to design back in the scale and instantly transforms the building into a three storey 'shrunk' version of the large Maresfield Gardens properties adjacent. Nutley Terrace is a connective street between the primary*

*roads of Maresfield Gardens and Fitzjohn's Avenue and does not lend itself to a property of this character. Lastly, the additional windows create a regular rhythm and formal alignment which reduces the free style nature of the arts and crafts architecture and in officer's view, ability to relate the design back to the style and period of the main houses fronting Maresfield gardens."*

- 6.11 Firstly, the design intent of the approved scheme is not at all evident and in any case is flawed, as stated above. The introduction of the additional windows, as amended by the revised drawings submitted with this appeal, would not give the building undue status. The reducing vertical hierarchy of the building and its windows remains.
- 6.12 Secondly, the introduction of an additional window at second floor level and a smaller single window in the gable would not "*design back in scale*". There is no change in size or scale of the proposed building. The front façade's reducing vertical hierarchy would be retained.
- 6.13 The proposed amended design is sufficiently differentiated from the grander, more formal design of the large Mansfield Garden properties adjacent and so the new dwelling would not look like a shrunken version of them.
- 6.14 The design of the approved new dwelling is simple and understated. I would not describe the new building's style as "Arts and Crafts". Its style is based on English neo-vernacular architecture and is highly domestic. This style was popular in the late 19<sup>th</sup> C and early 20<sup>th</sup> C. It often combined the use of later "polite" architectural detailing, such as sliding sash windows, panelled doors and corniced door canopies with earlier traditional forms and materials. This eclectic style was inspired by historic examples of Medieval, Tudor and Jacobean houses that had been extended organically and "Georgianised" or "Victorianised" in subsequent centuries. The proposed revised design of the new dwelling at No. 8 is not out of place in this part of the Conservation Area.

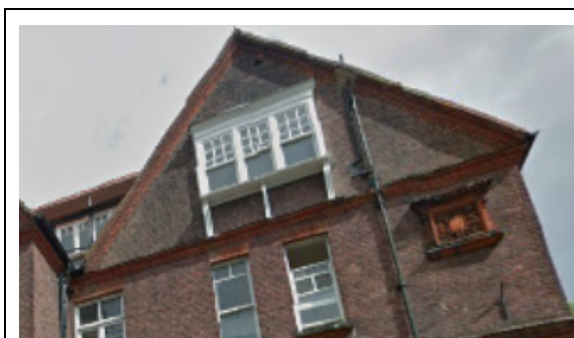


10, Nutley Terrace. Note the paired windows at floor level on the gabled projection.



Example of pair of first floor windows in a gable end of an historic building at 7A Netherhall Gardens.

- 6.15 Thirdly, the paired windows on the first floor would not “*reduce the free style nature*” of the overall architectural form and design, which remains asymmetrical and predominantly informal. Moreover, both English neo-vernacular and Arts and Craft architecture often contained elements with a regular rhythm and formal alignment. Paired windows in gable ends are features of small historic buildings in the Conservation Area. In particular, No. 10 Nutley Terrace and 7A Netherhall Gardens are small houses that have just such pairs of windows (see photographs above). These building may have been coach houses originally.
- 6.16 The proposed small single second floor window maintains the variation of the façade’s window pattern. Windows in the apexes of gables are also typical of the Conservation Area. There are numerous examples of all sizes of these on buildings of all styles and sizes in the area. They are features that are not out of character with the Conservation Area.






Example of tripartite sliding sash windows in a gable in Nutley Terrace.



Example of a tripartite sliding sash window in gable nearby.



	
<p>Example of a round window in gable at 20 Maresfield Gardens.</p>	<p>Example of a tripartite sash window in a gable nearby.</p>
	
<p>Example of a sash window in gable at 24 Maresfield Gardens.</p>	

6.17 The additional windows, as amended by the revised drawings submitted with this appeal, would not result in the new house appearing like “*a miniature, pastiche version of its grander, early 20th century neighbours*”. Its overall design would remain freestyle and informal and it would remain subordinate to and sufficiently differentiated from its grander historic neighbours.

6.18 When built, the two proposed houses granted planning permission on the site of No. 6 will form part of the context of No. 8. In no way do they imitate coach houses. They are very rhythmic and formal townhouses. It seems inconsistent that these were approved whilst the proposed changes to the window arrangement at No. 8 Nutley Terrace, which would still maintain a more freestyle appearance were refused.

6.19 The recently constructed modern white rendered block of flats in Nutley Terrace has very large windows and has a very regular formal appearance. It has no relationship to the character of the Conservation Area in my opinion. In comparison, the proposed additional windows at No. 8 would relate to the historic character of the Conservation Area, in size, style and materials and would have a minimal, but positive impact.

**7. Explanation of and Justification of the Proposed Revisions to the Refuse Scheme the Subject of this Appeal**

7.1 The reduced height and changed proportions of the proposed second floor window in the front gable are considered to be a significant improvement to the design.

7.2 The removal of the remaining rooflight on the west elevation of the front gabled cross-wing further reduces visual clutter on the front of the building and is an additional improvement. Traditionally, rooflights were small and were generally located on rear or inconspicuous roof slopes\*. They were only intended to give a little illumination to loft spaces or provide access to roof valleys for maintenance. I consider them inappropriate on the prominent elevations of buildings in Conservation Areas or on Listed Buildings. Many local planning authorities have policy presumptions against

them on prominently visible roofs. (\*Note: The exception was north-lights on purposely designed or adapted artists' houses.)

## **8. The Relevant Local and National Planning Policies**

8.1 Extracts of the relevant national and local policies are included in Appendix 1.

8.2 There is no specific detailed design guidance that covers the circumstances of this case. The relevant policies are general and it is a matter of interpretation and professional judgement whether a proposal conforms to them. I maintain that the proposed amendments to the design would not conflict with any relevant general national or local planning policies or design guidance set out in Appendix 1.

8.3 The proposal would not be contrary to Policies D1 and D2 of the Camden Local Plan 2017. On the contrary in the words of Policy D1 it:-

- "a. respects local context and character;*
- b. preserves or enhances the historic environment and heritage assets in accordance with "Policy D2 Heritage";*
- c. is sustainable in design and construction, incorporating best practice in resource management and climate change mitigation and adaptation;*
- d. is of sustainable and durable construction and adaptable to different activities and land uses;*
- e. comprises details and materials that are of high quality and complement the local character;*
- f. integrates well with the surrounding streets ... "*

8.4 It also would satisfy Policy D2, as it would not result in:

*"... the loss of or substantial harm to a designated heritage asset, including conservation areas and Listed Buildings, ..."*

and it:

- "e. ... preserves or, where possible, enhances the character or appearance of the area; ...."*

8.5 In addition to the Camden Local Plan 2017, other particularly relevant local planning policy documents are the Camden Planning Guidance - Design CPG1 and the design guidance set out in the Fitzjohn - Netherhall Conservation Area Statement.

8.6 The proposal would not be contrary to the Camden Planning Guidance - Design CPG1, July 2015. It satisfies the requirement for good design in the relevant parts of Section 2.9 as it would:-

*"... positively enhance the character, ... of existing buildings on the site and other buildings immediately adjacent and in the surrounding area, and any strategic or local views. ..."*

8.7 It also would satisfy the relevant requirements of Section 2.10 in that it:

- contributes to the character of certain parts of the borough;
- provides visual interest for onlookers, from all aspects and distances.
- involves attention given to both form and detail.

8.8 It also satisfies the requirements of Section 2.12 in respect of materials in that they *"relate to the character and appearance of the area"* and they are of good quality and are of a sympathetic palette of materials.

8.9 Moreover, the proposal would not be contrary to the relevant guidance set out in the Fitzjohn - Netherhall Conservation Area Statement. It would satisfy the relevant guidance F/N1 as it would:-

*"enhance the Conservation Area, .."*

and

*“... respect existing features such as building lines, roof lines, elevational design and where appropriate, architectural features, detailing, profile and materials of adjoining buildings.”*

## **9. Conclusions**

- 9.1 The recently demolished pre-existing house was, in my opinion, of a poor design and harmful to the character of the conservation area. The approved new building would be a considerable improvement that would enhance the character of the conservation area. The proposed amendments that were refused planning permission would result in a better design that would enhance the character of the Conservation Area. Nevertheless there were aspects of the approved design that would benefit from further improvement. The revised drawings submitted with this appeal would result in an even greater enhancement of the character of the Conservation Area. The proposed alterations to the design comply with both national and local planning policies. I respectfully request that the appeal be allowed, with or without the revisions submitted with this appeal.

Geoffrey Bennett BA MA DipTP IHBC

Director  
Studio Astragal Ltd

## **LIST OF APPENDICES**

1. Key Relevant Conservation and Design Policies
2. Application Form Ref. No. 2017/4434/P
3. Drawing 07.16.P10.A Proposed Site Layout (Refused)
4. Drawing 07.16.P12 Approved First Floor
5. Drawing 07.16.P12.A Proposed 1st Floor (Refused)
6. Drawing 07.16.P13 Approved Second Floor Plan
7. Drawing 07.16.P13.A Proposed 2nd Floor (Refused)
8. Drawing 07.16.P14.A Proposed Roof Plan (Refused)
9. Drawing 07.16.P15.A Proposed Street View (Refused)
10. Drawing 07.16.P16 Approved Front Elevation
11. Drawing 07.16.P16.A Proposed Front Elevation (Refused)
12. Drawing 07.16.P19.A Proposed Side W Elevation (Refused)
13. 8 Nutley Terrace Variation of Condition Design Statement
14. 8 Nutley Terrace Refusal Delegated Report Ref. No. 2017/4434/P
15. 8 Nutley Terrace Decision Letter Ref. No. 2017/4434-P.pdf
16. Fitzjohns - Netherhall Conservation Area Statement
17. Drawing 07.16.P13.C Proposed 2nd Floor (Revised)
18. Drawing 07.16.P14.B Proposed Roof Plan (Revised)
19. Drawing 07.16.P15.C Proposed Street View (Revised)
20. Drawing 07.16.P16.D Proposed Front Elevation (Revised)
21. Drawing 07.16.P19.C Proposed Side W Elevation (Revised)
22. 8 Nutley Terrace, Design & Access Statement, Revised Drawings Ref. No. 2017/4434/P