

56 DARTMOUTH PARK ROAD
LONDON NW5

PROPOSED DEMOLITION OF EXISTING REAR ADDITION
AND CONSTRUCTION IN ITS PLACE
OF SINGLE-STOREY REAR EXTENSION

JOINT PLANNING STATEMENT AND HERITAGE STATEMENT

1 INTRODUCTION

- 1.1 The planning application seeks permission for the demolition of the existing single-storey addition, a largely glazed, flat-roofed structure built in 2007, and its replacement with a larger (in floor area) single-storey extension incorporating a fully glazed rear elevation.
- 1.2 The application property consists of a two-storey, detached Victorian house in a row of similar dwellings on the north side of Dartmouth Park Road. The property lies within a wholly residential area.
- 1.3 The site lies in the Dartmouth Park Conservation Area. The house is not a listed building and there are no listed buildings in the immediate vicinity.
- 1.4 If the property were not in a conservation area, the proposed rear extension would be permitted development under Class A of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GDPO); permission is required in this case because of the limitation imposed by paragraph A.2(b) of Class A, which affects a small part of the extension at the north-west corner of the building.
- 1.5 A rear extension that is significantly larger in floor area than both the existing extension and the proposed extension could be constructed as permitted development under Class A of the GDPO, as explained in section 3 of the Design and Access

Statement. This fall-back position is an important planning consideration and is addressed in further detail later in this Planning Statement.

- 1.6 This Planning Statement, which addresses the planning merits of the proposal in the context of the relevant local and national planning policies, should be read in conjunction with the Design and Access Statement prepared by the project architects, Edwards Rensen Architects.
- 1.7 A Design and Access Statement is not a legal requirement in this case (see Article 9(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015), but is provided in order to explain fully the design principles that have been applied to this proposal.
- 1.8 In view of the limited scale and impact of the proposed extension, in a position not visible from the road or any other public place, a specific Heritage Statement is considered unnecessary in this case; the relevant heritage issues are adequately addressed in the Design and Access Statement and in this Planning Statement (see paragraph 128 of the NPPF and paragraph 012 of Planning Practice Guidance: Conserving and Enhancing the Historic Environment).

2 LEGAL FRAMEWORK

- 2.1 The application property is an unlisted building within the Dartmouth Park Conservation Area. The relevant legislative requirements are summarised below.
- 2.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with adopted development plan policies, unless material considerations indicate otherwise.
- 2.3 The site is in a designated conservation area and the Council will be aware of the duty imposed by section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to ensure that new development should preserve or enhance the character or appearance of the Conservation Area.

3 PLANNING POLICIES

3.1 The development plan consists of:

- The London Plan 2016; and
- Camden Local Plan 2017.

3.2 Also of relevance is the guidance in the following documents:

- Camden Planning Guidance: Design (2018);
- Dartmouth Park Conservation Area Appraisal and Management Statement 2009; and
- National Planning Policy Framework 2012 (the NPPF);

3.3 I set out below a summary of the local policies that I consider relevant to this proposal.

The London Plan

3.4 *Policy 7.4 – Local Character*

Policy 7.4 requires new buildings to provide a high quality design that has regard to the existing urban grain in terms of scale, proportion and mass, and makes a positive contribution to the character of the area.

3.5 *Policy 7.6 – Architecture*

This requires that buildings:

- be of the highest architectural quality;
- use design and materials that complement, not necessarily replicate, local character;
- not cause unacceptable harm to the amenity of neighbouring buildings in relation to privacy and overshadowing;
- provide high-quality indoor space and integrate well with surrounding streets; and
- optimise the potential of sites.

3.6 *Policy 7.8 – Heritage Assets*

This policy seeks to sustain and enhance the significance of heritage assets, including conservation areas, and requires that new development should “conserve, restore, re-use and incorporate heritage assets” and be “sympathetic to their form, scale, materials and architectural detail”.

3.7 *Policy A1 – Managing the Impact of Development*

This policy seeks to protect the quality of life of occupiers and neighbours taking into account factors such as privacy, outlook, sunlight, daylight, overshadowing, transport and noise.

3.8 *Policy A3 – Biodiversity*

This states that the Council will protect and enhance nature conservation and biodiversity, including the provision of landscaping within new developments.

3.9 *Policy D1 – Design*

This policy states that the Council will seek to secure high quality design and requires new development to:

- . respect local context and character;
- . preserve or enhance heritage assets;
- . be sustainable in its design and construction;
- . include details and materials that complement local character;
- . incorporate high quality landscaping; and
- . incorporate outdoor amenity space.

3.10 *Policy D2 – Heritage*

This heritage policy reflects the guidance in the NPPF and, amongst other things, states that development that results in “less than substantial harm” will not be permitted unless the public benefits of the proposal convincingly outweigh the harm. The policy also seeks to preserve trees and garden spaces that contribute to the character and appearance of conservation areas.

Camden Planning Guidance

- 3.11 With regard to rear extensions, the Camden Planning Guidance on design advises, at paragraph 4.10, as follows:

“Rear extensions should be designed to:

- be secondary to the building being extended, in terms of location, form, scale, proportions, dimensions and detailing;
- respect and preserve the original design and proportions of the building, including its architectural period and style;
- respect and preserve existing architectural features, such as projecting bays, decorative balconies or chimney stacks;
- respect and preserve the historic pattern and established townscape of the surrounding area, including the ratio of built to unbuilt space;
- not cause a loss of amenity to adjacent properties with regard to sunlight, daylight, outlook, overshadowing, light pollution/spillage, privacy/overlooking, and sense of enclosure;
- allow for the retention of a reasonable sized garden; and
- retain the open character of existing natural landscaping and garden amenity, including that of neighbouring properties, proportionate to that of the surrounding area.”

3.12 With respect to the use of materials, paragraph 4.7 of the design guidance states:

“Wherever possible you should use materials that complement the colour and texture of the materials in the existing building, see also CPG3 Sustainability (Sustainable use of materials chapter). In historic areas traditional materials such as brick, stone, timber and render will usually be the most appropriate complement to the existing historic fabric; modern materials such as steel and glass may be appropriate but should be used sensitively and not dominate the existing property.”

Dartmouth Park Conservation Area Appraisal and Management Statement

3.13 This document includes, at page 56, the following comments on rear extensions within conservation areas:

“Within conservation areas there are many interesting examples of historic rear elevations, many of which are exposed to public views from the surrounding streets. The original historic pattern of rear elevations within a street or group of buildings is an integral part of the character of the area and as such rear extensions will not be acceptable where they would diverge significantly from the historic pattern.”

4 THE NATIONAL PLANNING POLICY FRAMEWORK

4.1 I set out below those parts of the guidance in the NPPF that I consider material to this application.

Section 7 – Requiring Good Design

Paragraph 58

- 4.2 “..... Planning policies and decisions should aim to ensure that developments:
- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
 - optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;
 - respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
 - create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and
 - are visually attractive as a result of good architecture and appropriate landscaping.”

Paragraph 59

- 4.3 “Local planning authorities should consider using design codes where they could help deliver high quality outcomes. However, design policies should avoid unnecessary prescription or detail and should concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally.”

Paragraph 60

- 4.4 “Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or

initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness."

Section 12 – Conserving and Enhancing the Historic Environment

4.5 Section 12 of the NPPF provides guidance on the conservation of the historic environment. This guidance sets out the matters that should be taken into account when considering planning applications (see paragraph 131) and stresses that the need to conserve the heritage asset must be balanced against any substantial public benefits of the proposal.

4.6 Paragraphs 126 and 131 state that when developing their strategy towards conservation and heritage and when deciding planning applications, local planning authorities should take into account, amongst other aims:

“the desirability of new development making a positive contribution to local character and distinctiveness.”

4.7 Paragraph 134 of the NPPF states:

“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.”

5 ANALYSIS OF MAIN PLANNING ISSUES

Permitted development fall-back position

5.1 Before addressing the planning merits of the proposed extension, it is necessary to comment on the applicant’s permitted development rights to construct a rear extension without the Council’s consent and how such a permitted development addition compares with the extension that is proposed.

5.2 The Camden Planning Guidance on design acknowledges the availability of permitted development rights to alter and extend dwellings. Paragraph 4.4 confirms:

“You can make certain types of minor changes to your property without needing to apply for planning permission. These are called “permitted development rights”

- 5.3 The permitted development options that are available to the applicant represent a legitimate fall-back position that should be taken into account when assessing the planning merits of the application. It is clear from case law (e.g. *Burge v Secretary of State for the Environment* [1988], *New Forest District Council v Secretary of State for the Environment* [1996], *Brentwood Borough Council v Secretary of State* [1996], *R v Secretary of State for the Environment Ex p. Ahern* [1998]) that a planning authority is entitled, and indeed obliged, to have regard to any fall-back position. In *Ahern*, the Court held that the decision-maker needs to ask the question: “is the proposed development in its implications for impact on the environment, or other relevant planning factors, likely to have effects worse than, or similar to, any development that could be carried out if the proposed scheme were refused permission?”.
- 5.4 As noted at paragraph 1.4 above, planning permission for the extension is required only because of the limitation under paragraph A.2(b) of Class A, which affects that part of the addition at the side. Section 3 of the Design and Access Statement explains in some detail what could be built at the rear as permitted development and provides evidence of the position of the original rear wall of the house. When deciding what is the original dwellinghouse for the purposes of Part 1 of Schedule 2 of the GDPO, the legal test is the balance of probability. It is clear that the evidence provided in the Design and Access Statement satisfies this test.
- 5.5 The Design and Access Statement shows that a rear extension that used the full Class A permitted development allowance:
- could be significantly larger in footprint and floorspace than the proposed extension;
 - could project significantly further from the original rear wall than the proposed extension;
 - could occupy a greater proportion of the rear garden than the proposed extension;
 - could have a greater impact on the neighbouring property at 58 Dartmouth Park Road than the proposed extension;
 - could, in common with the extension now proposed, incorporate an angled rear elevation; and
 - could include a fully glazed rear elevation.

Design and townscape

- 5.6 The proposed extension would appear as a subordinate element to the main house and its use of contemporary form, design and materials would create an innovative addition that is architecturally distinct from, and does not seek to mimic, the host building.
- 5.7 It should be stressed that the proposal involves the removal of the existing rear addition, thereby limiting the net increase in floorspace to about 13 square metres.
- 5.8 It should also be noted that the existing rear extension (see figures 5 and 6 of the Design and Access Statement) is of a modern design with large areas of glazing so that, in general terms, the proposed replacement extension would be similar, albeit wider, in overall appearance to the current arrangement.
- 5.9 There is no reason, in principle, why contemporary design, if carefully considered, cannot be acceptable within conservation areas. The use of contemporary and non-traditional forms of design in appropriate circumstances is supported at national level by the NPPF, which states, at paragraph 60, that local planning authorities “should not stifle innovation, originality or initiative”.
- 5.10 For the above reasons, it is considered that the design of the development is well-conceived and appropriate to the context of the site, and is compliant with the following:
- policies 7.4 and 7.6 of the London Plan;
 - policy D1 of the Camden Local Plan;
 - paragraph 4.10 of Camden Planning Guidance: Design; and
 - section 7 of the NPPF.

Heritage considerations

- 5.11 The heritage asset that is potentially affected in this case is the Dartmouth Park Conservation Area. Paragraph 7.57 of the Dartmouth Park Conservation Area Appraisal and Management Statement (the DPCAAMS) describes the features of conservation significance in Dartmouth Park Road and includes the following:

“The later north side has double-fronted two-storey detached houses and the earlier south side has three-storey semi-detached with semi-basements (Nos. 53-75, Smerdon, 1884-9) and detached double-fronted houses (Nos. 77-83, Smerdon, 1883). No.55 was Smerdon’s own house. The properties share

similar features such as gault brick, Gothic porch, stucco window and porch surroundings. The semi-detached properties have prominent steps and raised front doors. Nos. 77-83 have double height bays with slate roofs that dominate the elevations. The gaps on both sides of the road provide views to the back gardens. And the street is enhanced by hedges to the front gardens.”

- 5.12 The extension that is proposed at the rear of 56 Dartmouth Park Road would have no adverse impact on the architectural and townscape features that are noted in the DPCAAMS. The street scene in the vicinity of the site would be unaffected by the single-storey replacement rear extension at No. 56. The proposal would, therefore, in the context of the guidance at paragraph 134 of the NPPF, cause no harm at all to the significance of the heritage asset.
- 5.13 There are no policies or guidance in any of the relevant planning policy documents (see 3.1 and 3.2 above) that preclude the use of contemporary design in this Conservation Area.
- 5.14 Since the proposal would cause no harm (whether substantial or less than substantial harm) to the significance of the heritage asset, it is unnecessary to consider whether the proposal would produce any public benefits that might outweigh any harm caused.
- 5.15 For the reasons explained above, the proposed development would be appropriate in heritage terms and would accord with the following policies and requirements:
- . section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990;
 - . London Plan policy 7.8
 - . Camden Local Plan policy D2;
 - . the DPCAAMS; and
 - . NPPF section 12.

Amenity considerations

- 5.16 The proposed extension would, because of its position, size, height and design, have no detrimental impact on any of the neighbouring dwellings (54 and 58 Dartmouth Park Road and the houses to the rear in Laurier Road) in terms of daylight, sunlight, overshadowing, outlook or privacy. The proposal would therefore comply with policy 7.6 of the London Plan, policy A1 of the Camden Local Plan and paragraph 4.10 of the Camden Planning Guidance on design.

5.17 The proposed extension would project less distance into the rear garden than either the existing rear addition or the possible permitted development option (see figure 12 in the Design and Access Statement) and would therefore increase the quantity and quality of the amenity space available to the residents of the house. The proposal would therefore accord with policy D1 of the Camden Local Plan and paragraph 4.10 of the Camden Planning Guidance on design.

Conclusion

5.18 For the reasons set out in this Statement, and in the related Design and Access Statement, the proposed extension of the house would:

- . be suitable in its design and its effect on its surroundings;
- . preserve the character and appearance of the Conservation Area;
- . enhance the amenity of the site;
- . represent an improvement on what could be built as permitted development; and
- . comply with the relevant planning policies.

5.19 The Council is therefore invited to grant planning permission subject to appropriate planning conditions.

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