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Town and Country Planning Acts 1990 (as amended)
Appeal by Mr Daniel Morgan
Site Address: Flat 1st 2nd and 3rd Floor 158 Regent's Park Road, London, NW1 8XN

Local Planning Authority Appeal Statement by

Emily Whittredge Planning Officer

Date: 14/08/2018
Your ref: APP/X5210/W/18/3203335
Our ref: 2017/6632/P
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1. Introduction

- 1.1 The appeal site at 158 Regent's Park Road is a mid-terrace building located on the south eastern side of the road south of the junction with Erskine Road and north west of Eglon Mews. The building is four storeys plus basement, with a flat roof that was formerly a butterfly roof. The ground and basement floors of the building are in commercial use, with the application property occupying the top three floors. The site lies within the Primrose Hill Conservation Area.
- 1.2 The appeal development is for the erection of a rear extension at the second floor level of the building, which relates to the middle floor of the three storey flat. The extension would be nearly the full width of the building, measuring 4.9m wide, 2.2m long and 4m high with a flat roof and parapet. The extension would have two windows in the same designs and locations as those on the existing rear elevation. To facilitate the development, the 3rd floor landing window would be repositioned 700mm higher on the wall.
- 1.3 The application was refused on the 6th April 2018 for the following reason:
 1. The proposed 2nd floor extension, by virtue of its design, height, bulk, and location on a mainly unaltered terrace of rear elevations, would cause harm to the character and appearance of the host building and the Primrose Hill Conservation Area, contrary to Policies D1 and D2 of the Camden Local Plan 2017.
- 1.4 This appeal statement sets out a summary of the planning history and background for this site, an updated list of relevant policies and guidance, a description of the site and details of the proposed development, details of the Council's case and other planning matters, and recommended planning conditions.

2 Relevant Planning History and Background

- 2.1 The relevant planning history for this site is set out below:
 - i. 2003/3681/P - Erection of a first floor rear conservatory and window; a second floor rear balcony with French doors and a rear parapet for a flat roof, to provide additional internal headroom to the third floor and new rooflights – Granted 13/02/2004
 - ii. 8601779 – The construction of a 2-storey rear extension at ground and basement-levels for retail use, as shown on drawing nos. 1 and 2. – Granted 26/11/1986
- 2.2 Related planning history:
 - i. 164 Regent's Park Road – Addition of 2 storey rear extension, reconstruction of rear store room, and conversion into 3 self contained flats at 164 Regents Park Road, NW1 - Granted 22/05/1973

3. Relevant Planning Policy and Guidance

3.1 The following section sets out the relevant statutory and policy provision in relation to the appeal scheme. This section also sets out the relevant designations that apply to the site and the surrounding context.

The Planning (Listed Buildings and Conservation Areas) Act 1990

3.2 The Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) which requires at section 72(1) that local authorities shall pay special attention to the desirability of preserving or enhancing the character or appearance of the area, in respect of conservation areas in exercise of planning functions.

National Planning Policy Framework (2018)

3.3 The revised NPPF was published on 24/07/2018 and replaces the previous NPPF published in March 2012. Section 12 (Achieving well-designed places) paragraph 127 advises that planning policies and decisions should ensure that developments:

- a) 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;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangements of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

3.4 Paragraph 130 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.

3.5 Section 16 of the National Planning Policy Framework (NPPF) deals with conserving and enhancing the historic environment. Paragraph 184 states that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance.

3.6 Paragraph 185 requires local planning authorities to set out a positive strategy for the conservation and enjoyment of the historic environment when creating development plans. The strategy should take into account:

- The wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring;
- The desirability of new development making a positive contribution to local character and distinctiveness; and
- Opportunities to draw on the contribution made by the historic environment to the character of a place.

3.7 Paragraph 193 states that great weight should be given to the conservation of a heritage asset when considering the impact of a proposed development on its significance.

- 3.8 Paragraph 201 advises that not all elements of a Conservation Area will necessarily contribute to its significance.

Camden Local Plan (2017)

- 3.9 The Camden Local Plan was adopted by Council on 3rd July 2017 and has superseded the Core Strategy (2010) and Camden Development Policies (2010) documents as the basis for planning decisions and future development in the borough.
- 3.10 The Council's policies and guidance for design and conservation areas are currently contained in the Local Plan in policies D1 and D2 and reflect the requirements of national policy.
- 3.11 Local Plan Policies D1 (Design) and D2 (Heritage) are aimed at achieving the highest standard of design in all developments. Policy D1 requires development to be of the highest architectural and urban design quality, which improves the function, appearance and character of the area. It states that the Council will seek to secure high quality design in development. The Council will require that development (*inter alia*):
- a. respects local context and character;
 - b. preserves or enhances the historic environment and heritage assets in accordance with "Policy D2 Heritage";
- 3.12 Policy D2 states that the Council will preserve, and where appropriate, enhance Camden's rich and diverse heritage assets and their settings, including conservation areas and listed buildings. Conservation areas are designated heritage assets, and the Council will not permit development that results in harm that is less than substantial to the significance of a designated heritage asset unless the public benefits of the proposal convincingly outweigh that harm. The Council will require that development within conservation areas preserves, or where possible, enhances the character or appearance of the area.

Camden Planning Guidance (CPG)

- 3.13 Since the appeal scheme was refused on 6th April 2018, the Council has adopted updated supplementary planning documents. Therefore, the updated relevant Camden Planning Guidance documents for this appeal are set out below.

CPG 1 (Design) (July 2015 updated March 2018) – Sections 2, 3, and 4.
CPG (Amenity) (March 2018) – Sections 2 and 3.

Camden Planning Guidance 1 (CPG 1)

- 3.14 The Camden Planning Guidance provides additional advice and information on how the Council will apply its planning policies; including those policies relating to development within conservation areas. Extension and alterations guidance is set out in section 4.

CPG1: Section 4 - Extensions, alterations and conservatories

- 3.15 Paragraph 4.3 makes it clear that the ‘guidance applies to all proposals for alterations and extensions to residential properties, although some aspects will be relevant to alterations and extensions to other types of buildings.’ The appeal site comprises a residential unit with a wholly separate commercial unit at basement and ground floor levels that does not form part of the appeal. It is therefore considered that the guidance should be applied in this case and, in any event, the guidance represents good practice in ensuring that any development remains subordinate to and contextual in relation to host buildings.
- 3.16 The general principles for rear extensions are set out in paragraph 4.10. 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.

The proposal does not comply with the general principles of CPG1 for reasons already noted in the officer’s delegated report and described in more detail below.

- 3.17 With regard to height, the guidance is clear that “In order for new extensions to be subordinate to the original building, their heights should respect the existing pattern of rear extensions, where they exist.’ There is a clear pattern of subordinate one and two-storey rear extensions within the group of buildings that comprise the terrace (nos. 146 to 172) of which the subject property forms part (Figure 1).



Figure 1: Nos. 146 to 172 (even) Regent's Park Road showing a clear pattern of low scale rear extensions within the terrace, with the exception of No. 164 (centre right).

- 3.18 Paragraph 4.14 stipulates, “the width of rear extensions should be designed so that they are not visible from the street and should respect the rhythm of existing rear extensions.” In circumstances where the rear of buildings form a harmonious composition or contribute visually to the townscape, “the Council will seek to preserve these where appropriate.”



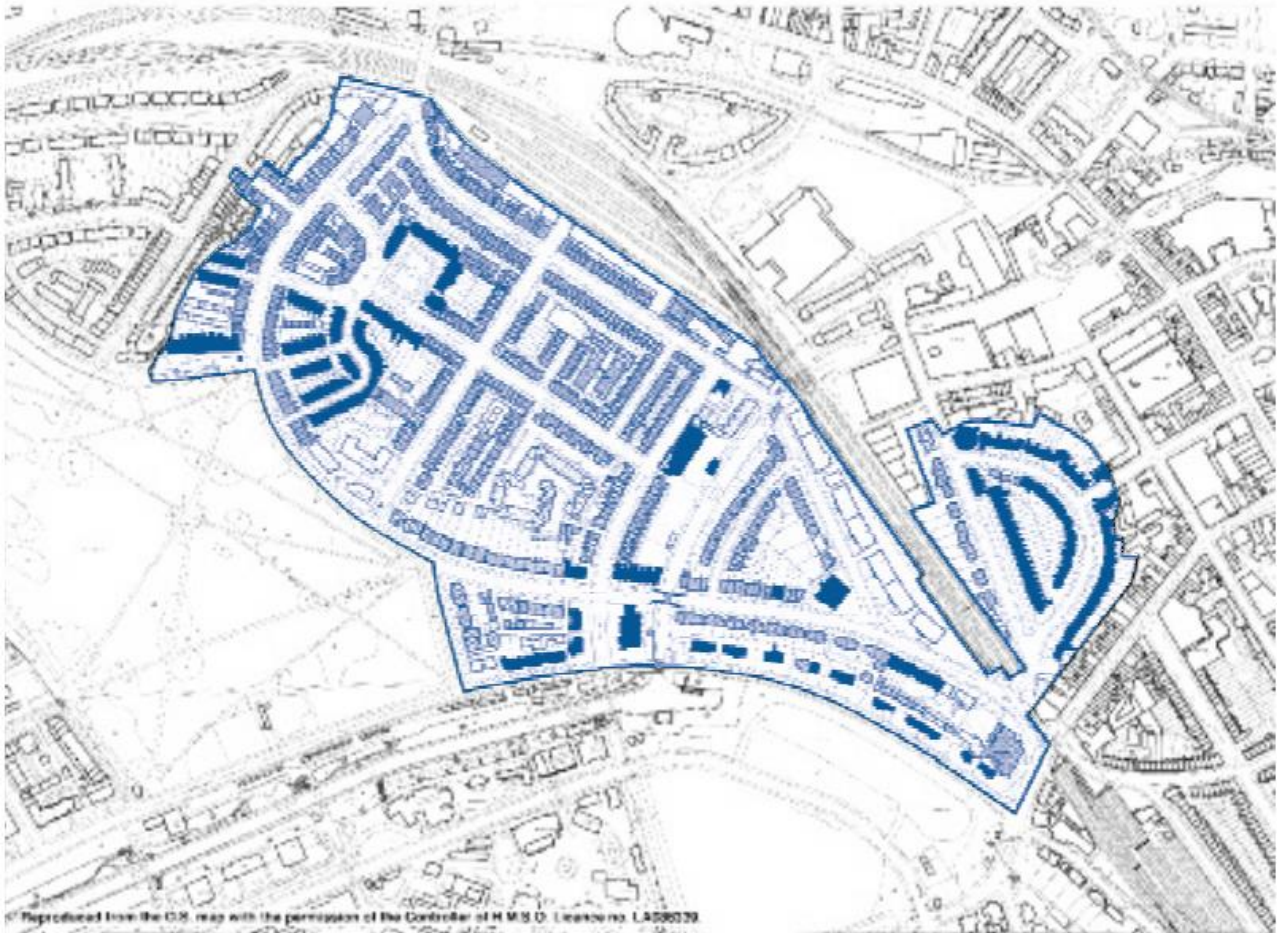
Figure 2: 158 Regent's Park Road in rear view with first to third floors outlined in red.

Camden Planning Guidance (Amenity) (CPG (Amenity))

3.19 Camden Planning Guidance 6 (Amenity) states that *development should not have an overbearing and/or dominating effect.*

The Primrose Hill Conservation Area Appraisal and Management Strategy

3.20 The Primrose Hill Conservation Area Appraisal and Management Strategy, which was formally adopted in December 2000, identifies the terrace as making a positive contribution to the character and appearance of the conservation area.



Listed buildings and buildings which make a positive contribution ■ Listed Buildings ■ Positive Contribution

Figure 3: Map from the Primrose Hill CAAMS showing positive (light blue) and listed buildings (dark blue). Regent's Park Road curves from the northernmost along the southwest boundary and east through the conservation area. The application site is near the north western edge.

3.21 The CAAMS sets out specific guidance with regard to the erection of rear extensions within the conservation area. This includes:

- i. Extensions and conservatories can alter the balance and harmony of a property or of a group of properties by insensitive scale, design or inappropriate materials. Some rear extensions, although not widely visible, so adversely affect the architectural integrity of the building to which they are attached that the character of the Conservation Area is prejudiced. (PH25)
- ii. Rear extensions should be as unobtrusive as possible and should not adversely affect the character of the building or the Conservation Area. In most cases such extensions should be no more than one storey in height, but its general effect on neighbouring properties and Conservation Area will be the basis of its suitability. (PH26)
- iii. Extensions should be in harmony with the original form and character of the house and the historic pattern of extensions within the terrace or group of buildings. The acceptability of larger extensions depends on the particular site and circumstances. (PH27)

- iv. Rear extensions will not be acceptable where they would spoil an uniformed rear elevation of an unspoilt terrace or group of buildings. (PH28)

4. Site Description

- 4.1 The appeal site at 158 Regent's Park Road is a mid-terrace building located on the south eastern side of the road south of the junction with Erskine Road and north west of Eglon Mews. The building is four storeys plus basement, with an infilled butterfly roof. The ground and basement floors of the building are in commercial use, with the application property occupying the top three floors. The site lies within Sub-Area 3 of the Primrose Hill Conservation Area.
- 4.2 The appeal site forms part of a terrace group of fourteen properties (nos. 146-172 even) Regent's Park Road located between Berkley Road and Sharples Hall Street. The conservation area statement describes the terrace as having a:

"...uniform character and is constructed in London yellow stock brick with a prominent stepped parapet line, multi-coloured brick string courses and arched window heads with stucco detailing at third floor level."

- 4.3 The terrace features a highly uniform design, with a strong repetitive rhythm and pattern at the front elevation. The properties have traditional shopfronts at the ground floor and three tiers of windows above. The rear elevation has been subject to various incremental changes, including infilling of the original V parapet, alterations to doors and windows and some low level extensions. Notwithstanding these minor alterations, the original flat elevation, butterfly roofs and the pattern of fenestration of the top two floors are substantially intact.
- 4.4 Most properties have not been extended, or feature single storey extensions. However, there are five examples within the terrace of full-width extensions at ground and first floor levels. One property, no. 164, was extended up to second floor level in the 1970s with a bulky brick structure that relates poorly in scale, materials and detail to the building and terrace to which it is attached.

5. Summary of Proposal

- 5.1 The appeal development is for the erection of a single storey rear extension at second floor level, above the existing rear extensions. The extension would extend almost the full width of the building and would have a flat roof with parapet. To facilitate the development, the window to the stairwell would be relocated to align horizontally with the adjoining principal window.
- 5.2 The proposed extension would be faced in matching brickwork and feature windows similar to the existing.

6 The Council's Case

- 6.1 The following section considers the reason for refusal through:
 - i) Assessing the significance of the site and understanding the contribution the terrace makes to the Primrose Hill conservation area;

- ii) Assessing the appeal proposal and the impact it has on the site and the Primrose Hill Conservation Area having regard for relevant policy and guidance.
- iii) Conclusions of this assessment.

i. Reason for Refusal – Design and Impact on Conservation Area and Design of Rear Extension

The proposed 2nd floor extension, by virtue of its design, height, bulk, and location on a mainly unaltered terrace of rear elevations, would cause harm to the character and appearance of the host building and the Primrose Hill Conservation Area, contrary to Policies D1 and D2 of the Camden Local Plan 2017.



Figure 2 Map showing the historic uniformity of the terrace in this part of Regent's Park Road.

6.2 The Primrose Hill Conservation Area Appraisal and Management Plan defines a number of significant views within the conservation area. This includes:

“Views from secondary roads of Chalcot Square, Primrose Hill and Regent’s Park Road and conversely, views in to secondary roads from these spaces.” (pg.21).

- 6.3 The terrace is characterised by its well-preserved uniformity, richness of materials, pattern and detail. The rear of the terrace is more modest than the front and has less visual interest, but features a strong rhythm of window openings that reflect the historic internal layout of the buildings. Each property has a set of principal windows on one side, and offset secondary windows to the other side, serving principal rooms and stairwells, respectively. This creates a strong visual pattern that is representative of the age of the terrace tells the storey of the historic development of the area.
- 6.4 Apart from the second floor extension at no. 164, the rear of the terrace has not been subject to extensions at the top two floors, and therefore retains its modest, flat character. The flat rear elevation and the historic rhythm of window openings within it are both considered to contribute to the terrace’s significance.
- 6.5 The proposed rear extension would be contrary to Camden Planning Guidance 1 (Design) which states that rear extensions should be secondary to the building being extended, in terms of location, form, scale, proportions, dimensions and detailing; should respect and preserve the original design and proportions of the building, including its architectural period and style and should respect and preserve the historic pattern and established townscape of the surrounding area. Camden Planning Guidance 1 also states that rear extensions that are higher than one full storey below roof eaves/parapet level, or that rise above the general height of neighbouring projections and nearby extensions will be strongly discouraged.
- 6.6 The rear extension would be visible from the public realm within Berkley Road and Eglon Mews, although it would not be significantly prominent within the street scene. However, it is important that extensions harmonise with the form, scale and design of existing buildings and do not compromise the character and integrity of the Conservation Area. Generally, the Council considers that limited visibility from public vantage points is not a justification to allow extensions that are not sympathetic to the design and pattern of development of existing buildings in an area. The rear extension would be visible from private views, including buildings in Berkley Road and Sharples Hall Street. Therefore, the development is not considered to preserve and enhance the character and appearance of the Conservation Area.
- 6.7 It has already been noted in the officer’s delegated report that the existing extension at no. 164 is not considered to preserve or enhance the positive characteristics of the Primrose Hill Conservation Area, and further development above first floor level would have a similar adverse impact on the surrounding area. Like the extension at no. 164, the proposed extension does not relate to the local traditional pattern of development or the character and appearance of the host building. Furthermore, the proposed extension would obscure part of the third floor window and alter the siting of the secondary ‘stairwell window’ opening, disrupting the pattern of the historic fenestration.

- 6.8 The appellant argues that the proposed extension overall would be subordinate to the host building in terms of height. While it is agreed that the extension would be lower than the principal roof height, it would also be higher than one full storey below the main roofline, rising above the third floor window cill, contrary to CPG 1 (Design) guidance (para. 4.13).
- 6.9 It is the Council's case that the proposed rear extension would harm architectural elements that contribute to the significance of the terrace. The proposed development would fail to comply with the following:
- London Plan Policy 7.8 (2016) which states that development affecting heritage assets and their settings should conserve their significance, by being sympathetic to their form, scale, materials and architectural detail (7.8).
 - National Planning Policy Framework (2018) which states that planning decisions should aim to ensure that developments respond to local character and history, and reflect the identity of local surroundings (Section 12). When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be.
 - Camden Planning Guidance 1 (Design) (2018) which states that that rear extensions should be secondary to the building being extended, in terms of location, form, scale, proportions, dimensions and detailing; should respect and preserve the original design and proportions of the building, including its architectural period and style and should respect and preserve the historic pattern and established townscape of the surrounding area. Camden Planning Guidance 1 also states that rear extensions that are higher than one full storey below roof eaves/parapet level, or that rise above the general height of neighbouring projections and nearby extensions, will be strongly discouraged.
 - The Primrose Hill Conservation Area Appraisal and Management Plan (2000) which states that development must preserve or enhance the character or appearance of the Primrose Hill Conservation Area (p.29). Rear extensions 'should not adversely affect the character of the conservation area, should be in harmony with the original form and character of the house and the historic pattern of extensions within the terrace or group of buildings.'
 - Camden Local Plan Policy D1 (Design) which states that *the Council will require that development respects local context and character and preserve or enhance the historic environment and heritage assets.*
 - Camden Local Plan Policy D2 (Heritage) which states that the Council will require that development within conservation areas preserves or, where possible, enhances the character or appearance of the area.

- Overall, it is the Council's case that the proposed rear extension by reason of its height, form and bulk within a largely flat elevation would not compliment or reflect the rhythm and architecture of this part of the conservation area, contrary to development plan policies and other material considerations. As such, the extension would be an over-dominant addition, which would fail to be adequately subordinate to host building or the terrace. The existing second floor extension at no. 164 Regent's Park Road does not justify further development above first floor level.

Summary and conclusion

- 6.10 The plain rear elevation and pattern of fenestration of the terrace of which the appeal site forms a part are of significance and value and contribute to the character and appearance of the conservation area. The rear elevation is visible from public views as well as private views from surrounding buildings, which are both relevant to the appeal scheme's impact on the conservation area.
- 6.11 The appeal scheme would have a detrimental effect on the host building and the rear elevation of the terrace and would therefore cause harm to the character and appearance of the conservation area for reasons set out above.
- 6.12 The appellant asserts that the appeal scheme would not cause harm by virtue of the development's overall subordination to the host building. It is the Council's case that the proposed development would appear prominent by disrupting the architectural integrity of the largely flat rear elevation and its characteristic fenestration. The Council considers that the appellant has not sufficiently taken into account the significance of the rear elevation within the wider conservation area.
- 6.13 Under the terms of relevant local and national historic environment policy and statute, the proposal would result in harm and would fail to preserve or enhance the character and appearance of the Primrose Hill Conservation Area. This harm should be given great weight and importance. It has already been established in section 3 above that the proposals would not comply with Camden's Planning Guidance. The level of harm caused would be considered to be 'less than substantial' (under the terms of the NPPF).
- 6.14 Paragraph 134 of the NPPF sets out that where 'less than substantial harm' is found, 'this harm should be weighed against the public benefits of the proposal'. The proposed development is not considered to provide any public benefits to outweigh the harm caused to the host building or the character and appearance of the conservation area. In terms of local policy, and as set out above, the proposed development would fail to preserve or enhance the character and appearance of the conservation area and would not respond to local context.

7. Draft list of Planning Conditions

- 7.1 The Council has prepared the following draft list of planning conditions for this appeal application for the benefit of the Planning Inspectorate should they be minded to allow the appeal:

1. The development hereby permitted must be begun not later than the end of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall be carried out in accordance with the following plans: 2158(PLA)001, 2158(PLA)102, 2158(PLA)101, 2158(PLA)111,
3. 2158(PLA)002, 2158(PLA)100, 2158(PLA)112, 2158(PLA)310 Section A A, 2158(PLA)310 Section B B, 2158(PLA)300, 2158(PLA)210, 2158(PLA)301, 2158(PLA)200.

Reason: For the avoidance of doubt and in the interest of proper planning.

4. Detailed drawings, or samples of materials as appropriate in respect of the following, shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development:
 - a) Plan, elevation and section drawings, including jambs, head and cill, of all new external window and doors at a scale of 1:10 with typical glazing bar details at 1:1.
 - b) Samples and manufacturer's details of new facing materials including brickwork.

The development shall be implemented only in accordance with the approved details.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policies D1 and D2 of the London Borough of Camden Local Plan 2017.

8 Conclusion

- 8.1 Overall, the Council strongly considers that this is not an appropriate development for this site.