



TOWN AND COUNTRY PLANNING ACT 1990

APPEAL UNDER SECTION 78

WRITTEN REPRESENTATIONS

APPEAL BY: Mr Daniel Morgan

PROPOSAL

Erection of rear extension at second floor level

RESPONSE

**TO LB CAMDEN STATEMENT OF CASE AND THIRD PARTY
REPRESENTATIONS**

SITE: 158 Regents Park Road, London NW1 8XN

3 September 2018

PINS REFERENCE: APP/X5210/W/18/3203335

LPA REFERENCE: Application No. 2017/6632/P

1.0 COUNCIL'S STATEMENT OF CASE

1.1 The majority of the issues in the Council's Statement of Case have been dealt with in the Appellant's Grounds of Appeal. However, the Appellant needs to respond to certain aspects and set out below our comments by reference to the relevant paragraphs of the LPA SOC.

1.2 We draw attention firstly to Paragraph 201 of the recently revised NPPF which states:

“201. Not all elements of a Conservation Area or World Heritage Site will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 195 or less than substantial harm under paragraph 196, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole.”

1.3 The Council's assessment of the application and the basis of their Statement of Case is that the rear façade of the building and its general context should be accorded the same significance to the front part of the terrace. The only concession they make is in stating (para 6.3-with considerable understatement) that *“The rear of the terrace is more modest than the front and has less visual interest”*. We disagree strongly with this view but accept this is a matter for the Inspector to judge on the Site Inspection, as is the other principal issue raised by the Council, namely that of subordination.

1.4 In addition the Council's analysis and conclusions appear, in our submission, to treat the building as if it has a Listed Designation. The Council also accepts this modest extension would not be significantly prominent within the street scene, another understatement as there would be very limited views and in any event visibility does not equate with harm.

1.5 In para 6.13 of the LPA SOC it is conceded that the harm alleged by the Council will be less than substantial. The Council then refers to Para 134 of the NPPF. The correct reference is in fact para 196 of the revised NPPF which states:

“196. 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, where appropriate, securing its optimum viable use.”

1.6 The proposed extension will facilitate the use of the existing residential unit in that it would allow internal reconfiguration which would enable the provision of a small home work space for the Appellant

2.0 PROPOSED PLANNING CONDITIONS

2.1 The Council proposed planning conditions set out in the Council's Statement of Case are acceptable to the Appellant with one exception, namely Condition 3 though due to a formatting mistake it appears as Condition 4.

In the event of the Inspector allowing the Appeal and granting conditional we consider the condition (as worded) to be unnecessary, the reason being that the submitted drawings contain sufficient detail. As Condition 2 stipulates that the development should be carried out in accordance with the approved drawings that would suffice.

3.0 RESPONSE TO THIRD PARTIES

3.1 We have reviewed the representations of the Primrose Hill Conservation Area Advisory Committee and consider that the GOA and our Response to the LPA SOC address the matters raised.

4.0 CONCLUSIONS

4.1 In conclusion, it is considered that on a practical level the extension is modest in size and will have no material impact on the surrounding area or cause substantial/material harm to the Heritage Asset i.e. the character and appearance of the Primrose Hill Conservation Area. Accordingly it is respectfully requested the appeal be allowed and conditional planning permission granted.

SJP/03/09/2018