

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 Having regard to the provisions of 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 only because of the restrictions imposed by:
  - paragraph A.1(i), which limits the overall height of the extension to three metres (the height of the proposed extension would be 3.25 metres); and
  - paragraph A.3(a), which requires the exterior materials to be of “a similar appearance” to those used for the existing house (the use of a green roof may conflict with this condition, although the matter is debatable).

- 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.
- 1.9 As noted at paragraph 2.1.1 of the Design and Access Statement, a previous application (reference 2018/3363/P) for a rear addition extending across the full width of the house was refused permission on 11 October 2018. That decision is the subject of a current appeal to the Planning Inspectorate (reference 3216527). The current proposal is for a rear addition that extends across part of the width of the house (about 8.2 metres), by comparison with the full-width (about 10.5 metres) extension under application 2018/3363/P. However, this new application is submitted without prejudice to the applicant's view that the original application (2018/3363/P), now the subject of appeal, is acceptable in planning terms.

## 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 2018 (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”.

## Camden Local Plan

### 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 The new NPPF was issued in July 2018. Those parts of the NPPF that are relevant to this application are:

- Chapter 11 Making effective use of land (and especially the advice at paragraph 123(a));
- Chapter 12 Achieving well designed places (and especially the guidance at paragraph 127); and
- Chapter 16 Conserving and enhancing the historic environment (and especially the guidance at paragraphs 189 to 196).

## 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 certain limitations under paragraphs A.1 and A.3 of Class A. 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 6.5 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 127(c), that local planning authorities should “not prevent or discourage appropriate innovation or change”.
- 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
  - paragraph 127 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 in 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 Chapter 16.

#### 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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