

PLANNING APPEAL MADE UNDER SECTION 78 OF THE TOWN & COUNTRY PLANNING ACT 1990, AGAINST A REFUSAL BY LONDON BOROUGH OF CAMDEN TO GRANT PLANNING PERMISSION IN RESPECT OF APPLICATION REF: 2018/1153/P (45 LANCASTER GROVE, LONDON , NW3 4HB). THE APPLICATION WAS REGISSTERED ON 13th JULY 2018 AND THE APPLICATION WAS REFUSED ON 05th OCTOBER 2018.

Introduction

The appeal site has had a chequered planning history which can be briefly summarised insofar as is relevant as follows;

Up to 2011 there was a ground floor rear extension at the appeal site which extended 10 meters beyond the rear of the host property and stood 3.8 meters in height at its highest point. That extension was granted permission and built out back in 1960.

In January 2008 planning permission was granted under application ref: 2007/4905/P for the demolition of the above-mentioned extension and the erection of a two storey rear extension at ground and basement levels.

In purporting to implement the above-mentioned planning permission back in 2011 the appellant demolished the original extension and built out an extension which was materially different from the approved scheme. The result was that the 2008 planning permission was not implemented and the development as built comprised an unauthorised development.

An enforcement notice was served requiring removal of the unauthorised development and reinstatement of the previous extension. Following an appeal in which the EN was upheld the ground floor part of the unauthorised development was removed and reinstatement of the previously demolished extension remains outstanding.

Planning permission was subsequently granted on 04 June 2015 under application ref: **2015/2534/P** for the retention of the previously built basement extension and erection of a ground floor rear extension that would project 6 meters beyond the rear of the host property.

Following the above-mentioned approval the appellant sought to improve upon the ground floor extension both by way of size & proportion as well as design. The approved extension projected only 6 meters beyond the rear of the host building which was 4 meters less than the original extension and the approved extension featured flat roof which resulted in a cubic and monolithic appearance to the extension such that did not serve to preserve or enhance the appearance of the host building or conservation area. Also, given the proportions of the host building the approved 6 meter extension appeared squat and out of proportion with the type of extension that would compliment the host building. (See drawing numbers '**LG-A-PP-FP1001-A**' and '**LG-PP-EL002-A**' both of which have been submitted as part of the appellant's appeal documents.

Accordingly, on 13 July 2018 the appellant submitted the appeal application which proposed the following;

The Appeal Proposal

Application ref: 2018/1153/P proposed the following;

'Erection of ground floor rear extension and reinstatement of ground floor rear bay all in connection with the existing flat (Class C3)'

Rationale

The application site comprises a well-appointed ground floor garden flat located within a highly regarded area of London which is well known for particularly large and characterful residential properties. At ground floor level the property is designed with bedrooms, hallway, W/C and kitchen within the existing areas. The appeal extension will form the living, dining and family room. The currently approved 6 meter extension does not compliment the proportions of the existing building, will not relate well to the existing building by way of the use to which it will be put and it will therefore detract from the reasonably expected living conditions of the occupant and internal character of the property.

The proposed scheme would provide an 8 meter extension which would increase the internal space by an additional 11 square meters thereby considerably improving the usability of the space for its designated purpose, improving the living conditions of for the occupants and creating a space that is more in keeping with the proportions of the existing property.

Externally, the appellant has redesigned the extension to present as a much more traditional development to accord with and compliment the characterful host building. The appeal scheme would feature a traditional pitched roof which would chime with the vernacular of the existing building and would feature traditional slates to the roof surface which would again be more in keeping with the traditional character of the host building and of the conservation area in general.

The original extension

The original extension projected 10 meters beyond the rear of the host building and stood at 3.8 meters at its highest point and was granted planning permission on 21 October 1960 under application ref: TPD193.

The appellant says the original extension (which is illustrated on application drawing nos, '**LG.10.02 A**', '**LG.10.04 A**' and '**LG.10.13**') forms a significant material consideration in the present appeal for the following reasons;

Whilst the original extension was previously demolished the appellant says the extension can still be re-built without the requirement for any further planning permission. In this regard the appellant draws the Inspector's attention to paragraph 72 of the attached appeal decision (**APP/X5210/C/12/2183692**) in which the Inspector in the previous enforcement appeal sets out that the reinstatement of the original extension whilst required by the enforcement notice, is not a mandatory requirement. Accordingly, having removed the unauthorised development which formed the subject of the above-mentioned enforcement notice, whilst not a mandatory requirement the appellant remains at liberty to reinstate the original rear extension.

PRINCIPLE OF THE APPEAL PROPOSAL AND THE COUNCIL'S TREATMENT OF SIMILAR APPLICATIONS

Whilst the appellant requests that the Inspector consider the content of the design & access statement that was submitted with the appeal application, the appellant has for ease of reference extracted the following items from the design & access statement.

The following, whilst not comprising an exhaustive list, sets out details of a number of previously approved applications all of which are located on Lancaster Grove in close proximity to and on the same North Eastern side of the road as the appeal site and the Inspector is asked to note that all of the approved schemes are for ground floor rear extension of a similar or larger nature than that of the appeal scheme;

Address:	65 Lancaster Grove
Application ref:	2016/6229/P
Proposal:	Erection of single storey side/rear part infill extension at ground floor level.
Notes:	The extension in the above application was approved at 3.8m high and 10m in length beyond the rear wall of the host property.

The officer report in the above application states as follows;

'The size and scale of the proposed single storey extension is considered to represent a proportionate addition that respects the architectural features and character of the host and neighbouring dwellings'.

Address:	59 Lancaster Grove
Application ref:	2011/3840/P
Proposal:	Erection of single storey rear extension and glazed side exten....

Notes: The extension in the above application was approved at 2.6 – 3m high and 9m in length beyond the rear wall of the host property.

The officer report in the above application states as follows;
'The dimensions ensures that the extension remains subordinate to the host building'.

Address: 67 Lancaster Grove
Application ref: 8700620
Proposal: Erection of rear extension.

Notes: The extension in the above application was approved at approx. 2.8 – 3.5m high and 11m in length beyond the rear wall of the host property.

Address: 71 Lancaster Grove
Application ref: 2004/5298/P
Proposal: Demolition of existing single storey rear extension and erection of new enlarged extension.

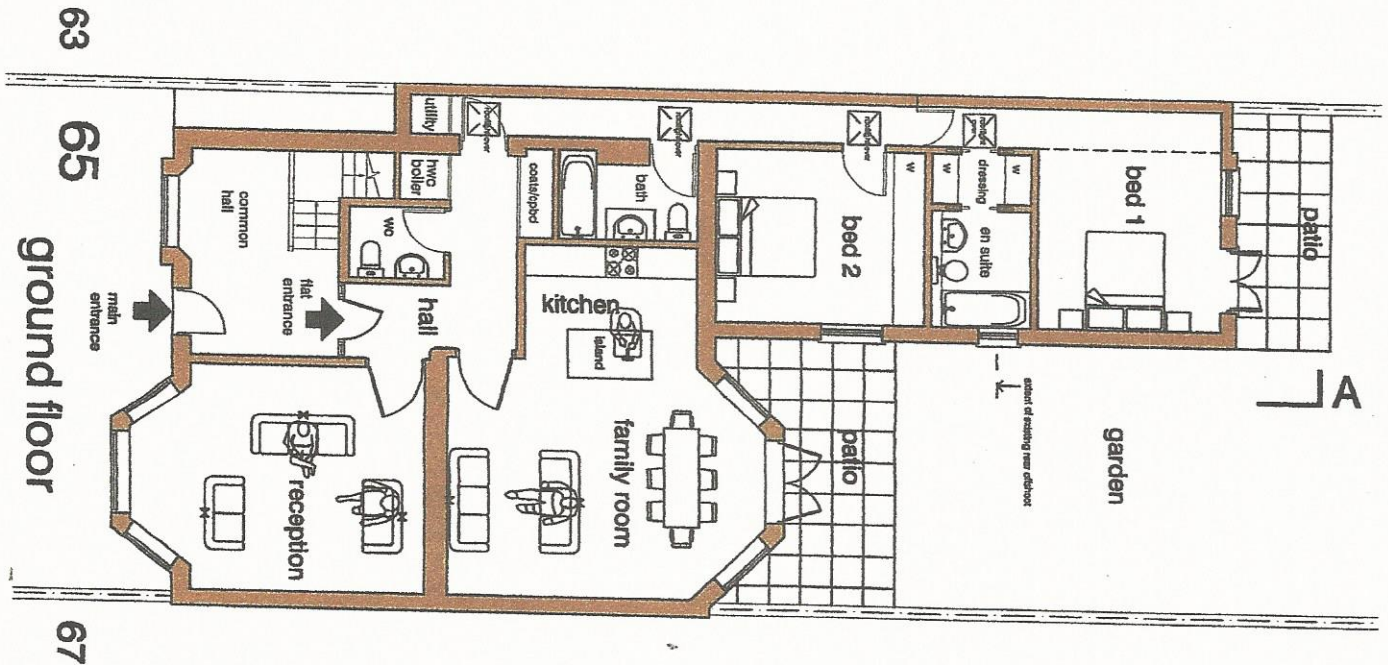
Notes: The extension in the above application was approved at 2.8m high to the eaves and 3.5m high to the ridge and approx. 10.5m in length beyond the rear wall of the host property.

The appellant has submitted with this appeal statement a plan view of the approved extensions for each of the above planning permissions for the Inspector's comparison with the refused appeal scheme.

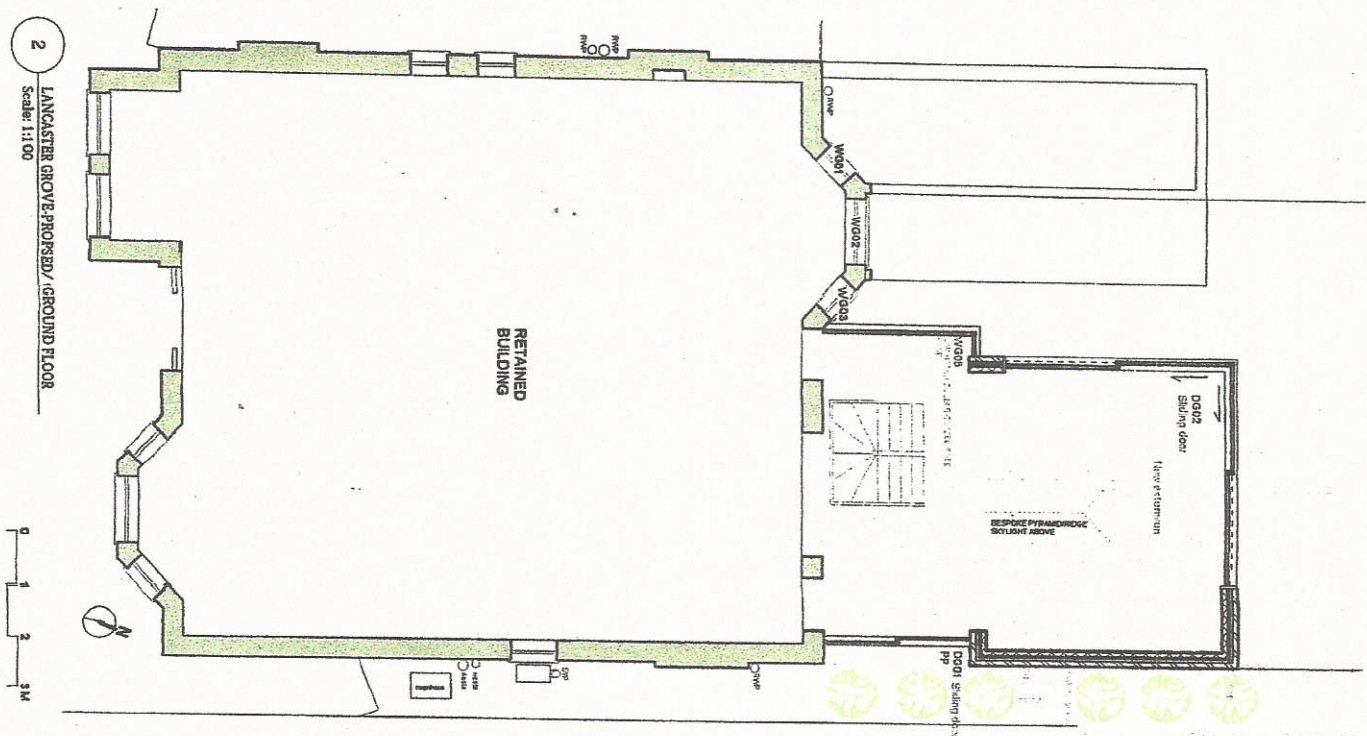
The appellant would point out that whilst the above planning permissions were granted under the Camden Unitary Development Plan and the Camden Development Policies 2010; there are no material changes set out within the new Camden Local Plan 2017 that would alter the decision in the above permissions. Policy DP24 – (*Securing High Quality Design*) in the 2010 development policies is replaced by Policy D1-(*Design*) in the 2017 Local Plan; the requirements are essentially the same insofar as they relate to the above schemes. Policy DP25 – (*Conserving Camden's Heritage*) in the 2010 development policies is replaced by Policy D2-(*Heritage*) in the 2017 Local Plan and again the requirements are the same insofar as they relate to the above schemes. Furthermore the Belsize Conservation Area Statement remains the same and applied to all of the above schemes.

The appellant would draw the Inspector's attention to the following case study which takes the latest of the above-mentioned planning permissions (**65 Lancaster Grove, approved 10 Feb 2017**) and undertakes a like for like comparison of the material aspects of the approved scheme with that of the refused appeal scheme.

The following shows a ground floor plan of the scheme approved at 65 Lancaster Grove alongside the refused appeal scheme. Over-page is a breakdown of the relevant material considerations raised by the case officer in the approved scheme at 65 Lancaster Grove with reference also made to the same aspects in relation to the appeal scheme.



GROUND FLOOR PLAN OF 65 LANCASTER GROVE AS APPROVED



GROUND FLOOR PLAN OF THE APPEAL SITE AS PROPOSED & REFUSED

CASE STUDY AND COMPARISON

OFFICER REPORT RE: 61 LANCASTER GROVE		SAME COMMENTS APPLY TO THE APPEAL SITE	
<u>Site Description</u>			
The application site is located on the north eastern side of Lancaster grove		YES (Same location)	
The application site is a two storey plus loft conversion, semi-detached dwelling divided into flats		YES (Except the appeal site is a larger detached property)	
The application site is located within the Belsize Park Conservation Area		YES (The same heritage policies apply to both properties)	
<u>Proposal</u>			
Erection of a single storey side/rear extension to the existing ground floor flat		YES (Except the appeal proposal is for a rear extension only)	
The rear extension projects 10 meters beyond the rear of the main building		No (The appeal proposal will project only 8 meters)	
<u>Officer's Assessment</u>			
cl. 2.4 The size and scale of the proposed single storey extension is considered to represent a proportionate addition that respects the architectural features and character of the host.			The appeal site is a larger property than 65 Lancaster Grove and the proposed extension is small than the extension approved at 65 Lancaster Grove. The appeal extension also has a traditional design that would respect the architectural features and character of the host and neighbouring dwellings.

Officer's Assessment Contd.

cl. 2.4 *..the original bay window stays in tact'*

The appeal proposal allows for the restoration of the original bay window.

cl. 2.5 *The proposed structure would have a flat roof height of 3.8m..'*

The appeal extension eaves height would be 2.75m. The extension would have a traditional pitched roof and would rise gradually to 4m on the main projection and 4.4m on the short projection closer to the host building.

cl. 2.5 *..the simple form of the proposed flat/pitched roof structure together with the use of traditional finishing materials (brick and slate) would ensure the development complements the original character and appearance of the positive contributor'.*

The roof form of the appeal extension would be a simple pitched roof with the height lowering as the extension projects rearward. The extension also combines the use of the traditional finishing materials of brick and slate.

cl. 2.6 *It is noted that the rear elevations of properties along this side of Lancaster Grove have been altered previously in the form of substantial single storey side/rear extensions at ground floor level, particularly at No.61 which was approved in 2012 (2012/5797/P). The proposed development whilst, whilst similar in design, would project 10m beyond the rear elevation of the host dwelling compared to 11.5m projection of the aforementioned extension at No.61 and would not detract from the character and setting of the host or neighbouring dwellings as a result.*

The appellant deems that the officer's comments at cl.26 of the report for No.65 are highly material to the present appeal and should be afforded significant weight by the Inspector. The officer makes the point that the 10m extension as approved at No.65 and the 11.5m extension approved at No.61 are both in fitting with the character of their host and neighbouring properties as a result of high number of similar extensions carried out at the rear of properties along this side of Lancaster Grove. The appeal extension would only be 8m in length and cannot accordingly be deemed to detract from character or setting.

REASONS FOR REFUSAL OF THE APPLICATION

The council has stated a single reason for refusal on the decision notice. The reason stated is as follows;

'The proposed single storey extension, by reason of its length, height, bulk and design would be overly large and disproportionate in size to the original building and would be detrimental to the character and appearance of the host property and the surrounding Belsize Park Conservation area contrary to policy D1 (Design) and D2 (Heritage) of the Camden Local Plan 2017'.

Appellant's comments:

The appellant is minded that the above reason for refusal cannot be substantiated by the council. High quality design and adherence to Heritage policy have both featured as primary policy requirements throughout the course of the UDP and the Camden Development Policies under which all of the above-mentioned applications were approved. The above approved schemes, all of which are sited within close proximity to the appeal site and on the same side of Lancaster Grove were deemed by the council to represent good design quality and adherence to Heritage Policy. Also, in each of the cases above, it is noted that the approved extensions are either similar to the appeal scheme or exceed the appeal scheme in terms of length, height and bulk.

The Inspector is respectfully reminded of the officer's comments in the case study above of number 65 Lancaster Grove, approved in 2017 as follows;

'It is noted that the rear elevations of properties along this side of Lancaster Grove have been altered previously in the form of substantial single storey side/rear extensions at ground floor level..'

'The size and scale of the proposed single storey extension is considered to represent a proportionate addition that respects the architectural features and character of the host and neighbouring dwellings'.

The extension at number 65 as referred to above was approved at 10 meters in length and 3.8 meters in height with a flat roof.

At **2 meters** shorter in length than the above-mentioned extension, the refused appeal extension would be only 8 meters in length. This also being a meter shorter than the extension at number 59, **3 meters** shorter than the extension at number 67 and **2.5 meters** shorter than the extension at number 71 Lancaster Grove which sits one property away from the appeal site at number 75 Lancaster Grove.

The appeal extension would also feature a roof eaves height of only 2.75 meters for the majority of its length and would be only 4 meters high at its highest point of that projection, being the ridge of the pitched roof.

Design and Heritage

The appellant would submit that the design and the Heritage value of the proposed extension should not only be considered wholly on its own merit, but also in the context of the 10 meter long pre-existing extension at the appeal site which can be re-built and the 6 meter long flat roof extension approved at the appeal site under application ref: **2015/2534/P**.

Policy D1 (Design) of the Local Plan 2017 requires the design of new extensions to take into account character and setting.

The appeal extension would be within the Belsize Conservation area and would form part of a detached red brick characterful Victorian dwelling house. The Belsize Conservation Area Statement describes the area as commonly featuring pitched roofs with slate coverings. The statement describes a prevalence of properties of London Stock bricks and red bricks with traditional detailing.

The appeal extension would be of red brick construction to match the host building. To the elevation wall facing number 47 there would be full length screening by unbroken evergreen trees and the large area of brickwork would be made more interesting by the insertion of recessed detailing to the brickwork both providing decoration and feigning the typical feature found on many Victorian properties where windows were subsequently removed and bricked-in during the window tax legislation which was only repealed toward the end of the Victorian era.

The side elevation facing number 43 and the rear elevation walls have been designed primarily with large glazed areas which soften the impact of the extension and provide a more lightweight appearance to the development.

The roof is designed as a Victorian style pitched roof in order to sympathise with the roof style of the host property and the conservation area in general. Whilst the roof of the host building is covered with orange roof tiling, the extension is designed with a traditional grey slate with a view to creating a sensitive contrast in recognition of the individuality of the extension whilst also remaining true to the use of traditional use of materials common to the conservation area.

The eaves height is designed at a low level 2.75 meters. The roof rises to a shallow pitch. The extension would be connected to a substantial three storey detached building.

The appellant submits that the appeal extension is well designed, adheres to Heritage policy and both preserves and enhances the Belsize conservation area. The appeal development would be markedly subordinate to the substantial building to which it would be attached and would be in compliance with both policies D1 & D2 of the Camden Local Plan 2017.

END