

5 LYME STREET, LONDON NW1 0EH

LONDON BOROUGH OF CAMDEN

STATEMENT OF CASE – LPA Refs: 2018/4991/P + 2018/5484/L

Prepared By

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April 2019
Our Ref: 790

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1.0 INTRODUCTION

- 1.1 This statement accompanies an appeal against the decision by the London Borough of Camden ("The Council" hereafter) to refuse planning permission and listed building consent for a two-storey side extension, single-storey rear extension and internal alterations at No. 5 Lyme Street, London NW1 0EH.
- 1.2 The planning application, LPA Ref: 2018/4991/P, was refused for the following three reasons:
1. *The proposed rear extension with associated terrace and privacy screens, by reason of the detailed design, materials, scale and siting would be harmful to the historic interest of the listed building, the wider terrace of listed buildings, and the character and appearance of the conservation area in this location. The development is therefore considered contrary to Policies D1 (Design) and D2 (Heritage) of the Camden Local Plan 2017.*
 2. *The proposed side extension, by reason of its detailed design, scale, siting and visibility within the streetscene would be harmful to the historic interest of the listed building, the wider terrace of listed buildings, and the character and appearance of the conservation area in this location. The development is therefore considered contrary to Policies D1 (Design) and D2 (Heritage) of the Camden Local Plan 2017.*
 3. *The proposed window opening to the ground floor front room side elevation and door opening to the rear ground floor elevation, by reason of their location, visibility and loss of historic fabric, would be harmful to the historic interest of the listed building, the wider terrace of listed buildings, and the character and appearance of the conservation area in this location. The development is therefore considered contrary to Policies D1 (Design) and D2 (Heritage) of the Camden Local Plan 2017.*
- 1.3 The listed building consent application, LPA Ref: 2018/5484/L, was refused for the following four reasons:
1. *The proposed rear extension with associated terrace and privacy screens, by reason of the detailed design, materials, scale and siting would be harmful to the historic interest of the listed building. The development is therefore considered contrary to Policy D2 (Heritage) of the Camden Local Plan 2017.*
 2. *The proposed side extension, by reason of its detailed design, scale, siting and visibility within the streetscene would be harmful to the historic interest of the listed building. The development is therefore considered contrary to Policy D2 (Heritage) of the Camden Local Plan 2017.*
 3. *The proposed window opening to the ground floor front room side elevation and door opening to the rear ground floor elevation, by reason of their location, visibility and loss of historic fabric, would be harmful to the historic interest of the listed building. The development is therefore considered contrary to Policy D2 (Heritage) of the Camden Local Plan 2017.*
 4. *The loss of historic fabric proposed through the creation of new internal openings at Lower Ground Floor would harm the building's historic composition and plan form and would therefore result in harm to the special architectural and historic interest of the listed building contrary to Policy D2 (Heritage) of the Camden Local Plan 2017.*
- 1.4 The proposal was informed by pre-application advice from the Council; however, the standard of advice provided was of a poor quality, as large tracts of text were copied and pasted from a pre-application request at No. 4 Lyme Street, adjacent. Regardless, the Council were broadly supportive of the principal elements of the proposal (pre-app advice attached at Appendix 1).

- 1.5 However, the formal proposal was subsequently refused, with officers contradicting every aspect of the pre-app advice they had issued.
- 1.6 In line with the pre-app advice that was received, we remain of the view that the proposals are appropriately subservient to the host building, comparable to recent neighbouring developments, and would retain the building's special architectural and historical interest. Contrary to the findings of the Council, the proposed works would not cause harm to the significance of the wider listed terrace of Nos. 1-10 Lyme Street, nor would it fail to preserve and enhance the character and appearance of the Regent's Canal Conservation Area. The proposed works would retain the historic floor plan of the building, while bringing the building into contemporary use as a single family dwellinghouse.
- 1.7 Before making their determination, the Council were unwilling to accept amended drawings to address concerns they had raised in their decision notices and in their delegated report. While we consider that the proposal is acceptable in planning terms, we proposed to send on an amended drawing pack with minor amendments, and an updated heritage statement to the Planning Inspectorate case officer, following the submission of this appeal. Given the Council's refusal to accept amended materials and the contradictory findings of the Council relative to their broadly supportive pre-application advice, we ask that the Inspector take these additional materials into account (and have regard to them in his/her decision, should it be considered necessary and/or appropriate).
- 1.8 This statement is structured as follows:
- Section 2 provides a description of the site and surrounding area.
 - Section 3 outlines the local development framework against which this application will be assessed.
 - Section 4 sets out the appellant's grounds for appeal. We assess the Council's delegated report in refusing the proposed works.
 - Section 5 summarises and concludes this statement.

2.0 DESCRIPTION OF SITE AND SURROUNDING AREA

- 2.1 The appeal site is a two-storey dwellinghouse with lower ground floor situated on the north side of Lyme Street, between the A503 and A5202 local distributor roads, a short distance south of Regent's Canal.

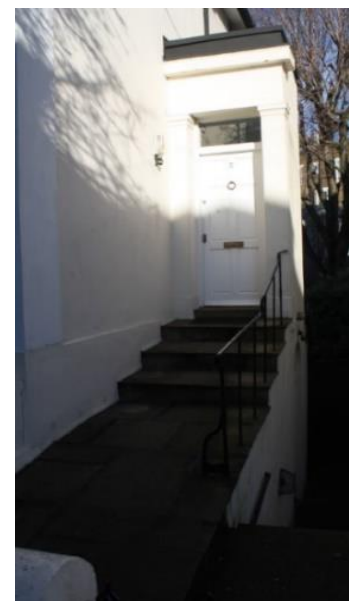


SITE LOCATION MAP

- 2.2 The property comprises a semi-detached house that forms a pair with no. 6 Lyme Street to the north west; this pair is one of five which form a group of 10 similarly designed early Victorian dwellinghouses. The properties are characterised by their stucco facades, rusticated quoins and hipped roofs. Each of these properties is Grade II listed.
- 2.3 However, Nos. 5 & 6 differ from the other 8 properties in that they feature full-height pilasters rather than quoins. The main entrance is located within a side porch on the eastern side of the buildings. There are also steps which lead to a door which offers direct access to the rear garden.



NOS. 5 & 6 AS SEEN WITHIN LYME STREET



MAIN ENTRANCE

2.4 The lower ground floor includes a kitchen to the rear and a bedroom at the front.



LOWER GROUND FLOOR BEDROOM AND KITCHEN

2.5 The ground floor comprises a spacious living area with outlook to both the street and the rear garden.



GROUND FLOOR

2.6 The first floor is made up of a large bedroom and bathroom.



FIRST FLOOR BEDROOM AND BATHROOM

- 2.7 The rear of the property is characterised by brick with gauged arches above the windows. The side porch is set back from the rear façade. There is an existing single-storey rear extension which spans less than half the building's width. The lower ground level is rendered, painted white.



REAR ELEVATION

- 2.8 No. 6 which adjoins to the west, reflects the rear elevation of no. 5. However, unlike the application site, the side porch of no.6 appears extended, set further back and flush with the principal rear façade.



REAR ELEVATION OF NO. 6 TO THE WEST

- 2.9 The existing rear extension is of poor quality and serves solely as a storage area for a washing machine and dryer.



EXISTING REAR EXTENSION

- 2.10 Extensions to neighbouring properties are visible from the rear garden. Nos. 3 and 4 to the east have symmetrical rear extensions in terms of height and depth. No. 6 has a rear extension, although it is full-width rather than the half-width extension of no. 5. Nos. 7 & 8 to the west have large rear extensions with roof terraces accessible from ground floor level.



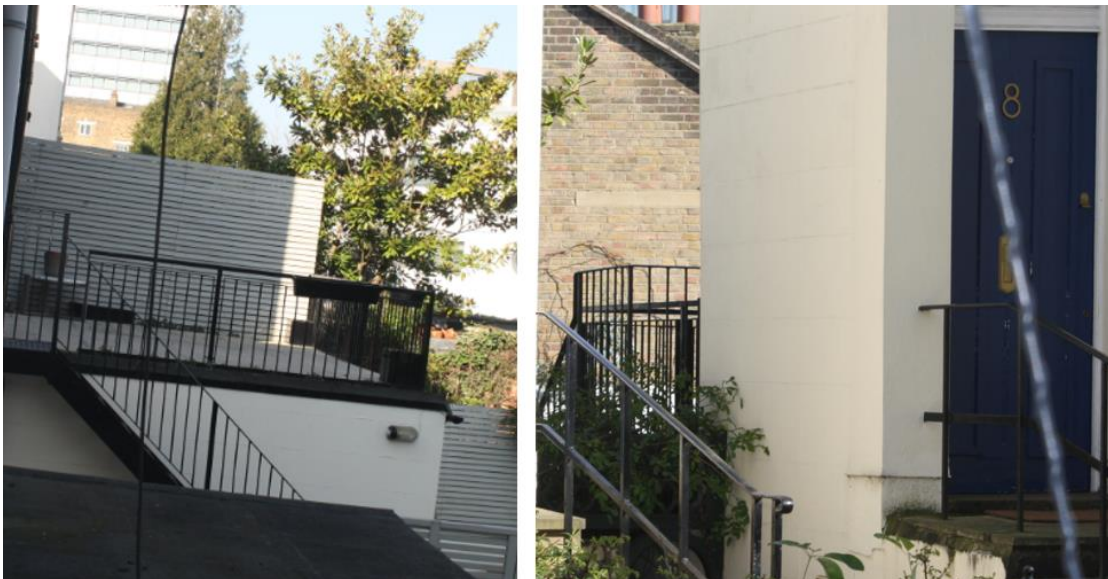
NO. 4 (LEFT) AND NO. 7 (RIGHT) SEEN FROM REAR GARDEN

- 2.11 A large live-work unit with a distinctive corrugated-metal appearance is visible to the rear of nos. 6 & 7. A tall silver maple at the end of the rear garden benefits from a Tree Protection Order.



LIVE-WORK BUILDING (LEFT) AND SILVER MAPLE (RIGHT)

- 2.12 No. 7 to the north benefits from a roof terrace with black railings and a timber screen. A terrace at No. 8 is also visible from the street.



LEFT: TERRACE OF NO. 7 LYME STREET AS SEEN FROM REAR WINDOW OF NO. 5
RIGHT: RAILINGS OF ROOF TERRACE OF NO. 8 AS SEEN FROM THE STREET

- 2.13 Further to the north, nos. 11-19 comprise a terrace of Victorian four-storey buildings that are acknowledged as positive contributors within the Conservation Area.



11-19 LYME STREET

- 2.14 From aerial imagery, it is apparent that nos. 7 & 8 accommodate terraces on their rear extensions. Roof terraces area further prominent features of nos. 11-19 to the north of the site, while Lawford's Wharf incorporates a green roof within its design.



AXONOMETRIC VIEW FROM NORTH OF APPLICATION SITE

- 2.15 On the opposite side of Lyme Street, there are several grade II listed properties of various architectural styles

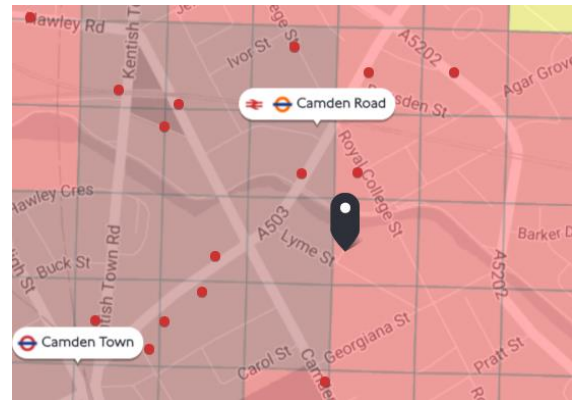


LISTED PROPERTIES

- 2.16 The site has a Public Transport Accessibility Level (PTAL) rating of 6a, on a scale where 0 is the worst and 6b is the best.

- 2.17 It is well-served by numerous bus services and is only a short walk from several tube stations.

- 2.18 The site is highly sustainable in planning terms.



PTAL MAP

3.0 POLICY FRAMEWORK

3.1 The following documents comprise the Local Development Framework, and are relevant to this proposal:

National

National Planning Policy Framework 2019

London

The London Plan (with consolidated alterations) 2016

London Borough of Camden

Local Plan 2017

Camden Planning Guidance 1: Design 2015

Camden Planning Guidance 2: Housing 2016

Regent's Canal Conservation Area Appraisal and Management Strategy 2008

4.0 GROUNDS OF APPEAL

4.1 In this section, each Reason for Refusal will be assessed in turn.

LPA Ref: 2018/4991/P

4.2 With regard to the planning application, the first Reason for Refusal reads as follows:

1. *The proposed rear extension with associated terrace and privacy screens, by reason of the detailed design, materials, scale and siting would be harmful to the historic interest of the listed building, the wider terrace of listed buildings, and the character and appearance of the conservation area in this location. The development is therefore considered contrary to Policies D1 (Design) and D2 (Heritage) of the Camden Local Plan 2017.*

4.3 A request for pre-application advice was submitted to the Council on 16th April 2018 (LPA Ref: 2018/1826/NEW). A site visit was carried out on 14th June 2018, and written advice was subsequently issued on 8th August 2018.

4.4 In their written advice, officers required further information on the existing rear extension:

“It was noted on the site visit that a small single storey rear extension is currently in situ at the subject property. It would be helpful for the Councils assessment at application stage if the history on this existing extension is provided in a heritage report. Please be advised that the advice provided in this report is based on the information provided to the Council at the current time and if new information comes to light this would need to be fully considered.”

4.5 A Heritage Statement was submitted with the application, providing a background to the rear extension, as requested. The existing rear extension can be seen in the 1914 OS map as referenced in the Conservation Area Appraisal document. The existing extension is in a poor state, with little of the original fabric in situ.



POOR QUALITY OF EXISTING REAR EXTENSION

- 4.6 Notwithstanding the request for additional information on the existing extension, officers were broadly supportive of the proposed replacement single-storey rear extension and associated roof terrace. In their advice they stated that'

*"It was noted on site that there are some single storey rear extensions in situ at neighbouring properties. **The principle of a single storey rear extension is therefore considered acceptable as this element already forms part of the character of the group of listed buildings on Lyme Street.***

*The proposed extension is considered to appear subordinate to the main building in terms of its location, form, scale and proportions, and would retain a reasonable amount of garden space. **It would respect the prevailing pattern of development within the group of listed buildings.** As the proposed rear extension is located at lower ground floor level it would not be dominant in private views from neighbouring properties and it would not be visible from the public realm resulting in a limited visual impact. However, there are concerns regarding the proposed patio door opening at lower ground floor level. This element of the proposal should be revised as the fenestration should respect the character and design of the existing building.'*

- 4.7 In response to the comments relating to the lower ground floor patio door design, this was revised to include more traditional doors with mullions, respecting the character and design of the existing building.



COMPARISON BETWEEN PRE-APP REAR ELEVATION (LEFT) AND AS REFUSED REAR ELEVATION (RIGHT)

- 4.8 Officers supported the inclusion of a roof terrace atop the single-storey rear extension:

*"Since the roof terrace above the proposed single storey rear extension would be a similar scale and sited in a similar location to existing rear terraces at neighbouring properties, **this element of the proposal is therefore considered to already form part of the existing character of the surrounding area and could be supported in this instance.**"*

- 4.9 Officers did have some concerns in relation to the proposed door opening at upper ground floor level:

"However, there are concerns regarding the fenestration alterations at upper ground floor level. It may be appropriate to only create one set of french doors within the existing opening."

- 4.10 Officers also found issue with the glass balustrade that had been proposed at pre-application stage:

*“The proposed glass balustrading boundary treatment on the rear terrace is not considered to be a suitable material and would fail to harmonise with the character and appearance of the listed building. **The applicant is advised that black railings which are a similar scale and design to neighbouring listed buildings would be a more sympathetic design approach.**”*

- 4.11 As part of the finalised drawings submitted, the scheme was revised to omit the glass balustrading and include black railings at the rear. Discreet timber screening was proposed for each side of the terrace to respect neighbouring amenity.



LEFT: PRE-APP DRAWING REAR ELEVATION
RIGHT: FINALISED REAR ELEVATION WITH BLACK RAILINGS

- 4.12 Contrary to officer advice, the second door opening was retained, as it would not be practical for the appellants and their family to pass through a bedroom to access the roof terrace. Furthermore, from a design perspective, the provision of the two openings were considered to be more harmonious to the existing fenestration pattern on the rear elevation, and the wider setting of neighbouring properties. To further justify this position, reference was made within the submitted Planning, Design and Access Statement to Historic England’s *Constructive Conservation in Practice* document, which promotes the concept of ‘constructive conservation’. *“Constructive Conservation’ is the broad term adopted by Historic England for a positive and collaborative approach to conservation that focuses on actively managing change. The aim is to recognise and reinforce the historic significance of places, **while accommodating the changes necessary to ensure their continued use and enjoyment.**”*
- 4.13 Given that proposed door opening would align with the fenestration at first-floor level and match the character and appearance of the host building, it was considered that this element of the proposed works would respect the character of the host building; furthermore, due to its positioning to the rear of the terrace away from public views, it was considered that no harm would be caused to the special architectural interest of the listed terrace of Nos. 1-10 Lyme Street, nor the character and appearance of the Regent’s Canal Conservation Area.

- 4.14 However, despite officers' broad support for the proposed rear extension and roof terrace as stated within their written advice, officers then made a volte-face by objecting to both these elements within their delegated report:

*"The proposed extension would measure 4.9m wide x 3.5m deep, larger than any of the existing extensions aside from those at nos.7 and 8 which were approved before the buildings were listed. It is recognised that there are existing extensions to the rear of the majority of properties within the wider terrace, **however, these were all approved between 25 and 60 years ago and in many instances, are not considered to preserve the historic character and proportions of the listed buildings.**"*

- 4.15 As acknowledged by officers within their pre-application advice, the scale of the proposed extension should be supported given that almost every property along the terrace has been extended in a similar manner; the proposed rear extensions would, as stated by officers, "*respect the prevailing pattern of development within the group of listed buildings*". Furthermore, extensions of a similar scale were approved at Nos. 1 and 6 – long after the terrace was listed in 1974. To some degree, the date at which buildings were extended is irrelevant. If those extensions form part of the established character and appearance of the site setting, they are a material consideration.

- 4.16 The delegated report continues:

"Although the Council does not object to the principle of a small extension in this location, the proposed development is considered excessive in size and would not respect the historic proportions or layout of the property, overwhelming the rear elevation. In combination with the extent of historic fabric to be demolished to provide access to the rear extension (discussed further below), the development would cause harm to the special character of the host listed building."

- 4.17 In terms of scale, it is our view that the replacement extension would appear subservient to the host building; be comparable to extensions at neighbouring properties; and, would not be perceptible from wider public views from the conservation area. Relative to the existing extension (which has been heavily modified with little-to-none of the original fabric maintained), the proposed replacement would not be much greater in scale:

- The existing rear extension measures 2.7m in depth; the proposed replacement would measure 3.5m in depth.
- The existing rear extension measures 2m in width, the proposed replacement would measure 4.9m in depth.
- The existing rear extension measure 2.7 in height; the proposed replacement would measure 2.9m in height.

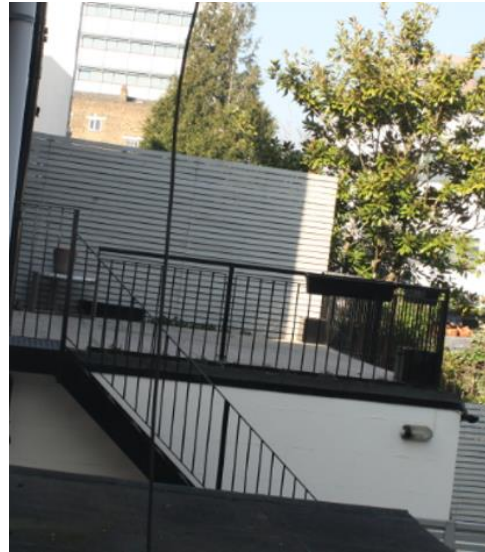
- 4.18 In light of the above considerations, it is not considered that the proposed replacement rear extension would "*overwhelm*" the host building. It would replace a dilapidated, unsympathetic later addition with a replacement structure comprising matching materials and detailing of the host building, while providing a suitably comfortable living environment for the appellant and their family at lower ground floor level.

- 4.19 If the Inspector is minded to agree with the Council's conclusions, a slightly amended drawing pack is submitted to PINS for the consideration. The amended design sets the rear extension back from the side elevation by 200mm, to address the Council's concerns in relation to subordination. Setting the extension back this way improves the ability to read the original structure, however we consider that the proposed rear extension as submitted (and determined by Camden) continue to be acceptable in planning terms.

4.20 The delegated report continues:

“The proposed extension would include a new roof terrace above it, accessed from rear ground floor level openings. The terrace would feature 1.7m high timber screens either side to prevent overlooking into neighbouring properties nos.4 and 6. The additional screening would result in extra unacceptable bulk at a high level which is also uncharacteristic for the terrace, and the use of timber fencing at this high level is considered an inappropriate choice of material, out of character in this location.”

4.21 The use of timber screening is not uncharacteristic for this terrace – similar timber screening can be seen to north serving the terraces of Nos. 6 and 7.



TIMBER SCREENING TO THE NORTH

4.22 Furthermore, the use of timber screening would only be partially perceptible from a very limited angle from the street; due to the siting of No 4 to the south and the two-storey porch element, the timber screen would not be prominently visible within public views. Any additional bulk relating to the timber screen would be obscured by No. 4 to the east.



**LIMITED SCOPE FOR APPRECIATING TIMBER SCREENING
IN STREETSCENE**

- 4.23 As part of the amended drawing pack, a CGI has been prepared by Muroblanco Architects which demonstrates that the timber screening would not be prominent within public views.



CGI OF REFUSED SCHEME (AS ORIGINAL) AS SEEN FROM STREET

- 4.24 We consider that the proposed screening would be acceptable. However, if the Inspector is minded to agree with the Council’s findings, we would ask them to consider the amended drawing pack sent to the PINS which includes a minor alteration. The proposed timber screening is replaced with black louvred railings, with planters set behind. These railings would match the appearance of the host building and the surrounding terrace, while providing an appropriate level of screening to neighbouring residents. The louvred railings would allow some views to the northeast and would appear as a black railings when seen from limited views from the street; however, from the terrace, the louvred railings would block direct views to the side-facing kitchen window of No. 4. The location of the planters would also restrict movement to the far side of the terrace, thereby reducing the opportunity for overlooking into this side-facing window.



Proposed louvred railings 1200mm height

REVISED DRAWING LS_09A WITH LOUVRED RAILINGS AND PLANTERS (LEFT)
EXAMPLE OF LOUVRED RAILING (RIGHT)

4.25 The second Reason for Refusal states the following:

2. *The proposed side extension, by reason of its detailed design, scale, siting and visibility within the streetscene would be harmful to the historic interest of the listed building, the wider terrace of listed buildings, and the character and appearance of the conservation area in this location. The development is therefore considered contrary to Policies D1 (Design) and D2 (Heritage) of the Camden Local Plan 2017.*

4.26 As part of their written advice, officers stated their resistance to the proposed two-storey side extension behind the side porch:

*“Except for no. 6 Lyme Street, (granted approval in September 1989) extensions above ground floor level are not characteristic of the villas. It is considered that an extension in this location would significantly detract from the **hierarchy of spaces, impact on the historic plan form** and include the **loss of historic fabric of the building itself**. The proposed two storey side extension is considered to detract from the significant architectural merit of the subject property and be **out of character with the listed building and the group as a whole**. In the context of policy D2 (Heritage) and its supporting justifications the proposed extension is **considered out of keeping with the prevailing pattern of surrounding development; also the impact on existing rhythms, symmetries and uniformities in the townscape**.*

*The applicant has referred to the side extension at no. 6 Lyme Street (see history section above). This extension was erected many years ago and **the Council’s policies and guidelines have changed to reflect impact of development on the local character**. The proposed two storey side extension is therefore considered to be out of character, includes the loss of historic fabric and would significantly detract from the built form, architectural language and traditional appearance and proportions of this villa and the group as a whole. Whilst it is accepted that the increase in depth to the side entrance would not infill the gap at the ground floor level, **it nevertheless would compromise significant views and the gap, which is an established pattern of development characteristic of the north side of Lyme Street**.*

4.27 In their written advice, the Council assert that the proposed extension to the existing two-storey element would have a harmful impact upon the “*hierarchy of spaces*”, stating that the extension would “*compromise significant views and the gap, which is an established pattern of development*”.

4.28 However, we contend that the proposed two-storey extension would not compromise any significant views or the integrity of the listed host due to its limited scale, and the fact that it would be situated behind the *existing* two-storey element. The additional bulk would not be appreciated from any significant views from the street; No. 4 to the east would obscure most views that could be seen while passing the property from the east.



VIEWS OF PROPOSED TWO-STOREY SIDE EXTENSION WOULD BE VERY LIMITED

- 4.29 Due to the distance of the proposed extension from the street, its positioning to the rear of the existing two-storey element and its proximity to No. 4 on the eastern side, it is not considered that this element of the proposed works would cause any harm to the “*hierarchy of spaces*”. Rather, the proposed development would bring the property into symmetry with No. 6 which adjoins to the west.
- 4.30 The fact that the existing extension at No. 6 is almost 30 years old is irrelevant, but if anything means that it is a well-established element of the building and context. Extending No. 5 in a similar way would bring this pairing back into symmetry with one another.
- 4.31 The Council also express concern regarding the character of the prevailing pattern of development, asserting that the proposed extension would be “*out of character*” with the rest of the terrace, and that it would constitute an unacceptable deviation from “*the existing rhythms, symmetries and uniformities*”. However, as seen from the street, it is clear that there is already a significant amount of variation observable amongst the individual properties of this listed terrace.
- 4.32 Some buildings have roof terraces; others have side dormer roof extensions and loft conversions with rooflights, while others have pilasters rather than quoins. There is also variation in the plaster window detailing for each property.
- 4.33 Given the extent of variation within the terrace, it is considered that the proposed two-storey side extension would be appropriate, especially when the property’s adjoining pair accommodates a similar extension. The works will in part complete the symmetry of the pair within the terrace.



VARIANCE AMONGST TERRACE

- 4.34 Despite the justification for a two-storey side extension as carried out to the adjoining semi-detached property (No. 6), the Council maintained that this element of the proposal was unacceptable in their delegated report:

“With the exception of nos.1, and 6 there are no first-floor extensions to the original side porches. Although there are examples of minor extensions at ground floor level, these a fairly small in size and footprint, of limited visibility and do not impact the overall architectural character of the listed buildings.

Furthermore, the extension at no.1 appears to have been constructed without planning permission or listed building consent, suggesting it may have been prior to the building’s listing, and the extension at no.6 was approved thirty years ago. No.10 also features a fairly sizeable extension to the side porch at lower ground floor level but there are no planning records for this.”

- 4.35 The Council’s assessment of the heritage value and character of the listed terrace is blinkered; while Nos. 1-10 share many architectural features in terms of fenestration, detailing, cornicing, etc, there remains a substantial degree of variance between individual properties. In our view, the existing

ground-floor level side extensions at Nos. 1 and 6 do not undermine the special architectural interest or unity of the listed terrace. Each property accommodates its own idiosyncrasies which add further interest.



EXISTING TWO-STOREY SIDE EXTENSIONS AT NOS. 1 & 6

4.36 The delegated report continues:

*It is considered that an extension in this location would harm the plan form of the building and result in a harmful loss of historic fabric. The proposed two storey side extension would be **highly visible from the street** and would detract from the significant architectural merit of the subject property. It would be out of character with the listed building and would detract from the built form, architectural language and traditional appearance and proportions of the group as a whole. This element of the proposal would fail to preserve or enhance the heritage asset and would cause harm to its special architectural and historic interest."*

4.37 As detailed above, the proposed two-storey side extension would not be prominently visible within the streetscene due as 1) it would only be visible from streetviews within a very narrow angle, and 2) any additional bulk would be obscured by the massing of No. 4 to the southeast. As is the case with single-storey rear extensions, the proposed two-storey side extension is an established feature of some of the properties within the terrace and should be supported in this case due to the existing two-storey side extension at the adjoining property.

4.38 The third Reason for Refusal states the following:

3. *The proposed window opening to the ground floor front room side elevation and door opening to the rear ground floor elevation, by reason of their location, visibility and loss of historic fabric, would be harmful to the historic interest of the listed building, the wider terrace of listed*

buildings, and the character and appearance of the conservation area in this location. The development is therefore considered contrary to Policies D1 (Design) and D2 (Heritage) of the Camden Local Plan 2017.

- 4.39 At pre-application stage, the Council did not raise any concern with the side-facing window from the ground floor front room; on this basis, it was presumed that this element was acceptable. When this issue was raised during the course of the application, there was no opportunity given to submit revised drawings to remediate this element.
- 4.40 It is considered that this element of the proposal is acceptable; however, if the Inspector is minded to agree with the Council on this point, then we have removed this element within the amended drawing pack. A CGI of the amended scheme with the side-facing front room window removed is included below.



CGI OF REFUSED SCHEME (AS AMENDED) AS SEEN FROM STREET

- 4.41 In relation to the proposed door opening to the roof terrace, we disagree that this would harm the historic interest of the building by reason of its *“location, visibility and loss of historic fabric”*. Due to its location to the rear, the door opening would not be visible whatsoever. Furthermore, the loss of the existing window and the complementary design of the proposed door opening would match the rest of the rear elevation in terms of materiality and detailing.

LPA Ref: 2018/5484/L

- 4.42 With regard to the listed building consent, the first Reason for Refusal reads as follows:

1. *The proposed rear extension with associated terrace and privacy screens, by reason of the detailed design, materials, scale and siting would be harmful to the historic interest of the listed building. The development is therefore considered contrary to Policy D2 (Heritage) of the Camden Local Plan 2017.*

- 4.43 Much of what has been cited above in respect of the first Reason for Refusal under LPA Ref: 2018/4991/P can be repeated.

- 4.44 Once again, if the Inspector is inclined to agree with the Council on the relationship between the timber screening and the terrace, then please have regard to the amended drawing pack submitted to the PINS case officer as part of this appeal.

4.45 The second Reason for Refusal stated the following:

2. *The proposed side extension, by reason of its detailed design, scale, siting and visibility within the streetscene would be harmful to the historic interest of the listed building. The development is therefore considered contrary to Policy D2 (Heritage) of the Camden Local Plan 2017.*

4.46 Our response to the second Reason for Refusal set out under LPA Ref: 2018/4991/P is equally relevant here.

4.47 The third Reason for Refusal reads as follows:

3. *The proposed window opening to the ground floor front room side elevation and door opening to the rear ground floor elevation, by reason of their location, visibility and loss of historic fabric, would be harmful to the historic interest of the listed building. The development is therefore considered contrary to Policy D2 (Heritage) of the Camden Local Plan 2017.*

4.48 Our response to the third Reason for Refusal set out under LPA Ref: 2018/4991/P should be considered in respect of the above.

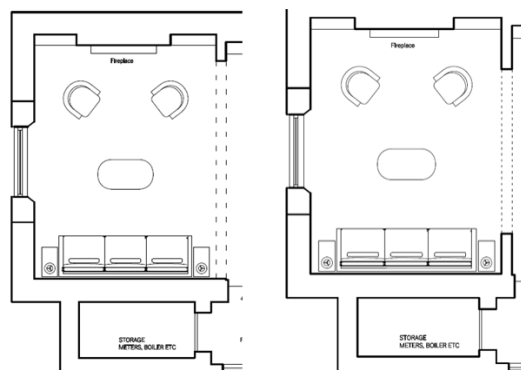
4.49 The fourth Reason for Refusal stated the following:

4. *The loss of historic fabric proposed through the creation of new internal openings at Lower Ground Floor would harm the building's historic composition and plan form and would therefore result in harm to the special architectural and historic interest of the listed building contrary to Policy D2 (Heritage) of the Camden Local Plan 2017.*

4.50 As part of their written advice, officers advised that the proposal should involve less demolition of the wall separating the existing kitchen and bedroom at lower ground floor level.

“There are no concerns with the proposed internal access created between the main property and the proposed single storey rear extension at lower ground floor level since the original plan form appears to remain legible, conveying the sense that one is leaving the original house and passing into a subsidiary space. However, the extent of the demolition to create access between the rooms labelled as bedroom and kitchen on the existing lower ground floor plan is considered excessive. It is advised that a narrower access is created in this location to ensure that the historic plan form of the listed building is retained.”

4.51 The proposed plan was subsequently revised to retain more of the historic fabric between the proposed living and dining areas, while maintaining this space as a contemporary and open-plan living environment.



LEFT: PRE-APP PROPOSE LGF DRAWINGS
 RIGHT: MORE HISTORIC FABRIC RETAINED AT LOWER
 GROUND FLOOR LEVEL IN FINALISED DRAWINGS (RIGHT)

4.52 Despite the retention of more of the existing wall, officers found that the finalised proposal would result in the unacceptable loss of historic fabric, and the loss of the historic floor plan.

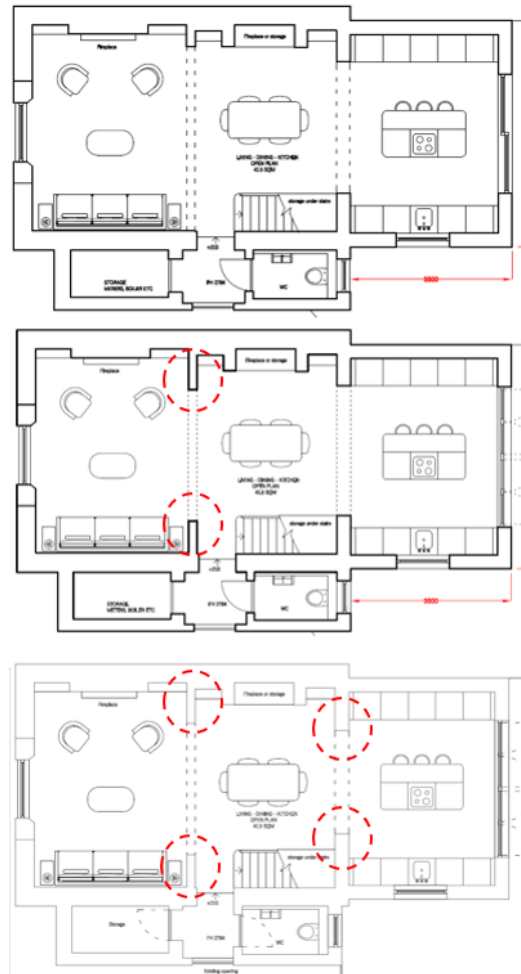
4.53 Concerns were also expressed regarding the opening between the rear wall and the proposed replacement rear extension.

“The internal plan alterations at lower ground floor would result in the loss of the living room wall and the rear wall of the house, unacceptably compromising the plan form and destroying a large quantity of historic fabric.”

4.54 It is considered that the concerns expressed by the Council are entirely unreasonable. As can be seen to the right, more of the nibs of the existing wall separating the existing bedroom and kitchen were retained within the finalised drawings submitted at full application stage; this should be seen to address concerns raised in the written advice.

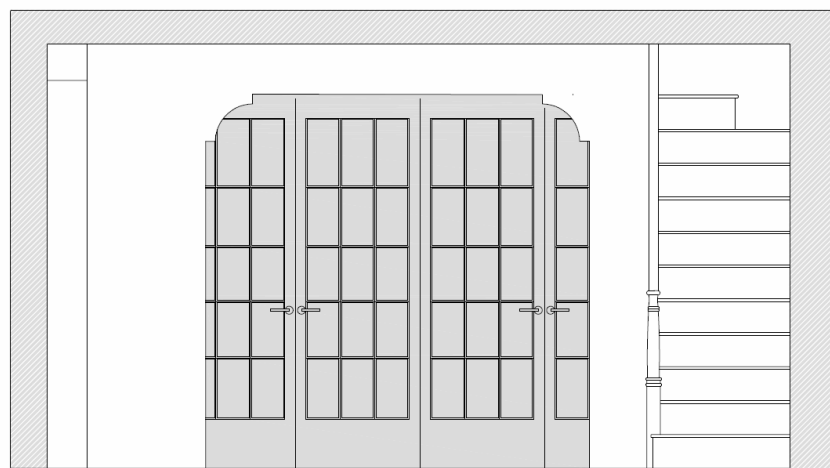
4.55 Furthermore, concerns relating to the opening between the rear extension and rear wall were never previously raised in the written advice. As it was never raised as an issue and the opportunity was never given for amended drawings to be submitted, it is considered that this constitutes an unfair basis for refusing the proposal.

4.56 The revised drawings submitted as part of the appeal provides an additional section through the proposed LGF floor plan; this demonstrates that much of the wall would be retained.



**TOP: PRE-APP LGF PLAN
MIDDLE: FULL APP LGF PLAN
BOTTOM: AMENDED LGF PLAN
SUBMITTED AS PART OF THIS APPEAL**

PROPOSED SECTION BB, INTERNAL OPENING



PROPOSED SECTION BB

SECTION DEMONSTRATING RETENTION OF REAR WALL

4.57 We consider that the proposed LGF plan submitted as part of the application appropriately retains the historic plan of the building. However, if the Inspector is inclined to agree with the findings of the Council, an amended proposed LGF plan is included within the amended drawing pack.

4.58 The delegated report continues:

“The historic cellular form would be replaced by an open-plan layout three rooms deep. The rear extension would subsume the existing closet wing, which is of some age, possibly original, and almost entirely conceal the original form of the rear elevation. The enlargement of the side porch wing would also harm the plan form of the building and destroy historic fabric, and would be plainly visible from the street.”

4.59 There is no basis for assuming that the “closet wing” is original. In any case, it is evidently in poor repair, with little original fabric to be considered of any merit. Contrary to the views of the Council, we contend that the proposed rear extension would relate positively to the host building, while the proposed side extension should be seen to be acceptable for reasons set out previously within this statement.

4.60 The Council’s delegated report continues:

“Paragraph 196 of the NPPF states that where a development will lead to less than substantial harm to the significance of a designated heritage asset (as is considered to be the case in this instance), this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. The Council does not consider there to be any public benefits arising from the proposals, nor that the proposals are necessary to secure the ongoing optimum viable use of the building. The building is a single dwelling house, the same use as it was originally constructed as, and would continue to be should the proposed works not be carried out. As such, the proposals would be contrary to policies D1 and D2 of the Camden Local Plan, and it is recommended that planning permission is refused on this basis.”

4.61 The Council’s interpretation of Paragraph 196 is overly prescriptive. The proposed works would provide the appellant with a high-quality, sensitively-designed living environment that would meet their needs while preserving the historic and architectural interest of the building. Given that each of the properties within the listed terrace have their own idiosyncratic features, it’s considered that the proposed works would cause no harm to the significance of the listed building.

- 4.62 With its small basement-level kitchen, north-facing ground-floor level living room and bedrooms on every floor, it is obvious that the current configuration does not provide a comfortable level of family accommodation. The proposed works would improve how the property could function as a family-sized dwellinghouse whilst retaining much of the historic fabric. In our view an acceptable balance between retention and improvement is proposed, resulting in an acceptable planning balance overall.
- 4.63 Further support on this point is provided in the updated Heritage Statement that is submitted to the PINS case officer as part of this appeal, which responds to points raised by officers in their delegated report.
- 4.64 The proposal was found to be acceptable in terms of amenity.

5.0 SUMMARY AND CONCLUSIONS

- 5.1 This statement accompanies an appeal against the decision of Camden Council to refuse planning permission and listed building consent for minor extensions and internal alterations to 5 Lyme Street, London, NW1 0EH (LPA Refs: 2018/4991/P & 2018/5484/L).
- 5.2 In accordance with the objectives of the NPPF, the proposed development would bring the building back to its optimum use as a single family dwellinghouse by providing a comfortable shared living area at ground floor level, a replacement rear extension and a small roof terrace as is typical of the wider area.
- 5.3 The proposed roof terrace would not cause harm to the privacy of No. 4 to the west, and is consistent with neighbouring examples
- 5.4 The proposed two-storey side extension to the rear of an existing two storey element, would bring the property into symmetry with No. 6 which adjoins to the west. The extension would not be discernible from the street.
- 5.5 The proposed internal alterations would allow for the property to be brought to its “*optimum viable use*” as per the NPPF, whilst paying due regard to the buildings listed status. The loss of some of fabric should be seen to be acceptable, as the architectural interest of property primarily relates to the external architectural form of terrace rather than the internal detailing. Alterations at first-floor level in particular should be seen to be acceptable, given the lack of any notable detailing.
- 5.6 The rearrangement of the internal floor layouts would rationalise the floor area of the dwellinghouse, creating a modern and comfortable space that would provide a high-quality living environment to future occupants, whilst paying due regard to the listed status of the host building.
- 5.7 Heritage considerations were at the forefront of the design process; in respect of the appeal site’s listed status and location within the Regent’s Park Conservation Area, the modest scope of the proposed works sought to preserve the special architectural and historic interest of the host building, with minimal changes to historic fabric.
- 5.8 While we consider that the finalised drawings submitted during the course of the application (and determined by Camden Council) would preserve the heritage value of both the building and the Regent’s Park Conservation Area, we offer slightly amended drawings as part of this appeal for the consideration by the Inspector. Should they be so minded, the appeal could be allowed on the basis of these amended drawings which seek to provide an appropriate response to the concerns raised by the Council during the course of the application, but the applicants were not given the opportunity to formally respond to. Given that the Council’s assessment of the finalised scheme was completely at odds with the pre-application advice that they had provided, it is trusted that the Inspector could reasonably take these new additional materials into consideration as part of their determination.
- 5.9 Irrespective of the additional materials, we maintain that the proposal as based on the finalised drawings would provide a suitably subservient extension of the host building in order to provide a high-quality family-sized dwellinghouse.
- 5.10 In light of the significant findings of this statement, we respectfully request that this appeal is allowed.

APPENDICES

APPENDIX ONE

PRE-APPLICATION ADVICE FROM CAMDEN COUNCIL DATED 16/03/2018

1

Date: 16/03/2018
Our ref: 2018/1826/PRE
Contact: Lisa McCann
Direct line: 020 7974 1568
Email: lisa.mccann@camden.gov.uk



Planning Solutions Team
Planning and Regeneration
Culture & Environment
Directorate
London Borough of Camden
2nd Floor
5 Pancras Square
London
N1C 4AG

Dear Mr Brennan

Re: 5 Lyme Street, London, NW1 0EH

www.camden.gov.uk/planning

Thank you for submitting a pre-planning application enquiry for the above property which was received on 16/04/2018 together with payment of £1,236.26. A site visit meeting was carried out on 14th June 2018.

1. Proposal

The proposal includes:

- Erection of a two storey side extension, installation of 2 x windows in the east facing flank wall at ground floor level and 1 x window in the north facing elevation at lower ground floor level.
- Erection of a single storey rear extension, associated terrace on the roof of the proposed extension including a glass balustrade boundary treatment, replacement of fenestration on the rear elevation with patio doors at ground floor level.
- Various internal alterations to the subject property on all floor levels including removal and addition of walls and doors, removal of fireplace.

2. Site description

The host building is a listed semi-detached dwellinghouse villa. It is grade II listed along with nos.'1-10' and sits within the Regents Canal Conservation Area.

3. Relevant planning history

1 Lyme Street

April 1994 – PP Granted – Erection of single-storey rear extension; Ref. 9301384
April 1994 – LBC Granted - Internal and external alterations including a single storey rear extension; Ref. 9370228

NB. The Council records indicate that the approved revised drawings omitted the side extension

2 Lyme Street

April 2003 – PP granted - First floor extension to existing single storey lean to at rear, blocking up of door to basement level; Ref. PEX0300075
First floor extension to existing single storey lean - to at rear, blocking up of door to basement level; Ref. LEX0300039

4 Lyme Street

November 1982 - PP Granted - Change of use to 2 self-contained dwelling units including works of conversion and erection of a single storey extension at the rear; Ref. HB/2881
November 1982 - LBC Granted - Change of use to two self-contained dwelling units including works of conversion and the erection of a single storey extension at the rear; Ref. H12/34/24/34114.

6 Lyme Street

September 1989 – PP Granted - Erection of a rear extension at ground floor level to provide a bathroom for the maisonette; Ref. 8970458
September 1989 – Associated LBC Granted – Erection of a rear extension at ground floor level; Ref.8903343

8 Lyme Street

November 2003 – PP Refused - Erection of a first floor rear extension; Ref. 2003/2204/P
November 2003 – LBC Refused - Erection of a first floor rear extension. Ref. 2003/2207/L

9 Lyme Street

December 1998 – Granted - Erection of two single storey extensions at side and rear lower ground floor levels – Ref PE9800716 & LE9800717

August 1999 – Granted - Excavation of cellar at rear below a conservatory extension at lower ground floor level. Demolition and rebuilding of a conservatory at rear lower ground floor level and excavation of a new basement together with works of underpinning. – Ref PE9900309 & LE9900310

4. Policies 3
- National Planning Policy Framework (2012)
 - London Plan (2016)
 - Camden Local Plan (2017)
 - A1 – Managing the impact of development
 - D1 – Design
 - D2 – Heritage
 - Supplementary Guidance
 - CPG1 – Design
 - CPG6 – Amenity
 - Regent’s canal conservation area appraisal and management strategy (2008)

5. Assessment

The planning considerations material to the determination of this application are as follows:

- Design & impact on the internal and external fabric and appearance of the listed building and the character and appearance of the conservation area
- Neighbour amenity

Design and heritage

The application site comprises a grade II listed building within the Regents Canal Conservation Area. The Council therefore has a statutory duty outlined in Sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character appearance and significance of these heritage assets.

The Council's design policies are aimed at achieving the highest standard of design in all developments. The following considerations contained within policy D1 are relevant to the application: development should consider the character, setting, context and the form and scale of neighbouring buildings, and the quality of materials to be used. Policy D2 states that within conservation areas, the Council will only grant permission for development that 'preserves and enhances' its established character and appearance. In order to preserve or enhance the borough's listed buildings, policy D2 additionally states that the Council will only grant permission for alterations to listed building where those changes do not cause harm to the setting and special interest of the building.

CPG1 (Design) guidance recommends alterations take into account the character and design of the property and surroundings, that windows, doors and materials should complement the existing buildings

Summary of consideration

The proposal to extend at the side and the proposed internal alterations to the subject property is considered unacceptable and would significantly impact upon the significance, character, appearance and fabric of the listed building along with the listed villas as a 'group'. The proposed single storey rear extension could be acceptable subject to the detailed comments below.

Two storey side extension

Except for no. 6 Lyme Street, (granted approval in September 1989) extensions above ground floor level are not characteristic of the villas. It is considered that an extension in this location would significantly detract from the hierarchy of spaces, impact on the historic plan form and include the loss of historic fabric of the building itself. The proposed two storey side extension is considered to detract from the significant architectural merit of the subject property and be out of character with the listed building and the group as a whole. In the context of policy D2 (Heritage) and its supporting justifications the proposed extension is considered out of keeping with the prevailing pattern of surrounding development; also the impact on existing rhythms, symmetries and uniformities in the townscape.

The applicant has referred to the side extension at no. 6 Lyme Street (see history section above). This extension was erected many years ago and the Council's policies and guidelines have changed to reflect impact of development on the local character. The proposed two storey side extension is therefore considered to be out of character, includes the loss of historic fabric and would significantly detract from the built form, architectural language and traditional appearance and proportions of this villa and the group as a whole. Whilst it is accepted that the increase in depth to the side entrance would not infill the gap at the ground floor level, it nevertheless would compromise significant views and the gap, which is an established pattern of development characteristic of the north side

of Lyme Street.

The proposal is considered to harm the views from the Conservation Area and as such it is considered that the character and appearance of the Conservation Area would be affected.

Overall, this element of the proposal would fail to preserve or enhance the heritage asset and would cause harm to its special architectural and historic interest, contrary to policies D1 and D2 of the Camden Local Plan, London Plan and the NPPF.

Single storey rear extension and associated rear terrace

It was noted on the site visit that a small single storey rear extension is currently in situ at the subject property. It would be helpful for the Council's assessment at application stage if the history on this existing extension is provided in a heritage report. Please be advised that the advice provided in this report is based on the information provided to the Council at the current time and if new information comes to light this would need to be fully considered.

It was noted on site that there are some single storey rear extensions in situ at neighbouring properties. The principle of a single storey rear extension is therefore considered acceptable as this element already forms part of the character of the group of listed buildings on Lyme Street.

The proposed extension is considered to appear subordinate to the main building in terms of its location, form, scale and proportions, and would retain a reasonable amount of garden space. It would respect the prevailing pattern of development within the group of listed buildings. As the proposed rear extension is located at lower ground floor level it would not be dominant in private views from neighbouring properties and it would not be visible from the public realm resulting in a limited visual impact. However there are concerns regarding the proposed patio door opening at lower ground floor level. This element of the proposal should be revised as the fenestration should respect the character and design of the existing building.

Since the roof terrace above the proposed single storey rear extension would be a similar scale and sited in a similar location to existing rear terraces at neighbouring properties, this element of the proposal is therefore considered to already form part of the existing character of the surrounding area and could be supported in this instance. However there are concerns regarding the fenestration alterations at upper ground floor level. It may be appropriate to only create one set of french doors within the existing opening.

The proposed glass balustrading boundary treatment on the rear terrace is not considered to be a suitable material and would fail to harmonise with the character and appearance of the listed building. The applicant is advised that black railings which are a similar scale and design to neighbouring listed buildings would be a more sympathetic design approach.

Internal alterations

Sections 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 ("the Listed Buildings Act") are relevant. This requires the local planning authority to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

The effect of this section of the Listed Buildings Act is that there is a statutory presumption in favour of the preservation of the character and appearance of Conservation Areas and the preservation of Listed Buildings and their settings. Considerable importance and weight should be attached to their preservation.

There are no concerns with the proposed internal access created between the main property and the proposed single storey rear extension at lower ground floor level

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since the original plan form appears to remain legible, conveying the sense that one is leaving the original house and passing into a subsidiary space. However the extent of the demolition to create access between the rooms labelled as bedroom and kitchen on the existing lower ground floor plan is considered excessive. It is advised that a narrower access is created in this location to ensure that the historic plan form of the listed building is retained.

At ground floor level, there are no concerns regarding the addition of an internal wall to create two bedrooms. However there are concerns regarding the internal alterations to accommodate a new bathroom at ground floor level. This element of the proposal would significantly alter the historic plan form of the listed building and cannot be supported. Furthermore, it is advised that the original footprint and layout of the stairs and landing on the ground and first floor level should be retained to ensure the preservation of the buildings historic plan and fabric.

At first floor level, the proposed internal alterations are also considered to impact on the historic plan form, include the loss of historic fabric of the building itself; and the proposed alterations are considered to detract from the significance and be out of character of the listed building. The removal of the original fireplace would also mean the loss of original material and damage to the plan form of the building. There may be scope to provide a small access between the bedroom and bathroom, however the current internal layout and original fireplaces on the first floor should be retained overall.

Amenity

Local Plan Policy A1 and Camden CPG6 Amenity seeks to ensure that the amenity of neighbours is protected including visual privacy, outlook, sunlight, daylight and overshadowing.

The scale of the proposed single storey rear extension is considered to be a modest addition which would not result in any detrimental impact on the residential amenity of neighbouring occupiers. Further, the impact of the proposed two storey side extension would be mitigated by the existing built form at the neighbouring property no 4. Any windows proposed in the flank wall of the subject property should be obscure glazed and fixed shut so that it is non-openable at a height less than 1.7 metres above the finished floor to safeguard the privacy of neighbouring occupiers.

Some overlooking would occur to neighbouring garden space, mainly from the proposed rear terrace. The proposed screening panel along the shared boundary with no. 6 would help to mitigate this impact. It is advised that the proposed screening panel measures an increased height of 1.7m instead of 1.5m. However it was noted on site that habitable rooms are in situ at no. 4 which could be overlooked from the proposed terrace. There are therefore concerns regarding impact on the neighbouring amenity of no. 4 in terms of overlooking and loss of privacy as a result of the proposed terrace. A screening panel along the east terrace boundary may help to mitigate this impact, however it would firstly need to be tested in terms of visual impact before it could be deemed supportable.

In respect of noise nuisance, the proposed rear terrace would have the potential to fit a table or chairs, however, the door leading out to the terrace is from the landing and bedroom and not a kitchen or lounge which may decrease the likelihood of the terrace being used for entertainment purposes. It is not considered that the terrace will contribute to a significantly more harmful amount of noise generation than the existing situation at neighbouring terraces.

6. Conclusion

The current proposal is considered unacceptable in principle due to the harmful impact on the Grade II listed host property and the neighbouring semi-detached pairs of villas, and also the harm on the residential amenity of no. 4 Lyme Street.

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However, the development could be acceptable in principle subject to design modifications. It is advised that the proposed two storey side element is removed from the proposal and that the applicant adheres to the above advice regarding both internal and external alterations to the subject property.

7. Planning application information

If you wish to submit a planning application, please ensure that the following is provided:

- Completed form
- An ordnance survey based location plan at 1:1250 scale denoting the application site in red
- Floor plans at a scale of 1:50 labelled 'existing' and 'proposed'
- Roof plans at a scale of 1:50 labelled 'existing' and 'proposed'
- Elevation drawings at a scale of 1:50 labelled 'existing' and 'proposed'
- Section drawings at a scale of 1:50 labelled 'existing' and 'proposed'
- Design and Access statement
- The appropriate fee
- Please see [supporting information for planning applications](#) for more information.

We are legally required to consult on applications with individuals who may be affected by the proposals. We would notify neighbours putting up a notice on or near the site and, advertise in a local newspaper. The Council must allow 21 days from the consultation start date for responses to be received. You are advised to contact your neighbours prior to submission, to discuss the proposals.

Non-major applications are typically determined under delegated powers, however, if more than 3 objections from neighbours or an objection from a local amenity group is received the application will be referred to the Members Briefing Panel should it be recommended for approval by officers. For more details click [here](#).

This document represents an initial informal officer view of your proposals based on the information available to us at this stage and would not be binding upon the Council, nor prejudice any future planning application decisions made by the Council.

Thank you for using Camden's pre-application advice service.

Yours sincerely,

Lisa McCann

Planner
Planning Solutions Team