
STATEMENT OF CASE relating to an Appeal at 168 West End Lane

Following the Refusal of PLANNING APPLICATION (Ref: 018/4156/P) by London Borough of Camden on 3 April 2019

STATEMENT OF CASE

26 May 2019

Introduction:

1.1 The guidance given on Conservation Areas by Historic England states unequivocally that:

Local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.

In developing this strategy, local planning authorities should take into account:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation
- the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring
- the desirability of new development making a positive contribution to local character and distinctiveness; and
- opportunities to draw on the contribution made by the historic environment to the character of a place

1.2 The appellant is minded that Historic England recognise that;

In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

1.3 The reasons for the decision of the Council to refuse planning are given in the Formal Notices, where London Borough of Camden cite the following:

The proposed extension by reason of its siting, height, bulk and mass would fail to be subordinate to the host building and be out of character for a group of buildings that are unaltered at the rear resulting in harm to the character of the host building and the character and appearance of the West End Green Conservation Area contrary to policies A1 (Managing the impact of growth and development), D1 (Design), D2 (Heritage) of the London Borough of Camden Local Plan (2017) and policies (Design & Character) and 3 (Safeguarding and Enhancing Conservation Areas and heritage sites) of the Fortune Green and West Hampstead Neighbourhood Plan 2015.

-
- 1.4 The Officer recommends refusal for the following reasons;
- Siting, height, bulk and mass would not be subordinate to the host property
 - Siting, height, bulk and mass be out of character for a group of buildings that are unaltered at the rear
 - There would be resultant harm to the character of the host building and the character and appearance of the West End Green Conservation Area
- 1.5 The key consideration in heritage terms is the impact of the development on the host building and the Conservation Area.

Camden: ISSUE 1

- 1.6 ***This block remains unaltered to the rear elevation and the additional bulk to the rear would be discordant and have detrimental impact on the original design and proportions of host building***

Council: Reasons for refusal

This block remains unaltered to the rear elevation

Rebuttal:

- 1.7 Design has been led by the context of the host building and depth to the rear. No 168 is part of a four storey Mansion building located on the eastern side of West End Lane. The ground and basement floor of the unit is in use as bakers, whilst the upper three floors are in use as residential dwellings.
- 1.8 Canterbury Mansions is an important example of a particular building type or technique (i.e. displaying technological innovation or virtuosity), thus it has attracted recognition for architectural interest and historic value in the West Hampstead .
- 1.9 The significance of Canterbury Mansions relates to the core reason for the conservation area designation and significance, as an example of the development at the end of nineteenth and turn of the twentieth century.
- 1.10 The rear extension at no 166 – 174 is read as a 4-storey (plus basement and attic) red brick structure with bays occupying the position on the corner of Lymington Road and the corner to 158-164 West End Lane. The two corner bays are important as they round off the mass of the building as it turns into Lymington Road and into the adjacent building at no 176 West End Lane. An off-centre bay is located at the point where the walkway turns into the building. The windows are generally of the same size and are aligned according to the floor level.
- 1.11 The order of the existing back elevation of the host building is already altered by the existence of the walkway. It is known that it was not originally connected to the Mansion building and was only opened up between 1934 and 1956. (See maps)
- 1.12 Therefore, the building has seen alterations at this level. It is an important part of the social historical record that when the Bank was taken out of service on the corner with Lymington Road in the 1950's, it was at this time when the rear access was improved and given its current built status.

Council:

Not preserve the historic pattern and established townscape ... including the ratio of built to unbuilt space.

- 1.13 Such a claim is an anomaly, as the immediate character of the townscape at the rear of 168 is of a varied space defined by a mix of extensions at the rear of Lymington Road. They project into the rear gardens with a variety of depths and location, thus meaning there is no pattern or ratio of form and space.

Council:

be discordant and have detrimental impact on the original design and proportions of host building

- 1.14 Due to small changes in past to the front shop elevation, the host building is in effect an altered composition. The rear of the property which fronts the gardens of 2 Lymington Road, has a narrow single (late 19th Century) storey extension which tucks into the rear space of the buildings, and folds into the elevation at the back of no 166.
- 1.15 This extension has left a 'yard' space between the boundary wall of 158-164 West End Lane and the residential access corridor/hallway to Canterbury Mansions. This extends in an easterly direction to the boundary line to 2 Lymington Road of the rear garden.
- 1.16 The front and rear elevation of the building differs, as the former has the elegance of an Edwardian building, given by the bricks, window surrounds and gable roof. All buildings on West End Lane sit directly on the pavement line as would be expected of a commercial terrace on an important thoroughfare.
- 1.17 The rear elevation is an expression of the functional uses on a Mansion building in late Victorian times. Less open to public view and important for the delivery of goods to tenants, the rear has less decorative interest than the front. It does however present a fundamental order which imbues a sense of the wealth of occupants in the time of its inception.
- 1.18 The basement is not visible to the street and at the rear only the corridor between no 166 and 178 is visible in private views. Already the immediate back area is given irregular character by the rear walkway structure that runs at one level from Lymington Road to the entrance at the back of Canterbury Mansions.

Council:

In order for a new extension to be subordinate to the original building, its height and depth should respect the existing common pattern of rear extensions at neighbouring sites

- 1.19 At neighbouring sites, to the rear of the property's of Lymington Road there is a varied expression of rear extensions on all the buildings. When seen from the rear of no 166, there are single storey extensions of all shapes and sizes placed between the original bays of the semi-detached houses that populate this road. Some are double height (no 10) and others extend out deep into the garden (no 16). There is a variety of fenestration and roof pitches, combining to make the rear elevation of the neighbouring properties quite irregular and difficult to describe a common pattern.

-
- 1.20 The history of change to adjacent buildings is indicative of the approach by Camden to permit alterations at the rear. Adjacent properties on Lymington Road are smaller than Canterbury Mansions and some, such as no 10, have been extended in an irregular way.
- 1.21 In 2015 , 10 Lymington Road (2015/0398/P) gained approval for the Erection of a part single storey, part two-storey rear extension to flats 1 and 2, installation of roof lights in the main roof to flat 3, and works to front and rear lightwells. In 2016, no 6 Lymington Road (2016/0388/P) was allowed to build a single storey rear extension to replace existing and replacement of all windows with timber double glazed windows
- 1.22 After an Appeal, Flat 2 at no 22 Lymington Road (2015/2602/P) was given consent for the erection of a single storey rear extension to the basement flat with associated alterations.
- 1.23 We also draw attention to the implemented scheme to create a bicycle store at ground floor level over existing open basement lightwell, including the installation of canopy over and gates to enclose store off Lymington Road (2012/6322/P).
- 1.24 To the council's objection that the proposed roof height would have the effect of creating a one and a half storey extension, the appellant draws the Inspectors attention towards the examples of rear extensions on Lymington Road where a double height is given.
- 1.25 On the neighbouring block of 158-164 West End Lane, the built order is given by the singular flat impression of solid brickwork. There is no variation in the lower, middle or upper orders, giving any significance to the built environment.
- 1.26 Such analysis highlights the less than unified character of the rear Mansion and indicates that an idiosyncrasy (the walkway) already exists here, one which we would acknowledge as being a reference point for new development and design.
- 1.27 Examples of adjacent extensions show there is much architectural dis-unity in the immediate context of the rear. There are many single storey projections to the rear of Lymington Road which create an irregular openness to the rear and a faint awareness of the once undeveloped rear gardens. Therefore, we cannot support the claim by the Council that the host building is a complete, harmonious whole, especially as the front street elevation is quite different from the subject rear area.
- 1.28 In this respect the proposed design would not adversely affect the host building at the rear. Nor would it adversely affect the architectural character of the whole building, as changes would not register in the same visual field that incorporates the front part of Canterbury Mansions.
- 1.29 The extension will remain subservient to the original building and rather than competing with the original building, will help to define its quality and showcase the propensity for a new addition to complement the older host building. The work would be completed in a traditional manner to blend in with the construction of the original property.
- 1.30 We remind the Inspector that the Council have stated that:
- “it is acknowledged that the scale of the mansion block may allow some capacity for additions”,**
- 1.31 In this respect the appellant is keen to demonstrate that the form and appearance respects the existing common pattern of rear extensions at neighbouring sites.

-
- 1.32 It is fitting that the design is sympathetic to the architectural style and character of the building and does not detract from the existing order of the rear elevation; indeed, the extension responds well to the context at ground, first, second and third storey where the walls are brick. Furthermore, the proposal to finish the rear section with a dark timber frame and windows will complement the general appearance of the building.
 - 1.33 The notion for inserting a glass lantern in the roof refers well to the existence of other decorative features that give the area its interest. For example, Balconies are a common innovation on Lymington Road where there are many examples in stone, timber and cast iron.
 - 1.34 The effect of the new extension shows parity to the line at roof level with the walkway which also have a low flat-pitched roof at the top. The building would be no higher than any of the buildings in the neighbourhood. It therefore continues the hierarchy of heights that exists in the area, whilst also being relevant to the type of roof forms found on extensions, as in a flat form.
 - 1.35 We accept there will be a loss of the bay as read as one complete element running vertically from the ground to third floors. The appellant however emphasises that the bay will be incorporated within the new build and existing bay windows will be partially concealed by cupboards and timber panelling. This means that the architectural feature itself is not lost but retained and should future owners desire, can be revealed again in its former location.
 - 1.36 The Appellant notes that the Conservation Area appraisal does not at any point refer to the presence of built patterns at the rear of any buildings. So, there is not a prerogative to design with the complete retention of the full bay in mind.

Council:

dominate the appearance of the host building by reason of its height and width.

Rebuttal:

- 1.37 In terms of the overall composition of the rear elevation we would contend that the ground floor is already obscured by the walkway. The order of the rear elevation is already characterised by the irregular placement of an off-centre bay and the subsequent effect this has on the arrangement of windows. The form and design of the existing ground floor walkway is already idiosyncratic within the street and lends itself to a different design quality.
- 1.38 The ridge height of the proposal would be below the height of the walkway and indeed below that of no 2 Lymington Road. Given its infill nature, the extension uses devices to minimise the impact on the host building, such as the number and size of windows.
- 1.39 For these reasons the appellant strongly believes that the height and width is in scale and, unlike a two-storey extension in the same position, it does not undermine the proportions of the host building.
- 1.40 Extensions of various widths exist in close proximity to the application site, giving the rear elevations of the group of buildings a mixed and largely undistinctive appearance. To highlight the proposed impact of the extension at no 168 seems to suggest there is some kind of unity at the rear of the buildings facing Canterbury Mansions which, there simply is not.

- 1.41 The immediate rear area of no 168 does not present a clear and distinct rhythm within the Mansion elevations and the existing walkway being an anomaly on the street. As the current ground floor walkway is of a size which is barely visible behind the rear boundary wall, it does not make a contribution to the appearance at the rear of the terrace. So, it is positive that the extension gives a contemporary upgrade to the proportions and scale of the rear yard area, whilst blending in the with the elevation of the Block in general.
- 1.42 The single storey ground floor walkway already occupies the greater part of the plot between external wall of no 166 – 174 and the garden of no 2 Lymington Road. So, it is logical to extend the scale and size of the existing into the boundary wall of no 168. Given the variation in the manner in which the rear space is currently defined it is surely positive to create an improvement in balance and structure to the whole.
- 1.43 The extension would be visually subordinate to the original building, allowing for nearly all of the original form to still be clearly seen and read from an architectural point of view. As the extension does not transgress the existing width and height it is clearly relating to the proportions of the host building.

ISSUE 2: IMPACT ON THE CONSERVATION AREA

This objection is based on the principle that this development would cause harm to the character and appearance of the West End Green Conservation Area

Council:

- 1.44 ... ***The elevation is visually prominent from the views of the rear gardens of Lymington Road, notwithstanding that these are private views, the proposal would harm the appearance of this rear elevation from the local views***

Rebuttal:

- 1.45 The dimensions of the extension relate to the existing rear building line of the main building and the side line of the walkway. By being enclosed in this space it is largely hidden from other buildings in the immediate area.
- 1.46 The private gardens of houses in Lymington Road are separated from the site by wooden fences and trees, meaning that the current view of the rear elevation is of the middle and upper storeys only. The development at the lower levels is largely glimpsed and only partial if seen at all.
- 1.47 The Appeal refers to the design details of the existing walkway and its intention to introduce a congruous form of development to the rear of this Mansion. Congruity is based on a sympathetic relationship with the viewer and the buildings that from the local context.
'Congruity is a quality of agreement and appropriateness. When there's congruity, things fit together in a way that makes sense.' (Ref: Vocabulary.com).
- 1.48 Examples of rear ground floor extensions show there is some architectural variety in the immediate context of no 168 West End Lane. On south of Lymington Road, the large semi-detached buildings have narrow spaces in between where only small glimpses of the area behind is seen. Between no's 4 and 6 and no's 8 and 10, only sky and modern brick of the rear car park can be seen. There is no realisation of the Appeal site from this perspective.

-
- 1.49 In views from Crown Close at the eastern extent of the site and from Potteries Path on the railway embankment, there is no sight of the ground floor. Due to these visual assessments we cannot support the claim by the Council that the proposed “would harm the appearance of this rear elevation from the local views”.

 - 1.50 With regards the extension, the changes to the height has been based on the existing ridge height of the walkway and does not exceed this. This allows the additional accommodation to be achieved without making any incursion on the height of the existing rear block. It is important that the scheme maintains full visibility of the roof of the block, with the eaves, parapet and thick chimneys all retained and in view.

 - 1.51 It is significant that the proposed allows the full height and depth of the walkway to continue without any alterations.

 - 1.52 The extension to the width and height of the building in a space at ground level gives it greater presence and it forms parity with the walkway and no 158-164. This addition to the rear does not form a disparate change, but rather is a sympathetic touch that raises the quality of the rear area, in a way that causes no visual incursion on the Conservation Area.

 - 1.53 It is noted that the local planning authority has reservations about the design, however there is a sense that it is seeking to impose its own particular tastes without properly considering the design merits of the scheme. The proposal represents an improvement upon the existing rear area, with the existing walkway providing a template for the new.

 - 1.54 As an addition to the elevation area of a property benefiting from a relatively well-screened brick wall and an infill space, the Appeal Proposal is located as discretely as possible.

 - 1.55 The evidence of change will not be noticeable, meaning the quality with which the extension is designed is critical to how it relates to the ‘enclosed space’ and its invisibility from the street. The chance of a person looking from the street and spotting a ‘harmful’ difference in the pattern of development is non-existent. Even if it were to be seen, the brick is a sympathetic material and the extension is crafted so it is in scale to the surrounding walkway and rear elevation, thus making this intervention work in the streetscape.

 - 1.56 The proposed extension over one storey is the main reason for refusal. We contend that the Appeal Proposal represents architecture of the highest standard, reflecting West Hampstead’s status as a desirable place to live and work in London. It is in the Appellants interest therefore to build an extension befitting of such a location that utilises a design and materials of the highest quality and greatly improves the quality of accommodation within the existing property.

 - 1.57 The development responds to the local context and the design respects the character, appearance and form and scale of the walkway and host property. It reflects the outcomes of a sympathetic design process which the Appellant believes to be an appropriate response to the context of the Conservation Area. The Appeal Proposal ensures the lower, middle and upper orders of the building remain a key feature, whilst the intervention on the ground floor is subtle and nuanced against the prevalence of flat roofs seen in the immediate area.

Council:

- 1.58 **the proposed height and bulk is considered to have a detrimental impact on the character and appearance of the West End Green Conservation Area**

Rebuttal:

- 1.59 The Conservation Area appraisal describes the character and appearance of the site as ;
- 'The east and west of West End Lane are lined with predominantly red brick houses and mansion blocks, which are characteristic of the area which form a coherent area that was almost all built within 50 years. The mansion blocks have a uniformity that is a positive contrast to the individualistic character of the houses. Details are bold and repetitive, boundaries and hedges are neat, the roofline of the blocks makes simple skylines.'*
- 1.60 The Council recognise that Lymington Road is defined by the individualistic character of the large semi-detached and detached houses. The streetscape consists of large red brick houses with random-stone garden walls and brick piers. The houses are enhanced with variations on details including balconies in timber and stone and stucco and terracotta details. These streets are virtually intact, with the exception of the rebuilding at 14-16 Lymington Road.
- 1.61 We also note that the other end of Lymington Street, going towards Finchley Road, is characterised by low rise housing (Shepherd & Robson, 1980) of tightly packed pantiled roofed terraces at right angles to the road.
- 1.62 The mansion block is a uniform character with equal proportions and a decorative order at the front defining its significance. To the rear this harmony is less established and with the exception of the walkway is generally visible to the eye.
- 1.63 In respect of the second strand of the reason for refusal, the Appeal Proposal will not be visible when viewed from the public realm, which in this case in the adjacent roadway of Lymington Road. Due to the fact there is already a considerable mass given by Canterbury Mansions, the presence of the single storey walkway and the large buildings on Lymington Road there is no view into the site.
- 1.64 Its visibility in the street scene is reserved to private views taken from within the gardens of no 2 Lymington Road. Dues to the presence of fences and boundary trees on the remaining buildings on Lymington Road it will not be visible either.
- 1.65 The effect of the townscape to the rear of Canterbury Mansion towards the character and appearance of the West End Green Conservation Area is juxtaposed against the 'spine' of the curving West End Lane. The streets to the side are balanced between the industrial/ workspace (Builders yard) and the modest private gardens of the Lymington Road.
- 1.66 Yet the new is kept well below the roof line of the adjacent walkway and so will have no impact on the skyline that contributes to the sense of a busy area. In this understanding of the impact of the Appeal, we cannot see how the scheme would have a detrimental impact.
- 1.67 The Conservation Area Appraisal says the special character of this conservation area is derived from it being an;
- homogeneous piece of Victorian and Edwardian domestic architecture and planning.
- 1.68 The reference to this character is mainly attributed to the mansion blocks that present manicured hedges and front edges to the street, especially on Cannon Hill where Buckingham and Avenue Mansions face each other. Private shared gardens are a concealed resource within the mansion blocks.
- 1.69 The appellant is aware that development at the end of the 19th century formed a coherent movement, as building began in 1897 with two large blocks of flats, presumably Canterbury and Lymington mansions, on the site of Canterbury House. In 1899 houses were built in Lymington

-
- and Crediton roads and two blocks were erected at 'the corner of West End Lane and Crediton Road'.
- 1.70 The Conservation Area is based along the spine of West End Lane, along which the hamlet grew. West End Green is at the meeting of West End Lane, Fortune Green Road and Mill Lane and is a vestige of the rural landscape. Examples of the village character are seen at West Cottages and whilst terraced houses to the west are typically three storeys, the houses to the east and the mansion blocks provide a grander form of development.
 - 1.71 Railways influenced the timing and character of West End's growth but probably more important was the fact that West End Lane formed a boundary between large estates on the east and small and fragmented ones to the west.
 - 1.72 The Conservation Area Appraisal does not describe the rear of Canterbury Mansions nor give qualification in heritage or townscape terms to the area of land that lies to its east as contained in the gardens of Lymington Road. The only reference regards the views and the impression of garden suburb movement
 - 1.73 Less dramatic but still attractive are the views along Lymington Road; as is the area east of the Lane, with the tree-lined streets, gardens and varied roofscape, hinting of the garden suburb movement.
 - 1.74 The new does not compromise these elements of the Garden City Movement that creates the characteristic quality of Lymington Road. It will be equally as pleasant in views of the early Victorian composition than the current elevation and the challenge that its length and width would mar this view is simply wrong.
 - 1.75 The new extension will be seen as sitting unobtrusively in the context of the original lower storey of no. 168, paying design reference to the later walkway.
 - 1.76 We object to the Council's conclusion that the extension would have a detrimental impact on the character and appearance of the conservation area'. We presume they mean, it would cause a distraction from appreciating the grand frontages of the mansions in the main Lane and the large semi-detached houses on Lymington Road.
 - 1.77 In this respect we would remind the Inspector that they also say that 'scale of the mansion block may allow some capacity for additions'.
 - 1.78 The appellant draws reference to the consented scheme at 158-164 West End Lane (referred to as 156) next door where 164 new homes will be built in a contemporary mansion block style development consistent with local architecture in scale and character. The old local authority building will be demolished and the new height matches Canterbury Mansions, with the roofline stepping down from west to east.
 - 1.79 Indeed, we believe that if the extensions have been approved to the rear of the houses on Lymington Road, then the Council have conceded the impact on the rear of Canterbury Mansions to be minimal. We judge that the same criteria should be used in the Appeal.
 - 1.80 The extension does not get in the way of appreciating this view of the former rear gardens, but blends well with this composition, allowing a vision of the rear of the semi-detached houses defined by a variety of rear extensions of an earlier or later age. Further there will be no incursion on the long local view taken down Lymington Road in either direction.
 - 1.81 As the Appeal Proposal is of a modest scale and of subordinate proportions to the host building, the Appellant firmly believes that it would not cause harm to the wider conservation area.

-
- Rather, it is congruous and would at the very least preserve the character and appearance of the West End Lane Conservation Area.
- 1.82 Further the Appellant considers that the proposed addition reflects the pattern of development which has occurred on many of the properties on the side streets of the Lane where many buildings have various sized rear extensions.
 - 1.83 As the Appellant has sought to establish, the Proposal will not be visible from the wider townscape which predominantly revolves around West End Lane. The Appellant is not aware that the fact that something is invisible can ever count as a material planning consideration. It would only be a factor if a structure, perhaps because of its proximity, might have an adverse impact such as overshadowing with an unacceptable effect on light reaching the affected property, being over dominant or resulting in material loss of privacy.
 - 1.84 By being a structure which sits within the line set up by the existing ground floor walkway, it works within the hierarchy of built form which no 166 - 174 represents. In this respect it is not dominant but rather is subservient to the prevalent built form.
 - 1.85 The proposed extension will be in keeping with the character of the Conservation Area as it is individual and aligned with a part of the existing building which is also massed in relation to the rear elevation wall. The yard space at the back has already been filled three quarters across its width by the walkway and will be completed to a full width by the extension. Thus, reinforcing its massing with respect to property lines and division of blocks. The introduction of windows into the extension, creates dialogue with surrounding typologies.
 - 1.86 It is contained in the volume of the existing host building and does not overlook or protrude neighbouring properties. The proposed extension is an added improvement to the setting of the Conservation Area and enhances the appreciation of the building by the establishment of a coherent volume and form.
 - 1.87 The contrast between the grand frontages and plain, relatively rudimentary but no less important rear elevations are important, and care has been taken to avoid negative change.
 - 1.88 The Council refer to the principle that this development would cause harm to the conservation area. Yet they have failed to elaborate on statements such as "it is considered that the scheme would fail to preserve the character and appearance of the conservation area." The Council refer to Policies D1 (Design) and D2 (Heritage) and 3 (Safeguarding and Enhancing Conservation Areas and heritage sites) of the Fortune Green and West Hampstead Neighbourhood Plan 2015, but fail to state why it would fail to preserve or enhance the conservation area? What are the important characteristics of the conservation area that the Council consider will be harmed?

“preserve or enhance”

- 1.89 It is established case law that proposals will meet the test "to preserve" providing that no harm occurs. The Council has consistently failed to make any case for the harm that will occur, other than the assertion that it will be 'out of character for a group of buildings that are unaltered at the rear'.
- 1.90 We agree that new additions should have a positive impact on the street scene and that the visibility of new development is closely connected with opportunities to enhance the appearance of the Conservation Area.

-
- 1.91 While it is acknowledged that a Conservation Area designation covers the entire area, this does not mean that all parts of the Conservation Area are of the same importance in terms of the special architectural or historic interest that led to the designation in the first instance. We contend that the ordinary looking rear elevation of this building is of not of significant merit to the overall Conservation Area.
- 1.92 The rear of the Mansion is covered by the designation not due to its importance but merely by being at the back of a building that forms a juxtaposition to the grand character of the frontage on West End Lane and the individual semi-detached buildings on Lymington Street.
- 1.93 The extension will have no discernible impact on the rear elevation of this block, which has is enclosed on all sides by well-scaled side and front elevations of buildings to the side on 2 – 4 Lymington Road. It cannot be argued that the extension is of such an extent that it would destroy the integrity of what is, a rather ordinary yard space.
- 1.94 The actual brick fabric of the host building will be realised in the new whilst a traditional material (timber) in keeping with the old is used for the windows. The introduction of a new wall built of brick and to a lesser height as existing complements the walkway rear and will provide an enhancement through being sympathetic to the existing.
- 1.95 Despite the potential of external views, the proposals have been sensitively designed to ensure that they sit comfortably alongside the walkway and with both the host building and the wider block. It is screened from views with the buildings at no's 4 – 26 Lymington Road and due to it being in the sightline to no 2, the new building is designed to relate to a typical form and scale.
- 1.96 We are certain that the scale and simple design relate well to the rear elevation and certainly do not detract from the character of the heritage asset. In fact, the high-quality design would add visual interest to what, in truth, is a relatively neutral rear extension at ground level and therefore represent an enhancement of the Conservation Area.
- 1.97 The principle of “preserving or enhancing the character of the area” is well established within (1990¹) planning law and its interpretation has been examined on many occasions².
- 1.98 The test of “preserve or enhance” in the circumstances of the Appeal at no. 168 will be met unless there is identified harm to the Conservation Area. The Council has maintained an objection that the proposals would have a harmful impact on the appearance of West End Lane Conservation Area. However, as the limited visibility of the development is not harmful in itself and causes no identifiable harm to the Conservation Area the extension is an enhancement.
- 1.99 In coming to this conclusion we have asked:
- Are the identified impacts sufficiently harmful that they fail to “preserve” the Conservation Area?
 - If so, is this sufficient to warrant the refusal of the application or are there other material considerations to be taken into account (the discharge of duties in relation to Conservation Areas being only one consideration)?
- 1.100 As the Appeal Proposal is of a scale that is harmonious to the proportions of the host building, the Appellant firmly believes that it would not cause harm to the host building or the wider Conservation Area. Rather, it is congruous and would at the very least preserve the character and appearance of the West End Lane Conservation Area.

¹ Listed Buildings and Conservation Areas Act, 72

² South Lakeland DC v Secretary of State for the Environment [1992

- 1.101 It is disappointing that the Council does not appear either willing or able to provide a coherent argument as to the actual harm that is allegedly going to occur. The degree of harmful visibility that is imposed on the rear elevation of the block and Conservation Area is relative and we must re-state, once again, that simply because something may be visible does not make it harmful. The effects on the public realm are zero and so the harm is very low.

2.0 PLANNING POLICY

NPPF

- 2.1 The purpose of the planning system is to contribute to the achievement of sustainable development. The policies of NPPF, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system.
- 2.2 Policy guidance towards planning indicates the importance of evaluating the historic environment in making development decisions. It states in the NPPF that:
- In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting³.*
- 2.3 NPPF builds on a history of legislation and guidance requiring local planning authorities to identify areas of 'special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance' and then to pay 'special attention to the desirability of preserving or enhancing the character or appearance of those areas'⁴. Heritage assets are the central all-encompassing tenant of the conservation strategy.
- 2.4 In determining applications, local planning authorities should take account of the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality. A scheme which makes a positive contribution to local character and distinctiveness will be desirable according to the remit of NPPF 192.
- 2.5 We would also draw attention to paragraphs 197 of the NPPF where design should consider suitable scale, height, massing, alignment, materials and use for new interventions to a heritage asset.
- 2.6 **Paragraph 195/196 of the NPPF** requires any harm to the designated heritage asset to be clearly and convincingly justified. Local Plan policies referred to below state that proposals to alter the character of Conservation Areas and the significance of an important local building (Canterbury Mansions) are closely guarded matters.
- 2..7 In consideration of the policy assessments, the Appellant considers the scheme to contribute positively to the character, distinctiveness and significance of the wider historic environment that comprises the Conservation Area.

³ NPPF 189

⁴ This obligation, found in sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990

- 2.8 In respects to the weight given to the heritage significance, the works proposed have fundamentally recognised the integrity and value of the historic context. As the scheme is secondary to both the walkway and the host building, so the preservation of listed buildings and their setting is a key part of its remit.
- 2.9 The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 2.10 Applying this to the site it follows that greater the degree of change to an area of a building deemed to be significant or contributory to significance, the greater the potential for harm and the need to proportionately justify that harm. We have argued that the degree of importance to the rear of Canterbury Mansions is such that it should not merit an obstacle to a well-contrived design that responds well to the context.
- 2.11 Qualities which give the Mansion building historic and architectural credence in relation to the Conservation Area are to be retained. This will allow the historic integrity of the buildings and the streetscape to be incorporated into the proposals for the new extension as part of the conservation process.
- 2.12 The scheme makes a positive contribution to the appearance, character, quality and local distinctiveness of the historic environment. It does not detract from other evidential, historic, aesthetic or communal values⁵ and the use of an undeveloped infill yard to the rear of the Mansions can suit the purposes of providing discrete new development that refer well to the historic features of the host building.

Local Plan 2017:

- 2.13 In summary, through adding to the existing building with a new extension, it is considered that the development will not harm the character and appearance of the conservation area. Rather, in ensuring the design is appropriately scaled and is built of sympathetic materials, it will bring positive enhancements to what are entirely localised views. In this way the proposals fully comply with D1 and D2 of the local plan.
- 2.14 A scheme which, in the right context, respects Camden's heritage and local distinctiveness should be encouraged. In this respect the existence of a rear walkway and the design of a flat roof are a reference to the built context of roofs seen in the new extensions that from the rear character of the buildings on Lymington Road. The appeal pays close reference to the ground floor profile of buildings given by this group to the immediate east.
- 2.15 In relation to DMS1 there is good integration with the surroundings and the scheme ensures the appearance of development provides a high-quality design which contributes positively to the local spatial character. It also meets the tests of Policy DMH 5 as it sets out an extension that is well designed, uses appropriate materials and is of a size which does not dominate the host property.

⁵ Reference to "*Conservation Principles, Policies and Guidance*" (2008), English Heritage.

-
- 2.16 In relation to local character and context (7.1) the extension respects the character and proportions of both the existing Mansion building and its walkway. It comprises details and materials that are of high quality and complement the local character. As an infill location the extension helps preserve strategic and local views.
- 2.17 It acknowledges the prevailing pattern, density and scale of surrounding development on Lymington Road and therefore contributes to varied impact given by this area to the rhythm and symmetries of the West End Lane townscape.
- 2.18 The design quality of the extension relates well to the existing building in terms of scale, materials and proportion, giving structure and a more refined quality to the ground floor at the rear. The quality and character of the building is being improved through the design of an extension that is simple and relevant.
- 2.19 We would remind the Inspector that by being sympathetic to the architectural style and character of the building, the extension helps enhance the building. It also creates a nuanced delineation of the new in relation to the old and so expresses a meaningful interpretation of the past, present and future. Also, it is positive that whilst doing so, the new height is kept lower than the existing height.
- 2.20 We also regard the homogenous architectural style as seen at the front of the Mansion as not being a significant factor to the rear (7.3). The design refers strongly to the pattern of built form, open spaces and gardens as in the surrounding area of Lymington Road (7.5). In the respect of D2, the development will preserve the character and appearance of the area.
- 2.21 On balance, the design of the rear extension is a necessary way of improving a building whose frontage enhances this part of the Conservation Area. Its rear is not acknowledged as important and as the existence of the walkway is not seen to contribute to the Conservation Area then the design of a subordinate structure to its side must surely register as being positive.
- 2.22 The current extension makes an ordinary contribution to the character and appearance of the conservation area. A suitable addition has been designed which will not block any significant or strategic gaps in the Conservation Area or erode any of the links between buildings that give the area its defining characteristics.
- 2.23 The addition will provide a contribution to the architectural and aesthetic character of the immediate setting. It will add to the historic significance of the heritage asset as the extension is carefully designed to respect the setting by virtue of its scale, proportion, height, massing, alignment and use of materials. Such detailing will also complement and enhance the character of the Conservation Area.
- 2.24 With regards to the loss of the detail of the bay window, the Appellant argues that the actual architectural features will not be lost but is incorporated into the extension. This makes it available for inspection in the current time, as well the opportunity to be opened up and revealed at a later date, should private or business interests change. It will not lead to a loss of fabric and the reading of a complete bay working up the rear of the building will still be clear between the first and thirds floor.

- 2.25 In keeping with Local Policy, the new extension will be of a similar height and massing to the existing extension and is in proportion to the core building. It will have no impact on the special interest and setting of the Mansion. Instead, a sensitive use of materials and improvements to the rear space will enhance the setting of the nearby buildings on Lymington Road.
- 2.26 In this respect the Appeal Proposal takes an opportunity to improve the quality of the building. Care has been taken to preserve the characteristic form of the land and gardens in line with policies of the Local Plan, which require good quality design to preserve the character and appearance of the existing character of the borough.

3.0 CONCLUSIONS

- 3.1 The significance of the relevant heritage asset has been adequately appraised, and the impacts upon it have been correctly and accurately assessed in the report.
- 3.2 There is sufficient information for the Planning Inspector to properly determine the full implications of impact in respect of this application; however, the information provided is not sufficient to conclude that there will be an adverse impact upon significant heritage assets.
- 3.3 Within largely a late Victorian and Edwardian townscape, there are good reasons to suggest that a high quality and contemporary rear extension of relative scale and proportions can be incorporated into the West End Lane Conservation Area. The changes to the rear elevation are discrete and are considered to improve the rear of no 168 and the wider street.
- 3.4 Despite the potential of external views, the proposals have been sensitively designed in order to ensure they relate well to the host building. As the building's rear gives little more than a contribution to the Conservation Area and does not relate to the adjacent buildings of Lymington Road, the Council's argument that the extension appears 'subordinate' carries little weight.
- 3.5 In design and conservation terms, it is considered that the proposed development will not have a detrimental impact on the architectural character of the building or on the wider area. Instead, the extension is incorporated into the rear built form at ground level in such a way that it does not have an effect on views, proportions and the balance of space and form.
- 3.6 The size, position and design pay reference to the mix of existing rear extensions and the proposal will have the effect of balancing with the rear areas of the semi-detached buildings on Lymington Road. It is considered that this would have a 'perceived' positive effect on the character and appearance of the Conservation Area.
- 3.7 In respects to the Local Plan the scheme relates well to the distinctive character of the Conservation Area and is designed to create a safe, inclusive and attractive environment that will enhance West Hampstead's rich and diverse heritage. It is demonstrated that new development in the vicinity of Conservation Area has been designed to respect the character and setting of buildings within the Conservation Area.
- 3.8 In respects of National Policy, the degree of the harm caused to the historic environment is minimal and is not compromised when balanced against the wider design, public realm and community benefits. The proposal complies with the NPPF and it should be acclaimed for its desirability in 'making a positive contribution to local character' (185).

-
- 3.9 This report sets out comments in respect of London Borough of Camden's Appeal Statements for the appeals at 168 West End Lane. The proposed extension is contended to be appropriate in terms of materials, height, extent and visibility.
- 3.10 The Appeal is about balancing the demands of preservation with change. It is considered that the proposed extension and flat roof do not visually dominate the host building in bulk, scale, materials or design whilst helping the owners to expand the property to suit their business needs.
- 3.11 Rather than refer to the existing ad-hoc extensions seen on the buildings of Lymington Road, it makes a definite expression of the traditional style which relates to the distinctive scale and proportions of the host property at Canterbury Mansions. New windows are influenced by the size and dimensions of the Mansion windows and by being of a smaller shape do not conflict with the historic and architectural character of the host windows.
- 3.12 We think the Council has overstated the heritage significance of the rear of this building in relation to contributing to this part of the Conservation Area. It underplays the major contrast seen to the rear of Lymington Road and how the Appeal can make an improvement to this important rear area.
- 3.13 Fittingly, the extension creates an interpretation of design that provides an enhancement to the heritage assets. The rear elevation is sympathetic in scale and appearance to the adjacent walkway and extensions and uses the flat roof form of local buildings for its inspiration.
- 3.14 The proposals accord with both national and local planning policy and it is respectfully requested that the appeals be allowed, and permission granted for the development.