

126 Boundary Road, London
NW8 0RH

Statement of Case

Cullen Planning Limited

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April 2019

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Introduction

This statement of case has been prepared by Cullen Planning Ltd on behalf Mr F Zavahir in respect of the refusal of planning application reference number 2019/0155/P by the London Borough of Camden on 21st March 2019.

The planning application sought approval for the erection of a part single, part two-storey rear extension at ground and first floor level at 126 Boundary London, London NW8 0RH.

In support of the application the following documents were submitted: -

Supporting Document	Consultant
Architectural Plans and Drawings	Paper Project Architect & Design
Planning Statement, Design & Access Statement and Heritage Statement	Cullen Planning Ltd
Additional plan and document not submitted with the planning appeal	
First floor extension impact / 18491_PA_C_014	Paper Project Architect & Design
Letter from CQC Compliance Consultant	

This Statement of Case includes the following sections: -

- Site and Surroundings
- Planning History
- Description of Proposed Development
- Planning Policy
- Reasons for Refusal

126 Boundary Road, London
NW8 0RH

Statement of Case

- Statement of Case, and
- Conclusions

1 Site and Surroundings

The site is located on the western side of Boundary Road, Camden and forms part of a terrace comprising a mixture of 3 and 4 storey buildings, some with a basement and many have roof extensions.

The ground floor of the terrace is largely commercial and retail with the upper floors being a mixture of offices and residential.

The site is in the St John's Wood Conservation Area and is identified as making a positive contribution to the character and appearance of the conservation area, (part of a group of buildings nos. 98-132.)

To the west, rear, of the site is Collection Place, which is a development of part two/part three storey houses between Bolton Road and Abbey Road, this development is outside of the Conservation Area.

The boundary with the City of Westminster immediately to the south-east on the opposite side of Boundary Road.

The property is currently vacant. It has for many years been in use as a language school and is still laid out as such.

1. Planning History

Application No	Description	Decision
2019/0116P	Single storey rear infill and roof extension	Granted subject to signing of S106 legal agreement
2018/5487/P	Installation of roof top air conditioning and ventilation plant	Granted
2018/4826/P	Use of the ground and basement floors as language scheme (Class D1) retrospective	Granted
1958	Use of first and second floors as a language school and reading room	Granted 06/06/1958
1957	Use of ground floor and basement as a social club	Refused 29/07/1957
1951	Use of first and second floors for light industrial or office purposes	Refused 19/02/1951

3. Description of Proposal

The planning application submitted was for the erection of part single, part two-storey rear extension at ground and first floor level.

4. Planning Policy

The following policies and guidance are relevant to the determination of this appeal:

National Planning Policy Framework (2018)

The London Plan (2017)

Camden Local Plan (2017)

Policy A1 – Managing the impact of development

Policy D1 – Design

Policy D2 – Heritage

Camden Planning Guidance

CPG1 Design (2018)

CPG6 Amenity (September 2011 updated March 2018)

CPG8 Planning Obligations

St John's Wood Conservation Area Appraisal and Management Strategy (2014)

Flood Risk SPD 2016

5. Reasons for Refusal

Planning application reference number 2019/0155/P was refused for the following reasons: -

1. The proposed rear extension at first floor level, by virtue of its siting and scale, would create an incongruous, and visually intrusive addition which would fail to respect the consistent historic built form of the adjoining terrace eroding its uniformity, to the detriment of the appearance of the host building and terrace and would fail to preserve the special character of the St John's

Statement of Case

Wood Conservation Area contrary to policies G1, D1 and D2 of the London Borough of Camden Local Plan 2017.

2. The proposed first floor extension, by virtue of its scale and siting, would result in an overbearing sense of enclosure to the rear habitable room windows at first floor level to the adjoining nos. 124 and 128 Boundary Road, contrary to policy A1 of the London Borough of Camden Local Plan 2017.

6. Statement of Case

- The application was refused at delegated level by the case officer.
- There were two objections from neighbours regarding the storage of hazardous substances – the case officer response was as follows: -

Nitrogen oxide and liquid oxygen would be stored and used for medical purposes. Both substances are classed as hazardous. The storage of such substances is regulated by Health and Safety legislation and the Dangerous Substances and Explosive Atmospheres Regulations 2002. As such the indication of their storage within the proposals would not be considered a material planning consideration

Reasons for refusal 1

The proposed rear extension at first floor level, by virtue of its siting and scale, would create an incongruous, and visually intrusive addition which would fail to respect the consistent historic built form of the adjoining terrace eroding its uniformity, to the detriment of the appearance of the host building and terrace and would fail to preserve the special character of the St John's Wood Conservation Area.

The site lies on the boundary of Camden and at the edge of the St Johns Wood Conservation Area. The terraces in Boundary Road built around 1870, are both of similar design with the exception that the houses on the Westminster side are brick faced and those in Camden are stucco finished. The buildings have similar widths, heights, detailing and cornices.

The infilling of the rear lightwell and the raising of the parapet wall to match the existing has been approved, subject the signing of S106 legal agreements which are in process, under application reference number 2019/0116/P.

126 Boundary Road, London
NW8 0RH

Statement of Case

The first-floor extension is the area which Camden were not able to support, and to take the case officer's comments in turn: -

"To the rear, the level of uniformity is also high...."

There is a variety of rear infill along the terrace at ground floor level and there is small first floor extension to no. 132 Boundary Road as shown on the photograph below.



Photo 1 - First floor rear extension at 132 Boundary Road

Many of the buildings along the terrace have had roof extensions and whilst to the front these are set back behind parapet walls and not visible in the street scene this is not the case to the rear and the photograph below shows there are a variety of roof forms which would be visible if the site were not largely concealed from public view.

Statement of Case



Photo 2 – aerial photograph showing rear of Boundary Road with differing roof patterns.

The case officer goes on to say that the rear of the terrace; “remains visible from multiple private views as well as from Bolton Road,”

Our opinion is that the views of the rear of the terrace are very limited. When walking east on Bolton Road towards Boundary Road the rear of terrace is concealed by no 9 Bolton Road, and the high fence between No 9 and No 132 Boundary Road. Photo 1 on page 6 clearly shows this.

When walking west on Bolton Road the first-floor extension at No 132 Boundary Road and the high boundary fence obscures any view. Photo 3 confirms this.

126 Boundary Road, London
NW8 0RH

Statement of Case



Photo 3 – view when passing 132 Boundary Road standing on Bolton Road

Regarding the ‘multiple private views’ the photograph below confirms that the windows the houses within the townhouse development to the rear of the terrace are obscure glazed and therefore there are very limited private views from the development to the terrace.

The townhouse development is gated with the main entrance at 98 Boundary Road, only residents and visitors can gain access.



Photo 4 – obscure glazing on The Collection development

Reason for refusal 2

The proposed first floor extension, by virtue of its scale and siting, would result in an overbearing sense of enclosure to the rear habitable room windows at first floor level to the adjoining nos. 124 and 128 Boundary Road, contrary to policy A1 of the London Borough of Camden Local Plan 2017.

The case officer expands on the above in his report stating: - “The proposed development would significantly intrude into the 45-degree sightlines taken from the adjacent first floor windows and as would result in an unacceptable loss of outlook and overbearing sense of enclosure.”

To address this issue the architects have prepared a drawing which shows the impact of the extension on both 124 and 128 in both elevation and plan



Figure 1 show the vertical angle and confirms that there is minimal impact on both 124 and 128.

Figure 2 shows the situation in plan form. In terms of No 124, the window closest to 126 at first floor level serves a staircase so the arc is taken from the neighbouring window, as the plan shows there is small impact on this window.

Statement of Case

Impact on No 128 – the arc is taken from the nearest window to No 126 and as the plan confirms the 45-degree rule is not met.

It is the vertical angle which is more important in this case and although there may be small loss of light it would not be significant enough to warrant a refusal.

A full-sized copy of the drawings above accompanies the appeal.

8. Conclusions

As recommended by NPPF (February 2019), proposals for the alteration or redevelopment of listed buildings or buildings within a Conservation Areas should be considered and be based on an understanding of the site's significance.

The value of the terrace lies in its front elevation which remains well preserved whereas the rear of the terrace making little contribution to the conservation area and is not readily visible from the public domain or from private views.

This leads to the conclusion that there is no harm caused to the Conservation Area "as a whole" and the impact on its character and appearance is negligible. The significant elements of the building will not be changed.

Whilst it is appreciated that the assessment of the impact on neighbouring properties from development is fundamental to the planning process, the impact on the properties has been confirmed to be minimal and not enough to warrant a refusal.

The building has been vacant for some time and these extensions will enable to applicant to expand his medical aesthetics business which will in turn ensure the vibrancy of the terrace as well as provide employment.