

# GEORGE & JAMES

## ARCHITECTS

### 31 BELSIZE PARK GARDENS – PLANNING APPEAL SUPPORTING INFORMATION

#### PREAMBLE

The applicant received a letter on 30 July 2018 warning them of possible enforcement action relating to some railings to the roof terraces and the front hardstanding.

We were appointed to submit two separate retrospective planning applications for the railings (council ref: 2018/4045/P) and the hardstanding (council ref: 2018/4044/P) which we submitted on 20 August 2018. The former application was approved on 16 January 2019, whilst the latter application was withdrawn on 18 October 2018 following advice from the planning officer.

A new planning application for the front hardstanding as per the withdrawn planning application was submitted on 20 December 2018 (council ref: 2018/6369/P). We met with both the planning officer and conservation officer on 30 January 2019, but they were unwilling to listen to what we had to say. This application was refused on 15 March 2019 for the following reasons:

*“1. The installation of brick paving on the front garden path and steps up to entrance portico, by reason of its design, materials and location and resulting loss of traditional paviers and mosaic tiling, is considered to result in incongruous and unsympathetic features that harm the character and appearance of the host building, streetscene and Belsize Park conservation area. This is contrary to policies D1 (design) and D2 (heritage) of the London Borough of Camden Local Plan 2017.*

*2. The introduction of an entrance step between the front path and the public pavement, by reason of its form and location and resulting loss of a step-free access, is considered to create a barrier to easy access to the property. This is contrary to policy C6 (access for all) of the London Borough of Camden Local Plan 2017.”*

A new planning application for the front hardstanding was submitted on 22 March 2019 (council ref: 2019/1701/P) and refused on 18 June 2019 for the following reasons:

#### “Design and Heritage:

*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.*

*CPG1 Design guidance in its key messages states that all schemes should consider the context of the surrounding area, the host building itself, using good quality sustainable materials, and; opportunities for improving the character and quality of the area.*

*Paragraph 2.11 of CPG1 states that “good design should respond appropriately to the existing context by:*

- ensuring the scale of the proposal overall integrates well with the surrounding area,*
- carefully responding to the scale, massing and height of adjoining buildings, the general pattern of heights in the surrounding area,*
- positively integrating with and enhancing the character, history, archaeology and nature of*

*existing buildings on the site and other buildings immediately adjacent and in the surrounding area, and any strategic or local views, vistas and landmarks. This is particularly important in conservation areas”.*

*Paragraph 3.9 of CPG1 states that “The Council will only permit development within conservation areas, and development affecting the setting of conservation areas, that preserves and where possible enhances the character and appearance of the area in line with Local Plan policy D2 and the NPPF 2019.*

*The Belsize Park Conservation Area Statement confirms that works to frontages and within the public realm are an important constituent of maintaining the character and appearance of the conservation area. An Article 4 Direction exists which takes away permitted development rights for any works to the frontages of houses within this Conservation area, including forecourt and path surfacing.*

*Whilst the reinstatement of the mosaic tiles and the introduction of a stone step on the top step adjoining the entrance door is appreciated, the general appearance of the development remains effectively unchanged in comparison with the previously refused scheme (2018/6369/P). The majority area of the forecourt, the passage and the steps would be paved with bricks. It was stated clearly in the previous report that the installation of brick paving as described in this application is considered to be unacceptable.*

*The previous surface treatment, visible via historic imagery, shows that in June 2015 the property had a more traditional entrance pathway and steps in paving (either York stone or concrete paviors) and probably the original decorative mosaic on the top step adjoining the entrance door. The previous surface treatments are considered to have been a more appropriate use of materials, which in their simplicity and style of form, colour and texture suited the context of the building and surrounding conservation area in terms of heritage.*

*In contrast, as noted in the previous report, the brick paving is considered to be inappropriate in historic and townscape terms. The rustic handmade brownish brick laid to the entire surfacing and most of the steps looks fussy and more appropriate to a rural cottage setting than to a classical townhouse. The materials' form, colour and texture appear out of context in this street of Italianate villas that are characterised by having black and white mosaic tiles and/or simple grey paviors. The brick paving would harm the character and appearance of the host building which is a positive contributor, the streetscene and conservation area. Whilst it causes 'less than substantial' harm to the conservation area, this has not been outweighed by any public benefits; using the balancing test required by NPPF guidance. Special attention has been paid to the desirability of preserving or enhancing the character and appearance of the Conservation Area, under s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013.*

*The works to the forecourt area, passage and entrance steps are thus unacceptable and should be removed due to their inappropriate design and a harmful impact on the host building and conservation area. However, it is considered that the brickwork on the steps down the side of the building and along the side passage itself is acceptable, as these areas are not visible in the public realm or hidden behind the side gate and have limited impact on the appearance of the house and none on the streetscape. Indeed the side passage paving is permitted development as it is behind the front building line.*

#### *Amenity:*

*Policy C6 seeks to promote fair access and remove the barriers that prevent everyone from accessing facilities and opportunities.*

*The key factor in this case is accessibility from the public pavement onto a private property.*

*As mentioned in the previous report, it is true that the brick paving imposed on the previous surfaces has resulted in a new step being introduced from the public pavement threshold, and thus has created an additional barrier. The Council's Access Officer has also advised that the additional step does not meet the requirements of Approved Document Part M 4 category 1.*

*However, it is worth noting that the original house already had five steps between the street and the front door and that all the steps did not have tread nosing and had changing tread lengths. Thus, upon careful reconsideration, it is decided that whilst the introduction of one additional step may make accessibility worse, the negative impact of the step would not substantiate a reason for refusal. It is also found during the Officer's site visit that some nearby properties like No. 32 Belsize Park Gardens, have an additional step on the public pavement threshold as well.*

*Therefore, the additional step is considered acceptable in terms of accessibility in this instance. There are no other amenity issues regarding the steps in terms of loss of light or outlook."*

The applicant received a letter on 5 April 2019 (council ref: 1800.1097) informing them that an Enforcement Notice would take effect on 15 May 2019 unless an appeal was made to the Secretary of State before that date (council ref: EN16/0555).

The applicant then emailed the council – as opposed to the Planning Inspectorate – on 12 April 2019 to appeal their decision. Having not heard anything since then, they spoke to a senior planning officer at the council on 7 August 2019, who advised them to instruct us to make this appeal.

## GROUNDS FOR APPEAL

We will now address each of the aforementioned planning policies to demonstrate why this Appeal should be upheld.

### London Borough of Camden Local Plan 2017

#### **Policy D1 Design**

*The Council will seek to secure high quality design in development. The Council will require that development:*

- *respects local context and character;*
- *preserves or enhances the historic environment and heritage assets in accordance with Policy D2 Heritage;*
- *is sustainable in design and construction, incorporating best practice in resource management and climate change mitigation and adaptation;*
- *is of sustainable and durable construction and adaptable to different activities and land uses;*
- *comprises details and materials that are of high quality and complement the local character;*
- *integrates well with the surrounding streets and open spaces, improving movement through the site and wider area with direct, accessible and easily recognisable routes and contributes positively to the street frontage;*
- *is inclusive and accessible for all;*
- *promotes health;*
- *is secure and designed to minimise crime and antisocial behaviour;*
- *responds to natural features and preserves gardens and other open space;*
- *incorporates high quality landscape design (including public art, where appropriate) and maximises opportunities for greening for example through planting of trees and other soft landscaping,*
- *incorporates outdoor amenity space;*
- *preserves strategic and local views;*
- *for housing, provides a high standard of accommodation; and*
- *carefully integrates building services equipment.*

*The Council will resist development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.*

Given the variety of surface treatments along Belsize Park Gardens, many of which are unattractive asphalt and concrete, we fail to see how the installed handmade brick paviers can be deemed comparable to these.

(We do not believe the parts of this policy relating to 'Tall Buildings', 'Public Art' and 'Excellence in design' are relevant to this application.)

## **Policy D2 Heritage**

*The Council will preserve and, where appropriate, enhance Camden's rich and diverse heritage assets and their settings, including conservation areas, listed buildings, archaeological remains, scheduled ancient monuments and historic parks and gardens and locally listed heritage assets.*

[...]

### **Conservation areas**

*Conservation areas are designated heritage assets and this section should be read in conjunction with the section above headed 'designated heritage assets'. In order to maintain the character of Camden's conservation areas, the Council will take account of conservation area statements, appraisals and management strategies when assessing applications within conservation areas.*

*The Council will:*

- 1. require that development within conservation areas preserves or, where possible, enhances the character or appearance of the area;*
- 2. resist the total or substantial demolition of an unlisted building that makes a positive contribution to the character or appearance of a conservation area;*
- 3. resist development outside of a conservation area that causes harm to the character or appearance of that conservation area; and*
- 4. preserve trees and garden spaces which contribute to the character and appearance of a conservation area or which provide a setting for Camden's architectural heritage.*

Our revised proposals seek to reinstate the previously demolished black and white mosaic tiles and enclosing stone step. We would welcome the opportunity to submit samples for approval by the Local Authority.

(We do not believe the parts of this policy relating to 'Designated heritage assets', 'Listed Buildings', 'Archaeology', 'Other heritage assets and non-designated heritage assets' are relevant to this application.)

Prior to the current owner purchasing the property, the front hardstanding consisted of a combination of crazy paving (front path), asphalt (steps 1 and 2) and mosaic tiles (step 3) [Figure 1]. The mosaic tiles are believed to be original, although there are numerous material treatments visible along the street.

The property underwent an extensive internal and external refurbishment programme between 2012 and 2015. As part of these works the crazy paving and asphalt were replaced with stone-effect concrete paving slabs [Figure 2]. The mosaic tiles were retained as part of these works.

Earlier this year the same owner, not realizing they needed planning permission and Conservation Area consent to undertake these works, replaced both the stone-effect concrete paving slabs and mosaic tiles with handmade brick paviers [Figure 3].

The owner now is now seeking retrospective planning permission and Conservation Area consent for these works. Whilst the loss of the original mosaic tiles is unfortunate, we believe the transformation from October to and March 2018 makes an altogether positive contribution to the streetscape and Conservation Area as a whole.



Figure 1  
October 2009  
© Google 2018



Figure 2  
June 2015  
© Google 2018



Figure 3  
March 2018  
© Google 2018

#### **Policy C6 Access for all**

*The Council will seek to promote fair access and remove the barriers that prevent everyone from accessing facilities and opportunities.*

*We will:*

1. *expect all buildings and places to meet the highest practicable standards of accessible and inclusive design so they can be used safely, easily and with dignity by all;*
2. *expect facilities to be located in the most accessible parts of the borough;*
3. *expect spaces, routes and facilities between buildings to be designed to be fully accessible;*
4. *encourage accessible public transport; and*
5. *secure car parking for disabled people.*

*The Council will seek to ensure that development meets the principles of lifetime neighbourhoods.*

Whilst we do not doubt the importance of this policy, we believe that common sense should always prevail. The existing house as it was originally built had 5 steps in total between the street and the front door. We fail to see how adding a sixth step will make this already inaccessible house any more so.

#### **Camden Planning Guidance: Design (CPG1)**

2.11 *Good design should respond appropriately to the existing context by:*

- *ensuring the scale of the proposal overall integrates well with the surrounding area*
- *carefully responding to the scale, massing and height of adjoining buildings, the general pattern of heights in the surrounding area*
- *positively integrating with and enhancing the character, history, archaeology and nature of existing buildings on the site and other buildings immediately adjacent and in the surrounding area, and any strategic or local views, vistas and landmarks. This is particularly important in Conservation Areas.*

[...]

We believe the scale of our proposal integrates with the surrounding area, responds carefully to the adjoining buildings and the surrounding area, and integrates positively with - and enhances - its Belsize Park Conservation Area context.

3.9 *The Council will only permit development within conservation areas, and development affecting the setting of conservation areas, that preserves and where possible enhances the character and appearance of the area in lien [sic.] with Local Plan policy D2 and the NPPF.*

We believe our proposal preserves and enhances the Belsize Park Conservation Area.

We believe that our proposals should be granted permission by appeal for the reasons stated above.

We feel as though prolonging this matter any further would waste everyone's precious resources.