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**Project Reference:**  
**Appeal Against Refusal to grant planning permission for a variation to a condition at**  
18 Lancaster Grove, London NW3 4PB

Planning application ref 2018/6013/P was refused by the London Borough of Camden on the 29<sup>th</sup> May 2019, for the reason stated below. An officer's report by Mr David Peres Da Costa sets out the details of the Council's reasons for reaching that decision.

**Reasons for refusal :**

1. The proposed house, by reason of its design, detailing and materials, is unsympathetic to the surrounding context and does not preserve or enhance the character and appearance of the Belsize Conservation Area contrary to policies D1 (Design) and D2 (Heritage) of the London Borough of Camden Local Plan 2017.
2. The proposed development, in the absence of a legal agreement requiring the development to incorporate sustainability measures to reduce carbon emissions and minimise use of energy, water and resources, would fail to be sustainable in its use of its resources and meet the challenge of climate change, contrary to Policies CC1 (Climate change mitigation), CC2 (Adapting to climate change) and DM1 (Delivery and monitoring) of the London Borough of Camden Local Plan 2017.
3. The proposed development, in the absence of a legal agreement securing the implementation of a Construction Management Plan, would be likely to contribute unacceptably to traffic disruption and road safety hazards and be detrimental to the amenities of the area generally, contrary to policies A1 (managing the impact of development) and T4 (sustainable movement of goods and materials) or the London Borough of Camden Local Plan 2017.

## **Grounds of Appeal, including specific comments on reasons for refusal:**

There is an initial comment to make on the application process and the mis-understandings that run through this application in both the officers report and the objections. There is clear conflation of the standalone extant scheme to which this minor material material amendment actually relates (Application reference : 2014/2811/P) and a historic application at the site for a design granted in 2007. The two approvals that the lines are being blurred on are entirely different in design, layout and most importantly style.

The original consent to which the officer refers in Para 1.14 of his report is misleading. The original consent to which this permission relates is provided within the application drawings and is the second front elevation that the officer presents in Para 1.14. Also included in Appendix 1.

It is imperative that the inspector understands a few key points relating to this conflation in deciding the outcome of this appeal as the minor material amendment should be judged purely in relation to the extant permission to which it relates.

For this reason we give a key timeline summary with some explanatory comments where necessary (this is not exhaustive as the planning officers report details the full relevant planning history but it is relevant due to the various objections and incorrect commentary being given of the current application in relation to other irrelevant permissions).

Key timeline summary of relevant planning history:

- In 2013, a lawful development certificate was granted identifying that the original 2007 permission (which was extended in 2010 under application reference 2010/3134/P) had been implemented by means of commencement of works on this permission. This permission was therefore extant when the new proposal (to which this application relates) was submitted in 2014.
- In 2013, amendments to the above proposal were also granted to include a larger basement to the proposal with no visible external light wells.
- The permission to which this minor material amendment relates was granted in 2015 (Application reference : 2014/2811/P).
- At this point there were therefore two extant permissions for the property of considerably varied designs and styles. (The earlier 2007 application was still extant).
- The previous owners of the site started works on the property and fully constructed the basement at the property to the basement design of the more recent 2014 permission. We understand this to mean that the 2007 permission (as amended in 2010 and 2013) was now superseded by the implementation of the 2014 permission as it had a notably different basement design including the provision of two semicircular light wells to the front of the property.
- The applicants of this appeal purchased the site in 2016 following the construction of the basement (and partial implementation of the 2014 permission) and so were in a position where they had to continue implementation of the extant 2014 permission (Application reference 2014/2811/P).

From the commentary above we hope it is clear to the inspector that this appeal should be read in conjunction with the extant permission 2014/2811/P to which the minor material amendment in question relates. Any reference to the 2007 design is irrelevant and should not be a consideration. Whilst we appreciate that the neighbours and potentially even the local authority planning officers may prefer the earlier scheme it is not relevant to this application and the option of this earlier scheme was removed by the previous owners when they constructed the basement of the newer scheme.

The design and access statement that we supplied with the application does not include any imagery of any earlier scheme at the property as we do not believe them to be relevant and we believe the imagery of them should have been omitted from the officers report as it is very misleading.

Moving forwards to the current situation at the property and the current standing of the refused application. The property at 18 Lancaster Grove has been constructed in line with application 2014/2811/P and as amended in application 2017/5946/P (the most recent approved minor material amendment at the property and an accumulation of previous variations). It is currently partially completed, resembling the extant permissions excluding the elements we are applying to remove from the design in this application, namely, hipped roofs to the two projecting front bays and a pediment and traditional detailing to the central projection. These elements can all be added to the existing constructed form and so there is no deviation from the approved scheme, it is just incomplete. If this appeal is unsuccessful the applicants will build out the extant permission (2014/2811/P) or they will apply for an alternative Minor Material Amendment to the front elevation that is more sympathetic to their taste rather than applying neo-classical decoration to their home.

This is important as the planning case officer describes this minor material amendment application as 'retrospective' in para 1.1 of his report, which it is not and never has been. The property is built now as per these application documents but this is a partial implantation of the extant permission which involves additions on top of this. So the building is incomplete. No works have been completed that require retrospective permission, the building can be finished if this appeal is unsuccessful.

We are not going to repeat too much from the supplied design and access statement as trust the inspector will have read this, but the applicant's purchased a plot with a partially implemented permission for a new build property. They wished to make some changes to the internal layouts and external appearance of the property to be better suited to their tastes without substantially changing its appearance from its approved status.

For reference, because we feel that it is a large consideration to inspectors how the planning officer's report is written and the information portrayed about the background of the site, the inaccuracies in the case officer's report background section are as follows:

Para 1.1 - This is not an application for retrospective consent.

Para 1.3 - In 2014 it was not an application for amendments to a proposed design it was a complete new planning permission for a new house in an entirely different style to the extant permission that was in place then. Also, there have been 4 granted minor material amendment applications to the 2014 permission and not 2.

Para 1.4 - This application was not retrospective as none of the works had been installed on site that were contained within this application when it was submitted.

We are considering the grounds of appeal on the 3 reasons for refusal separately as we believe reasons 2 and 3 to be standard conditions that the officer has added to the application despite them not actually being relevant to this proposal. Condition 1 seems to be the only relevant refusal consideration in relation to this appeal.

### **Comments on reason for refusal 1:**

In the design section of the officers report, we comment as follow in relation to their numbers:

Para 1.13 - The identification and analysis of the street during another neighbouring application's appeal is correct but our property does not fall into this. It is not of an 'Arts and crafts' style. The historic application at the site was arguably of an Arts and Crafts style but the implemented and amended permission is not. It is of a 'neo-georgian architectural style' according to the local authority itself as originally approved (See Para 1.16 of the officer's report).

Para 1.14 - As mentioned earlier, the first elevation shown here should not be here. It conflates two entirely different schemes, the second of which was not an amendment of the first but a standalone separate application.

Para 1.16 - This para from the original application approval (2014/2811/P) states that 'simple detailing' would help the building relate better to the neighbouring properties.

Para 1.17 - We do not believe that the proposed scheme 'significantly undermines the original design intention' from the original scheme to which it relates (2014/2811/P). It is inherently the same building in the same design and style as that already approved.

Para 1.20 - We believe from this that the local authority are in agreement with the fact that the hipped roofs to the projecting bays are not in keeping with the area.

The contextual analysis provided in the D&A Statement accompanying the application does show that the main local 'roof condition' is of pitched roofs behind parapet walls, dual pitched gables and standard Victorian front wall to eaves detailing. Many front roof slopes also contain dormers. There are a number of parapet walls - the most notable and relevant of which is almost directly opposite at No. 39.

We do not want to propose altering the hipped roofs to gable projections as these would be considerably worse for the neighbouring properties in terms of building massing and would bring an unnecessary dominance to the facade. We believe that the design submitted with neatly detailed parapet tops with a main pitched and hipped roof behind is the most appropriate design for the building to have less 'bulk' at this roof level and also to be a coherent building within itself (in line with the already approved design changes at the rear) and provide a stronger, clearly contemporary addition to the conservation area but in a complimentary style.

There is no building in the surrounding context that this proposal can be directly compared to, but it is also worth noting that this side of the road is a 'hotchpotch' of more modern constructions, and the design presented in this application is in fact probably the most respectful to the conservation area in terms of style, materiality and size within its plot within these.

Para 1.21 - This building is no more 'alien' to the street scene on this side of the road than any of the others on this strip between Strathray Gardens and Eton Avenue and if anything helps to tie the materiality of the opposite side of the street to this side.

Paras. 1.22 and 1.23 - The local authority appear to agree that these design changes allow the building to have a better coherence within itself and improve the architectural integrity of the building. We do not believe that the proposed changes have a detrimental effect on the character and appearance of the conservation area.

As the building now stands it is as per the design for which we are seeking approval (a partial implementation of extant permission 2017/5946/P). There is no question that it is a newer building within the conservation area, but it is respectful of the surrounding area and has been constructed to a high standard. We ask the inspector to respectfully look at the building on a visit to assess whether it will fit in any better with the additions to the massing, size and further detailing that will be added to the already built form if this appeal is unsuccessful.

The proposal does not materially diminish the design or quality of the approved building. Please see Appendix 1 for the front elevation drawings. We believe that the changes proposed improve the design of the building. The relationship between the building and the conservation area will not be further enhanced nor preserved by the addition of the remaining elements we seek to remove. They will increase the massing (particularly for the immediate neighbours and the view of the property from along the road) and will not further enhance the conservation area.

Para 1.25 - The local authority state that the proposal is considered to be 'less than substantial under para 196 of the NPPF' and we agree. There are public benefits to this application being approved in that it means there are no further construction works at the property where if the proposal is refused, building works will be required to re-start at the property.

Para 1.26 - We would argue that the hipped roofs and central pediment if constructed, would have an impact on the neighbouring property with particular reference to No 16 and that seeking to not construct these is a positive.

### **Comments on reasons for refusal 2 and 3:**

Reasons for refusal numbers 2 and 3 both relate to requirements for documents within the legal agreement that are in fact not required if this application is approved.

The current built form is entirely in keeping with the application documents for this minor material amendment and as such there are no further building works required at the property should this application / appeal be granted.

Whilst we do appreciate there will need to be an amended legal agreement, as with the previously approved Minor Material Amendments, the issues relating to sustainability and the construction management plan in relation to this building have already been dealt with and signed off and these amendments would cause no additional works / requirements.

On Sustainability, this was agreed and settled with the council in October 2018 by means of a payment to the local authority as they were unable to suggest how to proceed with the code for sustainable homes requirement of the original application.

With regards to the Construction Management Plan, this was approved by the local authority in September 2017 (despite having been submitted over a year prior in May 2016 and the building being substantially underway by then due to this local authority delay).

Both of the above agreements do not have specific planning references that we can list as these were conditions of the legal agreements and not of the planning decision notices so there are no planning condition removal references.

The planning case officer as well as the planning obligations officers are all aware of this as this was due to enforcement action being encouraged by the neighbours, which there has been no official action on from the local authority due to the applicants' compliance throughout the planning and construction process.

The above is for reference, but the fundamental point on conditions 2 and 3 is that there are no further building works required if this application is approved and as such there would only be minor alterations to the legal agreement. No further sustainability information or construction management planning would be required.

In the instance the appeal is dismissed, the current construction management plan would still be relevant to the end of the construction works.

### **Conclusion:**

It is our view that the local authority has deliberately conflated information of two granted applications at every opportunity during our work on this property where they should have been considering only the implemented permission (2014/2811/P as amended 2017/5946/P) to which this and all previous minor material amendments have related.

They have allowed the neighbours to continue to comment on alterations to an outdated scheme rather than encourage or explain to them that they need to comment on them in relation to the extant permission to which they relate. They have also done this themselves.

Put simply, this appeal should be a case of comparing the extant and partially implemented minor material amendment (2017/5946/P) to the proposal submitted in this appeal and whether or not it is more 'unsympathetic to the surrounding context' or has a more detrimental impact on the character and appearance of the Belsize Conservation Area. Please refer to the bottom two elevations in Appendix 1 for this elevation comparison.

As a visit to the property will show, the building is large and is on a prominent part of the street and it is important that it is a suitable piece of architecture within itself and within the surrounding properties. We believe that it is an aesthetically pleasing building that compliments the area in style and materiality. Adding the hipped roofs and pediments will increase the mass and the prominence of the building on the street which we think should be discouraged. For reference, the property at no 22 (next door) also now has permission to be demolished and reinstated as a single family dwelling house that is much larger and imposing than this property.

The addition of the pastiche detailing to the front elevation is not going to bring further enhancement to the conservation area. They are unnecessary, add on elements that in fact will increase the bulk of the building further. It will also mean the building loses a coherence within itself, which with this proposed design currently has.

These minor alterations are not out of keeping with the host building nor the extant permission for the property to which they relate. It is the same building, in the same style, with minor amendments to suit the applicants want to have a slightly more modernised approach to a brick and natural stone building within a 'traditionally designed envelope' and are a final step in a cumulative approach (completed only because of planning timelines and the need for construction works to progress).

They are not intended to be money saving and great care and expense has been placed to ensure that the building constructed at the property is not a cheap pastiche house, it is aesthetically pleasing as it now stands

We hope that the inspector can reflect on this application in relation to the extant permission (2014/2811/P) and previous amendments to condition 2 and see that fundamentally this is considered a minor material amendment to an approved scheme.

End.

**Appendix 1**  
(extracted from D&A Statement)



As approved front elevation - 2014/2811/P



As approved front elevation as Minor Material Amendment - 2017/5946/P



As proposed front elevation in current application