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## Appeal Decisions

Site visit made on 1 October 2019

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**an Inspector appointed by the Secretary of State**

**Decision date: 17 October 2019**

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### **Appeal Ref: APP/X5210/Y/19/3232001**

#### **125 Arlington Road, London NW1 7ET**

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a failure to give notice within the prescribed period of a decision on an application for listed building consent.
  - The appeal is made by Mr Kenneth Gray against the Council of the London Borough of Camden.
  - The application Ref 2019/1892/L is dated 15 March 2019.
  - The works proposed are part width ground floor extension, full width basement extension, minor internal alterations, replacement of front steps to basement, and opening up of existing basement entrance.
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### **Appeal Ref: APP/X5210/W/19/3232002**

#### **125 Arlington Road, London NW1 7ET**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
  - The appeal is made by Mr Kenneth Gray against the Council of the London Borough of Camden.
  - The application Ref 2019/1417/P is dated 15 March 2019.
  - The development proposed is part width ground floor extension, full width basement extension, minor internal alterations, replacement of front steps to basement, and opening up of existing basement entrance.
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## **Decision**

Appeal Ref: APP/X5210/Y/19/3232001

1. The appeal is allowed and listed building consent is granted for 'part width ground floor extension, full width basement extension, minor internal alterations, replacement of front steps to basement, and opening up of existing basement entrance' at 125 Arlington Road, London in accordance with the terms of the application Ref 2019/1892/L, dated 15 March 2019, and the plans submitted with it, subject to the following conditions:

1. The works authorised by this consent shall begin not later than three years from the date of this consent.

The works hereby authorised shall be carried out in accordance with the following approved plans and documents: PL1\_02C, PL1\_10C, PL1\_11C, PL1\_12C, PL2\_01C, PL2\_02B, PL2\_03C, PL2\_04C, PL2\_05B, PL2\_10C, PL22\_01B, PL22\_02B, PL22\_03B, PL22\_04B, PL22\_11B, PL22\_12B, PL22\_13B, PL22\_14B, PL24\_01, PL31\_01A, PL31\_02A, PL31\_03A,

PL31\_04A, PL31\_05A, and Basement Impact Assessment, Outline SUDs Strategy and Structural Methodology Report all dated March 2019.

Appeal Ref: APP/X5210/W/19/3232002

2. The appeal is allowed and planning permission is granted for 'part width ground floor extension, full width basement extension, minor internal alterations, replacement of front steps to basement, and opening up of existing basement entrance' at 125 Arlington Road, London in accordance with the terms of the application Ref 2019/1417/P, dated 15 March 2019, and the plans submitted with it, subject to the following conditions:

1. The development hereby permitted shall begin not later than three years from the date of this permission.

2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents: PL1\_02C, PL1\_10C, PL1\_11C, PL1\_12C, PL2\_01C, PL2\_02B, PL2\_03C, PL2\_04C, PL2\_05B, PL2\_10C, PL22\_01B, PL22\_02B, PL22\_03B, PL22\_04B, PL22\_11B, PL22\_12B, PL22\_13B, PL22\_14B, PL24\_01, PL31\_01A, PL31\_02A, PL31\_03A, PL31\_04A, PL31\_05A, and Basement Impact Assessment, Outline SUDs Strategy and Structural Methodology Report all dated March 2019.

### **Reasons**

3. 125 Arlington Road is a mid-terraced four storey dwelling. The terrace, 101-145 Arlington Road, was built in the 1840's and is a Grade II listed building that is situated in the Camden Town Conservation Area.

4. The main issue is the effect of the proposed development on the architectural and historic interest of the listed building and on the character and appearance of the Camden Town Conservation Area (CTCA).

5. The Council relies on a Delegated Report as their appeal statement. Most of the report is poorly written and parts are unintelligible. For instance, it is not known what is meant by "...the basement extension would occupy a large footprint of the host property, the development proposed here, given the scale and massing would be tantamount to the terrace within the garden of this...building...". Other parts of the report are incorrect such as "The house's plan form is largely intact, comprising pairs of rooms off a stair core. Externally, it appears to survive as built". The basement and ground floors of the building, as a matter of fact, are single rooms, original partitions subdividing the floor into two rooms having been previously removed, and, amongst other external alterations, an original closet wing at the rear no longer exists.

6. It is worth noting, also, as observed by the Appellant, that parts of the report, paragraphs 6.2 – 6.4, appear to relate to a different proposed development. The report is not a credible or accurate defence of the Council's principal reason for refusal of the applications.

7. In contrast, the Appellant relies on professional, well-researched and well written planning and heritage statements. They accurately record the existing building and the changes that have been made to it since it was built. Internally, very little remains of the original building, particularly at the lowest two floor levels. The principal feature that has been retained is the staircase, which would not be altered (the insertion of a kitchenette under the staircase at basement level is inconsequential). The frontage of the building does largely survive as built but

no changes are proposed other than the replacement of the steel staircase from street level to the basement and the reinstatement of access to the basement at the front of the house. These are positive elements of the proposed development.

8. The Council claims that the proposed sub-division at basement level would undermine the plan form of the building. But the works would reintroduce sub-division where original sub-division has been removed. They also claim that the relocation of the kitchen from the basement to the ground floor is a major intervention and that there is no justification for this element of the works. The disposition of rooms within the building, given the extent of changes that have previously been made, is a matter of personal preference and no justification, other than this, is required. Given the extent of previous changes to the interior of the house, the insertion of an opening through the chimney breast on the rear elevation of the property would not result in any significant loss of historic fabric.

9. The rear elevation of the property has also been altered since it was built. The garden area has been excavated next to the building and doors have been inserted to provide access from the excavated area into the basement. The original door to the garden, off a half landing to the staircase, is now, consequently and incongruously, above ground level. Similar excavations have been carried out to both adjoining properties and to probably most other properties in the terrace. The proportions of the rear elevation, the principal features being windows and a prominent chimney that extends through all four floors to terminate above the ridge of the terrace, have a vertical emphasis. This vertical emphasis is repeated on all other properties in the terrace.

10. The proposed rear extension would be full width at basement level and half width at ground floor level. A steel bridge would lead from an upper terrace next to the ground floor element over a lower terrace at basement level to the rear garden, which is about 30 metres deep. Further excavation would provide space for a small external store alongside steps up from the lower terrace to the garden. The proposed rear extension would provide a bedroom at basement level and a dining room at ground floor level; the opening through the chimney breast would provide access to the dining room from the kitchen.

11. The rear extension has been carefully designed to respect the architectural interest and character of the property. It would not be unduly large and would be subordinate in scale to the appeal dwelling. The chimney breast would remain a prominent feature of the rear elevation and the design of the extension would have a vertical emphasis to reflect that of the elevation. Most importantly, the extension does not attempt to copy the appearance of the listed building but would be a modern extension with its own character. The original form and character of the listed building would not be compromised and would remain visible. The property has a long back garden and the further excavation and provision of a small store at basement level would not adversely affect the character of the property.

12. There is nothing about the proposed development at the appeal property, either internally or externally, that would cause harm to the architectural and historic interest of the listed building. The rear extension would not be visible from the public domain and would be viewed from other properties in the area in the context of other similar extensions to properties in the listed terrace. No harm would therefore be caused to the character and appearance of the Camden Town Conservation Area. The proposed development does not therefore conflict with policies D1 and D2 in the Camden Local Plan.

#### Other matters

13. The neighbouring property to the north-west, 127 Arlington Road, has an excavated terrace area next to the basement similar to that at the appeal property. The basement element of the proposed extension would be no higher than an existing boundary wall and would not reduce daylight or sunlight in the terrace area, or be otherwise detrimental to the amenities of the residents of the neighbouring property. The ground floor element of the proposed extension would rise above the height of the boundary wall but would be set back from the boundary and for this reason it would not unduly affect daylight in the terrace area.

14. However, given its orientation and height the ground floor element of the proposed extension would affect sunlight in the terrace area, but only during winter months and only for short periods. The loss of sunlight would not be significant and would not materially affect the amenities of residents of the neighbouring property. These conclusions generally accord with those reached in a report commissioned by the Appellant and prepared by environmental consultants, which is uncontested by the Council, and which concluded that the proposed development would have a negligible impact on surrounding properties.

#### Conditions

15. The Council has suggested conditions, in addition to those required to time limit the approvals and to specify approved drawings, that would require the works to be carried out to match adjacent work, and the submission for approval of detailed drawings of the kitchenette. These conditions fail the test of necessity as the approved drawings include all information that is necessary to ensure that the works respect the architectural and historic interest of the listed building.

16. In the approved drawings conditions references to the Design and Access Statement and to the Daylight, Sunlight and Overshadowing Assessment have been deleted because these documents do not contain any information necessary for the successful completion of the development. Also in these conditions reference is made to drawing no. PL3\_01C. This drawing is not listed as being one that was considered when the applications were determined so has been deleted.

#### Conclusion

17. The proposed works would not harm the architectural and historic interest of the listed building or the character and appearance of the CTCA. Planning permission and listed building consent have therefore been granted, subject to conditions, for 'part width ground floor extension, full width basement extension, minor internal alterations, replacement of front steps to basement, and opening up of existing basement entrance' at 125 Arlington Road, London.

*John Braithwaite*

Inspector