



Appeal Decision

Site visit made on 27 November 2019

by **Patrick Hanna MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 03 March 2020

Appeal Ref: APP/X5210/W/18/3213405

Flat A, 45 Lancaster Grove, London NW3 4HB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr L Silver against the decision of the Council of the London Borough of Camden.
 - The application Ref 2018/1153/P, dated 4 March 2018, was refused by notice dated 5 October 2018.
 - The development proposed is erection of ground floor rear extension and reinstatement of ground floor rear bay to match original condition.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr L Silver against the Council of the London Borough of Camden. This application is the subject of a separate Decision.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the host building and the Belsize Conservation Area (BCA).

Reasons

4. The appeal site is a ground floor flat within what would once have been a substantial and grand two-and-a-half storey detached dwelling, built in red brick with red tiled roof, and purportedly dating from the 1880s. The group of buildings of which the site forms part is described in the Belsize Conservation Area Statement (CAS) as being characterised by common decorative brickwork of differing designs. Although each building is unique in detailing, continuity of use of materials gives the wider grouping of buildings a visual uniformity. The building line is stepped to front and rear, with narrow gaps between buildings.
5. The quality of the frontages are reflected in the rear elevations of the buildings, with detailed brickwork facing onto leafy gardens lined with mature trees. Whilst not expressly recognised in the CAS, I find that the rear of the properties make a positive contribution to the character of the conservation area. A temporary extension on the rear of the flat had been formed at the time of my site visit to provide stairwell access to basement accommodation.

- The effect of the proposal would be to introduce a single storey extension above the basement extension, alongside the step in the building line.
6. Whilst the full length of the proposed extension is shown to be eight metres, this is not out of keeping with the substantial footprint of the large host building. The proposal would also occupy a relatively small proportion of the garden. Furthermore, the siting of the extension alongside the side elevation of No 47 Lancaster Grove, which forms the mutual boundary and protrudes approximately three to four metres beyond the rear elevation of the appeal building, would considerably reduce the visual impact of the proposed extension length. At my site visit, I noted an existing extension to the rear of No 47 which is of considerable length itself. In this context, I find that the length of the proposed extension would not result in any harm being caused.
 7. The overall bulk of the single-storey extension is visually broken up through use of variations to the façade and roof surface arrangements. The extensive use of glazing on all elevations would make the proposal appear more lightweight. The step in the roof, whilst somewhat inharmonious in its relationship between eaves and glazing, does create a structure of more dynamic appearance. The use of rooflight at the ridge would, to my mind, be a relatively incongruous addition that would still define the shape of the roof. Together, these elements ensure that the bulk of the proposal is subordinate to the host building.
 8. However, the height and design of the proposal would create an awkward relationship with the host building, paying little regard to the finer architectural detailing of the host property, notwithstanding that the proposed extension would be appropriately sited to retain the integrity of the bay window. The rear elevation of the host building has some neat brickwork detailing, with three string courses, relief quoins and relief detailing below the first floor windows. The lower string course is highlighted with fine dentil brickwork. These details contribute significantly to the overall character of the building, and are reflective of the high quality and status of the original building.
 9. The proposed upper roof ridge extends higher than the fine lower string course by some half a metre. The upper roof plane would also cut off the corner of the relief brickwork below the larger first floor window. The effect of the height and design of the proposal would be to create a discordant relationship with the host property, thereby causing harm to the significance of the BCA such that its character and appearance would not be preserved or enhanced.
 10. The appellant has cited use of a pitched roof with traditional slates, low eaves height, extensive glazing panels creating lightweight appearance, and brickwork to match existing in support of the proposal. These are not matters in dispute in general terms and do not outweigh my above finding of harm.
 11. With regard to the fallback position of the original and now demolished extension, photograph 2 of the Council's statement shows the ridge line finishing below the lower string course. Furthermore, from the evidence before me, the overall design, bulk, height and length of that original extension was in keeping with the host building, such that this fallback position would be less harmful than the harm I have found from the appeal proposal.
 12. The appellant refers to the uncomplimentary design of planning permission 2015/2534/P, which was approved in June 2017 and could still be

implemented. Only one drawing has been provided to me, showing a detail and the western side elevation, indicating length shorter than that currently proposed. However, without the other plans and elevations, I am unable to conclude that this fallback position, with particular regard to the effect of its design, bulk, and height on the host building, would be more harmful than that for which planning permission is currently sought. Nonetheless, it is a fact that this design has previously been determined as acceptable to the Council.

13. Whilst a number of additional extensions in the area have been presented as exhibiting similarities to the appeal proposal, with particular regard to length and height, there are also differences. The extensions at 67 and 59 Lancaster Grove, dating from 1987 and 2011 respectively, were both determined under different policy frameworks to the appeal, notwithstanding that I have not been provided with evidence of the materiality of the changes to policies or guidance by either party. Although not evidenced, it follows that the same would apply to the permission granted in 2005 at 71 Lancaster Grove. The design and configuration of the extension at 65 Lancaster Grove appears to be a single storey, flat roof structure that is markedly different from the appeal proposal. Consequently, the concerns raised by the Council at the appeal site, such as bulk and height, may not have been relevant at No 65, notwithstanding any similarity in length. As such, whilst there may be some similarities between the cases, I am satisfied that there is sufficient evidence of material differences.
14. Even where there are similarities, I find that, in the historic context of the BCA which is characterised by the unique design of each building, simple like-for-like comparisons of dimensions are not particularly useful. This is emphasised in the CAS, where the appeal site is noted as falling within a particular character grouping (45-51 Lancaster Grove) to those cited as precedents which fall into another (53-71 Lancaster Grove). As such, no meaningful comparison between lengths or heights can be made without considering the individual design of each extension in the context of each individual host building. That level of detail is not available to me and, in any case, I am required to assess the current Section 78 appeal on its individual merits.
15. Accordingly, in paying special attention to the desirability of preserving or enhancing the character or appearance of the conservation area, I conclude that the proposal would have a significant adverse effect on the character and appearance of the host building and the BCA. Consequently, the proposed extension would conflict with policies D1 and D2 of the Camden Local Plan (2017), which together require high quality design that respects local context and character, and preserves or enhances the historic environment.
16. I attach great weight to preserving and enhancing the BCA and, whilst I have found harm to the significance of the BCA, the level of harm would be less than substantial, in the language of the National Planning Policy Framework (the Framework), as it relates to changes affecting the rear of one building. Under these circumstances, paragraph 196 of the Framework indicates that the harm should be weighed against the public benefits of the proposal. However, the benefits gained from increased floorspace to housing supply, usability of living space, creation of space which is proportionate to the existing property, and optimum viable use of the site are limited, and no other public benefits have been suggested. Whilst harm to the significance of the Conservation Area is less than substantial, these benefits are not sufficient therefore to outweigh that harm.

Conclusion

17. For the reasons given above, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Patrick Hanna

INSPECTOR