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## Appeal Decision

Site visit made on 25 February 2020

**by Alison Scott BA(Hons) DipTP MRTPI**

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

**Decision date: 25 March 2020**

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### **Appeal Ref: APP/X5210/W/19/3241874 18 Lancaster Grove, London NW3 4PB**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990 for the development of land carried out without complying with conditions subject to which a previous planning permission was granted.
  - The appeal is made by Mr Neil Smith against the decision of the Council of the London Borough of Camden.
  - The application Ref 2018/6013/P, dated 7 December 2018, was refused by notice dated 29 May 2019.
  - The application sought planning permission for Variation of condition 2 (approved plans) of planning permission ref 2014/2811/P dated 17/03/2015 as amended by 2016/5675/P dated 09/05/2017 and 2016/6858/P dated 10/05/2017 and 2017/5946/P dated 24/05/2018 (for the erection of 2 storey, 6 bedroom single dwellinghouse and basement), namely replacement of front hipped roofs to each side bay with a flat-topped parapet and omission of central pediment and neo-classical detailing to central bay (retrospective), dated 17 March 2015.
  - The condition in dispute is No 2 which states that: The development hereby permitted shall be carried out in accordance with the following approved plans: Site location plan; 5754/PL/12 C; 5754/PL/11 C; 5754/PL/10 C; 5754/PL/09 C - December 2014; 5754/PL/08 C - December 2014; 5754/PL/07 C - December 2014; 5754/PL/06 C - December 2014; 5754/PL/03 E; 5754/PL/02 C; Code for Sustainable Homes Pre-Assessment Report dated 18/03/2014; Lifetimes homes statement (appendix C of design and access statement); Basement impact assessment rev A dated 14/6/13; Geotechnical investigation dated 7/6/13; Interpretive Report on site investigation dated Sept 08; Energy statement dated April 2014.
  - The reason given for the condition is: For the avoidance of doubt and in the interest of proper planning.
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### **Decision**

1. The appeal is dismissed.

### **Procedural Matters**

2. No description of the proposal was provided within the application form submitted to the Council. I have however carried forward the description within the Council's decision notice and used this within the banner heading as it accurately describes the proposal.
3. There is significant history associated with this appeal site dating from 2007. This appeal is a variation of an application for a new dwelling approved in 2014 under application 2014/2811/P which has since been implemented. From what I could see on site, the dwelling, by all intents and purposes is complete and

occupied without compliance with the approved plans. Therefore the condition in dispute has been breached.

4. The Council have confirmed that they no longer wish to contest reasons for refusals 2 and 3, and I proceed on that basis.

### **Main Issue**

5. The main issue is whether or not the development preserves or enhances the character or appearance of the Belsize Conservation Area (CA).

### **Reasons**

6. The appeal site is set within the leafy residential area of Belsize Park. The dwelling is located within Belsize CA and is a suburb with fine examples of imposing Italianate villas, mews developments and Victorian houses. The adopted Camden Conservation Area Statement Belsize 2003 acknowledges the different historical periods Belsize Park has evolved through using specific character areas to identify each. The appeal site is located in the sub area of Eton Avenue recognised for its distinctive varied architectural styles and elevational treatments. From my visit I observed that there is however consistency of materials generally, red brick with red clay tiled roofs a recurrent theme, significant articulation to facades, making a striking and positive contribution to the significance of the heritage asset.
7. The dwelling has been designed with symmetrical projecting double bays to the front elevation. The 'neo-Georgian' architectural appearance was deemed acceptable by the Council. Further, the effect on the previously approved plans and its relationship with the CA, street-scene and the living conditions of occupiers of neighbouring properties have all been previously considered by the Council and none of these matters are required to be revisited as part of this appeal. The rear design of the dwelling has been amended from its original design but is not in dispute in this appeal case.
8. Thus, it is the effect of the most recent implemented changes that is relevant to this appeal. The as-built front elevation shows a number of changes to the previously approved schemes, including the removal of hipped roofs to the projecting bays and the neo-classical detailing of the central bay. The development now incorporates parapet roofs to the projecting end and central bays resulting in a 'castellated' appearance, which adds to the bulk and massing of the front elevation. In my view, the as-built form of this important elevation is at odds with the street scene, character and appearance of the CA.
9. The surrounding vernacular is identified by peaked gable ends to the fronts of houses, curved and full height bay windows and significant articulation to frontages. These details are highlighted within the supporting photographs of the appellant's Design and Access Statement. It is accepted that there is a variety of architectural designs within the area, and indeed some houses are built with parapet walls. However, the particular style of parapet is not a consistent feature of this part of the CA.
10. It is accepted that other dwellings incorporating modern architectural features have been permitted in the immediate area. However, none of these elements to my mind has resulted in the loss of the historic integrity of the CA. Overall, the dwelling in its current form appears as an unduly contemporary addition to the street-scene that fails to blend with the characteristics of the area and, as

such, fails to respect its environment. Consequently, it causes harm to the CA and thus fails to preserve or enhance the character and the appearance of the area.

11. The proposal as built has a harmful effect on the character of the host dwelling and in turn, has had a negative effect on the significance of a designated heritage asset although this has resulted in "less than substantial" harm in the words of the National Planning Policy Framework (the Framework). The fact that no further building construction works would occur at the site, should this development be allowed, and that, according to the appellant, designed to a high standard and is intended as a family home, is not a public benefit to weigh against this harm I have identified.
12. I have reached the view that the development is contrary to the Conservation Area Statement and further contrary to Policies D1 and D2 of the adopted London Borough of Camden Local Plan 2017 that aims to secure high quality design by respecting local context and character, preserving and enhancing the character and appearance of the conservation area.

### **Conclusion**

13. Overall, the proposal fails to preserve or enhance the character and the appearance of the conservation area. The proposed development does not conserve the heritage asset in a manner appropriate to its significance in line with one of the core planning principles of the Framework. Therefore, for the reasons given, the appeal is dismissed.

*Alison Scott*

INSPECTOR