



Appeal Decision

Site visit made on 11 September 2018

by R Norman BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 November 2018

Appeal Ref: APP/X5210/W/18/3198024 99 Camden Mews, London NW1 9BU

- 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 Ms Adams against the decision of the Council of the London Borough of Camden.
 - The application Ref 2017/5313/P, dated 21 September 2017, was refused by notice dated 23 February 2018.
 - The development proposed is the erection of a replacement dwellinghouse.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a replacement dwellinghouse at 99 Camden Mews, London NW1 9BU in accordance with the terms of the application, Ref 2017/5313/P, dated 21 September 2017, subject to the conditions in the attached schedule.

Procedural Matters

1. The new National Planning Policy Framework (the Framework) was published in July 2018. I have taken the parties' comments on this into consideration.
2. A Section 106 Agreement (S106) has been submitted (dated 29 August 2018). The Council have raised no concerns with the document and I have had regard to it in my assessment of the appeal.

Main Issues

3. The main issue is whether the development would preserve or enhance the character and appearance of the Camden Square Conservation Area;

Reasons

Character and Appearance

4. The appeal site comprises a mid-terraced, two-storey property with roof terrace located along Camden Mews. The site is located within the Camden Square Conservation Area. The Camden Square Conservation Area Appraisal and Management Strategy (CAAMS) identifies the underlying architectural hierarchy and identifies Camden Mews as being one of two long, smaller scale service areas, developed incrementally over many years and packed with ingenuity and variety. This is evident when travelling through Camden Mews in proximity to the appeal site, which displays a diverse and varied character with numerous features and detailing present. The proposed development would

- involve the demolition of the existing property and its replacement with a new dwelling set over three floors.
5. Policy CC1 of the Camden Local Plan (2017) (Local Plan) requires proposals for substantial demolition to demonstrate that it is not possible to retain and improve the existing building. Policy D2 of the Local Plan states that the Council will resist the total or substantial demolition of an unlisted building that makes a positive contribution to the Conservation Area. The proposal would result in the loss of a building which has retained its character as a 19th century ancillary stable block, nevertheless I find that the proposed replacement dwelling, although of a different character, would integrate well with the mixed surroundings of the area. The Appellant has highlighted the previous approval for the site which would involve the demolition of the property and I have given this moderate weight in my consideration of the proposed development. The Council have pointed out that the previous approval was considered under a different policy context and they are of the opinion that Policies D2 and CC1 of the Local Plan strengthen the position against unjustified demolition despite the previous approval. However, whilst it has not been demonstrated that the refurbishment of the property would not be a suitable option I consider that the proposed replacement would represent a suitably high quality development for the following reasons to justify the demolition in this instance.
 6. The proposed development would involve a projecting bay window on the front elevation. The Council have raised concern over the size and design of this element of the proposal. The proposed bay would be reasonably large in the context of the building. However, Camden Mews displays a varied character and appearance and there are a number of projecting bay features of varying sizes present within the street scene. Accordingly, the introduction of this feature would not be out of character or harmful to the surroundings and would provide a contemporary focal point which would add to, and complement, the diversity of the immediate area. The projecting bay, set within the timber cladding, would distinguish successfully between the rebuilt traditional brick gable element and the more contemporary part of the development.
 7. The Council and Appellant dispute the description and height of the upper floor of the proposed property. The existing roof terrace would be infilled to provide the upper floor of the replacement dwelling. It would comprise of a contemporary design and materials which would provide a contrasting finish to the lower floors of the property. Whilst it would increase the overall height of the property, the proposed upper floor would be set back from the front elevation allowing an area for planting which would mitigate its visual impact. The design would break up the overall bulk of this element by providing two distinct parts. Whilst the materials would contrast with the brick and timber cladding proposed to the lower floors, I find that the design and set back of this floor would reflect the existing character of some of the nearby properties and would be in keeping with the projecting bay feature in design terms. As such I find that the upper floor would not be out of keeping in terms of scale, design, materials nor would it be disconnected from the remainder of the property.
 8. In addition, the proposal would introduce areas of glazing to the upper floor. In the immediate surroundings there are examples of front elevations with expanses of glazing, including opposite the appeal site. Accordingly, I find that the proposed glazing would not be out of keeping with or harmful to the surroundings.

9. The rear elevation would include large areas of glazing, set within brickwork and timber cladding and would reflect the overall design of the front elevation providing a distinction between the two elements of the property. Whilst the large areas of glazing would not reflect the adjoining properties which appear to have smaller windows to the rear, it would reflect the overall character of the development and would allow for good levels of light to the property. I therefore find that the design would be acceptable and that the rear elevation would not appear dominant or incongruous.
10. The CAAMS identifies that views up and down Camden Mews include a rich variety of inventive houses and converted workshops and for the above reasons I find that the proposed development would be in keeping with the character and appearance of the area and would reflect the existing diverse features and characteristics. Accordingly the development would preserve the character and appearance of the Camden Square Conservation Area and would respond well to its surroundings. It would therefore accord with Policies D1 and D2 of the Local Plan. These policies seek to ensure that development preserves Camden's rich and diverse heritage assets and secure high quality design which respects local context and character, amongst other things.

Other Matters

11. A S106 Agreement has been submitted as part of the appeal, dated 29th August 2018, and this Agreement has been entered into by the Appellant and the Council.
12. The S106 sets out provision for the submission of a Construction Management Plan and levels plan, agreement to pay the sum of £3,136 for a Construction Management Plan Implementation Support contribution and the payment of £13,265.70 for Highways Contributions. The Council have identified that these contributions are supported by Policies A1 and T4 of the Local Plan and that as they relate to land outside of the Appellant's control it is appropriate to seek these via a legal agreement rather than condition.
13. Based on the evidence before me, these contributions would be necessary to make the development acceptable and would be directly related to the proposed development. I am therefore, satisfied that the need for a planning obligation would meet the tests set out in Paragraph 56 of the Framework and Regulation 122(2) of the Community Infrastructure Levy Regulations 2010.
14. Local objections have been received concerning, in addition to the above matters, overlooking, overshadowing and loss of privacy, disruption and damage during the construction phase, lack of parking and that the Appellant does not occupy the property.
15. With regard to the highways concerns, the submitted legal agreement includes the provision for a Construction Management Plan and contribution to ensure that works are carried out in accordance with an agreed scheme and any repairs can be carried out. No concerns have been raised in relation to parking impacts and I have no evidence before me which would lead me to conclude differently. Furthermore, the site is well related to a number of public transport facilities and there would be no net increase in dwellings as a result of the proposal.

16. I have had regard to the Daylight, Sunlight and Overshadowing Report that has been provided. This report demonstrates that the proposed development would not result in a significant impact on neighbouring properties and I have little evidence before me to contradict these findings. The proposed upper floor would replace the existing roof terrace and therefore there would be no increase in the potential for overlooking over and above the existing property. I therefore find that the proposed development would not be unduly harmful to the living conditions of nearby occupiers.
17. The occupation of the property is not a matter which I am required to conclude upon.

Conditions

18. In addition to the standard time limit condition I have imposed a condition listing the approved plans as this provides certainty. The Council have requested a number of conditions which I have considered against the advice in the Planning Practice Guidance and amended or omitted where necessary.
19. A condition for details of the materials, window sections and manufacturers' details is necessary in the interests of preserving the character and appearance of the Conservation Area. A condition for the provision of cycle storage is necessary in the interests of the living conditions of future occupiers of the development. A condition restricting the internal water use is supported by Policies and is necessary to prevent further water stress.
20. I have not imposed a condition requiring the house to be constructed in accordance with Building Regulations as this would be required by the Building Regulations legislation in any event and therefore it is not reasonable or necessary.

Conclusion

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

R Norman

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Numbers 0316/CM/001; 0316/CM/100; 0316/CM/101; 0316/CM/102; 0316/CM/111 rev A; 0316/CM/112; 0316/CM/113; 0316/CM/114; 0316/CM/200; 0316/CM/201; 0316/CM/210 rev C; 0316/CM/211; 0316/CM/212; 0316/CM/300, 0316/CM/301; 0316/CM/310; 0316/CM/311; 0316/CM/410; 0316/CM/411.
- 3) Detailed drawings, or samples of materials as appropriate, in respect of the following, shall be submitted to and approved in writing by the local planning authority before the relevant part of the work is begun:
 - a) Details including sections at 1:10 of all windows (including jambs, head and cill), ventilation grills, external doors and gates;
 - b) Manufacturers' specification details of all facing materials including brick mortar and pointing to be submitted to the local planning authority and samples of those materials to be provided on site;

The relevant part of the works shall be carried out in accordance with the details thus approved and all approved samples shall be retained on site during the course of the works.
- 4) The area indicated as cycle storage on the approved drawing ref: 0316/CM/111 rev A shall provide for a minimum of 2 cycles. The approved facility shall thereafter be provided in its entirety prior to the first occupation of the new dwelling and permanently retained thereafter.
- 5) The development hereby approved shall achieve a maximum internal water use of 105 litres/person/day, allowing 5 litres/person/day for external water use. Prior to occupation, evidence demonstrating that this has been achieved shall be submitted to and approved by the local planning authority.