

Our Ref 20/020  
29th September 2020

London Borough of Camden

Ms Walsh  
Planning Department  
Town Hall Extension  
Argyle Street  
London  
WC1H 8NJ  
[jennifer.walsh@camden.gov.uk](mailto:jennifer.walsh@camden.gov.uk)  
[planning@camden.gov.uk](mailto:planning@camden.gov.uk)

Dear Ms Walsh

**Town & Country Planning Act 1990 as Amended**  
**Flat 2 7 Buckland Crescent, London NW3 5DH**  
**Replacement of existing conservatory with a rear single storey raised ground floor rear extension to dwelling (C3) Ref: 2020/3782/P**

This proposal relates to an existing flat ('Flat 2') located on the raised ground floor of a converted semi-detached house situated at 7 Buckland Crescent, London NW3.

The proposal is the replacement of an existing conservatory (the Existing Conservatory) located on the rear elevation at the raised ground floor of the property. With a rear single storey raised ground floor rear extension to dwelling (C3).

This is an **OBJECTION** to the proposal at Flat 2, 7 Buckland Crescent. The application has the reference 2020/3782/P. The objection is made on behalf of Mr Mikhil Raja, owner of Flat 4, 7 Buckland Crescent and Mr Rajaee Rouhani, owner of Flat 3. These flats are within the building and look over the proposal.

The letter details the national planning context and then the development plan policies. The proposal is then tested against this planning framework. The policy basis for the consideration of applications in Conservation Areas requires a much higher test than normal development.

## **Statutory Conservation Area Assessment**

Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. The National Planning Policy Framework (the Framework) requires that account be taken heritage assets; Paragraph 185 of the National Planning Policy Framework requires:

**Plans should set out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. This strategy should take into account:**

- a) the desirability of sustaining and enhancing the significance of heritage assets, and putting them to viable uses consistent with their conservation;**
- b) the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring;**
- c) the desirability of new development making a positive contribution to local character and distinctiveness; and**
- d) opportunities to draw on the contribution made by the historic environment to the character of a place.**

In addition, paragraph 189 states:

**In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have**

**been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.**

Paragraph 194 of the Framework states that when considering the impact of a proposal in the significance of designated heritage assets, great weight should be given to the asset's Conservation Paragraph 196 also makes reference to development of heritage assets;

**Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.**

The Framework is a material consideration. The site is shown below.



**Front Elevation of 7, Buckland Crescent.**



**Aerial View of Buckland Crescent.**

7 Buckland Crescent is at the heart of the Belsize Conservation Area (9) which has an Article 4(1) direction to remove permitted development rights. This is to try and ensure that unsympathetic additions are not made to the individual properties and thus harm the character of the area. Buckland Crescent is in Sub Area 1.

**In Belsize Park, Belsize Park Gardens, Belsize Grove, Buckland Crescent and Belsize Square the predominant type is the paired villa. The villas are symmetrical about their slab chimney stacks, have hipped, slate roofs with overhanging eaves which are supported on brackets, the elevations have large rusticated quoins, recessed sash windows diminishing in size on successive upper floors with classically detailed surrounds, canted three-light bays on the ground floor and steps up to porticoes. Other distinguishing features of Tidey villas are their curved glass bay windows at the rear and front doors with two panels, characteristically of etched glass with rounded heads (apart from Buckland Crescent, south side).**

The villas are therefore recognised in the Sub Area as a Heritage Asset. The area is characterised and dominated by large classical town houses set in a residential setting. Buckland Crescent also has some views through to the rear of the terrace.

## **The Development Plan**

The proposal then needs to be tested against the development policies. From the 3<sup>rd</sup> July 2017 Camden Council has adopted the Camden Local Plan. This has replaced the Camden Core Strategy and Camden Development Policies as the basis for planning decisions. The relevant policies are listed below:

- A1                Managing the Impact of Development
- D1                Design
- D2                Heritage

Policy A1 on managing the impact of development, seeks to ensure that standards of amenity are protected. This states:

**The Council will seek to protect the quality of life of occupiers and neighbours. We will grant permission for development unless this causes unacceptable harm to amenity.**

**We will:**

- a) **seek to ensure that the amenity of communities, occupiers and neighbours is protected;**
- b) **seek to ensure development contributes towards strong and successful communities by balancing the needs of development with the needs and characteristics of local areas and communities;**
- c) **resist development that fails to adequately assess and address transport impacts affecting communities, occupiers, neighbours and the existing transport network; and**
- d) **require mitigation measures where necessary.**

**The factors we will consider include:**

- e) **visual privacy, outlook;**
- f) **sunlight, daylight and overshadowing;**
- g) **artificial lighting levels;**
- h) **transport impacts, including the use of Transport Assessments, Travel Plans and Delivery and Servicing Management Plans;**
- i) **impacts of the construction phase, including the use of Construction Management Plans;**

- j) noise and vibration levels;**
- k) odour, fumes and dust;**
- l) microclimate;**
- m) contaminated land; and**
- n) impact upon water and wastewater infrastructure**

Policy A1 details a requirement to protect the quality of life and retain amenity. Criteria (b) is significant in relation to this proposal.

Also material is Policy D1. The Council will require all developments to be of the highest standard of design. This states:

**The Council will seek to secure high quality design in development. The Council will require that development:**

- a) respects local context and character;**
- b) preserves or enhances the historic environment and heritage assets in accordance with "Policy D2 Heritage";**
- c) is sustainable in design and construction, incorporating best practice in resource management and climate change mitigation and adaptation;**
- d) is of sustainable and durable construction and adaptable to different activities and land uses;**
- e) comprises details and materials that are of high quality and complement the local character;**
- f) integrates well with the surrounding streets and open spaces, improving movement through the site and wider area with direct, accessible and easily recognisable routes and contributes positively to the street frontage;**
- g) is inclusive and accessible for all;**
- h) promotes health;**
- i) is secure and designed to minimise crime and antisocial behaviour;**
- j) responds to natural features and preserves gardens and other open space;**
- k) incorporates high quality landscape design (including public art, where appropriate) and maximises opportunities for greening for example through planting of trees and other soft landscaping,**
- l) incorporates outdoor amenity space;**
- m) preserves strategic and local views;**
- n) for housing, provides a high standard of accommodation; and**



- o) carefully integrates building services equipment.**

**The Council will resist development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.**

Criteria (a), (b), (e) and (f) are significant for this proposal.

Policy D2 concerning Heritage. The Council places great importance on preserving the historic environment. Under the Planning (Listed Buildings and Conservation Areas) Act the Council has a responsibility to have special regard to preserving listed buildings and must pay special attention to preserving or enhancing the character or appearance of conservation areas. This states:

**The Council will preserve and, where appropriate, enhance Camden's rich and diverse heritage assets and their settings, including conservation areas, listed buildings, archaeological remains, scheduled ancient monuments and historic parks and gardens and locally listed heritage assets.**

**Designated heritage assets**

**Designed heritage assets include conservation areas and listed buildings. The Council will not permit the loss of or substantial harm to a designated heritage asset, including conservation areas and Listed Buildings, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:**

- a) the nature of the heritage asset prevents all reasonable uses of the site;**
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation;**
- c) conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and**
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.**

**The Council will not permit development that results in harm that is less than substantial to the significance of a designated heritage asset**

**unless the public benefits of the proposal convincingly outweigh that harm.**

#### **Conservation areas**

**Conservation areas are designated heritage assets and this section should be read in conjunction with the section above headed 'designated heritage assets'. In order to maintain the character of Camden's conservation areas, the Council will take account of conservation area statements, appraisals and management strategies when assessing applications within conservation areas.**

**The Council will:**

- e) require that development within conservation areas preserves or, where possible, enhances the character or appearance of the area;**
- f) resist the total or substantial demolition of an unlisted building that makes a positive contribution to the character or appearance of a conservation area;**
- g) resist development outside of a conservation area that causes harm to the character or appearance of that conservation area; and**
- h) preserve trees and garden spaces which contribute to the character and appearance of a conservation area or which provide a setting for Camden's architectural heritage.**

#### **Other heritage assets and non-designated heritage assets**

**The Council will seek to protect other heritage assets including non-designated heritage assets (including those on and off the local list), Registered Parks and Gardens and London Squares.**

**The effect of a proposal on the significance of a non-designated heritage asset will be weighed against the public benefits of the proposal, balancing the scale of any harm or loss and the significance of the heritage asset.**

Criteria (e) combined with weighing any public benefits vs the harm caused is significant for this proposal.

The Council's Conservation Area (CA) Statement for the Belsize Area also recognises the architectural importance of the sub area in the CA. It comments,



**Belsize Park is a distinct and substantial area of mid 19th century villa development that has strong consistency in the heights of its buildings, which are mostly three storeys with lower ground and sometimes an attic level, their relationship to the streets with front gardens set behind boundary walls, and their Italianate styling. Within this area there are three areas of separate character.**

**The streets are predominantly residential, characterised by the repeated forms of the stucco villas, whose design gives a strong identity and unity of appearance to the area.**

The CA Statement also specifically cautions against aspects of the Flat 2 proposal that are harmful;

**Where new development does not preserve or enhance the character and appearance of the Conservation Area it is generally due to one of the following:**

- **Inappropriate materials**
- **Inappropriate scale/bulk/height/massing**
- **Inappropriate relationship to street and neighbouring properties**
- **Impact on privacy of neighbouring properties**
- **Alterations and extensions to existing buildings**

The use of materials, scale, massing and impact on neighbouring properties is therefore highlighted as particularly important and sensitive aspects of the design.

The council have also issued DRAFT guidance on Home Improvements dated July 2020. Whilst it is only a draft it reinforces the development policies seeking to ensure materials are sympathetic the scale is subordinate, respect for the original building and carefully scaled.

## Assessment of Proposal

The proposal is the replacement of an existing conservatory with a rear single storey raised ground floor rear extension to dwelling (C3). The objection can be summarised as:

- the use of alien and inappropriate materials
- change of proportions that make the extension more significant and detract from the uniform appearance of the Victorian Villas
- consequential negative impact on the host building and harm to the character
- Failure to preserve the Conservation Area
- Existing structure unlawful

Starting with the Conservation Area, as well as being a development plan test, it is a statutory requirement to preserve or enhance the Conservation Area. Even if we consider the less stringent test of preservation of the area, the proposal fails to preserve the Conservation Area.

The character of the area is considered in detail within the Conservation Area Statement. The proposal harms that character by diluting its quality and unique consistency in design. The alteration to the character of the area will be diluted by a more permanent appearance of the structure as a result of the loss of glazing. The loss of glazing and choice of replacement materials builds further visual emphasis, which fails to preserve the Conservation Area. These types of rear extensions are particularly damaging to the historic quality of the dwelling and the rear elevations. The Council's Conservation Area (CA) Statement specifically refers to "prominent, unsympathetic extensions" as a negative feature within Sub Area 1, where 7 Buckland Crescent is. The lack of visual containment is a particular problem for the rear of Buckland Crescent as the proposed design compromises the character of the original building.

The proposal is visible from a number of public points in the Conservation Area, including Lancaster Grove (picture below). The proposal therefore has a wider impact than acknowledged by the applicants.



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**The existing conservatory viewed from Lancaster Grove**

No case in the Design and Access Statement has been made by the applicant that the development enhances or preserves the Conservation Area. The only reference is that the proposal does not adversely impact the Conservation Area, which is not the correct test. Consequently, the scheme has not been designed with any thought or assessment of the benefit of the Conservation Area. In the absence of any evidence that the proposal preserves or enhances the Conservation Area, the application must fail.

In failing the statutory test, the proposal is also consequently contrary to D2 in failing to protect Camden's heritage. The statutory requirement is identified in the National Planning Policy Framework and the proposal fails this test too.

It is clearly damaging to the Conservation Area and the proposal is also damaging to the existing building, a notable Heritage Asset and building of character. The harm is 'less than substantial', but no public benefits outweigh that harm.

The proposed extension replaces a glazed conservatory with an extension with solid lower wall and a solid roof, thereby masking and screening the host building. The proposal now proposes a lead or zinc roof. This alters and further harms the character of the building by introducing an alien material and finish.

### **The Planning History**

The residential use was granted planning permission by application PL/8500145/R3 on the 5<sup>th</sup> August 1985. An application for a conservatory dated the 04/07/1986 and referenced 8601210 was withdrawn. No other planning history has been found to suggest the conservatory has planning permission. Additionally, the applicant does not provide a planning reference. Therefore, no weight can be given to the existing structure in making a planning assessment, because it has no lawful status.



**The existing conservatory in foreground at 7 Buckland Crescent and view from Flat 4**



**The existing conservatory extension at the neighbouring 9 Buckland Crescent.**

The existing conservatory at 7 Buckland Crescent is more sympathetic to the character of the building and area. A similar existing conservatory is also present at neighbouring number 9 Buckland Crescent. These structures by reason of their “lightness” are acceptable. In comparison, the increased bulk in the elevation and change to the eaves line provides a heavier structure to the rear elevation which lacks empathy with the host building. The existing curved glass roof is removed for a hard, solid, roof structure.

The obscuration of the rear elevation by the roof details jars and dilutes the existing character of the building, as does the side elevations will have obscured glazing. By obscuring the existing character of the building, it thereby has a negative impact. The design itself has no redeeming or sustainable design benefit to outweigh the harm.

A conservatory is a lighter, less permanent, less intrusive form of development, adding less bulk and impact on the visual amenities of the area. Whilst the Article 4(1) direction does not include the rear of the properties under its direction, it establishes the principle that the area is of high Conservation value and extensions

and additions to the properties in the area should be sympathetic and not adversely impact on the character of the area.

The use of the proposed materials is therefore alien to the character of the area and will represent an introduction of inappropriate detailing.

The rear elevations of these properties are also highly visible from vantage points in and around the Belsize Area and as such attention to design detail and impact of the proposed development is important. The leafy and verdant nature of the rear gardens should not be adversely affected by a new built form. The conservatory style form of development is much more in keeping with the garden setting and are much less visually intrusive.



## Conclusions

For these reasons the proposal causes harm to the Conservation Area. No benefits are identified which outweigh that harm.

The proposal does not meet therefore the policies in the development plan and criteria listed below;

- **Policy A1 Managing the impact of development**  
(b)  
**Policy D1 Design**  
(a), (b), (e) & (f)
- **Policy D2 Heritage**  
(e)

I would be grateful if you could acknowledge receipt of this letter.

Yours sincerely

*Francis Caldwell*

Francis Caldwell  
BA (hons) M.Phil MRTPI  
**Managing Director**

dd 01234 331973  
t 01234 360655  
e [francis@aragonland.co.uk](mailto:francis@aragonland.co.uk)  
w aragonland.co.uk