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## Appeal Decisions

Site visit made on 10 July 2019

**by JP Tudor BA (Hons), Solicitor (non-practising)**

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

**Decision date: 08 October 2019**

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### **Appeal A - Ref: APP/X5210/W/19/3227394**

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

- 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 Masha Feigelman against the decision of the Council of the London Borough of Camden.
  - The application Ref: 2018/6141/P, dated 13 December 2018, was refused by notice dated 22 March 2019.
  - The development proposed is erection of a single-storey rear extension to ground floor.
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### **Appeal B - Ref: APP/X5210/Y/19/3227395**

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

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
  - The appeal is made by Ms Masha Feigelman against the decision of the Council of the London Borough of Camden.
  - The application Ref: 2019/0229/L, dated 13 December 2018, was refused by notice dated 22 March 2019.
  - The works proposed are erection of a single-storey rear extension to ground floor.
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### **Decision – Appeal A**

1. The appeal is allowed and planning permission is granted for erection of a single-storey rear extension to ground floor at 133 Arlington Road, London NW1 7ET in accordance with the terms of the application, Ref: 2018/6141/P, dated 13 December 2018, subject to the attached schedule of conditions.

### **Decision – Appeal B**

2. The appeal is allowed and listed building consent is granted for erection of a single-storey rear extension to ground floor at 133 Arlington Road, London NW1 7ET in accordance with the terms of the application Ref: 2019/0229/L, dated 13 December 2018, and the plans submitted with it, subject to the attached schedule of conditions.

### **Preliminary Matters and Background**

3. As the appeals relate to a listed building within a conservation area, I have had special regard to sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act). I have also taken account of the guidance within section 16 of the National Planning Policy Framework (the Framework).<sup>1</sup>

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<sup>1</sup> February 2019

4. There is an extant planning permission and listed building consent for a lower ground floor rear extension at the appeal site, granted on 20 November 2018.<sup>2</sup> That scheme also originally included a ground floor rear extension, but that element was removed from the proposal prior to approval. The current appeals relate to a proposal for a ground floor rear extension to sit on top of the approved lower ground floor extension. There was also an existing rear extension between ground floor and lower ground floor level built in the 1960s. It had already been removed at the time of my site visit, when works on the approved scheme appeared to be in progress.

### **Main Issues**

5. The main issues, relating to both appeals, is whether the proposal would preserve the special interest of the Grade II listed terrace at 101-145 Arlington Road, of which the appeal property forms a part; and, its effect on the character and appearance of the Camden Town Conservation Area (CTCA).

### **Reasons – both appeals**

6. The appeal property at 133 Arlington Road is a three-storey dwelling with a basement and long narrow garden to the rear. Its façade is stuccoed at ground floor level with London stock brick above. It is two bays wide with a door and fanlight to the right and an arched window to the left at ground floor level, two windows with balconettes at first floor level and two further windows above. It resolves at a parapet.
7. There are subtle differences between groups of buildings along the Grade II listed terrace, which was constructed in the 1840s. No 133 is marginally taller and has slightly higher floor levels than the neighbouring properties on either side. However, the predominant impression looking along the principal street elevations of the terrace is one of pleasing homogeneity in form, style and fenestration which makes a key contribution to its special interest.
8. To the rear the difference between No 133 and its neighbours is more pronounced. It is wider and deeper than the adjoining properties, with a prominent high valley roof differentiating it from the two runs of terraces on either side. They have slated mansard roofs at second floor level and large chimney stacks taking up a significant part of their rear elevation, which has a narrowing effect.
9. The appellant's Heritage Appraisal (HA)<sup>3</sup> refers to the robust appearance and vertical emphasis of the rear elevation of No 133, contrasting with the different architectural treatment of Nos 131 and 135 and other adjacent buildings in the terrace. Although that contrast is clear, when viewing the building from its garden, there are other buildings of similar design and scale to No 133 further south along the listed terrace at Nos 101-107. Therefore, the design of No 133 is not unique.
10. Whilst the rear of No 133 contributes to the special interest of the terrace, it is the rear elevations of the groups of houses either side of the appeal property that exhibit the '*very distinct local roof form*', noted in the CTCA Appraisal and Management Strategy (AMS).<sup>4</sup> Their valley roofs are hipped towards the back

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<sup>2</sup> 2017/4922/P and 2018/0497/L

<sup>3</sup> Prepared by: The Heritage Practice, dated: July 2018

<sup>4</sup> Adopted 4 October 20017

and continued in slate to form the top floor, with large chimney stacks on the rear elevation. Although No 133 appears prominent, especially from the rear, because of its scale and difference from the adjoining dwellings, its rear elevation is relatively prosaic, with the greater interest and detailing reserved for its more public street-facing elevation, which largely conforms with the rest of the terrace.

11. Given the rear elevations of those other properties are of similar design, I do not see that the rear elevation of No 133 has a particular function, in either linking them, as originally suggested by the Council, or deliberately signifying a break between two significantly contrasting architectural styles. The Council has since clarified, in its appeal statement, that it was referring to the relative prominence of the rear elevation of No 133, in terms of scale and form, as of significance. Whilst that is accepted, it does not necessarily follow that the rear elevation makes a greater contribution to the special interest of the terrace, for those reasons, than the distinctive local form, referred to above, of the other groups of properties along the row.
12. Although some features and fabric at the appeal property have been renewed or replaced over time, its basic historic plan form, of front and rear rooms accessed via a stair compartment which is characteristic of an early Victorian town house, remains legible.
13. Therefore, the special interest of the listed terrace, of which the appeal building forms a part, derives from a combination of the above factors but principally from the relative uniformity of design and composition of its street facing elevations. The distinctive form of the rear elevations of the runs of houses either side of No 133 also make a significant contribution to the architectural interest of the terrace, with the rear of No 133 making a more modest contribution because of its plainer, more typical façade, notwithstanding the greater prominence resulting from its slightly larger form and well-articulated valley roof.
14. The site also lies within the CTCA. According to the AMS the CTCA can be divided into two sub areas of distinctly different character, a busy commercial and retail area and the quieter more formal residential area. The residential area comprises streets of stock brick and stucco terraces dating from the early to mid-19<sup>th</sup> century, with high proportions of both listed and unlisted buildings making a positive contribution to the architectural and historic character and appearance of the CTCA. Arlington Road is on the eastern edge of the northern part of the sub-area, with the west side of the street residential and the east side residential but interspersed with commercial uses.
15. Given the above, I consider the significance of the CTCA, insofar as it relates to these appeals, to be primarily associated with the positive contribution made to its character and appearance by the listed terrace, of which the appeal property forms part. In terms of the rear elevations, which are most relevant to the appeal proposals, I agree with the AMS's identification of the distinctive local roof form displayed by the runs of properties either side of No 133, as detailed above, as also contributing positively to the significance of the CTCA.
16. Having examined the special interest of the listed terrace and factors contributing to the significance of the CTCA, I turn now, firstly, to the effect of the proposed rear extension on the host building and the listed terrace. The ground floor addition would be about 3.7 metres wide, 2.6 metres high and 3.5

metres deep. It would not extend across the full width of the building, which is about 5.5 metres. The previous rear extension, added in the 1960s, was sited between ground and lower ground floor level. Although the new extension would be in a slightly higher position at ground floor level and wider, it would be of a similar depth and have only a marginally larger floor area than the previous unremarkable addition.

17. Moreover, the relatively limited height of the new extension would be viewed against a building taller than its neighbours, with a rear elevation stretching to about 9.2 metres to the bottom of the valley roof and roughly 10.5 metres to the top of the parapet, as measured from garden level. Given the above, I consider that the scale of the proposed extension is relatively modest and able to be accommodated within the particular context of the rear elevation of the appeal building.
18. Whilst scale is important, assessing the effect of proposals on heritage assets cannot be reduced to a purely mathematical exercise. The Council submits that sited on top of the already approved lower ground floor extension, the new addition would, cumulatively, result in a double height structure and appear visually dominant. However, as the ground floor extension would be level with, and met by, the rear garden, with the lower ground floor essentially concealed from view, it would still be read as a single storey addition.
19. The rear extension would be a modern, glazed, aluminium design. Although the Council submits that the extensive glazing would be at odds with the modest appearance of the rear elevation, its lightweight structure and transparency, would have the advantage of enabling the brickwork and existing main rear elevation to continue to be legible, without drawing the attention that a more solid form may attract. It is also relevant that the rear elevation was obscured in part, in any case, by the functional block form and solidity of the previous 1960s extension.
20. Given the limited scale of the extension and its position at ground floor level between party boundary walls, I am not persuaded, even allowing for its glazed form and kitchen use, that lighting at night would have a detrimental effect on the host building or the listed terrace.
21. With regard to the historic plan form, the existing rear elevation would be retained with the extension accessed via an existing doorway. Whilst the roof line of the extension would cross the small arch above the doorway, its transparent, glazed form would sufficiently mitigate any negative effect. Limiting the height of the roof also ensures the structure does not impinge upon existing window openings.
22. A new window to the side in the main rear elevation would also utilise part of an existing opening. Therefore, although the proposal involves change, the design appears to be sensitive to the historic rear elevation. Indeed, the extant permission would, to my mind, result in an imbalanced composition to the rear, with a stark area of blank wall on the left side at ground floor level, following the filling in of a doorway that served the previous extension.
23. Internally, the retention of the existing main rear wall, means that at ground floor level there would still be two distinct rooms, one to the front and one to the rear, accessed via the stair compartment, a pattern maintained throughout the existing house. That historic plan form would remain entirely legible and

would not be undermined by a separate rear addition, which signals its modernity in its contemporary glazed form, without seeking to dominate its host. Nor am I persuaded that the use of the extension as a kitchen would unduly detract from the original hierarchy of spaces. The existing ground floor kitchen is, in any case, historically likely to have been at lower ground floor level.

24. A recently approved two storey extension at No 131, which adjoins the appeal property, has been drawn to my attention by the appellant.<sup>5</sup> The Council cites differences, but I find that there are significant parallels between that scheme and the appeal proposal. Given the already approved basement extension at No 133, the schemes at Nos 133 and 131 both involve part-width ground floor extensions above full-width basement extensions, which replace a pre-existing ground/lower ground floor addition.
25. Moreover, although the ground floor extension proposed at No 133 would be slightly wider than that approved at No 131, it would not be as high and would be of similar depth. Consequently, when the relative size of the rear elevations of the respective buildings is also taken into account, with No 133 being wider and taller, the scale of the extensions against the respective rear elevations would not appear dissimilar.
26. In terms of design, although the ground floor element at No 131 would be rendered, which the Council considers to be sympathetic to the render on the host building, the extent of that render covering the rear elevation of No 131 appears atypical of the historic exposed brick form of other rear elevations along the terrace. In any event, whilst the Council consider that the glazed form of the appeal proposal would cause harm, the approved extension at No 131 also has significant glazed elements, with large glazed doors. Therefore, whilst all proposals must be judged on their individual merits, the approval of a similar scheme at the adjoining property, within the same listed terrace, is a material consideration, which lends support to the appeal proposal.
27. There are also a number of other ground floor extensions within the listed terrace, although most predate its listing in 1999. The Council Officer's Report says that the pre-existing extension at No 135, the dwelling adjoining the appeal property to the north, is considered detrimental and that it is one of those which pre-dated the listing of the terrace. However, in its appeal statement the Council says that the only ground floor extensions granted permission after the listing date were at Nos 135 (ref: 2008/1335/P) and 109, but that they replaced older extensions of the same scale. Whichever is correct in relation to No 135, I agree that extensions prior to or even after listing, if harmful, should not be treated as precedents justifying further extensions.
28. Nonetheless, the fact remains that a significant number of the buildings within the listed terrace and in other listed terraces in the area have historically been extended. The Council also appears to have granted approval for replacement extensions in some circumstances. The proposed ground floor extension at the appeal property would sit between the existing full-width ground floor extension at No 135 and the recently approved part-width ground floor extension at No 131, assuming that is completed. Therefore, and for the reasons already given relating to scale and design, the proposed extension would not appear incongruous in that particular context.

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<sup>5</sup> 2019/1088/P and 2019/1448/L

29. Given the above factors, I conclude that the proposed extension would not have an adverse effect on the host building or on the special interest of the listed terrace of which it forms a part.
30. With regard to the effect on the CTCA, the Council refers to the following passage in the AMS: *'Within the Camden Town Conservation Area there are many interesting examples of historic rear elevations. The original historic pattern of rear elevations within a street or group of buildings is an integral part of the character of the area and as such rear extensions will not be acceptable where they would compromise the special character.'*
31. In this case, whilst the rear elevation of the appeal property is historic, it has been altered at its lower levels and there is an extant permission and consent for further change. Moreover, albeit there are some similar larger properties within the terrace, the appeal property does not form part of a pattern of rear elevations, as it is significantly different from the more immediately adjacent properties. It is the distinctive local roof form and rear elevations of those adjacent properties, which is identified as of particular value within the AMS.
32. Furthermore, I consider that the scale and design of the appeal proposal would not compromise the host building or the rear of the listed terrace. Sited within the middle of the terrace, the extension would not be visible in public views. Whilst there would be visibility from the upper floor windows of adjacent houses and views possible from some of the long rear gardens, although limited by the presence of boundary walls, trees and vegetation, the extension would not appear prominent or harmful.
33. The Council also refers to an emphasis placed in the AMS on views into rear gardens with mature trees in an area lacking in open space and street trees. However, those references within the AMS<sup>6</sup> discussing the residential parts of the CTCA are mainly alluding to gaps occurring at the end of terraces which allow views to back gardens over high garden walls from the public realm, which I agree are of some value in an otherwise dense urban environment. However, the appeal property is mid-terrace and, in any case, this relatively modest, glazed, ground floor rear extension would not impact adversely on public or private views.
34. I also note that the Camden Conservation Area Advisory Committee observed that: *'The proposed rear ground floor extension is not full width, nor overly large, and the house itself is a different pattern to others at the rear (this one has no rear mansard roof, but a taller brick butterfly parapet instead) - we therefore do not object to the ground floor extension.'*
35. Consequently, I conclude that the proposal would not be detrimental to the character or appearance of the CTCA.
36. Overall therefore, I conclude that the proposal would preserve the special interest of the Grade II listed terrace at 101-145 Arlington Road, of which the appeal property forms a part, and preserve the character and appearance of the CTCA. This would satisfy the requirements of the Act, paragraph 192 of the Framework and policies D1 and D2 of the Camden Local Plan (2017), which seek to ensure that development is of high-quality design and preserves

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<sup>6</sup> Sub Ares 2: Residential

Camden's rich and diverse heritage assets and their settings, including conservation areas and listed buildings.

### **Other Matters**

37. Although not referred to in the single reason for refusal relating to appeal A, the Council Officer's Report and its appeal statement refer briefly to related alleged effects on '*neighbouring visual amenity*' and '*disproportionate light spill to the neighbouring windows*'. However, the modest, glazed extension would not appear overbearing or particularly prominent in private views from neighbouring properties. Given that limited scale and ground floor position between party boundary walls, I do not consider that the level of light likely to emanate from the extension at night would significantly affect the living conditions of neighbouring occupiers, especially when the use of curtains or blinds at those properties is likely to sufficiently mitigate any such effects. There is no persuasive evidence before me to suggest otherwise.

### **Conditions**

38. The Council has suggested conditions which I have considered, making amendments, if necessary, to ensure compliance with the tests contained in the Framework<sup>7</sup> and the Planning Practice Guidance (PPG). In addition to the usual commencement conditions, with regard to Appeal A, a condition is necessary to ensure the development is carried out in accordance with the submitted plans for certainty. With regard to Appeal B, conditions relating to further constructional details and requiring new work and work of making good to match existing work are necessary to safeguard the special interest of the building, the listed terrace and the character and appearance of the conservation area.

### **Conclusion**

39. For the reasons given above, and having regard to all other matters raised, I conclude that both appeals should be allowed.

*JP Tudor*

INSPECTOR

### **Schedule of Conditions**

#### **Appeal A - Ref: APP/X5210/W/19/3227394**

- 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 Nos: S001 Rev A; S002 Rev A; S003 Rev A; S004 Rev A; S005 Rev A; S100 Rev A; S200 Rev A; S201 Rev A; D001 Rev A; D002 Rev A; D003 Rev A; D100 Rev A; D200 Rev A; D201 Rev A; A001 Rev A; A002 Rev A; A003 Rev A; A004 Rev A; A100 Rev A; A200 Rev A; and A201 Rev A.

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<sup>7</sup> Paragraph 55

**Appeal B - Ref: APP/X5210/Y/19/3227395**

- 1) The works authorised by this consent shall begin not later than 3 years from the date of this consent.
- 2) 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 the structural framing, doors, and details of finish;
  - b. Details of the method of fixing the structure to the original rear wall.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.
- 3) All new work and work of making good shall be carried out to match the existing adjacent work as closely as possible in materials and detailed execution, unless otherwise specified in the approved plans.

**End of Schedule**