



Appeal Decision

Site Visit made on 25 May 2021

by A Caines BSc(Hons) MSc TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 June 2021

Appeal Ref: APP/X5210/W/20/3265179

1 Lidlington Place, (Land at Lidlington Place, Rear of No's 76-75 Oakley Square), London NW1 2JU

- 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 Minh Quach against the decision of the Council of the London Borough of Camden.
 - The application Ref 2020/3875/P, dated 25 August 2020, was refused by notice dated 23 November 2020.
 - The development proposed is described as "first storey addition to grant application (2020/0571/P) erection of two storey dwelling house with ground and basement levels".
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Decision

1. The appeal is allowed and planning permission is granted for erection of three storey single family dwelling including basement level at 1 Lidlington Place, (Land at Lidlington Place, Rear of No's 76-75 Oakley Square), London NW1 2JU in accordance with the terms of the application, Ref 2020/3875/P, dated 25 August 2020, subject to the conditions set out in the schedule to this Decision.

Procedural Matters

2. The appeal site address and description of the development varies across the application and appeal documents, so in my formal Decision I have opted to use those from the Council's decision notice as they accurately and concisely describe the site and proposed development.
3. The Council's decision notice sets out five reasons for refusal. Reasons 2-5 all relate to the absence of a legal agreement to secure various obligations. However, a completed Section 106 Agreement (S106) has been provided during the appeal and the Council has confirmed that refusal reasons 2-5 have been addressed as a result. I will return to the provisions of the S106 later in this Decision.

Main Issues

4. The main issues are whether the development would preserve or enhance the character or appearance of the Camden Town Conservation Area, and whether the setting of the Grade II listed building known as 15-24 Harrington Square would be preserved.

Reasons

5. The appeal site is located on the north side of Lidlington Place, between the rear gardens of the terraced houses at Harrington Square and Oakley Square. The south side of Lidlington Place is of markedly different character, containing

- a number of modern high rise apartment blocks and a two storey bar/restaurant.
6. The north side of Lidlington Place marks the boundary of Sub Area 2 of the Camden Town Conservation Area (CA). In so far as it is relevant to this appeal, this part of the CA derives some of its significance from its mainly residential character and the rich historic and architectural quality of buildings within it. The Camden Town Conservation Area Appraisal (CA Appraisal) notes that gaps between terraces that allow views of garden greenery are also important to the character of the CA, and I concur.
 7. Nos 15-24 Harrington Square are Grade II listed. They are a stucco trimmed, stock brick terrace of four storey houses over basements, dating from around the mid-1800s. The significance/special interest of the listed building, in so far as it relates to this appeal, arises from the historic and aesthetic value of its external fabric, notably the substantially unaltered and richly detailed road-facing elevations with stucco at ground floor, projecting porticos and arched first floor windows set in stucco panels. The rear elevation of the listed building is not as architecturally distinguished and contains some modern alterations, but can be experienced briefly from Lidlington Place. Whilst the appeal site does not lie within the curtilage of the listed building, there is no doubt that it is within the setting. I have therefore had regard to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, which sets out a duty to have special regard to the desirability of preserving listed buildings or their settings.
 8. Nos 71-76 Oakley Square are not statutorily listed, but are identified in the CA Appraisal as buildings which make a positive contribution to the CA. They too are a stucco trimmed, stock brick terrace of four storey houses over basements with enlivened road-facing elevations.
 9. Historic maps indicate that the appeal site may once have formed part of the gardens of 75-76 Oakley Square, but it has not done so for a very long time with the appellant indicating that it has been used in its current form for parking since the 1970s. It is a fully enclosed area of tarmac with a stark and unattractive appearance. Whilst the site is not specifically identified in the CA Appraisal as having a negative impact on the CA, in my judgement, it does not contribute positively to the character or appearance of the CA. In addition, whilst the appeal site was within the setting of the listed building at the time of listing, there is no evidence that would indicate it is an important part of the setting.
 10. There is already an extant planning permission on the site for a contemporary flat roofed, one-storey over basement dwelling set back behind the roadside boundary wall (ref: 2020/0571/P). The appeal scheme would occupy the same footprint but seeks to add an additional storey to form a contemporary two-storey over basement dwelling. Patently, this would have a more notable presence within the site, but it does not automatically follow that it would be harmful.
 11. The proposed dwelling would occupy only a small proportion of the gap between the terraces. No existing garden areas would be lost and there would still be views down the adjoining gardens on both sides of the dwelling and behind it. In addition, the proposal seeks to incorporate some greenery as part of the building through use of a 'living wall' and green roof. The site specific

details are matters which could be addressed by conditions. Accordingly, any restriction of the views of garden greenery would be limited, to the extent that it would not harmfully diminish this important characteristic of the CA, as experienced from Lidlington Place.

12. Furthermore, there does not appear to be any dispute that the proposal would be designed to a high quality. The contemporary design would set it apart from the adjacent terraces, whilst remaining sensitive in its form and use of materials. I note the Council's concern over the height of the dwelling relative to the top of the stucco course that wraps around the ends of the terraces, but due to the degree of separation, contrasting design, and marginal height difference, this is not critical. The proposal would respect the dominant scale, height and siting of the adjacent terraces and would not have an assertive presence in the street scene. Nor, for these reasons, would it detract from the limited sense of symmetry between the terraces. Accordingly, it would be a suitable and appropriate addition to the streetscape.
13. Views to the lower floors of the rear elevation of 15-24 Harrington Square from Lidlington Place would be slightly reduced. However, this would only be over a very short distance. There is also an existing screening effect from the enclosures and garden trees behind the site. For the reasons above, the proposal would avoid overt physical or visual competition with the listed building. As such, the appreciation of the rear elevation of this listed building when observed from Lidlington Place would not be significantly altered by the proposal. Also, views of the principal front and side elevations that contribute most to the special interest of the listed building, would be unaffected.
14. Drawing these matters together, the proposal would be a well-considered approach to designing a building for this particular site and setting. It would not detract from the elements which contribute positively to the significance of the CA, or erode any of the elements which contribute positively to the special interest and significance of the adjacent listed building.
15. I therefore conclude that the character and appearance of the CA, and the setting of 15-24 Harrington Square, a Grade II listed building, would be preserved. The proposal also complies with Policies D1 and D2 of the London Borough of Camden Local Plan 2017 (LP). These policies seek high quality design which, amongst other things, respects local context and character, integrates well with surrounding streets and spaces, and preserves, and where appropriate enhances heritage assets, including listed buildings and conservation areas. The proposal also complies with the provisions of the National Planning Policy Framework (The Framework) with regard to the need for high quality design and the protection of heritage assets.

Planning Obligation

16. The completed, signed and dated S106 seeks to secure various obligations. This includes an off-site affordable housing contribution of £18,417.50; submission of a Basement Approval in Principle Application (BAIP) to ensure the stability of the public highway and payment of an BAIP Assessment contribution of £1,800; submission of a Construction Management Plan (CMP) to minimise the impacts of construction and payment of a CMP Implementation Support contribution of £3,136; a contribution of £5,439.43 for highway works to include removal of the existing vehicle crossover, footway resurfacing and

new kerbs. These have all been identified and calculated on the basis of the specific development proposed and the Council's adopted development plan policies and supplementary guidance.

17. The S106 also includes a restriction on future occupiers applying for a parking permit to ensure the development is 'car free', in line with LP Policy T2. Under normal circumstances, this would not represent an enforceable position under section 106 since it would be a measure restricting the actions of an individual and thus not requiring the land to be used in a specified way. However, the agreement also refers to section 16 of the Greater London Council (General Powers) Act 1974, which allows such undertakings to be made in connection with the land. This would be a secure way of achieving 'car-free' development in this location.
18. On the evidence before me, I am satisfied that these provisions are necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development. Accordingly, the obligations comply with the relevant tests as set out in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010, and paragraph 56 of the Framework. I have therefore taken account of these obligations.

Conditions

19. I have considered the conditions suggested by the Council in light of the Framework and the Planning Practice Guidance. Where necessary, I have amended the wording to ensure clarity and precision, and I have imposed only those conditions which meet the relevant tests.
20. Condition 2 defining the approved plans is necessary in the interests of certainty. Conditions 3 and 4 concerning external materials, and site specific details of the living wall and green roof are necessary to ensure a satisfactory appearance of the development. The protection of adjacent trees during construction is ensured by Condition 5. Condition 6 is necessary to safeguard the stability of neighbouring buildings and the public highway. Condition 7 is necessary to promote sustainable travel choices. However, I have not imposed the suggested condition for monitoring of the basement construction as it seems to duplicate provisions in the S106 and other building control legislation.

Conclusion

21. There are no material considerations that indicate the application should be determined other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be allowed.

A Caines

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: A-10-001; A-32-501; A-32-502; A-32-503; A-32-504; A-36-001; A-21-001 Rev 1; A-21-002 Rev 1; A-21-003 Rev 1; A-21-010 Rev 1; A-21-012 Rev 1; A-22-001; A-22-101; A-31-001; A-18-500; A-19-000 Rev 1; A-19-001; A-19-002; A-18-100; A-19-003 Rev 1.
- 3) Notwithstanding any description of materials in the application documents, no above ground construction works shall take place until a schedule of all the materials of external construction has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 4) Notwithstanding the details shown in the application documents, no above ground construction works shall take place until details of the living roof and living walls including: materials, species, planting density, habitat features, and substrate; a statement of the design objectives, including justification of roof/wall type/species selection; a plan showing the area covered by the roof; a site specific management plan including an initial scheme of maintenance; and a section at scale 1:20 (showing that adequate depth is available in terms of the construction and long term viability) shall be submitted to and approved in writing by the local planning authority. The living roof and living walls shall be fully provided in accordance with the approved details prior to first occupation of the development and thereafter retained and maintained in accordance with the approved scheme of maintenance.
- 5) The development hereby approved shall be carried out in accordance with the measures in the Arboricultural Impact Assessment including the Tree Protection Plan by Tamala Trees dated January 2020. The tree protection measures shall be in place prior to any other works taking place on the site and shall be retained during the period of construction.
- 6) The development hereby approved shall be carried out strictly in accordance with the BIA (and other supporting documents) by LMB Geosolutions Ltd and Space Basements Ltd, as well as the recommendations in the Basement Impact Assessment Audit Report (Rev F1) by Campbell Reith, dated July 2020.
- 7) The cycle storage facilities shown on drawing number A-19-000 shall be provided prior to the first occupation of the development and thereafter permanently retained.

End of Schedule