



**TOWN AND COUNTRY PLANNING ACT 1990**

**APPEAL UNDER SECTION 78**

**WRITTEN REPRESENTATIONS**

**APPEAL BY: Mr Gili Rosenheimer**

**PROPOSAL**

**Single storey rear extension**

**GROUNDS OF APPEAL**

**SITE: Flat A 30 Upper Park Road London NW3 2UT**

**2 JUNE 2021**

**LPA REFERENCE: Application No. 2021/0400/P**

## INTRODUCTION & RELEVANT BACKGROUND

Page | 2 Planning permission was refused for the Appeal Proposal under Delegated Powers on 10 May 2021 for the following reason:

*The proposed extension, by reason of its siting, size and design, would result in an excessive and incongruous addition to the building which would be harmful to the character and appearance of the building, the group of semi-detached villas of which it forms a part and the Parkhill Conservation Area and would therefore be contrary to policies D1 (Design) and D2 (Heritage) of the LB Camden Local Plan 2017.*

## THE SITE AND SURROUNDING AREA

30 Upper Park Road is a semi-detached four storey stucco/brick Italianate villa in the Belsize Conservation Area and it has a two storey white rendered/stucco extension at the side.

It is in use as flats and the proposal relates to Flat A, a maisonette/duplex flat (which is at ground level at the rear). It has an existing 3.25m deep flat-roofed extension on its northern side (to the rear of the main building) but the two-storey side element has not been extended to the rear and it has a patio alongside the existing single storey rear extension (see photo 1 below)

## PHOTO 1- site of proposed infill extension



Upper Park Road is a typical residential road leading off Haverstock Hill in central Camden near to Belsize Park Station. Nos. 6-36 (even numbers) Upper Park Road are identified within the Parkhill and Upper Park Conservation Area Appraisal and Management Strategy (July 2011) as making a positive contribution to the conservation area.

The application property is not a Listed Building. It forms part of the Parkhill and Upper Park Conservation Area, a 19th century estate of generally Italianate, semi-detached houses with ample gardens and gaps between the pairs. However, the mix of housing includes 20th century blocks of flats and much later dwellings with several seminal Modernist landmarks.

The streets are wide, and the houses set back from the pavement. No. 30 Upper Park Road forms part of a generally well- preserved suite of original dwellings, most of which have been converted into multiple flats. It forms part of the 2nd semi-detached pair on the east side of Upper Park Road, and south of Tasker Road.

The site is a 5minute walk from Belsize Park underground station and there is also a good bus service from Rosslyn Hill connecting other tube and railway stations.

Infill side extensions have been undertaken at most of nos. 6 – 36 Upper Park Road and the gap between no. 30 and the non-attached neighbouring building (no. 28) has been filled by a two storey side extension at each property. (see photo 2 below)

## **PHOTO 2- existing 2 storey side extension adjoining No. 28**



## RELEVANT PLANNING HISTORY

2018/5104/P - Single storey rear extension; alterations to the side elevation, including insertion of doors and removal of window at lower ground floor level – granted 16/01/2019

Page | 4 2019/2971/P - Erection of two storey side extension – 02/09/2019

2020/2085/P - Installation of staircase and access with associated balustrade from upper ground to rear garden level – granted – 22/10/2020

2020/2645/P - Alterations to fenestration at lower ground and ground floor rear elevation of two storey side extension approved under ref: 2019/2971/P dated 02/09/2019 – granted 19/08/2020

## THE APPEAL PROPOSAL

The proposal would effectively occupy the existing space between the existing two storey side extension (permitted under 2019/2917/P) and the single storey rear extension to the main building (permitted under 2018/5104/P) and it would be 2.75m in depth and 4.5m in width.

It would be of similar height as the single storey rear extension (3.25m) incorporating a flat roof.

The extension would have white rendered walls (in keeping with the existing building) and incorporate full height glazed sliding doors, similar the lower ground floor of the two-storey side extension.

## RELEVANT PLANNING POLICY

### National Planning Policy Framework February 2019 (NPPF)

Paragraph 11 of the NPPF states that Plans and decisions should apply a presumption in favour of sustainable development.

*“For decision-taking this means:*

*c) approving development proposals that accord with an up-to-date development plan without delay;*

*d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*

*i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*

*ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”*

Paragraph 127 sets out that *“Planning policies and decisions should ensure that developments:*

*a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*

Page | 5 *b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*

*c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*

*d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*

*e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*

*f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.”*

Paragraph 195 states that *“Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss.”*

Paragraph 196 states that *“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.”*

Paragraph 197 comments that *“The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”*

Paragraph 201 states that *“Not all elements of a Conservation Area or World Heritage Site will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 195 or less than substantial harm under paragraph 196,*

*as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole.”*

#### **Camden Local Plan (2017)**

Page | 6 Policy D1 sets out that *“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;”*

*Policy D2 states that “ 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.”*

*Policy A1 states that “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.”*

#### **PLANNING ASSESSMENT**

The main issues for consideration are:

- The impact of the proposal upon the character or appearance of the host building and the surrounding Conservation Area and;
- The impact that the proposal on the amenity of the occupiers of the neighbouring residential properties.



### **Impact on Amenity of Occupiers of Neighbouring Residential Properties**

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Policy A1 of the Camden Local Plan seeks to protect the amenity of Camden's residents by ensuring the impact of development is fully considered. It seeks to ensure that development protects the quality of life of occupiers and neighbours by only granting permission for development that would not harm the amenity of neighbouring residents. This includes privacy, overlooking, outlook and implications on daylight and sunlight. CPG6 (Amenity) provides specific guidance with regards to privacy, overlooking and outlook.

The Delegated Report confirms the Council is satisfied the proposed extension would have no adverse impact on any nearby property, if necessary, a condition can be imposed precluding the use of the flat roof of the extension as a roof terrace.

### **Impact on the character or appearance of the host building and the surrounding Conservation Area**

Consideration has been given to the assessment of the proposal in the Council's Delegated Report. The alleged harm to the host building and the Heritage Asset are based on the cumulative effect of extensions approved and built.

The proposed extension has not been assessed on its merits rather on the fact the Council objects on the spurious ground that a full width single storey rear extension is unacceptable under any circumstances.

The Council criticises the design of the proposal and its impact on the host building, acknowledging however that it will match the materials and design of the existing single storey rear extension approved by the Council in 2018.

The DAS submitted with the application cited several properties nearby which have been extended in similar fashion and the Delegated Report dismissed those (Para 2.2.6) on the basis they were not recent permissions and the approval at 24 Upper Park Road had a different planning context.

However, no response was supplied in respect of the approved development at 21 Park Hill Road situated within the same Conservation Area.

We supply as Appendix 1 and 2 to this statement details of the approved drawing which shows a full width single storey rear extension and Location Plan; the proposal was deemed acceptable and not considered to impact either the host building or the character and appearance of the Conservation Area.



The examples cited above demonstrate there will be circumstances where a full width extension can be accommodated without detriment to either the host building or the Heritage Asset.

To be clear we are not claiming that the approved proposal is a precedent for allowing the appeal scheme. Rather we draw attention to the inconsistent application of the policy; in our submission, the Council has approached the assessment of the proposal based on alleged cumulative impact rather than considering it on its own merits.

The proposed rear extension will be constructed in materials to complement the host building (accepted by the Council in its Delegated Report) providing a full width extension, which in our opinion is appropriate as it will neither harm the character and appearance of the building nor materially alter the part of the building visible from the neighbouring gardens or the wider public realm; it will appear as a subservient structure in terms of its relationship to the host building and therefore compliant with the relevant policies referred to above.

### **THIRD PARTY OBJECTIONS**

The third-party objections have been addressed in the section above.

### **CONCLUSIONS**

We have addressed the Reason cited by the LPA against the proposal and demonstrated the Appeal scheme would not result in harm to the character and appearance of the host property and street scene and wider Conservation Area.

Accordingly, we respectfully request our Client's Appeal be upheld, and conditional planning permission granted for the proposal.