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The Planning Inspectorate
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Dear Terry Scott

APPEAL SITE
Flat1, 14 Belsize Park, NW3

1. INTRODUCTION

This Appeal Statement contains the Council's case in respect of planning application 2021/1997/P for 'erection of a single storey extension at lower ground floor level. The application was refused on 9/8/2021 on the following design grounds:

The proposed rear extension, by reason of its scale and design, would fail to respect the building's architectural features and would disrupt the pattern of rear development to the detriment of the host property, relationship with its pair and wider building group, and the character and appearance of the surrounding Belsize Conservation Area, contrary to Policy D1 (Design) and D2 (Heritage) of the London Borough of Camden Local Plan 2017

The Officer Report setting out the site description, planning history, relevant planning policies, proposal and assessment was sent with the Questionnaire. There was one response received following statutory consultation. An objection was raised by an adjoining occupier on the design and appearance of the rear extension and the impact on the Belsize Conservation area.

2. STATEMENT OF CASE

The council wishes to address the following points raised by the appellant

1. Para. 7.6 – it is claimed that the proposal would not be visible from within the public realm and that there would be no impact whatsoever on the Conservation Area. A proposal can be considered to neither preserve nor enhance the character and appearance of a conservation area when it has limited or no visibility from the public realm. The proposal is considered to cause harm to the significance of the Conservation Area and this would impact on the appearance of the building itself, the attached building it forms a pair with (no. 15) and the prevailing pattern of development. Private views of the development would be possible from within the Conservation Area, from within the property itself as well as neighbouring properties.
2. Para. 7.9 – the relevant statutory and policy tests require development to preserve or enhance the character and appearance of the conservation area (including under s.72 of the Listed Buildings and Conservation Areas Act 1990 as amended by the Enterprise and Regulatory Reform Act (ERR) 2013). The NPPF (chapter 16) requires an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The Council considers that the rear elevation of the appeal site, including the intact and visible two storey bay feature, to contribute to the significance of the Conservation Area. Paragraph 199 of the NPPF requires great weight to be given to an asset's conservation. The proposed rear extension would extend across and clutter the two storey bay element and therefore cause harm to the character and appearance of the appeal building and neither preserve nor enhance the character and appearance of the Conservation Area.
3. Para. 7.11 – paragraph 202 of the NPPF states that where less than substantial harm to the significance of a designated heritage asset is caused, this should be weighed against the public benefits of the proposal. The appeal proposal includes a relatively minor uplift in habitable living space for the occupiers of a market flat. Limited or no public benefits would result (there would be private benefits for the occupier of the flat and potentially the one above) and the less than substantial harm to the designated heritage asset would not be outweighed.

4. Para. 8.2 – a decision at 47 Belsize Park Gardens has been mentioned. This is located on the opposite side of the street approximately 400m away. The decision was made in 2006 and is considered to be historic with limited weight to this appeal, it was made under a different planning framework (several Local Plans and London Plans ago and it predates the NPPF and Camden Planning Guidance).
5. Para. 8.6 – 2 Buckland Crescent is on a completely different street and is a different building type. It is located approximately 0.3 of a mile away. The decision in 2003 is historic and of limited weight to this appeal, decided under a legacy planning policy framework that predated the first version of the London Plan.
6. Para. 9.2 – the appeal proposal is at lower ground level rather than at basement, as claimed by the Appellant. The proposal is at a similar level to the rest of the garden, with the majority of the rear amenity space in fact lower than the proposal. Vegetation should not be relied upon for screening purposes in perpetuity as it can be subject to decay and removal.
7. Para. 9.3 – any harm to a designated heritage asset must be given substantial weight with the presumption to refuse development. If harm is to be outweighed it needs to be via public benefits, of which the appeal proposal does not include.

Conclusion

The Council has demonstrated, in the Officer report and in this Statement of Case, that the proposal is unacceptable on design grounds and is contrary to policy. The Inspector is therefore politely requested to dismiss the appeal.

Should the Inspector be minded to allow this appeal then the Council requests the imposition of the following conditions:

1. The development hereby permitted must be begun not later than the end of three years from the date of this permission.
Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).
2. The development hereby permitted shall be carried out in accordance with the approved drawings.
Reason: For the avoidance of doubt and in the interest of proper planning.