

**STRATAGEM
PLANNING
CONSULTANTS_**

Appellant's Final Comments_

Flat 1, 14 Belsize Park, London

NW3 4ES

January 2022

1. Introduction

- 1.1. These comments have been prepared on behalf of the appellant, Dr Julia Heller, in response to the London Borough of Camden's ("the LPA") Appeal Statement dated 10 January 2022.
- 1.2. The appeal was submitted against the decision by the London Borough of Camden, ("LBC") on 9 August 2021 (2021/1997/P) to refuse the grant of planning permission for "Erection of single storey rear extension at lower ground floor level".

2. The Conservation Area

- 2.1 The LPA asserts in its statement that the impact on the Conservation Area is negative, regardless of whether or not it is visible from the public realm.
- 2.2 In our submission, this is an incorrect interpretation of the legislation and one which favours an extension of the LPA's powers. In accordance with s72 of the Listed Buildings and Conservation Areas Act 1990, the duty of the LPA is to ensure that *"special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."*
- 2.3 If a change to the Conservation Area cannot be seen by the public, or at all, then it clearly cannot affect either character or appearance. In this case, the Proposal is visible only from private windows and then generally only if a neighbouring occupier looks out at an unnatural and awkward angle.
- 2.4 The purpose of the special duty to Conservation Areas is not to preserve a whole neighbourhood in stasis, or to prevent change or development. The Belsize Park Conservation Area is a residential neighbourhood and the amenity of the occupiers must plainly be weighed in the balance, whereas in the decision to refuse permission in this case, it has not been.
- 2.5 If the LPA was truly concerned about the significance of fabric at the subject property, or if it believed that the integrity of the house was so important that it should not accommodate alteration, then it should have been listed. It has not been listed, either locally or nationally.
- 2.6 We therefore respectfully submit that the LPA's contention is mis-guided and represents an overzealous use of its powers of planning control.
- 2.7 In the circumstances, it is respectfully requested that the appeal be granted as soon as possible.