

## **APPEAL STATEMENT FOR SIDE EXTENSION AT 2 BYRON MEWS, LONDON, NW3 2NQ**

MARCH 02 2022

Thank you for considering this appeal.

The current application is a revised application after a more ambitious 3 storey application (2018/5446/P) was rejected both by the LPA and on appeal (written representation).

I engaged with the Council in extensive discussions about the proposed development throughout the determination process. The council claims that they worked with me in a proactive way however this is untrue. I actively contacted the council numerous times and asked if the project could be altered to make it acceptable and they did not suggest any amendments.

There are inconsistencies with the officer's report including the statement that the house was originally designated as a 2 bed-room property. This is incorrect as it was initially designated as a 4 bed-room property. One large bedroom has been split into a smaller bedroom and a single bedroom / office.

This Statement demonstrates that the proposed extension is sustainable and that the reason for refusal cannot be sustained when assessed against the Development Plan and all other material considerations. Specifically, it demonstrates that the proposed side extension would be a suitable addition to the mews property and would demonstrate high levels of architectural design and would provide townscape merit in this location. The proposed extension would cause no harm to the character and appearance of the Mansfield Conservation Area.

Byron Mews is a gated private road only accessible by residents. The Site is the first house in the Mews when accessed via the gate, and the location of the proposed extension is not publicly visible. The location of the extension is only visible in glimpse views when entering or leaving the Mews.

Currently, there is a gap between the flank wall and the boundary wall. It has been screened by a wooden fence up to the level of the first floor since it was built and has been filled with a garden shed set back 1 metre from the front elevation for the past decade.

The Site is located within Byron Mews, a private development completed in the 1990s. Despite the relatively recent age of the development, the architecture mimics a Georgian style. Whilst this style has been incorporated into the design of the Mews, the frequency of undercrofts and irregular setbacks make it clear that this development is a weak pastiche and not a true replication of Georgian architecture.

The Mews is curved in shape. In order to address the curve, the properties have been stepped to respond to the crescent shape meaning there are variations across the front façade of the buildings.

Surrounding the Byron Mews development, and to the side and rear of the Site, there is a tall wall which formed part of the former Tram Depot at South End Green. This wall runs around the perimeter of the development and is taller than the properties in several locations. Once you are in the Mews there are several locations from which the Mews is visible which will not be impacted by these proposals.

The rear garden of 2 Byron Mews abuts the tram shed wall which continues down the side elevation of the property.

The Site is located within the Mansfield Conservation area, which was designated in 2008. The Site is not listed nor is it included within the Council's local list, nor is the Site in the setting of any other

listed buildings. The Site is not listed as being a positive contributor to the conservation area. The Mansfield Conservation Area statement sets out why the area has been designated and outlines what the main characteristics are. The western area, in which the Site is located, is characterised by the rise and fall of the tram usage of the area and the demand for the Methodist church, which was completed in the late 1800s/early 1900s. The urban form of the conservation area remained consistent until the 1960s at which point upgrades to the fabric were in need of repair. Whilst there is reference to the historic use of trams within the area, there is no specific mention of the tram-shed wall and the conservation area appraisal allocates no specific protection to this wall. Considering the lack of reference, it is considered that the tram-shed wall is not significant in the context of the conservation area.

The site has a PTAL of 4 whereby 0 is the worst and 6b is the best. A number of bus services service Fleet Road including the 24, 46 and C11. The site is located approximately 350m south of Hampstead Heath railway station and approximately 500m north of Belsize park underground station.

The site is located in Flood Zone 1 and is considered to be at the lowest risk of flooding.

The area surrounding the Site is mixed. On Fleet Road, a number of non-residential uses exist including the Royal Free Hospital, several restaurants and bars and other commercial uses such as shops. Nonetheless, the prevailing character of the area outside the Mews is residential with a prevailing Georgian and Victorian style.

The current application sought to address the issues raised in the previous rejection and these were specifically detailed in the planning statement. After extreme delays (41 weeks to determine the application), the reason for refusal is effectively the same as the previous application with a single word changed (three storey has been replaced by two storey). There has been no acknowledgement that the current application addresses these issues despite radical alterations in size and style.

Specifically, the council states that the development *would not be subordinate to the host building and would result in the loss of an important townscape gap and unbalance the rhythm of the terrace which would harm the character and appearance of the host building and the Mansfield Conservation Area.*

The previous 3-storey development was fully supported by neighbours and by the Board of Directors of Byron Mews, as is the 2-storey development.

- The 2-storey proposal is significantly subservient to the host house.
- The townscape gap is preserved and this in turn also preserves the rhythm of the terrace.
- Although the development lies within the Mansfield Road conservation area, the Byron Mews estate was built in 1995 and so is of an entirely different period to the houses within the conservation area.

Other points that I have asked Camden to consider but have neither been acknowledged or addressed:

- The part of the road is on a steep hill (the access road) which is approximately 7%. It runs from the South downhill to the North.
- The ground floor of the house is entirely below the roadway (there are steps down to the house from the roadway).
- The first floor of the house is at the level of the ground floor of the immediate neighbour to the South (Number 1 Byron Mews). Since the proposed development is against the Southern

aspect of the property, the ground floor is built against a retaining wall and would be a basement were it not for the wall.

- In addition to the slope of the roadway, there is significant screening of the ground floor by walls and electrical junction boxes which are not part of the property which lessens the impact.
- These are illustrated in the attached plans **“PLANS APPEAL 2022”** which also contains a mock-up photograph of what the development would look like.
- There has been a wooden fence built up to the level of the first floor since construction of the house. There has also been a 1 metre fence on the roof of the existing shed for 9 years.
- The planned development is sympathetic to the front view of the house: the ground floor has the screening, the subterranean location and presence of an existing wooden fence (as described above) On the first floor, the area of the tramshed wall that is currently visible is minimal due to screening from the buttress that the proposed development is flush with. The intricate (and hence more interesting) architectural features of the wall are at the top and these are deliberately preserved by limiting the height of the development to below the top of the buttress. The area of the wall that the planners are concerned about is a plain white brick wall with significant overgrowth of foliage from above.
- Multiple properties surrounding the tramshed wall have built up against it. Most notable is Tranley House which abuts the West 2 Byron Mews and is built up against and 2 storeys above the tramshed wall on the outer side for approximately 50 metres. There are other examples at the Eastern end of the development where 5 Ella Mews is built up against the outside of the tramshed wall. We feel that we are being held to far higher standards than other developers. This can be seen in the attached appendix document **“Additional Examples of Tramshed Wall”**
- Although the planners cite that there are no examples of buildings being built against the inside of the wall, there is a single storey bin shed built against the tramshed wall behind the block comprising numbers 46 – 60 Byron Mews.
- In addition, there are approximately 30 buttresses that support the wall that are contemporary to the development of Byron Mews.
- The site has an overall area of 108sqm. It is acknowledged in the Officer’s report that the site fails to meet the London Plan minimum space standards for a 5-bedroom house over three levels. This should measure 134sqm.
- The proposed development would create an enlarged dwelling that would measure approx. 146sqm. As such, the proposed development would succeed in providing a high quality family dwelling that meets the required space standards.

## CONCLUSION

This Statement of Case sets out the Appellant’s response to the refusal of planning permission by the London Borough of Camden for the following proposed development.

Erection of a two storey side extension to existing mews house following demolition of the existing single storey side extension (C3 use class) reference 2021/1610/P.

The application was refused by delegated decision on the 6th January 2022. The Council gave the following reason for refusal:

- The proposed two storey side extension, by reason of its scale, height, and location, would not be subordinate to the host building and would result in the loss of an important townscape gap and unbalance the rhythm of the terrace, which would harm the character

and appearance of the host building and the Mansfield Conservation Area contrary to policies D1 (Design) and D2 (Heritage) of the London Borough of Camden Local Plan 2017 and policy DH1 and DH2 of the Hampstead Neighbourhood Plan 2018.

It is considered that the proposed development is acceptable in planning policy terms and this appeal should be allowed.

The proposed development would deliver a high-quality residential extension which would enhance the living space of the existing dwelling.

The proposals would measure two storeys in height and has been carefully designed so as to respond to the existing building, the surrounding context and the conservation area. There is considerable precedent for two storey extensions within the Mansfield Road conservation area.

The appellant asserts that the weight that the Council has awarded to the tram-shed wall is unwarranted and the impact of the proposed development would cause no harm to the significance of the heritage asset as outlined in the NPPF. The statement sets out how the impact of proposals should be assessed on the overall impact on the conservation area in its entirety (in line with the NPPF) and therefore the proposed development, and the submitted material is sufficient and confirms that the proposals would no harm to the Mansfield Conservation Area.

The design of the proposed extension is considered exemplary and will be well suited to the surrounding context.

Considering the above statement and the submitted information, it is considered that the proposed development presents high quality architecture and townscape design and should be considered acceptable. We therefore respectfully ask that this appeal is allowed.