



# Appeal Decision

Site visit made on 29 March 2022

**by Stuart Willis BA Hons MSc PGCE MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 08 April 2022**

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**Appeal Ref: APP/X5210/W/21/3285245**

**Flat 1, 14 Belsize Park, London NW3 4ES**

- 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 Dr Julia Heller against the decision of London Borough of Camden.
  - The application Ref 2021/1997/P, dated 23 April 2021, was refused by notice dated 9 August 2021.
  - The development proposed is erection of a new rear extension and alteration to the rear windows of the existing extension.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. I have taken the description of development above from the application form. Although different that on the decision notice, no confirmation that a change was agreed has been provided.
3. Since the refusal of the application, the Camden Planning Guidance (CPG) for Design and that for Amenity have been updated, and the Altering and Extending Your Home CPG has been replaced by the Home Improvements CPG. The main parties have had the opportunity to comment on these and therefore would not be prejudice by my taking them into account.

## Main Issue

4. The main issue of the appeal is whether the proposed development would preserve or enhance the character or appearance of the Belsize Conservation Area (CA).

## Reasons

5. The appeal site is located within the CA. As such I have had regard to the duty to pay special attention to the desirability of preserving or enhancing its character or appearance.
6. The significance of the CA lies, in part, in the grand appearance of predominantly 19<sup>th</sup> century Italianate villas interspersed with gardens and street trees that give it a verdant feel. Belsize Park mostly comprises paired largely symmetrical villas designed by Daniel Tidley with a steady rhythm to the built form and have distinguishing features such as curved bay windows. The appeal property retains many of the features typical of the street and wider area, and it currently contributes positively to the significance of the CA.

7. Alterations at the site, the pair of properties it forms part of, and the wider row mean the rear elevations are no longer identical. Nonetheless, although the detailing of the rear bay windows varies, I saw at the site and in the area, their overall form, flowing over 2 storey and being curved, had generally been maintained. They were one of the key features that formed part of the identity of these villa style buildings.
8. The new bay, in combination with the existing projection to be altered would extend across the whole of the rear elevation of the property. However, while not typical of the row, there is no uniformity to the size or presence of rear projections. Notwithstanding this, though internally the bay structure would be retained, externally it would be lost.
9. The proposed extension would sit below the corbels of the balcony above, not extend as far as the existing projection and use render in part. Nonetheless, its presence would erode the appearance of this key feature at the building, creating a staggering of the bay. Although the shape alludes to a curve and the extensive use of glazing would prevent a bulky appearance, the proposed rigid straight lines of the new bay walls would be at odds with the characteristically graceful arc of the existing bays.
10. The surrounding built form, boundary treatments and vegetation mean there are few public views of the lower level of the building and limited views from other properties. However, that a development can be screened is not a reason in itself to allow development that is unacceptable. Furthermore, while many will be oblique, in views from the upper floors and gardens of some nearby properties the incongruous and disjointed appearance would be obvious. Whilst the extension could be removed in future, the appeal proposal is seeking permanent permission.
11. Within the overall context, it is considered that the proposal would lead to less than substantial harm to the significance of the CA. The Framework indicates that such harm is to be weighed against the public benefits of a proposal. However, great weight should be given to an asset's conservation.
12. Even if I were to agree that enhanced privacy and extended living space were public rather than private benefits, given the nature of the proposal this would be small. As such, the public benefits do not outweigh the identified material harm to the designated heritage asset. The proposal is therefore contrary to the historic environmental policies contained within the Framework.
13. Consequently, the scheme would fail to preserve or enhance the character or appearance of the CA. It would be contrary to the design and heritage protection aims of Policies D1 and D2 of the Camden Local Plan.

### **Other Matters**

14. I do not have full details or the considerations before the decision makers for the other rear extensions in the area that have been put to me. The dwelling at 3 Belsize Park Gardens was said to not have a curved bay window. At 47 Belsize Park Gardens the bay window had already been partly obscured by a previous extension, while the 75 Belsize Park Gardens scheme included reinstating a previously removed bay above.

15. As with the other schemes at Belsize Park, Belsize Square and Buckland Crescent they relate to a different row of properties and would not be seen with the appeal scheme. Thus, they are materially different to the appeal proposal.
16. The merits of listing the appeal site or similar buildings, whether locally or national, is not a matter for this appeal.

**Conclusion**

17. The proposed development conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweighs the identified harm and associated development plan conflict.
18. Therefore, for the reason given above, I conclude that the appeal should be dismissed.

*Stuart Willis*

INSPECTOR