



Appeal Decision

Site visit made on 26 July 2022

by **Luke Simpson BSc MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 29 July 2022

Appeal Ref: APP/X5210/D/22/3294116

2 Byron Mews, London NW3 2NQ

- 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 Christopher Uff against the decision of The Council of the London Borough of Camden.
 - The application Ref 2021/1610/P, dated 3 April 2021, was refused by notice dated 6 January 2022.
 - The development proposed is described on the planning application form as: 'A new side infill extension to an existing mews house. The extension is single storey across the depth of the house with an additional second storey at the rear set back from the front elevation by a third of the depth of the house.'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 20 July 2021 the Government published a revised version of the National Planning Policy Framework (the Framework). However, the changes made since the previous iteration do not have any significant bearing on the main issue in relation to this appeal.
3. I have been provided with details of the planning history of the appeal site and I have taken these into account. Of particular relevance is an appeal which related to a proposed full-height side extension, which was dismissed in October 2019 (the Previous Appeal¹). That said, the currently proposed development is materially different to that which was considered under the Previous Appeal and therefore I have determined the appeal on its own merits.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the host dwelling and the surrounding area, with particular regard to the effect on the Mansfield Conservation Area (CA).

Reasons

5. The host property is a three-storey end-terrace dwelling located at Byron Mews, which is a private and gated area of residential development. It currently has a single storey side extension (including timber fence above) but this is subordinate to the host property and does not detract from the general uniformity and rhythm of the terrace in terms of its predominant design

¹ PINS Ref: APP/X5210/D/19/3235244

- characteristics. Indeed, the host property currently has a fairly strong degree of symmetry with the immediately adjacent attached dwelling. Whilst there are minor variations in design, most of the properties in the terrace have a similar height, scale and appearance and they form a distinctive crescent.
6. The appeal site is located within the Mansfield CA. Under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, I am obliged to pay special attention to the desirability of preserving or enhancing the character and appearance of the CA. I have had regard to the Mansfield Conservation Area Appraisal and Management Strategy (MCAAMS, 2008), the observations during my site visit and the other evidence before me. Taking those considerations into account, the CA primarily derives its significance from its pockets of uniform and consistent high-quality design which are set within the context of historical uses. Indeed, one such example is the former use of the appeal site and surrounding land as a tram shed.
 7. A surviving remnant of this former use is a tram shed wall, which surrounds much of Byron Mews. Part of the wall is visible through the gap on the appeal site at present. The wall is not listed and it is not referred to within the MCAAMS. However, as emphasised by the Previous Inspector, this does not mean that it does not make a positive contribution. Indeed, the tram shed wall is a prominent surviving remnant of the historic use of the wider area. As such, it forms an important and distinctive feature which does contribute to the significance of the CA.
 8. Whilst the Mews is not clearly visible or accessible from public areas, this does not detract from the positive contribution it makes to the character and appearance of the area. Indeed, the appeal site is visible from shared private areas which are accessed by a fairly significant number of local residents.
 9. The proposed extension would be at odds with the relatively uniform appearance and proportions of the closest terraced dwellings. I note that there is variation in appearance, in particular at the opposite end of the terrace, but the prevailing symmetry would be lost as a result of the first floor and ground floor additions, even taking into account the proposed set-back at first floor level. In particular, the proposed development would harmfully disrupt the symmetry of the host-property in relation to the attached dwelling.
 10. Furthermore, at present the host property provides a bookend for the terrace. Indeed, the gap between the property and the adjacent wall to the south enhances the appearance of the crescent-shaped terrace and also allows glimpsed views to the tram shed wall to the rear of the site. The proposed development would harmfully erode this gap and would also at least partially obscure views through towards the tram shed wall.
 11. Even though the views through this gap are currently limited, partly as a result of the projecting element of the brick wall to the front of the appeal site, they are nonetheless important and play a positive role in establishing the historic character of the CA and its relationship with the more recent Mews development. The fact that there are other areas where development obscures the wall does not provide justification for additional harm in this instance. Indeed, the precise case-specific circumstances which led to those instances are not before me.

12. The proposed development would be harmful to the character and appearance of the area and would not preserve the character of the CA. Therefore, having regard to the desirability of preserving or enhancing the CA, I conclude that the proposed development would lead to 'less than substantial harm' to the heritage asset (the CA), within the meaning of Framework Paragraph 202.
13. Framework Paragraph 202 requires that less than substantial harm is weighed against the public benefits of a proposal including, where appropriate, securing the heritage asset's optimum viable use.
14. The development would expand the living accommodation of the host property, but this would be a private benefit. There could be a minor public benefit in providing a larger family dwelling but there would not be a net increase in the housing stock. In terms of other public benefits, there would be some very minor social and economic benefits associated with temporary support for construction jobs during the construction of the development.
15. The public benefits are very modest and as such they can only be afforded moderate weight. Conversely, the less than substantial harm to the heritage asset should be afforded great weight, in line with the provisions of Framework Paragraph 199. As a result, the modest public benefits of the proposed development would not outweigh the less than substantial harm.
16. The proposed development would therefore conflict with Camden Local Plan (2017) policies D1 and D2, which require that new development respects local character and preserves heritage assets (including CAs), respectively.
17. The proposed development would also conflict with Hampstead Neighbourhood Plan 2018-2033 (2018) policies DH1 and DH2, which require in part that new development respects and enhances local character and respects or enhances elements which make a positive contribution to the CA, respectively.

Other Matters

18. A neighbouring resident asserts that the proposed development would be harmful to their living conditions, particularly in relation to noise. However, the proposed development would not give rise to any activities or associated noise which would not normally be prevalent within a residential area. I therefore find no harm in this regard.
19. I appreciate that there is a strong amount of local support for the development, particularly from neighbouring residents. However, none of these representations are sufficient to persuade me that there would not be a harmful impact upon the CA.
20. I also note that the appellant contends that there were procedural difficulties in the Council's consideration of the application. However, this is a procedural factor which does not have any bearing on my decision.

Conclusion

21. The proposed development would conflict with the development plan taken as a whole. There are no other material considerations of sufficient weight which indicate a decision other than in accordance with the development plan. The appeal is therefore dismissed.

Luke Simpson

INSPECTOR