



Appeal Decision

Site visit made on 1 August 2022

by Eleni Randle BSc (hons) MSc FRICS FAAV MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 August 2022

Appeal Ref: APP/X5210/D/22/3295532

83 Lawn Road, London, NW3 2XB

- 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 Ms Charlotte Paton against the decision of the London Borough of Camden Council.
 - The application Ref 2021/5201/P dated 21 October 2021, was refused by notice dated 7 February 2022.
 - The development proposed is construction of single storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for single storey rear extension at 83 Lawn Road, London, NW3 2XB in accordance with the terms of the application ref: 2021/5201/P dated 21 October 2021, subject to the following conditions:
 - 1) The development to which this permission relates must be begun not later than the expiration of three years, beginning with the date of this decision;
 - 2) The development hereby permitted shall be out in complete accordance with the following approved plans: unnumbered block plan (October 2021), PL.02/B, PL.03/B, PL.04/B, PL.05/B, PL.06/B and PL.07/B.
 - 3) The materials used in development hereby permitted shall match those of the existing dwelling unless details are submitted to, and approved in writing by, the Local Authority.

Main Issue

2. The main issue is the impact of the proposal upon the character and appearance of the host building, pair of dwellings and the Parkhill Conservation Area.

Reasons

3. The appeal site is a two-storey semi-detached dwelling located within a predominantly residential area. The site stands within the Parkhill Conservation Area (CA). There are no Article 4 directions in place with regard to permitted development rights. The proposals seek permission for a full width single storey extension which would be approximately 3.3m in depth, flat roofed with French windows. The proposal would replace a smaller, existing, outrigger and require removal of a bay window to the rear elevation.
4. The applicant has submitted a detailed heritage assessment which I find supports and evidences that there would be neutral impact upon the CA as a

result of the proposals when considering both the features of the host building itself and the relevant CA assessments. There is no policy or guidance before me which specifically resists the removal features such as the bay window. The bay window could be removed, with no planning implications, at any time albeit it is noted that its removal is in this case directly related to the proposed extension. Whilst the bay window is an architectural feature I do not find it of such merit, at the rear of the host building, to require protection or retention given its limited contribution to the host dwelling and adjoining pair. The host building itself is not listed nor a heritage asset, it is the CA that is the heritage asset. From the evidence before me I do not find that the rear bay window, referenced within the decision notice, is of such merit that its removal would result in an impact on the CA which would warrant refusal. Similarly I have no evidence before me that places weight upon the rear elevations of the property as making notable contribution to the character or appearance of the CA.

5. From standing in the garden during my site visit I found that the boundary fence and vegetation meant that ability to view the rear of the pair of dwellings, as a direct visual pair, is limited and I note from the plans that the symmetry at ground floor level is limited as a result of the bay windows. The main visual features on the rear of the house (and its adjoining pair) are the roof, with distinctive clay tiles and slope, chimneys, and detailed brickwork features on the gable ends. The symmetry at first floor and roof level would be retained as a result of the proposal and there would be limited change to the property when viewed within the street scene as a result of a very limited view of the proposed side wall.
6. The proposal would have a depth of around 3.3m and height of 3.4m but I do not consider it an unsympathetic addition to the design and appearance of the semi-detached pair. Whilst the proposal is full width I do not find it projects notably beyond the rear building line of neighbouring dwelling, no. 82, nor the projection achieved by the conservatory at no. 84. The rear of the appeal site, where the extension is proposed, is not realistically publicly visible with views limited beyond the appeal site boundary. Its impact upon appearance of the area and the host dwelling would therefore be negligible. I do not find the proposal would have a detrimental impact upon the host building or wider pair of which it forms part of. I find the proposal would preserve the character and appearance of the host building and the neighbouring pair.
7. Other applications in the area are not a precedent it falls to consider each case on its own merits at the point of determination. Despite this I note that a number of dwellings in the immediate area have rear extensions. Extensions are, therefore, characteristic of the area. This, combined, with the lack of visual impact upon the general appearance of the area and design of the host building itself, as I have outlined, means that I find the proposal would not cause harm to the character or appearance of the CA. It should be kept clearly in mind that appearance is the outward, visible qualities whereas character is the sum of all the qualities which distinguish an area.
8. The Council's assessment fails to define the level of harm that they attribute to the proposal with regard to the heritage asset. In accordance with paragraph 199 of the National Planning Policy Framework 2021 when considering the impact of the proposed development on the significance of a designated heritage asset, great weight should be given to the assets conservation. The designation of conservation is to prevent the loss of important and prominent

features which positively contribute to the character or appearance of a CA. Based upon my findings the proposal would be consistent with this overarching objective and would have a neutral impact (i.e. no harm) upon the CA and would thus conserve the CA as a heritage asset.

9. The proposal would be consistent with London Borough of Camden Local Plan 2017 (LP) Policy D1 which seeks to secure high quality design that respects local context and character and preserves the historic environment and heritage assets in accordance with LP Policy D2. The proposal is consistent with LP Policy D2 which requires that development within a CA preserves the character or appearance of the area.

Other Matters

10. The Council's report has referenced, provided quotes from, and listed as of relevance, the Camden Planning Guidance (CPG) with regard to Home Improvement, Design and Amenity respectively. Despite this the refusal reason itself does not include detail of specific conflict with such guidance and only the Amenity CPG has been submitted alongside this appeal. Whilst these are material considerations they are, ultimately, guidance and I have considered the proposal against the LP policies stated as the starting point for determination in accordance with S38(6) of the Planning and Compulsory Purchase Act 2004.
11. The appellant's submissions note a fallback position with the design and access statement noting the options are limited due to reduced permitted development rights in a CA. Whilst I acknowledge scope for potential extension under Schedule 2, Part 1, Class A I find that the extent of extensions demonstrated on page 18 of the appellant's statement to be an unlikely scenario for the appellant. I do not find that there is realistically a greater than theoretical chance that the fallback development stated might take place (i.e. the real prospect test) and I attribute this very limited weight within the determination of this appeal.
12. A comment in support of the proposals is noted, however, a lack of objection is a neutral consideration. I note the comments from the Conservation Area advisory committee – I have dealt with scale and design within the main body of this decision letter. I do not find the proposal, in terms of scale, to excessive nor require justification as an extension to an existing single residential dwelling. I have no evidence before me to suggest that the proposed rooflights could give problems of light pollution and note that Council does not raise such concerns either within their refusal reason.
13. I note the appellant's statement that the Council has made a number of procedural and substantive errors during the application process as well as providing an assessment of the officer's delegated report, however, no application for costs was submitted as part of the appeal before me. Such matters with regard to the actual application process are of limited relevance to the appeal procedure and I have considered the proposal before me on its own merits against the relevant LP.

Conditions

14. The Council have suggested three standard conditions in their questionnaire which I have applied. A time condition is attached to comply with section 51 of

the Planning and Compulsory Purchase Act 2004. A condition requiring the development to be in accordance with the approved plans is required to control and define the development which is granted consent. A materials condition is required to ensure the proposal matches the host dwelling and that any deviations in materials from existing are approved by the Council to ensure an appropriate finish.

Conclusion

15. For the reasons outlined above, and taking account all other matters raised, I conclude that the appeal should be allowed subject to conditions.

Eleni Randle

INSPECTOR