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Appeal Statement of Case

Permission Refused for:

Enlargement of first floor rear conservatory to the residential flat (Class C3)

Address:

Flat 3, 37 Platt's Lane, London, NW3 7NN

LPA Reference:

2022/1899/P

Appeal Dated:

August 2022

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1. Introduction

- 1.1.** The London Borough of Camden Council refused planning permission for the following development at Flat 3, 37 Platts Lane in Camden on **4th July 2022**.

Enlargement of first floor rear conservatory to the residential flat (Class C3)

- 1.2.** The application was refused permission for the following reason:

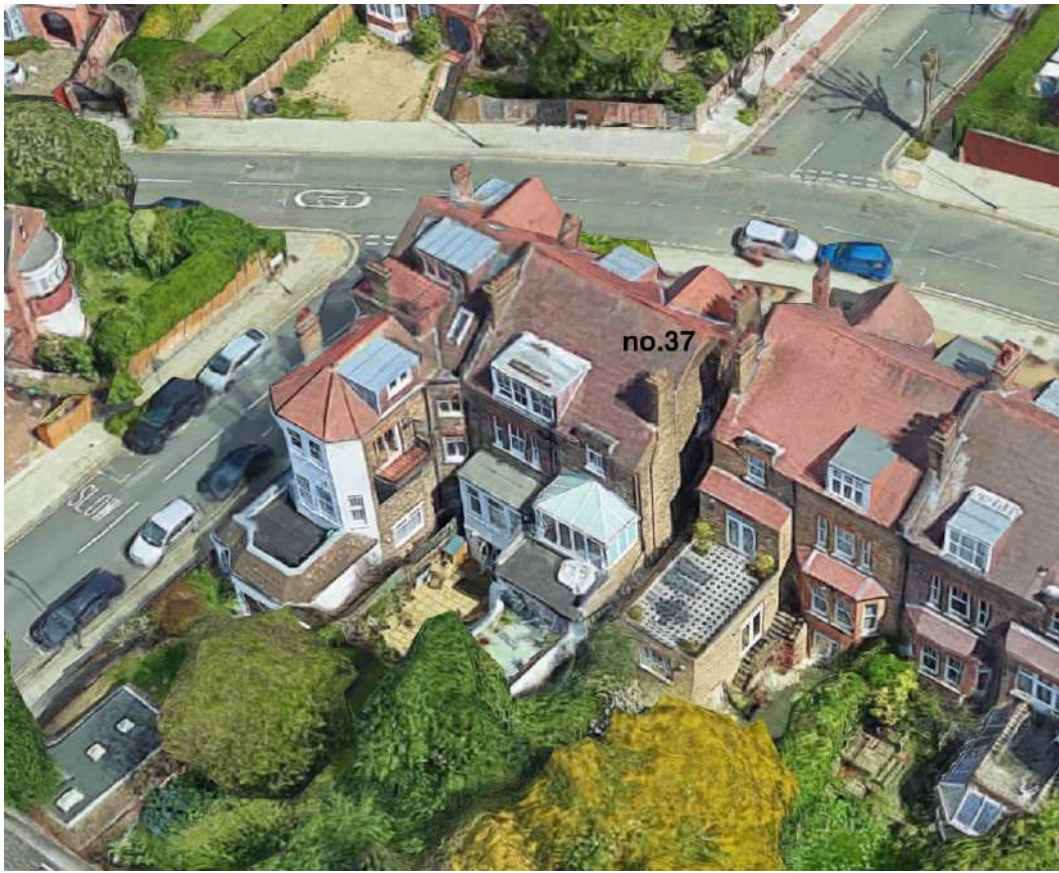
'The proposed rear extension, by reason of its bulk, visual prominence and detailed design would be detrimental to the character and appearance of the host building, the terrace of which it forms a part and the surrounding Redington/Frognaal conservation area. As such the proposal would be contrary to policies D1 (Design) and D2 (Heritage) of the Camden Local Plan 2017 and SD5 (Dwellings: Extensions and garden development) of the Redington Frognaal Neighbourhood Plan 2021.'

2. Description of Site and Surroundings

- 2.1. The application site is located on the western side of Platts Lane within the administrative area of the London Borough of Camden. Number 37 Platts Lane is a two storey, semi detached building with additional accommodation at basement and within the roofspace. Each of the four floors have been converted into four separate flats.
- 2.2. The appeal site is flat 3, which is located at first floor level. The rear of number 37 Platts Lane has an existing first floor rear conservatory placed on top of a rear projection along with a flat roofed rear projection. The rear elevations of the neighbouring properties are mixed with a variety of rear projections, extensions and treatments. These include a three storey rear projection at number 39, and a two storey flat roof terrace at number 35.
- 2.3. The site is not listed and there are no listed buildings in the vicinity of the site. The site is within the Redington/Froggnal Conservation Area and the Redington Froggnal Neighbourhood Area
- 2.4. An image of the front elevation of the property as viewed from Platts Lane is shown below:



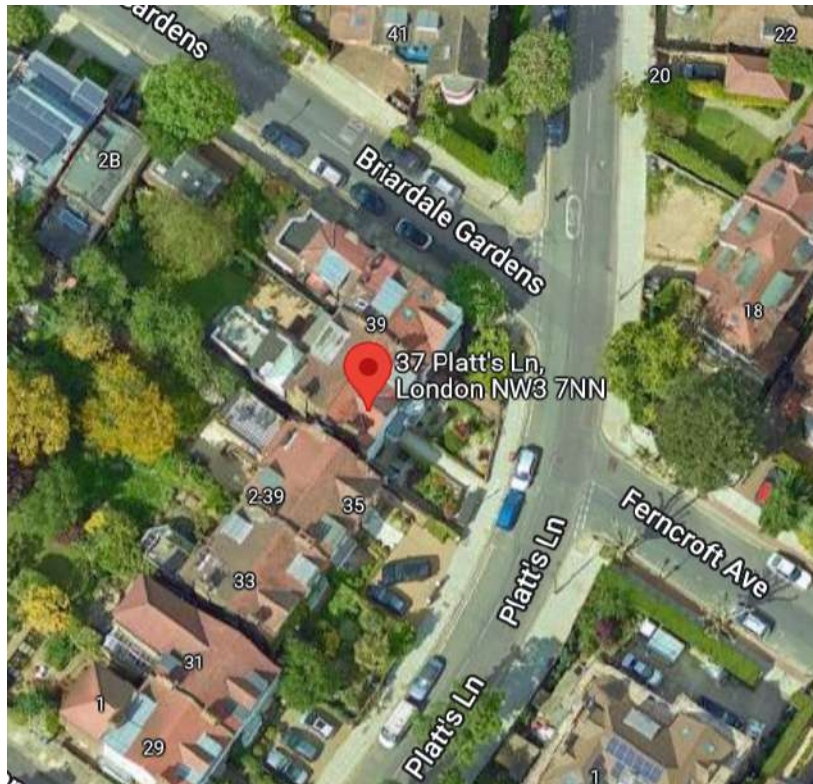
2.5. An image of the rear of the property showing the existing conservatory is shown below:



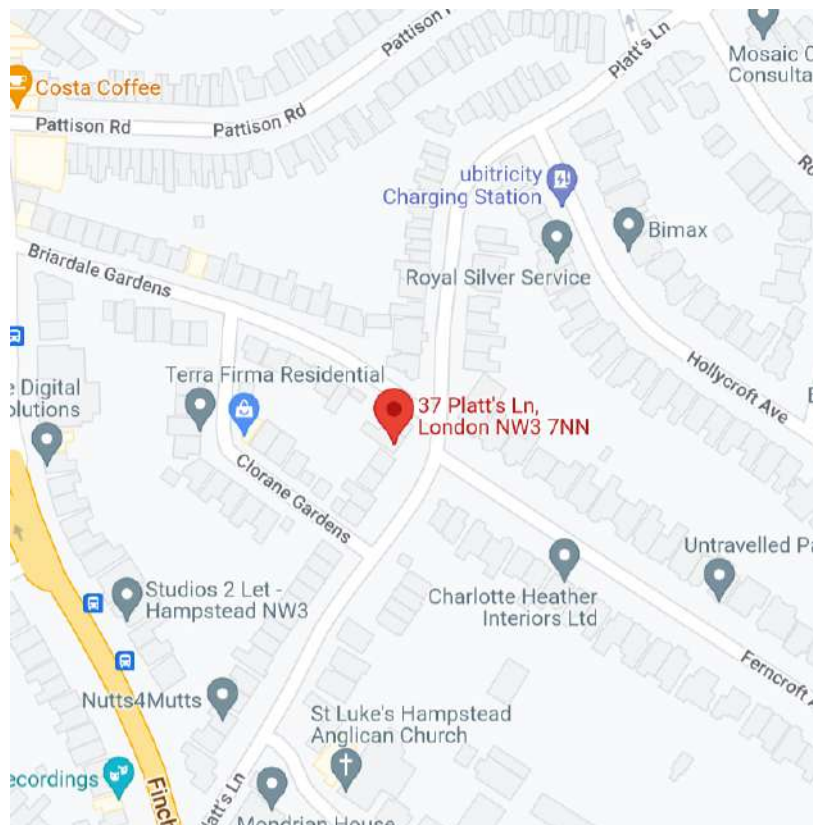
2.6. The existing rear elevation of 37 Platts Lane shown below:



- 2.7.** The character of the surrounding area is residential mostly consisting of large detached and semi detached dwellings. An aerial image of the site is shown below:



- 2.8.** An image showing the site and the wider context is shown below:



3. Relevant Planning History

3.1. A full search of planning history for the application site has been carried out in preparation of the appeal statement. There is the following planning history associated with number 37 Platts Lane that is relevant to the appeal.

- 2019/5927/P - Erection of a brick-built first floor rear extension following demolition of the existing first floor conservatory to residential unit (C3 use) – Refused 27th February 2020. Appeal reference APP/X5210/W/20/3249286 dismissed 16th November 2020.
- 2019/1110/P - Enlargement of first floor conservatory to residential unit (Class C3) – Approved 2nd September 2019.
- 2011/0162/P - Erection of glass balustrading in connection with creation of rear first floor roof terrace to existing flat (Class C3) – Refused 30th March 2011. Appeal reference APP/X5210/A/11/2154891 dismissed 15th November 2011.
- 2009/2681/P - Erection of a conservatory extension at rear upper ground floor level to the existing flat – Approved 27th October 2009.
- 2008/1275/P - Erection of a conservatory extension at rear first floor level, and installation of a balustrade to allow use as a roof terrace – Refused 10th March 2009.

4. Planning Policy Context

- 4.1.** This section of the Statement provides an analysis of the planning policy context in which the proposed development should be considered in accordance with the relevant planning legislation and national policy guidance.
- 4.2.** Planning decisions in England and Wales should be taken in accordance with the development plan unless material considerations indicate otherwise. This statutory requirement is set out in Section 38(6) of the Planning and Compulsory Purchase Act 2004. As the building is within a Conservation Area, Section 72 of the Planning (Listed Building and Conservation Area Act 1990 also apply.
- 4.3.** The statutory Development Plan for the London Borough of Camden consists of the following documents relevant to the appeal:
- London Plan 2021
 - Camden Local Plan 2017
 - Redington Frognal Neighbourhood Plan 2021
- 4.4.** The relevant planning policies shown within the reason for refusal are:
- Policies D1 (Design) and D2 (Heritage) of the Camden Local Plan 2017
 - Policy SD5 (Dwellings: Extensions and garden development) of the Redington Frognal Neighbourhood Plan 2021

5. The Appellant's Case

Context

- 5.1.** This appeal is against the London Borough of Camden to refuse planning permission for the following development at Flat 3, 37 Platts Lane in Camden.

Enlargement of first floor rear conservatory to the residential flat (Class C3)

- 5.2.** The material consideration that arises from the reason for refusal is as follows:

- *Reason 1 – Impact of the proposed development on the character and appearance of the host dwelling, the terrace and the Redington/Frognaal Conservation Area.*

- 5.3.** As the reason for refusal is based on these matters only, it is considered that the development is acceptable in all other instances.

Reason 1 – Impact of the proposed development on the character and appearance of the host dwelling, the terrace and the Redington/Frognaal Conservation Area.

The Council's reason for refusal of planning permission is worded as follows:

'The proposed rear extension, by reason of its bulk, visual prominence and detailed design would be detrimental to the character and appearance of the host building, the terrace of which it forms a part and the surrounding Redington/Frognaal conservation area. As such the proposal would be contrary to policies D1 (Design) and D2 (Heritage) of the Camden Local Plan 2017 and SD5 (Dwellings: Extensions and garden development) of the Redington Frognaal Neighbourhood Plan 2021.'

- 5.4.** The Council sets out their case in relation to design in paragraphs 3.2 to 3.9 of their delegated report. Paragraphs 3.10 to 3.13 deal more specifically with the impact on the Conservation Area.

- 5.5.** The planning history associated with the site is important in relation to the current appeal. In 2009 planning permission was granted (2009/2681/P) for the existing conservatory on the site. The drawings and delegated report relating to this application have been provided as part of the appeal so that the Inspector is fully aware of the case.

- 5.6.** In relation to the 2009 proposed conservatory (2009/2681/P), the Council made the following conclusions:

'The rear of the application building is visible in limited views from Briardale Gardens, however both the buildings to the rear and the substantial vegetation result in the rear elevation of this property and its neighbours being substantially screened.'

'The detailed design and form of the extension echoes the Victorian architectural style of the host building. While upper level conservatories are generally discouraged within Camden Planning Guidance, the detailed design is considered to be of an appropriate quality in this location.'

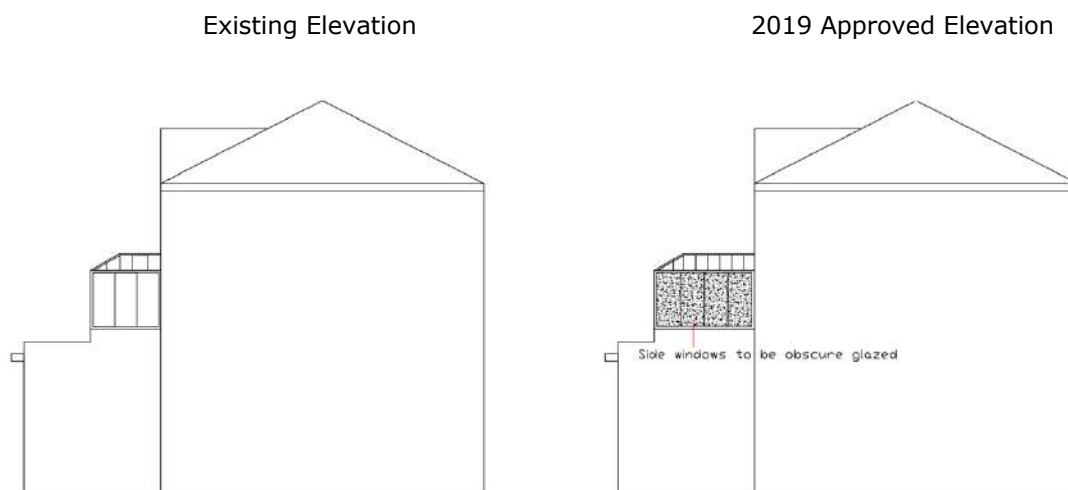
'Due to its lightweight traditional materials and its profile, slanting away from rear wall of the host building, the conservatory is not considered to be a dominant or obtrusive structure within its context.'

'The proposed conservatory extension is of a modest scale, particularly when viewed in the context of the large 3 storey extensions to the other properties which form part of this set of buildings. The extension is considered to be subordinate to the host building.'

'The rear elevations of the neighbouring buildings have been altered and extended over time with the construction of rear extensions and additions (see relevant history section). The proposed extension would not involve the introduction of an alteration into a perfectly preserved set of buildings and the proposal would therefore preserve the character of the Conservation Area. Due to the secluded position at the rear of the property and the scale of the additional built form, the proposal is considered, on balance, not to preserve the character and appearance of the Conservation Area.'

- 5.7.** The context of the site has not altered since this assessment by the Council in 2009. The position of the proposed conservatory remains the same with limited views from Briardale Gardens. The proposed design remains the same (lightweight materials and traditional appearance). The wider context of the site remains the same (set within large, three storey extensions to other properties and within rear elevations that have been significantly altered and extended). It remains the case that the proposal will not be inserted into a perfectly preserved set of buildings.
- 5.8.** As a result of the approval of planning application reference 2009/2681/P, the Council has established the principle of a conservatory extension to flat 3 of 37 Platts Lane. In 2019 planning permission was approved (reference 2019/1110/P) for an extended conservatory. The reasons for approving the conservatory are similar to those in 2009. The extant 2019 approval is a material planning consideration in relation to the current appeal.
- 5.9.** In light of the approvals the Inspector is requested to consider the relative differences between the three most significant schemes i.e., existing, 2019 approval and current appeal proposal and their impact on the existing terrace and wider conservation area.
- 5.10.** The existing arrangement does not align with the ground floor extension, nor does the 2019 approved scheme. Both these variants result in a somewhat discordant and uncomfortable setback. By extending the conservatory to the full depth of the existing host's footprint the scheme reduces the otherwise staggered and incongruous form.
- 5.11.** The images below of the southern elevation at 37 Platts lane help to provide a visual representation of these differences.





5.12. The existing conservatory and the 2019 approved scheme (2019/1110/P) have an awkward relationship with scale as they create an uneven staggered effect. On the other hand, the appeal scheme subtly enhances the existing volume yet is still respectful of the host property and wider terrace. It achieves this by improving the relationship between the proportions of the distinct elements which make up no.37. It therefore restores a level of otherwise lost uniformity by responding the rear extension at no.39, thus harmonising the overall form. The existing arrangement and 2019 approval are considered to be less favourable to the quality and appearance of the conservation area when contrasted against the impact of the appeal scheme at the site.

5.13. The appeal scheme follows on from the positive pre-application advice received from Camden Council in October 2018. In particular this scheme responds to comments received on previous applications on this site and has been developed in line with the National Planning Policy Framework, policies issued by the London Borough of Camden and the Redington Froggnal Neighbourhood Plan. A copy of the thorough and detailed pre-application advice letter from the LPA dated 11 October 2018 will be supplied with this appeal for the benefit of the Inspector.

5.14. The pre-application advice was overall positive regarding the enlargement of the existing conservatory and provided clear analysis of the site which was considered when designing the enlargement to the conservatory most recently. The advice received in 2018 is considered to still be highly relevant to the current appeal scheme and therefore provides support for the latest proposal.

5.15. Of particular interest to this appeal the Inspector should note that during the pre-app Camden stated:

'The building is three storeys in height and the proposal would be considered subservient thereby remaining acceptable in terms of its impact on the character and appearance. The rear elevation of the property and the neighbouring property have been altered significantly in the past with a three storey rear extension being constructed at no. 39 and a dormer window in the rear roof slope of no. 37. Therefore the buildings as a semi-detached pair have already lost their uniformity and symmetry. Given the fact that the existing conservatory already alters the pair, the proposal would not create any further harm to their character and appearance.'

The rear elevations of the properties as a group include a variety of alterations and extensions at mainly lower ground and upper ground floor level. The proposal would not project beyond the three storey extension of the neighbouring property at no. 39 and would maintain the stepped rear building line of the 6 properties. Given that the proposed extension would not involve the introduction of an alteration to a perfectly preserved set of buildings it would be considered acceptable in terms of its impact on the character and appearance of the properties as a group and the surrounding conservation area.'

5.16. The Council's 2018 pre-app advice was clearly favourable and related to a design which was virtually identical with the exception of the marginal increase in width. Therefore, the appellant contends that the 2022 scheme (2022/1899/P) is supported by the pre-app advice.

5.17. 2020 planning permission (2019/5927/P) was refused for a replacement conservatory and the associated appeal was dismissed (APP/X5210/W/20/3249286). The Council refers to this appeal decision within their delegated report relating to the current proposal and have provided the appeal decision as an appendix.

5.18. When studying the appeal decision relating to 2019/5927/P, the key element that results in the Inspector finding the proposal unacceptable are the materials. When considering this issue, the Inspector states:

'Although the appellant argues that a significant portion of the proposed extension would be glazed, the submitted plans and other information clearly show that the flank walls would be predominantly brick, although they would both include windows. There would be full-height glazed sliding doors on its rear elevation, and it would have a tiled roof with inset glazed panels.'

'the use of brick would give it a more solid appearance which would make it a bulky and prominent addition to the building'

5.19. In relation to the current appeal, the Council state in their delegated report that the existing conservatory is not particularly characteristic of the conservation area but due to its hipped roof form, and its limited depth and width it is not considered to have an adverse impact on the character and appearance of the building.

5.20. The statement by the Council that the existing conservatory is not characteristic of the Conservation Area is odd given that they have previously approved applications for conservatories on this site on two occasions. It is therefore logical to conclude that the Council do consider conservatories to be an appropriate and characteristic addition on this site within the Conservation Area.

5.21. The Council then goes on to state that *'Much of the neighbouring buildings can also still be appreciated.'* The proposed conservatory that is the subject of this appeal is only slightly increased in width compared to the existing and has no material impact on how much of the neighbouring buildings can be seen/appreciated.

5.22. The Council then goes on to state that:

'It is also considered that the glazed materials of the existing conservatory appear somewhat alien and jarring in relation to the predominant pattern of solid masonry and domestic scale window openings which characterises the rear of the terrace as viewed from the surrounding conservation area.'

5.23. Again, the existing conservatory, including its glazed appearance, was considered to be appropriate by the Council when granting planning permission in 2009. A conservatory with a glazed appearance was then approved again by the Council in 2019. It is therefore difficult to understand how the Council can consider that a glazed appearance is at odds with the character of the surrounding area when it is themselves who approved the appearance of the conservatories.

5.24. Additionally, as has previously been illustrated, a proposal for a conservatory/extension in 2019 (reference 2019/5927/P) was refused mainly due to the increased perceived bulkiness/prominence resulting from the proposed brickwork. Both the Council and the associated appeal Inspector considered that the brick built conservatory/extension was less suitable than the fully glazed conservatory. It has therefore been established that a fully glazed conservatory is the most appropriate in terms of the impact on the character and appearance of the main dwelling, the surrounding properties and the Conservation Area.

5.25. The proposed conservatory that is the subject of this appeal has the same glazed appearance as that approved in 2019. The Council's key concern within their delegated report relates to the small increase in width and depth. A table has been provided by the Council showing the differences in size between the existing conservatory, that approved in 2019 and the 2022 proposed conservatory. This table is shown again below for reference.

	Length (m)	Width (m)	Height (m)
Existing conservatory	2.1	4.2	2.1m (eaves) 3m (ridge)
Approved conservatory (2019)	3.0m	4.2m	2.1m (eaves) 3m (ridge)
Proposed conservatory (2022)	3.9m	4.2m to 4.7m	2.1m (eaves) 3m (ridge)

Table 1 (above): Dimensions of existing conservatory, approved conservatory and proposed conservatory

5.26. The planning permission for the 2019 conservatory is extant and is the fallback position. The proposed conservatory is no higher to the eaves or ridge than either of the two previously approved conservatories.

5.27. In terms of the width, the majority of the proposed conservatory is the same width as the two previously approved conservatories. There is only a small element of the extension that is slightly wider (by 50cm). This small increase in width will have no material impact on the appearance of the conservatory. Even at its widest point, the proposed conservatory remains less than half the width of the existing rear elevation of the building.

5.28. The images below show the subtle difference between the existing (left) conservatory and proposed enlargement (right) as per app ref: 2022/1899/P.



5.29. In relation to the depth, there is an increase of 90cm from the approved 2019 extant scheme. The Council considers in their delegated report that the small increase in footprint/volume *'would increase the bulk of the extension which would be overly dominant at first floor level and would be harmful to the character and appearance of the building.'*

5.30. The Council then goes on to state:

'The extent of footprint that was approved in 2019 was the most that was felt could be assimilated without making something already harmful have a noticeably greater impact, and the Inspector's findings on an extension of the same footprint as the Council had previously approved serves to reinforce the inappropriateness of allowing anything further.'

5.31. The Council's states again that the existing conservatory is harmful, but this is not a robust conclusion given that the Council approved both the existing, and extant 2019 conservatories. The Council cannot consider a conservatory to be inappropriate in this location, as they themselves have previously considered them to be appropriate.

5.32. The only difference between the 2019 approval and the current scheme is a small increase in floor area. The site context remains the same. The design, lightweight materials and glazed appearance remains the same (overcoming the Inspector's concerns relating to the 2020 refusal). The overall increase in volume would have no material impact on the appearance of the conservatory compared to the extant scheme.

5.33. The proposed conservatory would continue to be one full storey below the eaves height of the existing building and would remain half the width of the main rear elevation. The materials would match the existing conservatory and have a traditional appearance.

5.34. As previously concluded by the Council themselves in relation to the 2019 scheme:

'The rear elevation of the property and the neighbouring property have been altered significantly in the past with a three storey rear extension being constructed at no. 39 and a dormer window in the rear roof slope of no. 37. Therefore, the buildings as a semi-detached pair have already lost their uniformity and symmetry.'

5.35. *The rear elevations of the properties as a group include a variety of alterations and extensions at mainly lower ground and upper ground floor level. The proposal would not project beyond the three storey extension of the neighbouring property at no. 39 and would maintain the stepped rear building line of the 6 properties. Given that the proposed extension would not involve the introduction of an alteration to a perfectly preserved set of buildings it would be considered acceptable in terms of its impact on the character and appearance of the properties as a group and the surrounding Conservation Area.'*

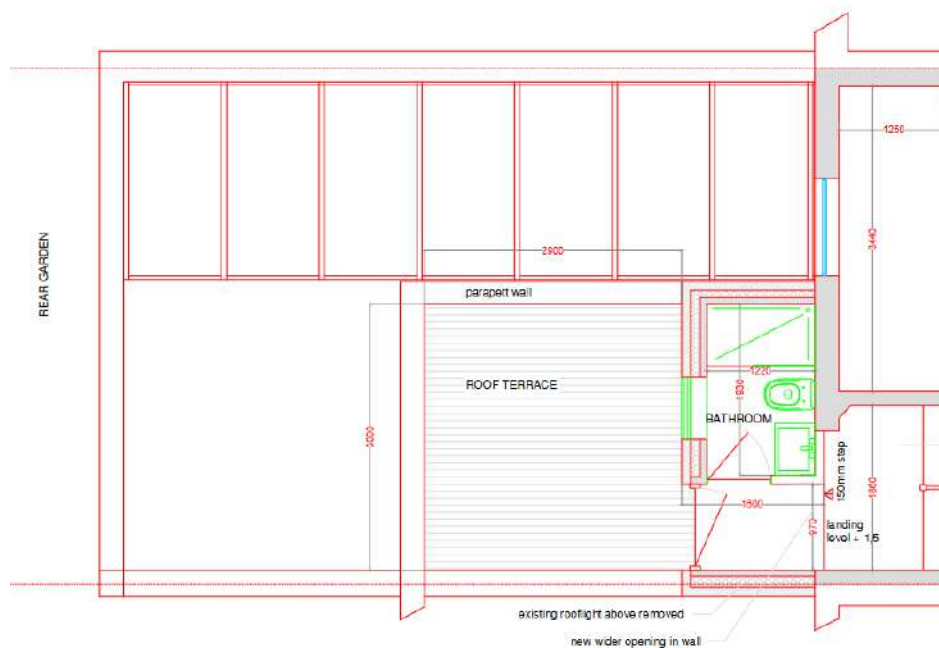
5.36. The small increase in floor area does not change any of the conclusions above, particularly as there are limited views of the site and the fact that the conservatory would be viewed within the context of the large three/four storey dwellings along with their alterations and extensions.

5.37. The appellant would also like to draw the attention of the Inspector to a recent appeal decision for a similar proposal at nearby 18 Roderick Road (NW3 2NL). The documents associated with this proposal have been provided as part of this appeal so that the Inspector is fully aware of the scheme and surrounding circumstances.

5.38. The details of the application are as follows:

2019/1137/P - Erection of a single storey rear extension at second floor level above the existing two storey rear outrigger – Refused 9th November 2021. Allowed at appeal reference APP/X5210/D/21/3288156 dated 21st March 2022.

5.39. 18 Roderick Road is located within the Mansfield Conservation Area. An extract from the proposed floor plan is shown below:



5.40. The proposed rear elevation is shown below:



5.41. The context of the site at 18 Roderick Road is similar to that at 37 Platts Lane as it is within a Conservation Area and the appeal site is a three storey property in a residential area. Additionally, the majority of the surrounding properties have multiple levels of gardens and mezzanine or roof terraces and some properties have been altered at second floor and roof level and the rear terraces are used for a variety of purposes leading to a varied character.

- 5.42.** The proposed extension at 18 Roderick Road was brick built and therefore potentially more prominent and intrusive than the lightweight glazed structure proposed at 37 Platts Lane. However, the Inspector concluded that the proposal would be appropriate within the context of the existing building and the Conservation Area. The appeal at 18 Roderick Road was allowed. The same conclusion should have been made by the Council in relation to the scheme at number 37 Platts Lane.
- 5.43.** For these reasons within this statement, the proposed development has an appropriate design which is in keeping with existing building and the wider Conservation Area. The proposal would be compliant with the London Borough of Camden Development Plan and the NPPF 2021.

6. Conclusion

- 6.1.** This appeal is made under Section 78 of the Town and County Planning Act 1990 (as amended). It sets out the Appellant's Case against the refusal of planning permission by the London Borough of Camden.
- 6.2.** For the reasons set out in this report it is considered that the Council's reason for refusal has been addressed and the Inspector is therefore respectfully requested to allow the appeal and grant planning permission.