



Appeal Decision

Site visit made on 30 January 2023

by L Wilson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th February 2023

Appeal Ref: APP/X5210/W/22/3306368

Flat 3, 37 Platts Lane, London NW3 7NN

- 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 Mr Edward Randall against the decision of the Council of the London Borough of Camden.
 - The application Ref 2022/1899/P, dated 9 May 2022, was refused by notice dated 4 July 2022.
 - The development proposed is enlargement of upper ground floor rear conservatory to create additional habitable accommodation to the existing self-contained flat.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the host building and surrounding area, including whether it would preserve or enhance the character or appearance of the Redington/Frogna Conservation Area (CA).

Reasons

3. No 37 is an Arts and Crafts style, semi-detached building that has been divided into 4 self-contained flats. The Council highlight that it was designed by the architect Charles Quennell. The building is three-storey in height when viewed from Platts Lane and due to the topography of the area four-storey in height to the rear.
4. The appeal site is located in the CA. Based on the evidence before me, the CA is largely characterised by late nineteenth century and Edwardian residential suburban development, in a range of architectural styles, set in verdant surroundings. Conservatories are not a key characteristic of the CA.
5. The Redington/ Frogna Conservation Area Statement (CAS) states that Nos 29-39 (odds) have somewhat lost their group value due to unsympathetic alterations however 3-37 (odds) are still considered to make a positive contribution to the conservation area. I agree with the CAS that the building makes a positive contribution to the CA as it represents a good standard of design architecturally.
6. The appellant has drawn my attention to pre-application advice they were given which is relevant to the proposal. However, pre-application advice does not bind the Council in any future decision. In any event, the Council does not raise concern in relation to the uniformity and symmetry of Nos 37 and 39.

7. There have been numerous planning applications relating to the host flat for similar proposals. Planning permission has recently been granted for an extended conservatory¹ which I understand is identical to that approved in 2019². I give significant weight to the approved conservatory. The Council state that the extent of footprint that was approved was the most that was felt could be assimilated without making something already harmful have a noticeably greater impact.
8. In relation to a previous scheme, an Inspector found that the increase in volume and use of brick would make the extension a bulky and prominent addition to the building. That appeal decision related to extension with a smaller footprint than the scheme before me.
9. The existing conservatory has a limited depth and width, and is sited on a deeper and wider lower ground floor rear extension which results in a staggered design. The set back of the conservatory helps to reduce its prominence and the extension below is not prominent when viewed from the surrounding area due to the height of the boundary treatment. The proposed conservatory would still be staggered with the below projection as it would not extend across the full width of the below extension.
10. There are examples of extended buildings in the surrounding area, including the neighbouring buildings. For example, No 39 has a three storey rear projection and No 35 has a two-storey extension with a flat roof terrace. The proposed conservatory would project less than the three-storey extension and would be viewed within the context of the existing alterations and extensions. The existing extensions at the host building and neighbouring buildings have impacted the uniformity to the rear and therefore the rear elevations are varied. However, extensions in the locality are generally sympathetic to the host building and surrounding area.
11. The existing conservatory forms part of the character of the host building and this part of the CA. The proposal would be of a similar design, appearance and form to the existing conservatory. As shown in the appellant's submission, the proposed increased dimensions would not be significantly larger than the conservatory granted planning permission.
12. However, the proposed conservatory would be nearly double the length of the existing conservatory. Even though the extension would be set back from the street and would be viewed in the context of the existing rear elevations of the property and surrounding dwellings, a conservatory of this size would not be appropriate as it would unduly increase the prominence of a form of development that is not characteristic of the CA. Given the size of the conservatory, the extent of glazing would unduly contrast with the predominant pattern of solid masonry and domestic scale window openings which are characteristic of the area. The increase in volume would increase the bulk of the extension and result in a dominant addition to a building that makes a positive contribution to the CA.
13. The proposed conservatory would be visible from Briardale Gardens (as is the existing conservatory). The proposal would be partially screened in the summer

¹ 2022/3361/P

² 2019/1110/P

by nearby trees, but I observed on my site visit that in winter months the proposal would be conspicuous.

14. The increase in size would have a greater impact on the character of the terrace than the existing and approved conservatory, which would be clearly visible from Briardale Gardens. The proposed development would result in a larger conservatory than that approved, and in my view the difference in particular the increase in length would be noticeable and result in a more prominent conservatory. Accordingly, for the reasons given above, the proposal would cause harm to the character and appearance of the CA.
15. Framework paragraph 199 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Framework paragraph 200 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Where there is less than substantial harm, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
16. Given that the building has an existing conservatory (and planning permission for a larger conservatory), the varied rear elevations as well as the scale of the proposal within the context of the CA as a whole, the level of harm would be less than substantial, nevertheless it is of considerable importance and weight.
17. No evidence has been submitted to clearly show any public benefits. Given the above and in the absence of any defined significant public benefits, I conclude that, on balance, the proposal would fail to preserve the character or appearance of the CA.
18. For these reasons, having regard to the extension's design and scale, the proposed development would cause harm to the character and appearance of the host building and surrounding area, and would not preserve or enhance the character or appearance of the CA. Consequently, it would conflict with Policies D1 and D2 of the Camden Local Plan (2017) and Policy SD5 of the Redington Frognal Neighbourhood Plan (2021). These seek, amongst other matters, to ensure development respects local context and character. In addition, require development within a conservation area to preserve or, where possible, enhance the character or appearance of the area.

Other Matters

19. My attention has been drawn to an appeal decision³. There are some similarities between that appeal and the appeal before me. For example, both buildings are located in a conservation area and the rear elevations have been altered.
20. However, it appears that in the case of 18 Roderick Road, there were examples of similar alterations, and the extension would not be visible from the public realm. In contrast, the proposed conservatory is larger than the extension approved, conservatories at first floor level are not characteristic of the area

³ APP/X5210/D/21/3288156

and the proposal would be visible from the public realm. Therefore, the allowed appeal cannot be directly compared to the proposal before me. The other matters highlighted by the appellant do not change my findings on the main issue in this appeal.

Conclusion

21. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other material considerations, the appeal does not succeed.

L Wilson

INSPECTOR