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## Appeal Decision

Site visit made on 14 March 2018

**by Graham Wyatt BA (Hons) MRTPI**

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

**Decision date: 11<sup>th</sup> April 2018**

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**Appeal Ref: APP/X5210/W/17/3191055**

**15 St Mark's Crescent, London NW1 7TS**

- 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 Richard Greenwood against the decision of the Council of the London Borough of Camden.
  - The application Ref 2017/4124/P, dated 18 July 2017, was refused by notice dated 15 September 2017.
  - The development proposed is "Replacement of first floor window with new single door within width of existing opening and balustrade to bay window roof below. Removal of existing first floor balustrade and replacement of casement door with fanlight window in a style matching the same window on the adjoining property".
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### Decision

1. The appeal is allowed and planning permission is granted for the "replacement of first floor window with new single door within width of existing opening and balustrade to bay window roof below. Removal of existing first floor balustrade and replacement of casement door with fanlight window in a style matching the same window on the adjoining property" at 15 St. Mark's Crescent, London NW1 7TS in accordance with the terms of the application, Ref 2017/4124/P, dated 18 July 2017, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: location plan, 15SMC-RE-EXISTING.00, 15SMC-SE-EXISTING.01, 15SMC-FP-EXISTING.02, 15SMC-RE-PLANNING.00, 15SMC-SE.PLANNING.01 and 15SMC.FP-PLANNING.02.
  - 3) All new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the existing building, unless otherwise specified in the approved application.

### Main Issue

2. The main issue is whether or not the proposed development would preserve or enhance the character or appearance of the Primrose Hill Conservation Area (PHCA).

### Reasons

3. The appeal site is a semi-detached property that backs onto the Regent's Canal and forms part of the PHCA. The building has been converted into two

maisonettes with the appeal property occupying the first and second floors. The appeal building is one of a group of four along this part of St. Mark's Crescent that have been designed in the Italianate villa style.

4. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in making decisions on planning applications and appeals within a Conservation Area, special attention is paid to the desirability of preserving or enhancing the character and appearance of the area.
5. Paragraph 128 of the National Planning Policy Framework (the Framework) states that local planning authorities should require an applicant to describe the significance of any heritage assets affected by a development, including any contribution made by their setting. Paragraph 131 of the Framework states the need to take account of the desirability of sustaining and enhancing the significance of heritage assets. The PHCA is a designated heritage asset and paragraph 132 of the Framework states that great weight should be given to the asset's conservation.
6. The planning application was accompanied by a Design and Access Statement which considered the significance of the heritage asset and in turn refers to the Primrose Hill Conservation Area Statement (PHCAS). The PHCA is quite large and has been broken down into four sub areas. The appeal site is located within sub area one – Regents Park Road South, which identifies the Italianate villas which dominate the principal and secondary roads and are thus part of the significance of the designated heritage asset. The PHCAS states that the majority of villas are semi-detached or form part of a terrace with their symmetry the most common way of unifying a group. The rear of the appeal building is also clearly visible from the tow path alongside the canal.
7. The appeal building and 16 St. Mark's Crescent retain a degree of symmetry which is created by their form and the position of openings, with the exception of the window on the second floor of 16, which is longer in comparison to the one on 15. However, despite the bay windows being located centrally below the first and second floor windows, the difference in window types, the balustrade on the side wing and the level of the ground floor extensions results in the building being perceived as a pair of semi-detached dwellings rather than a symmetrical detached dwelling. Moreover, although the side wings are set back from the central core of the building, they are nonetheless clearly visible from the tow path.
8. The replacement of the side window with a fanlight window and the removal of the balustrade would replicate the style that exists at number 16. Although the openings are the same, the replacement of the window to match that at 16 would balance the building to a small degree. This particular element of the development is therefore considered to enhance the PHCA and is therefore acceptable in this regard.
9. The first floor window opening would be elongated to accept the proposed door which in turn would allow access to the roof of the bay window below, with a new balustrade to match the existing one. While the proposed door and balustrade would alter the existing arrangement of openings on the rear elevation in comparison to the neighbouring property, the perception of the building as a pair of semi-detached dwellings would remain. I do not consider the development would result in harm to the PHCA as the level of symmetry to which the Council seeks to protect has already been disturbed by previous

alterations to the building such as the window types, balustrade on the side wing and the ground floor extensions. I therefore find that the siting, location and scale of the replacement door and balustrade would have a neutral effect and would preserve the character and appearance of the PHCA.

10. The Council argue that the ground floor extension to the appeal building is not drawn correctly on the submitted plans and that the plain railings are the subject of enforcement investigation. However, the approved railings are not the same as those on 16, further eroding the buildings symmetry. With regard to "significant views" which includes that along the canal between Primrose Hill School and St. Mark's Church, the scale of the development would not interrupt views along the canal.
11. Moreover, while accepting that the scale and form of the group of four pairs of Italianate dwellings is similar, they have all been altered and extended to differing degrees. The rear of 11 to 14 do not share the same features with conflicting balustrading, terraces, ground floor extensions, window types and elevational treatments. In reaching this decision I have also taken into account the comments from the Primrose Hill Conservation Area Advisory Committee. Moreover, the view of the site from the tow path is quite different to the one from the front along St. Mark's Crescent.
12. Thus, I find that the development would therefore preserve the character and appearance of the PHCA and would comply with Policies D1 and D2 of the London Borough of Camden Local Plan 2017 which seek, amongst other things, to ensure that a development preserves or enhances the historic environment, including Conservation Areas.

### **Conditions**

13. The conditions suggested by the Council have been considered in light of the advice within the Planning Practice Guidance and the Framework. I have reworded them where necessary in the interest of concision and enforceability. To ensure the satisfactory appearance of the development, the materials to be used should match as closely as possible those on the existing building. The approved plans should be specified to provide certainty.
14. With regard to detailed drawings of the balustrade, the plans indicate that these will match those that currently exist on the building. Moreover, the drawings clearly detail the proposed window and door. Consequently, further details of these elements are not required.

### **Conclusion**

15. For the reasons given above, and having regard to the development plan when read as a whole, I conclude that the appeal should be allowed.

*Graham Wyatt*

**INSPECTOR**