

Appeal Decision

Site visit made on 18 April 2023

by John Whalley

an Inspector appointed by the Secretary of State

Decision date: 26th April 2023

Appeal ref: APP/X5210/W/22/3309035

Flat C, 66 Priory Road, London NW6 3RE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal of planning permission.
 - The appeal is made by Mr Steve Hooper against the decision of the London Borough of Camden Council.
 - The application, ref. 2022/1323/P, dated 28 March 2022, was refused by a notice dated 17 June 2022.
 - The development proposed is the erection of a first floor side/rear mansard roof extension.
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Decision

1. The appeal is dismissed. Planning permission for the proposed is refused.

Main issue

2. The main issue in this appeal is whether or not the proposed mansard roof extension, by virtue of its location, design, bulk and use of materials, would be an unacceptably incongruous addition to the No. 66 building.

Reasons

3. The appeal property, No. 66 Priory Road, lies within the South Hampstead Conservation Area. With respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area, (section 72 (1) of The Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended)).
4. The South Hampstead Conservation Area, (formerly known as Swiss Cottage Conservation Area), Character Appraisal and Management Strategy (SHCACAMS) identifies No. 66 Priory Road as making a positive contribution to the character and appearance of the Conservation Area.
5. No. 66 is a 3 storey semi-detached dwelling divided into 4 flats. Planning permission ref. 2021/5344/P was issued in February 2022 for a 2 storey side/rear extension at No. 66, reduced in scope following consultations. A planning permission at No. 64, ref. 2014/4950/P, again following advice and negotiation, was then considered to be the maximum achievable. Planning permission ref. 2019/1218/P shows a revised rear elevation to No. 68 Priory Road.

6. The Council said the extension project would harm the character and appearance of South Hampstead Conservation Area and local roofscape. In their view, that would be contrary to Policies D1 (Design) and D2 (Heritage) of the London Borough of Camden Local Plan 2017. They further said that Local Plan policies D1 (Design) and D2 (Heritage) were aimed at achieving the highest standard of design in all developments. Policy D1 requires development to be of the highest architectural and urban design quality, which improves the function, appearance and character of the area. Policy D2 states that the Council will preserve, and where appropriate, enhance Camden's rich and diverse heritage assets and their settings, including conservation areas and listed buildings.
7. I agree with the Council that the predominantly large buildings along Priory Road make a positive contribution to the Conservation Area. Most appear to have been converted into flats; facades largely unchanged. No. 66 and those close by have a full height rear projection of about 1/3rd width. Some infilling has taken place or been permitted. However, I consider that the Council were right to conclude that the appeal project, with its zinc sheet covered mansard roof extension would appear incongruous and ill fitting and would fail to preserve or enhance the character or appearance of this part of the Conservation Area.
8. It can be that in certain circumstances an addition to a building can appropriately contrast with the original building in terms of design and use of materials. But where, as in this instance, it produces what I consider to be an adverse effect on the prevailing pattern of design and development especially in an area subject to a statutory need to pay special attention to the desirability of preserving or enhancing the character or appearance of that area, more stringent controls over discordant development may be appropriate.
9. The Appellant suggested that if the conclusion was that the proposed massing and design of the extension was acceptable in principle but the proposed zinc cladding was not, a planning condition requiring the submission of details of alternative facing materials for the proposed extension before the commencement of building works might be applied. However, for non outline applications, it is important to limit the use of conditions requiring their approval of further matters after permission has been granted. The ability to impose conditions requiring submission and approval of further details may extend to aspects of the development that are not fully described in the application. That is not the case here. A condition requiring the re-submission and approval of details that have already been submitted as part of the planning application is unlikely to pass the test of necessity, (National Planning Policy Framework: Paragraph: 006 Reference ID: 21a-006-20140306).

Conclusion

10. For the reasons set out above, I conclude that the appeal should not be allowed.

John Whalley

INSPECTOR