



Appeal Decision

Hearing Held on 4 July 2023

Site visit made on 4 July 2023

by Jonathon Parsons MSc BSc DipTP Cert(Urb) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 September 2023

Appeal Ref: APP/X5210/W/23/3315974

Howitt Close, Howitt Road, London NW3 4LX

- 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 Daejan Properties Limited against the decision of the Council of the London Borough of Camden.
 - The application Ref 2021/3839/P, dated 27 July 2021, was refused by notice dated 3 August 2022.
 - The development proposed is a rooftop extension to create 7 residential dwellings.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Amended details show the location and design of solar panels on the roof of the proposed development. The Council considers these details overcome a reason for refusal in that they demonstrate an acceptable sustainable energy use to meet local and national policy. After assessing the details, I agree with this view and, given their discrete position, they would not detrimentally affect the character and appearance of the building. My reasoning will therefore focus on the other main issues raised below.
3. A section 106 agreement (s106) dated 28th June 2023 relates to financial contributions towards affordable housing, car free housing, a construction management plan and associated bond, which will be considered later in this decision. At the hearing, a time period was given for the Department of Culture Media and Sport (DCMS) to review the decision as to whether Howitt Close should be listed, in light of new information. This deadline has expired and no further comments from DCMS have been submitted, and therefore, their original comments are only taken onto account.
4. The appellant submitted a Daylight and Sunlight Report (DSR)¹ at the hearing. Council and third party comments on the DSR have been considered in this decision.

¹ Daylight and Sunlight Report, Howitt Close, Howitt Road, London NW3 4LX, Consil, 30 June 2023.

Main Issues

5. The main issues are the effects of the proposal on:
- the significance of a non-designated heritage asset (NDHA), known as Howitt Close;
 - the character and appearance of Belsize Conservation Area; and
 - the living conditions of the occupiers of the Belsize Park Gardens, Howitt Road and Howitt Close, having regard to daylight and sunlight.

Reasons

Heritage assets

6. The appeal site comprises a 3 storey block of flats, Howitt Close, dating from the 1930's which fronts onto Howitt Road, where the road bends and at its junction with Glenilla Road. Although not locally listed, main parties have confirmed that the building is a non-designated heritage asset (NDHA). On the road verge in front of the site, there are significant sized deciduous trees and the ground level of Howitt Close is at a lower level than much of Howitt Road.
7. Howitt Close is L-shaped in plan form, with 2 wings of unequal depth, perpendicular to one another, around a centralised entrance and stairwell. It lies between the Edwardian terraces of Howitt Road and the Victorian villas of Belsize Park Gardens. The building is constructed with brown bricks, on the lower two storeys and white render facing on the third storey. It features red brick dressings around critical metal casement windows on all three storeys, and has a flat roof, with distinctive moulded painted eaves of noticeable depth. The shape of the flat roof and eaves follows the pattern of the three storey bays below and step backs below.
8. Despite having a full third storey in comparison with mansard storeys of neighbouring terraces, Howitt Close is lower than adjacent Edwardian terraces on Howitt Road and Glenilla Road, which are mainly two storey with mansard storeys above. The brick/render storey composition of Howitt Close, along with its lower ground position due to topography, ensures that it does not appear overly bulky or prominent in the street scene. The trees on the frontage also aid this. The building has a domestic scale and appearance by virtue of stepped bays/step backs which break up its overall mass into smaller vertical sections, that are roughly the same width as the terraced plots on the street. Through this contextual design, the development fits comfortably into its roughly triangular plot and respects its built surroundings, including the Conservation Area.
9. Additionally, Howitt Close has attractive regularly spaced fenestration across façade projecting bays and recesses which gives the building a pleasing rhythmical quality. There is also noticeable order to the fenestration with distinctive tri-partite fenestration within projecting bays for the principal living room areas and slender smaller windows within the stepped backed elements for more secondary living spaces, such as kitchens and bedrooms. The Glenilla Road elevation lacks the design quality of other elevations but despite this, the consistency in fenestration and articulation remains an overriding quality, given the main frontage elevation's extent. A further strong design feature is the entrance with its paired striped Egyptian-style columns, a decorative iron

- balcony above and the name of the building above at third floor level. In combination with the use of materials and the pronounced roof eaves, such qualities give the building its own identity and attraction in the street scene.
10. The Belsize Conservation Area Statement (BCAS) 2003 indicates that Howitt Close was built in 1932-34 for the Glenloch Investment Company, designed by architects, Henry F Webb and Ash, and constructed by Rowley Brothers of Tottenham. Webb and Ash were proficient architects specialising in designing apartment blocks of regional interest. The flats were built during the interwar period designed for middle-class clientele and reflected demographic, economic and social changes, after the First World War. During and after the Second World War, Howitt Close played an important role in the lives of the Jewish émigré and refugee community from Germany, central and eastern Europe. Belsize has a Jewish community, including a synagogue at Belsize Square, which occupants will have used.
 11. The appellant predominantly emphasises the contextual aspects of the building's design in determining significance. Its materials, fenestration and bays do emulate many of the surrounding Edwardian architectural features. In response to a spot listing request to DCMS², Historic England (HE) commented that although the building exhibits a sympathetic and competent design, it has an old-fashioned style and lacks innovative design features in harmonising with the surrounding Edwardian housing.
 12. The HE comments are material but they were made against the background of whether the building would provide special interest in a national context. Despite its contextual design response to its surroundings, its full three storey and flat roof form, together with its architectural features, still identify Howitt Close as being distinctive within the street scene, albeit in a subtle way. In particular, the juxtaposition between the flat roof, with its projecting moulded eaves, and rendered/brick storeys below, with contrasting red brick dressing, is visually appealing and different to their surroundings.
 13. Furthermore, although one of many built at the time, Howitt Close still has historical value reflecting the substantial growth of London in the interwar years, that was a response to significant change, and its use for émigrés and refugees. By reason of its intact state, its design is reflective of architecture at the time in the 1930s. For all these reasons, whilst the building's significance would not merit listed building status, its contextual and individualistic design and historical qualities are of importance and value, and result in a moderate level of significance for the NDHA.
 14. The BCAS details agricultural land was subdivided in the early 19th century for piecemeal development to take place and under BCAS sub area 4 (Glenloch), Howitt Road was within the grounds of 'Woodlands', a large house built in 1860s by a wine merchant. By early 20th century, the road had been constructed, aligned between Haverstock and Belsize Park Gardens and housing was being developed by Glenloch Investment Co, along with blocks of flats at Glenloch Court, Banff House and Howitt Close.
 15. The Edwardian two storey terrace housing has prominent double height bays and mansard storeys above, which are constructed of varying combinations of red brick and painted roughcast. Typically, bays have tri-partile arrangements

² Historic England's 'Reject at Initial Assessment Report' dated 23 March 2023.

of painted timber sash windows, with subdivided upper panes and decorative timber mouldings. Mansards are separated by brick upstands, and have steep lower slopes, some of which retain original decorative slate work. Within the mansards, large dormer windows reflect the fenestration pattern of projecting bays below. Although such housing predominates the area, there are other buildings of four storeys or higher, such as apartment blocks along Glenmore Road and Glenloch Road, which generally incorporate flat roofs. Within the nearby Belsize Park Gardens, there are the larger and grander paired Victorian villas of an Italianate style.

16. The BCAS details different phases of development since the 19th century which portray the development of London in different historical periods. Within many of these periods, the richness of architectural detailing identifies the style of housing. More recent 1930s housing is more individualistic but add to the variety of housing being distinguishable from earlier periods of development through their design. It is the richness of architecture detailing and form, along with the historical phased nature of development, that underpin the character and appearance of the Conservation Area as a whole, and such qualities are of significance and special interest.
17. Despite the contextual nature of its design, Howitt Close is a well-preserved example of 1930s architecture, contributing to variety within the Conservation Area, and thus, to its significance and special interest. It makes a positive contribution to the character and appearance of it.

Proposal effects

18. The proposed mansard type roof extension, with projecting dormers, would be stepped back from the edge of the flat roof by approximately 1.3m. The mansard storey would have a steep-pitched lower sloping roof and a smaller very low-pitched roof above, reaching approximately 3.3m in height. Its ridge would be roughly similar or below that of the neighbouring terraces on Howitt Road. The windows within the roof and its dormers would follow the order of fenestration in the floors below, with larger dormers denoting main living spaces and singular windows serving secondary spaces. Dormers would project out from the steep incline of the mansard roof and would be constructed with standing seam zinc panels, including to their cheeks. The mansard roof would be constructed with red clay tiles. As part of the proposal, an existing square shaped structure, a lift override, would be removed from the existing roof.
19. Mansard roofs, with their dormers, are a distinctive feature of the locality but the proposed mansard's height, extent, and overly large dormer windows compared to those below, would result in a dominant and 'top heavy' storey, despite its step back. The significance of the building is derived from how it has designed to fit into its surroundings in a discrete way but at the same time having unique individualistic design qualities. By reason of its dominance, the roof extension would run counter to these contextual and individual architectural qualities of the building. The introduction of a new striking facing material, clay tiles, would appear unsympathetic in drawing attention to the roof extension and its dominant nature, and detracting from the simple use of render and brick on different storeys. By reason of bulk, massing and design, the development would visually overwhelm features that are an integral part of

the building's design and significance, namely the roof, with its deep and moulded eaves, and the storeys below with their bays and fenestration.

20. There are examples of 1930s flats with mansard roofs but the acceptability of a building extension will depend upon the architectural and historic characteristics of the host building. In this case, the building has been designed in a particular way which the proposal would fail to respect. Within this Conservation Area, its flat roof and eaves help to distinguish it from other buildings in a way that contributes to its variety, significance and special interest. The bulk and massing of the roof extension would significantly affect this quality through copying this predominant roof feature of the area and therefore, its individuality would be significantly diminished.
21. Principal views of Howitt Close are from the top of Howitt Road to the north and from Glenilla Road to the east. Views from the Howick Road would be screened by trees and against a backdrop of housing on Belsize Park Gardens and modern development at Swiss Cottage, further behind. However, the tree screening would be partial, especially in winter due to the deciduous nature of the trees. Despite the backdrop, the mansard would appear bulky and of significant mass, due to its height, extent, and dormer and fenestration height. From Glenilla Road, the dormer would be imposing given the smaller fenestration below and the elevation would be particularly exposed due to the absence of vegetation. By reason of the bulk, mass, design and materials, it would also visually compete and dominate the Edwardian terraces, which are mainly two storeys with the third storey within a mansard.
22. For these reasons, the development would adversely affect the identity, legibility and significance of the NDHA. It would fail to preserve the character and appearance of the Conservation Area in conflict with the requirement of s72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Living conditions

23. The mansard would be sited above the existing apartments on Howitt Close and would face neighbouring properties on Howitt Road, Glenilla Road, Belsize Park Gardens and Belsize Grove. The separation distance between the host building and the buildings on Belsize Park Gardens would be approximately 19m, Staffan Lodge (on Belsize Grove) in excess of 30m and Howitt Road, approximately 17m.
24. The DSR (as amended)³ assesses the effects of the development on 38 to 44 Belsize Park Gardens and 60 to 62 Howitt Road, taking into account British Research Establishment (BRE) Guidelines⁴, local and national policy. All windows on the Belsize Park Gardens properties, including the lower ground floor of No. 42 with its overhanging structure, and Howitt Road, including the extension at No 57, would pass the relevant daylight Vertical Sky Limit and No Sky Line tests under the guidelines.
25. In terms of sunlight, the Belsize Park Gardens properties would not be affected given their location to the south of the proposed development whilst those opposite on Howitt Road would pass the Annual Probable Sunlight Hours tests detailed in BSE guidelines. No daylight and sunlight assessment has been

³ Consil letter dated 2 August 2023, response to Schofield Surveyors letter dated 30 June 2023 (on behalf of third parties).

⁴ BRE Site Layout for Daylight and Sunlight: A Guide to Good Practice (2022)

taken of the existing Howitt Close flats, but as these flats would be below the roof extension, there is no requirement. Using Sun hours on Ground test, the DSR demonstrates no adverse overshadowing of the rear garden of 57 Howitt Road and Howitt Close.

26. BRE guidelines are only advisory. However, based on my site visit observations, the separation distances of the development relative to neighbouring properties and the DSR, there would be no significant loss of daylight or sunlight to the occupiers of neighbouring housing. Accordingly, the proposal would comply with Policies A1 and D1 (in respect of amenity) of the Camden Local Plan (LP) 2017.

Other matters

27. The proposal would provide 7 dwellings boosting housing land supply in accordance with LP Policy H1 and H2. The proposal would result in a housing mix of units complying with LP Policy H7 which requires a range of homes of different sizes that will contribute to the creation of mixed, inclusive and sustainable communities, and reduce mismatches between housing needs and existing supply. In providing 2 and 3 bedroom dwellings, it would meet the priorities set out in the Dwelling Size Priorities Table under this policy.
28. Under the s106 agreement, there would be a financial contribution towards affordable housing in compliance with LP Policy H4. The level of contribution would comply with a sliding scale under this policy and latest council adopted costings. Given a need for substantial affordable housing in the borough, provision is a policy priority, and this would be another housing benefit of the proposal in addition to the boost to housing supply and housing mix. Such obligations would ensure that the development is acceptable in planning terms, be directly related to the development and fairly and reasonably related in scale and kind in accordance with the statutory tests of the Community Infrastructure Levy (CIL) Regulations 2012 (As amended).
29. New residents financial spend would benefit the viability of local services and the economy. Environmentally, the proposal would make more effective use of land and would provide a range of passive and active energy efficient measures⁵, including the solar panels. An Energy and Sustainability report shows CO2 reductions beyond that required under the Building Regulations. These housing, economic and environmental benefits would significantly weigh in favour of the proposal.
30. A revised application for a differently designed development is awaiting Council determination. This was recommended planning permission to the Council's Members Briefing Panel but there are differences between the appeal and revised proposals and every scheme must be considered on its own planning merits having regard to its detail, including its quality of design.

S106 agreement

31. S106 Obligations would secure a construction management plan and associated bond. Such a plan would secure measures to manage the impact of the scheme in the interests of the living conditions of residents and highway safety, and a bond payment from the developer to the Council to draw up, if required, to ensure compliance with the approved plan.

⁵ Energy and Sustainability Assessment, Environmental Services Design Limited, EJ1482, Rev P01, June 2021.

32. A further obligation would secure the housing to be car-free. LP Policy T2 requires all new developments to be car-free through the use of legal agreements and the policy is aimed at reducing parking stress, traffic congestion and pollution. The obligation requires the restriction of the use of the development in a specified way which is not to occupy the development when holding a parking permit. It is also made pursuant to Section 16 of the Greater London Council (General Powers) Act 1974 which would also secure the car free restriction. All these obligations would meet the tests at paragraph 57 of the Framework and statutory tests of the CIL Regulations. As they mitigate against the effects of the development, they would not represent benefits.

Heritage and Planning balance

33. The proposed development would harm the significance of the NDHA and would harm the character and appearance of the Conservation Area. The degree of harm to the significance of the Conservation Area, as a designated heritage asset, would be less than substantial, in terms of the Framework.

34. The scheme would result in significant housing, economic and environmental benefits but this would be outweighed by the harm to the significance of the NDHA. The adverse effects of the extension, in terms of its bulk, massing, design and materials would be of greater weight given the significance of the NDHA, based on its architectural and historic qualities.

35. In accordance with paragraph 202 of the Framework, the harm to the Conservation Area, should be weighed against the public benefits of the proposed development. There are significant housing, economic and environmental benefits but the proposal would fail to preserve the character and appearance of the Conservation Area. In light of the forgoing, the benefits would not be sufficient to outweigh the less than substantial harm identified and the considerable importance and weight this carries for the Conservation Area. Under the Framework, the conflict with heritage policies would provide a clear reason for refusal.

36. The proposal would conflict with Policies D1 and D2 of the LP, and Policy HC1 of the London Plan 2021, which collectively and amongst other matters, requires high quality design, respecting local context and character, the preservation, and where appropriate, enhancement of heritage assets, including Conservation Areas, development to be sympathetic to heritage asset significance and appreciation within their surroundings, and the protection of NDHAs. Given the determinative nature of the heritage harm, there would be conflict with the development plan, taken as a whole. There would be no material considerations to indicate that the proposal should be determined other than in accordance with the development plan and therefore, planning permission should be refused.

Conclusion

37. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Jonathon Parsons

INSPECTOR

APPEARANCES

For Appellant

Mr Brailsford	Freeths LLP - Planning Consultant
Mr Rose	Heritage Practice
Mr Johal	Total Property Solutions

Local Planning Authority

Ms Henry	Camden Council
Mr McKinstry	Camden Council

Third Parties

Mr Simon	Council councillor
Mrs McFall	Resident
Mr Symes	Belsize Society
Ms Dalgeish	Resident

Documents received at and after the hearing

1. Daylight and Sunlight Report, Howitt Close, Howitt Road, London NW3 4LX, Consil, dated 30 June 2023, received 4 July 2023.
2. Response from Listing, Listing and Scheduling Review Team, DCMS, dated 3 July, received 4 July 2023.
3. Identification of Non-Designated Heritage Assets, Camden Design Planning Guidance, received 4 July 2023.
4. Email correspondence between parties regarding heritage issues, including Non-Designated Heritage Asset status of Howitt Close, received 4 July 2023.
5. Elevational and cross-sectional plans showing planning application currently being considered by Council, reference 2022/3635/P, with non-mansard roof extension, received 4 July 2023.
6. Details of Energy and Sustainability condition, received 11 July 2023
7. Third party response to DSR, Schofield, dated 25 July 2023 and received 26 July 2023
8. Appellant's final comments on Schofield (third party response), dated 2 August 2023 and received 3 August 2023.