



---

## Appeal Decision

Site visit made on 14 June 2024

**by Victor Callister BA(Hons) PGC(Oxon) DipTP MRTPI**

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

**Decision date: 15<sup>th</sup> July 2024**

---

**Appeal Ref: APP/X5210/W/24/3337209**  
**167A York Way, Camden, London N7 9LN**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Ms Joanna Yurky against the decision of the London Borough of Camden Council.
  - The application Ref is 2023/2041/P.
  - The proposed development is a roof extension.
- 

### Decision

1. The appeal is dismissed.

### Procedural Matters

2. I have used the address from the Council's decision notice, as this appears to be the most accurate address of the appeal property.
3. Subsequent to the decision made by the Council on the planning application to which this appeal relates, the National Planning Policy Framework has been revised. Consequently, I have made my decision with regard to the National Planning Framework (December 2023) (the Framework).

### Main Issue

4. The main issue is the effect on the character and appearance of the appeal property and that of the local area, with reference to the Camden Square Conservation Area (the CA)

### Reasons

5. The appeal property is a three storey late 19<sup>th</sup> Century terraced property, with a later two storey rear extension. The vehicle entry to Camden Mews, which is located to the rear of the property, takes up much of the ground floor of the appeal property. There is a shared entry to the flats at 167 York Way, which includes the appeal dwelling, this is accessed to the side of the vehicle entry to the mews.
6. The appeal property is located on the boundary of the Council area with a neighbouring borough, and forms part of the Camden New Town Estate Development. The development of which forms the basis for the designation of the CA. The significance of the CA rests in it being a planned estate that forms an area of coherent character with a variety of areas of differing architectural expressions that relate to differing phases of development. The Camden

Square Conservation Area Appraisal and Management Strategy (2017) (the CSCAAMS) identifies the appeal property as making a positive contribution to this significance.

7. In line with the duty imposed on me by section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have given considerable importance and weight to the desirability of preserving or enhancing the character or appearance of the Conservation Area.
8. The appeal dwelling has been the subject of an existing recent roof extension and creation of a roof terrace, this replaced the pre-existing butterfly roof form that was set behind the existing parapets. There appears to be no planning permission, for this. The proposal to which this appeal relates is for a similar scale of roof extension with roof terrace, but with a more acutely angled roof towards the front elevation and existing parapet. The proposal would however result in a terrace similar to that as built.
9. It is noted that the removal of the butterfly roof form allows for the existing parapet to be 1.2 metres in height from terrace level. The loss of the butterfly roof form does however result in the loss of the original roof form to the appeal building, a feature it shares with other unaltered properties in the terrace. However, the loss of the pre-existing roof form does not result, in itself, in any harm to the character and appearance of the appeal property, the terrace of which it forms part and that of the CA. I note that the creation of the proposed terrace and the outdoor amenity space that it provides, does not, in itself form part of the reason for refusal given by the Council.
10. The angle of the front roof slope of the proposed roof extension would result in it not being visible in direct frontal views of the appeal property at street level. However, in more tangential views of the front of the appeal dwelling and in views of the appeal property from along Camden Mews, the proposed roof extension would be visible and would interrupt the roofline of the appeal property and terrace of which it forms part.
11. Camden Mews does demonstrate a wide variety of architectural expressions, and a varied roof line. However, the roof line of the mews properties appears to be lower than that of the appeal property and the terrace of which it forms part. As such, the continuous roof line of the terrace of which the appeal property forms part and its coherent architectural expression, presents a separate but architecturally cohesive element within the varied architectural expressions that define differing character areas of the CA.
12. Design guidance set out in the Camden Planning Guidance on Home Improvements Supplementary Planning Document (2021) (the SPD) states that where mansards are an established feature within a group of buildings or townscape, the addition of traditional mansard extensions would be considered as appropriate. The terrace of which the appeal dwelling forms part has been the subject of only one such extension at 169 York Way (No.169).
13. In dismissing an appeal<sup>1</sup> in 2009 for a proposed roof extension at 165 York Way, the inspector for that appeal noted that the roof structure on No.169, which predates the designation of this part of the CA, does detract from the overall character and appearance of the terrace, which they note generally

---

<sup>1</sup> Appeal Ref: APP/X5210/A/10/2124855

appears unbroken and its original form and character remains intact. Planning practice and guidance develops over time and the extension at No.169 predates the current Local Plan, the CSCAAMS and the SPD. Consequently, I find no reason to demur from this conclusion and find that the addition of the proposed roof extension would only further detract from this established character and appearance.

14. The additional bulk of the proposed roof extension, its massing and its concomitant visibility would result in it being unduly apparent and would interrupt the continuous parapet roof line of the terrace of which the appeal property forms part. As such, the proposal would appear as an incongruous addition that would fail to reflect the existing character and appearance of the appeal property, the terrace of which it forms part, or to maintain the positive contribution that the appeal dwelling currently makes to the significance of the CA.
15. The appellant has set out in broad terms their family reasons for the proposed extension. However, there is no detail before me that would lead me to conclude that the proposal would be the only way in which their needs could be met. I have, therefore, only afforded this only moderate weight in my considerations.
16. The appellant has drawn my attention to other developments in the wider local area. These would have been considered on their own individual merits and I have done likewise in my consideration of the appeal proposal, which is a main tenet of the planning system. I have therefore only afforded these developments little weight in my considerations.
17. The appellant has raised the issue of housing supply in the council area and has referenced policies in the London Borough of Camden Local Plan (2017) (the Local Plan) that relate to the delivery of new dwellings. However, the proposal does not result in a new dwelling to add to the supply of housing in the borough. Rather the proposal is for the extension of an existing dwelling. Whilst the status of the existing dwelling, in planning terms, has been queried by the Council, I have, as there is limited and conflicting information available to me that would define this to be the case, considered the application as applied for.

### **Other Matters**

18. The appellant has raised concerns with regard to communication with the Council and the quality of the Council's planning service. However, there are other procedures in place that relate to such matters, and these are not issues for me to consider as part of this appeal.
19. For the reasons given above, I find that the proposed development, when considered as a whole, would be harmful to the character and appearance of the host dwelling, the group of properties of which it forms part and would fail to preserve or enhance that of the CA. In the context of paragraph 208 of the National Planning Policy Framework (2023) (the Framework), the harm I have identified to the significance of the CA would be less than substantial.
20. This would not accord with guidance in the CSCAAMS or the SPD and would conflict with Policies D1 and D2 of the Local Plan, Policies D3 and HC1 of the London Plan (2021) and Sections 12 and 16 of the Framework. Collectively these seek to ensure that development is of high architectural and urban

design quality, respects local context and character and preserves or enhances the appearance or character of conservation areas.

### **Planning Balance and Conclusion**

21. Whilst the proposed extension would provide additional living space, which would benefit existing and potential future occupiers, this does not constitute a substantial public benefit. In general, and notwithstanding the appellants stated family reasons for the proposal, planning decisions should be made in the wider public interest. In this context, the harm I have identified, including the less than substantial harm to the significance of the CA outweighs these benefits.
22. Dismissing the appeal is a proportionate response in this instance.

*Victor Callister*

INSPECTOR