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Dear Sir/Madam,

Appeal site: The Penthouse, 23 Prince Albert Road, London, NW1 7ST

Appeal by: Mr and Mrs N Leslau

Proposal: Erection of a glazed extension to flat roof of building, enclosure of 2 x existing balconies at seventh floor level to form internal space, erection of new balcony at seventh floor level within alcove, and associated alterations including replacement of brick balustrading with panelling at sixth and seventh floors.

I refer to the above appeal against the Council's refusal to grant planning permission. The Council's case is largely set out in the Officer's delegated report. The report details the application site and surroundings, the site history and an assessment of the proposal. A copy of the report was sent with the questionnaire.

In addition to the information sent with the questionnaire, I would be pleased if the Inspector takes the following information and comments into account before deciding the appeal.

1. Summary

- 1.1. The planning application for the erection of a glazed extension to flat roof of building, enclosure of 2 x existing balconies at seventh floor level, erection of new balcony at seventh floor within alcove, and associated alterations including replacement of brick balustrading with panelling at sixth and seventh floors was refused for the following reason:

The proposed erection of the glazed extension, erection of new balcony at seventh floor level, and associated external alterations, by reason of the location, height, and design, would result in incongruous and inappropriate additions that would be detrimental to the character and appearance of the host building, the setting of the adjacent listed buildings, and the character and appearance of the Primrose Hill Conservation Area, contrary to Policies D1 (Design) and D2 (Heritage) of the London Borough of Camden Local Plan 2017.

- 1.2. The application site relates to an eight storey block of flats: see Appendix 2 below for photographs. The building is located on the north side of Prince Albert Road, at the intersection with Albert Terrace, and is immediately adjacent to both Primrose Hill and Regents Park. The site is in residential use, with flats located from the ground floor to the seventh floor and a shared access stair core running up the centre of the building. The proposal relates to the flat located at sixth and seventh floor. The surrounding area is residential in character, with the area of Primrose

Hill situated to the north. It is located adjacent to the Grade II listed nos.17-22 Prince Albert Road and is close proximity to the Grade II listed St Mark's Church.

- 1.3. The drawings show the proposed roof structure as approximately 2m above the existing parapet (2.4m from floor level), 4m deep, and 3.9m wide. The structure would be entirely glazed and would cover an area of 16.4 sqm, most of which would 'overhang' the central alcove of the building, which currently demarcates the two sections of the structure and creates some level of symmetry. The proposed balcony to the seventh floor would also be located within this central alcove, where there is otherwise no disruption throughout. The proposed design also involves the replacement of existing brick parapets at sixth and seventh floor levels – the applicant's provision of multiple material choices is noted, however the effect in removing consistency and introducing uncharacteristic additions would be the same regardless of whether corten steel or open metal railings were utilised.
- 1.4. The proposal is considered to exacerbate the negative impact of the building and only increase its prominence. In addition to this, despite its negative contribution, the building does at least have some identifiable consistencies and reads as one coherent structure; the proposal would undermine this by disrupting the existing symmetry, compromising the existing horizontal detailing, and including features that add inappropriate clutter.

Site appraisal

- 1.5. The application site is located within the Primrose Hill Conservation Area, wherein the Council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of that area, in accordance with Section 72 of The Planning (Listed Buildings and Conservation Areas Act) 1990 (as amended).
- 1.6. Policy D1 of the Local Plan seeks to secure high quality design which respects local context and character; preserves or enhances the historic environment and heritage assets in accordance with Policy D2; comprises details and materials that are of high quality and complement the local character; and preserves strategic and local views. Policy D2 seeks to preserve and, where appropriate, enhance Camden's rich and diverse heritage assets and their settings, including conservation areas and listed buildings.
- 1.7. The appeal site is outlined in the conservation area statement as being a negative contributor to the conservation area, alongside seven other buildings in this sub-area of the conservation area. It is noted that their negative contribution stems from "*inappropriate qualities such as bulk, scale, height, materials, the way in which they address the street or application of architectural details*", though the statement does not specify which of these qualities applies to the application site.
- 1.8. It is important to the context of the site that it sits immediately adjacent to Primrose Hill (to the west) and Regents Park (to the south). The Grade II listed buildings (which by nature contribute to the Primrose Hill Conservation Area) of nos.17-22 are immediately adjacent to the east. The proximity underlines the importance that

roof level development at 23 Prince Albert Road is resisted to prevent further impact on these features.

- 1.9. As noted in the Officer's Report, the conservation area statement specifically identifies (in paragraph PH19) that roof extensions and alterations which change the shape and form of the roof are unlikely to be acceptable at all buildings on Prince Albert Road, including this building.

2. Comments on appellant's grounds of appeal:

- 2.1. The appellant's grounds of appeal focus on the impact of development on the host building, the adjacent listed buildings and their settings, and the Primrose Hill Conservation Area. These are summarised below following appraisal of the site.

Summary of grounds of appeal

- 2.2. The appellant has presented their case in three parts: focusing first on the appeal building, secondly on the adjacent listed buildings and their settings, and finally on the conservation area.
- 2.3. The appeal statement highlights the lack of heritage interest that the current building has, as well as notes its negative contribution to the conservation area, arguing that this lack of historic value justifies a number of the proposed additions, on the grounds that there is no positive contribution to be preserved. However, the nature of the host building as a negative contributor does not dilute the strength of the reason for refusal, but adds to it. As the officer report noted, the proposed additions would "*further exacerbate the harmful impact of the building to the conservation area and the setting of nearby listed buildings*". The fact that the building already makes a negatively contribution makes it all the more important that this is not worsened by increasing its prominence and harmful impact. Additionally, the appellant is incorrect to suggest that the fact that the building is a negative contributor means that there are no architectural or design features of merit. Regardless of its current contribution, the building does have a cohesiveness and regularity in its form, a point that does not appear to be contested by the appellant. The removal of this would not have a neutral impact given the building already makes a negative contribution, but would rather increase the negative contribution that already exists.
- 2.4. Although the appellant highlights that the enclosure of the two balconies would maintain the existing symmetries of the building, this was not an issue noted in the officer report when discussing the acceptability of the enclosed balconies. The report noted that this part of the proposal would introduce additional massing, disrupt the proportions of the building, and disrupt the clear distinction between the two sections of the building. The central balcony at seventh floor is noted to be unacceptable for the same reasons, as it would undermine the delineation that the alcove creates between the separate sections of the front elevation. Whilst the applicant suggests that there is limited visibility of this aspect of the scheme and that it does not 'infill' the alcove, it would read as a high level addition within the alcove where there is currently no such feature (hence the reference to visual clutter) that is highly visible from the public realm.

- 2.5. It should be noted that pre-application advice that was issued by the Council does not undermine the reasons for refusal for the appeal scheme. Pre-application advice is an informal officer's view on the proposals, and is not binding upon the Council, nor does it prejudice any future planning application decisions. This was made clear to the applicant at the issuing of pre-application advice (see Appendix 3). Notwithstanding this, the notion that the pre-application advice is contradictory to the decision being appealed is incorrect; the pre-application advice clearly states that "*the enclosure of the balconies at seventh floor level on their own would be considered acceptable provided that the overall symmetry of the building is preserved*" (underlining added for emphasis). This application does not propose the enclosure of the balconies only, but a number of alterations that, when considered together as a totality, would be unacceptable for the reasons set out in the officer report .
- 2.6. The appellant's statement makes reference to the fact that the proposed rooftop extension would represent a continuation of the existing glazed stair enclosure to the roof, and would not exceed this height. However, this fails to consider that, whilst the existing enclosure serves a functional purpose to provide access to the roof, the proposed extension would cover a larger area of the roof and would extend to areas that are far more visually prominent. The proposed extension, if approved, would increase the area of roof covered by a glazed enclosure by over 50%. The result of this would be an increase in massing that reads as an increase in height of the structure; the higher point of the stair enclosure that the appellant refers to is located at the rear of the building and far less visible as a result.
- 2.7. The Council would also again refer to the conservation area statement, which specifically states that roof extensions and additions changing the form and shape of the roof are unlikely to be acceptable at the application site. The height of the proposed glazed enclosure as slightly less than that of the existing stair enclosure does not negate the point that it would cause harm to the conservation area.
- 2.8. The appellant has provided updated representative views to demonstrate how the development would appear from specific vantage points. A number of these views demonstrate the visibility of the appeal scheme in a number of vantage points and show the proposal would constitute incongruous and inappropriate additions. It should be noted that the definition and visual quality of these pictures mean that, when assessing in detail, the relevant part of the roof appears in extremely low quality. As such, this is not an accurate reflection of how the building reads to those experiencing it in real life. Officers conducted site visits prior to assessment and recommendation, and pictures from these site visits were included in the report (and reproduced here for clarity). The experience of the building from the public realm is quite different than from low-definition pictures, and as such the submitted representative views are not considered to be informative documents in this instance.
- 2.9. The appellant has provided two options for the proposed balcony treatment at sixth and seventh floor level. Both of these options were previously noted to be unacceptable by the Council; the applicant was advised that metal railings would be inappropriate at pre-application stage and Corten steel was noted to contribute

to the negative impact of the building as part of the refusal report. In both instances, the existing consistency of design and materiality was noted as features that present in spite of the building's negative contribution. The addition of either metal railings or Corten steel panels would disrupt the overall appearance, consistency, and coherency of the host property, exacerbating the negative contribution to the conservation area.

- 2.10. Overall, the proposed additions to the roof, due to their bulk, altering the roofline and visibility would have a negative impact on the host building and the wider Primrose Hill Conservation Area. The site sits within sub area one 'Regent's Park Road South' of the conservation area, which is characterised by villa style properties grand terraces, with a low density of development. Whilst there are a number of 20th century buildings noted as contributing to the character of this sub area of the conservation area due to their architectural style and materials, the host building is not one of these. As such, the building already negatively contributes to the conservation area, and its prominence and scale would mean that the proposed alterations would result in less than substantial harm to the significance of the conservation area, without any public benefits.
- 2.11. Overall, the Council considers that the erection of the glazed extension, new balcony at seventh floor level, and associated external alterations would result in incongruous and inappropriate additions that would cause harm to the character and appearance of the host building and surrounding views, to the detriment of the character and appearance of the host building, the street scene, and the Primrose Hill Conservation Area.
- 2.12. In line with NPPF guidance, the Council considers that the harm to the designated heritage asset (the Primrose Hill Conservation Area) amounts to "less than substantial harm" and there are no public benefits associated with the proposal to outweigh the harm.

3. Conclusion

- 3.1. Based on the information set out above, and having taken account of all the additional evidence and arguments made, the proposal is considered to be contrary to Policies D1 and D2 of the London Borough of Camden Local Plan 2017.
- 3.2. The information submitted by the appellant in support of the appeal does not overcome or address the Council's concerns. The proposal presents no benefits that would outweigh the harm identified.
- 3.3. For these reasons the Inspector is respectfully requested to dismiss the appeal. However, should the Inspector be minded to approve the appeal, suggested conditions are included in Appendix 1.
- 3.4. If any further clarification of the appeal submission is required, please do not hesitate to contact Sam FitzPatrick on the above direct dial number or email address.

Kind regards

Sam FitzPatrick
Senior Planning Officer
Regeneration and Planning
Supporting Communities

Appendix 1 – Suggested Planning Conditions

1. The development hereby permitted must be begun not later than the end of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, 1909AL01-P, 1909AL02-P Rev A, 1909AL03-P Rev A, 1909AL04-P Rev A; Design and Access dated January 2022 prepared by Habispace Ltd.

Reason: For the avoidance of doubt and in the interest of proper planning.

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.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of Policies D1 and D2 of the Camden Local Plan 2017.

4. Before the relevant part of the work is begun, detailed drawings, or samples of materials as appropriate, in respect of the following, shall be submitted to and approved in writing by the local planning authority:

- a) Details including sections at 1:10 of all windows (including jambs, head, and cill), glazing panels, and external doors;
- b) Details including plans, elevations, and sections at 1:20 of all new balustrading and parapets;
- c) Manufacturer's specification of all facing materials (to be submitted to the Local Planning Authority) and samples of those materials (to be provided on site);

Reason: safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of Policies D1 and D2 of the London Borough of Camden Local Plan 2017.

Appendix 2 – Council’s photographs



Figure (a): View of front and side elevation of appeal site from Prince Albert Road.



Figure (b): View of front elevation of appeal site from Prince Albert Road.



Figure (c): View of appeal site from Broad Walk (within Regent's Park).



Figure (d): View of appeal site from east, along Prince Albert Road. Listed buildings (nos.17-22) are shown in the immediate foreground.



Figure (e): View of appeal site from Primrose Hill.

Appendix 3 – Pre-application advice (see attached)