



Appeal Decision

Site visit made on 3 December 2024

by A Berry MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 January 2025

Appeal Ref: APP/X5210/W/24/3349356

15 Upper Park Road, Camden, London NW3 2UN

- 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 Mr Tim Drewitt against the decision of the Council of the London Borough of Camden.
 - The application Ref is 2023/2435/P.
 - The development proposed is described as "conversion of loft/roof space over top floor of existing house into self-contained studio flat. New access stair from common stair well. New dormer to rear slope of roof and purpose made side and top glazed roof light to side slope of roof to accommodate new staircase. Sloping conservation roof light to front roof slope. Rooflight over new bathroom and in crown roof. It is proposed to raise the top of the crown roof by 200mm - chimneys and party wall above roof remain unaltered so overall building height to eaves and top of chimney stacks remains unchanged".
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the planning application was determined, a revised National Planning Policy Framework ("the Framework") has been published. Therefore, I have referenced the revised paragraph numbers where necessary.

Main Issues

3. The Council has raised no objection to the proposed rear dormer or the insertion of conservation-style rooflights. Consequently, the main issues are:
 - a) the effect of the proposed side dormer and the raising of the crown roof on the character and appearance of the surrounding area, including the Parkhill and Upper Park Conservation Area ("CA"); and
 - b) whether the proposal makes adequate provision for car-free housing.

Reasons

Character and Appearance

4. It is proposed to convert the roof space of the appeal building into a self-contained apartment. To facilitate the proposal, various roof alterations are required including raising the crown roof by 200mm and constructing a dormer to the side roof slope.

5. The appeal building is within the CA. I therefore have a statutory duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.
6. The CA comprises part of the 19th century London suburb of Belsize. The area is defined by the busy, urban nature of Haverstock Hill and the quiet residential streets that branch from it containing detached and semi-detached houses laid out from 1850 in the Italianate style, late Victorian red brick gabled houses, garden suburb style and 1930s modernism. The significance of the CA derives from its historical and aesthetic values.
7. The appeal building forms one of several similar imposing linked semi-detached villas along this side of Upper Park Road. Odd numbers 7-25 Upper Park Road (which includes the appeal building) are identified by the Parkhill and Upper Park Conservation Area Appraisal and Management Plan, adopted 2011 ("CAA") as making a positive contribution to the CA.
8. The CAA states that the roofscape of buildings is an important characteristic of the CA and that it is important to preserve the appearance and profile of roofs where these form part of a homogenous stylistic group. The CAA identifies numbers 7-21 Upper Park Road (of which the appeal building forms a part), as one such example. The CAA asserts that extensions to front or side roof slopes are likely to break the important, regular composition of the roof lines and so would harm the appearance of the CA.
9. The appellant asserts that the roofscape of the pair of semi-detached buildings has been altered from its original form with the removal of some of the chimneys and the addition of an upstand to No 17. Even if the roofs of the pair of semi-detached buildings have been altered, with the exception of a rooflight within No 17, when viewed from the road they have a balanced appearance. In contrast, the proposed alterations to the side and crown of the existing roof would significantly alter the roof profile, would be highly visible when viewed from the road, and would unbalance the pair of semi-detached buildings.
10. The proposed side dormer would be highly glazed and of an unconventional shape with a part hipped, part flat roof. Consequently, these roof alterations would be incongruous to the design and materials of the host building and the CA. They would also harm the positive contribution the appeal building makes to the CA and would erode the important roofscape at 7-21 Upper Park Road.
11. The appellant has directed me to loft conversions at both 13 and 17 Upper Park Road. However, the dormers are to the rear of these buildings and therefore, they do not affect the building's roof profile when viewed from the road.
12. I have also been directed to examples of side and front dormers within proximity of the appeal building that are also within the CA. The appellant asserts the proposal would reflect these examples and therefore would preserve the character and appearance of the CA. They also assert that the proposal would comply with the Council's Home Improvements Planning Guidance ("HIPG") which states that where dormers of a certain type are visible along a street it is likely that a similar extension would be acceptable.

13. However, these examples pre-date the publication of the CAA which specifically states that dormer windows or recessed roof terraces to the front or side slopes of buildings within the CA will normally be unacceptable. Furthermore, these examples are on buildings that fall outside the group of buildings that the CAA identifies as being of particular importance due to its intact roofscape and its contribution it makes to the CA.
14. The examples I have been directed towards also clearly demonstrate how front and side dormers have eroded the character and appearance of the CA's roofscape. Therefore, in my opinion, they should not be replicated. In any event, I must determine each case on its own merits.
15. For the reasons detailed above, the proposal would harm the significance of the CA and would not preserve or enhance its character or appearance. Consequently, the development would cause less than substantial harm. Paragraph 212 of the Framework states that great weight should be given to the conservation of a designated heritage asset, and in accordance with paragraph 215 of the Framework, I must weigh the less than substantial harm against the public benefits of the development.
16. The proposal would make a contribution, albeit small, to the Government's objective of significantly boosting the supply of new homes and the Council's housing land supply. Some further public benefits would arise from the additional support future occupiers would provide to the local community and its services. Also, there would be some short-term employment derived from the construction phase of the proposed development. Accordingly, I afford these public benefits moderate weight.
17. Given the great weight I must attach to the conservation of the CA, the harm I have found in respect of the effect of the proposal on the significance of the CA would not be outweighed by the modest public benefits I have identified.
18. In reference to the first main issue, the development would harm the character and appearance of the surrounding area, including the CA. It would conflict with Policies D1 and D2 of the Camden Local Plan, adopted 2017 ("LP") which, amongst other things, seek to ensure that development respects local context and character and preserves or enhances the historic environment and heritage assets.

Car-Free Housing

19. Policy T2 of the LP requires all new developments to be car-free. Accordingly, no new on-street parking will be allowed, nor any new on-street parking permits will be issued. To deliver car-free development, a legal agreement is required to ensure future occupants are not eligible for an on-street parking permit within the controlled parking zone operating in the surrounding area.
20. The appellant has submitted a draft legal agreement together with a written unilateral undertaking signed by the appellant that commits them to the obligations presented in the draft legal agreement, should I be minded to allow the appeal. Although this demonstrates a willingness by the appellant to enter into a legal agreement, without a completed and signed legal agreement before me, I do not have a mechanism to ensure the development would be car-free or prevent the harmful effects that would be caused by an increase in on-street parking pressure within the surrounding area.

21. Accordingly, in reference to the second main issue, the proposal would not make adequate provision for car-free housing. It would conflict with Policy T2 of the LP, the content of which I have described above.

Conclusion

22. For the reasons given above, having regard to the development plan as a whole and all other material considerations, I conclude that the appeal should be dismissed.

A Berry

INSPECTOR