

Appeal Decision

Site visit made on 17 October 2013

by N McGurk BSc (Hons) MCD MBA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 4 November 2013

Appeal Ref: APP/X5210/A/13/2195513

Mourne House, Maresfield Gardens, London, NW3 5SL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr A Tripp against the Council of the London Borough of Camden.
 - The application Ref 2012/6617/P, is dated 4 December 2012.
 - The development proposed is construction of a roof level extension to create one dwelling.
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Decision

1. The appeal is dismissed and planning permission is refused for construction of a roof level extension to create one dwelling.

Procedural Matter

2. The appeal was made further to a failure by the Council to determine application Ref 2012/6617/P within the appropriate time period.

Main Issue

3. The main issue in this case is the effect of the development on the character and appearance of the Fitzjohns and Netherhall Conservation Area.

Reasons

4. The appeal property is a 1970s brick-built four storey block of flats in a largely residential area. It is located on Maresfield Gardens in the Fitzjohn's Netherhall Conservation Area, which in this area is characterised by grand red brick detached and semi detached Victorian villas set back from the road behind mature trees and gardens. Whilst buildings appear prominently, they are similar in height, are largely red brick-built and have an attractive appearance. These factors combine to afford the area a highly attractive rhythm of character and to some degree, a sense of uniformity.
 5. The appeal property's elevation to Maresfield Gardens presents a predominantly vertical design with chamfered stair towers, brickwork spines and recesses which echo the tall bay window and gable elements of period properties along the street. During my site visit, I noted that, whilst the appeal property did not have a pitched roof like most other properties on Maresfield Gardens, its design
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and brickwork was such that it appeared largely in keeping with and made a positive contribution to, the overall character of the area.

6. During my site visit, I viewed the appeal property, and the surrounding area, from its roof. At roof level there are a number of small buildings, comprising solaria, cold water storage tank housings and lift motor rooms. However, these are modest features, not wholly uncommon to apartment blocks and due to being small, low in height and set back from elevations, are largely invisible from ground level. I noted during my site visit that, even when these features could be glimpsed from the ground, they appeared as minor features and did not detract significantly from the generally attractive appearance of the appeal property.
7. A roof extension, providing for a 3-bedroom penthouse apartment, is proposed. The proposal would extend marginally short of the full width of the appeal property and would be set back from the front and rear elevations. The proposal would have a flat roof and incorporate significant glazing, in the form of large windows and glazed balustrades. It would comprise zinc fascia and trims and would have a zinc roof. The appellant describes the proposal as being of "a light pavilion design which contrasts with the solid and bold nature of the 1970s parent building."
8. I find that despite its set back, the proposed roof extension would be clearly visible from ground floor level from a variety of locations. Its extensive use of zinc and glazing would lead it to appear in contrast not only with the host property, but also with the surrounding brick-built buildings. Consequently, I find that the proposal would draw attention to itself as an incongruous feature on a street characterised by its attractive rhythm and uniformity of features.
9. Unlike the largely hidden, small existing buildings on top of the appeal property, the proposal would appear prominently as a large and bulky addition. It would appear out of keeping with the pitched roofs of other properties along the street.
10. Further to the above, I noted during my site visit that the proposal would lead the appeal property to appear significantly higher than No 9 Maresfield Gardens, adjacent. I find that this would exacerbate the incongruous appearance of the proposal, leading the appeal property to dominate its neighbour, to the harm of the rhythm and uniformity which contribute to the area's qualities.
11. Taking all of the above into account, I find that the proposed development would fail to preserve the character and appearance of the Fitzjohn's Netherhall Conservation Area. This would be contrary to Core Strategy¹ policy CS14 and Development Policies² policy DP24, which together amongst other things, seek to protect local character.
12. Rather than make the positive contribution desired by paragraph 131 of the Framework, the proposal would harm local character. The harm caused would be significant in terms of the immediate context of the proposal, but is less than substantial in the context of the Conservation Area as a whole. In these circumstances, paragraph 134 of the Framework requires the harm to be

¹ Camden Core Strategy 2010-2025 Local Development Framework (2010).

² Camden Local Development Framework Development Policies (2010).

weighed against any public benefit. Whilst the appellant suggests that the design of the proposal is acceptable, I have found this not to be the case and there is nothing else before me that would equate to a public benefit that would outweigh the identified harm to the Conservation Area, a designated heritage asset.

Other Matters

13. The Council considers that the appellant failed to demonstrate that the proposal would be Lifetime Homes compliant. I note in this regard that the appellant would accept a condition effectively requiring the proposed development to meet Lifetime Homes standards. There is no detailed information before me to demonstrate that this would not be possible and in this regard, I find no harm. However, this is not a factor which outweighs, the significant harm identified above.

Conclusion

14. For the reasons given above, the appeal does not succeed.

N McGurk

INSPECTOR