



Appeal Decision

Site visit made on 13 January 2010

by **Mr J P Sargent BA(Hons) MA MRTPI**

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

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Decision date:
28 January 2010

Appeal Ref: APP/X5210/A/09/2110690

4 St Augustines Road, London NW1 9RN

- 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 Damsonetti UK Limited against the decision of the Council of the London Borough of Camden.
- The application Ref 2008/4783/P, dated 7 October 2008, was refused by notice dated 1 July 2009.
- The development proposed is the erection of a basement and part 3, 4 and 5 storey building to create 9 residential units (in Use Class C) and associated disabled parking and landscaping.

Decision

1. I dismiss the appeal.

Main issue

2. There are 2 main issues in this case, namely
 - i) whether the scheme would preserve or enhance the character or appearance of the Camden Square Conservation Area and
 - ii) whether, in the absence of a legal agreement, the scheme would adversely affect highway safety, residential amenity, sustainability and the provision of affordable housing, education facilities and public open space.

Reasons

Character and appearance

3. This appeal concerns a triangular piece of land in the Camden Square Conservation Area at the junction of St Augustines Road and Agar Grove with Murray Street. The site is bounded along its street frontages by a substantial brick wall and, although in use as a builders' compound when I visited, I was told that it is normally clear of buildings and has been so for over 100 years.
4. To the south-west are modern properties of varied styles and designs that lie outside the conservation area. To my mind the site has a weak relationship to these and to the housing on Agar Grove to the west as it is separated by the openness of the road junction and the railway that runs beneath.
5. However, it has a much stronger relationship to the properties to the east on St Augustines Road and Agar Grove. These roads are generally lined with attractive tall town houses from the 19th Century. While there are slight variations between the properties, they nonetheless display a strong uniformity

with regard to their height, scale, detailing, materials, form and alignment. This to my mind gives these established streetscapes a strong visual cohesiveness and a distinctive, pleasing character.

6. Although the appeal site is currently undeveloped, I consider that its open nature, its corner location and its enclosing boundary wall mean it does not detract from the attractive character of St Augustines Road or Agar Grove.
7. In assessing the redevelopment of this site it is not necessary for a scheme to replicate the height, form or design of buildings on the neighbouring streets. Indeed a contemporary approach may well be acceptable. However, it would nonetheless need to respect its context to ensure it fitted appropriately into the historic urban fabric.
8. The proposed building would follow the alignment of the front facades on St Augustines Road and Agar Grove relatively closely, and so would be triangular in shape. This to my mind is a suitable response to this corner location.
9. The parapets on the facades of the 2 street frontages would be comparable in height to those on the neighbouring properties. I also consider that the uniformity of the windows on these elements would not be discordant or incongruous when compared to the regular window arrangements on the dwellings on St Augustines Road or Agar Grove. However, in my opinion the proposed windows would show no appreciable sense of hierarchy, which would contrast sharply with the established patterns on the houses adjacent. The depth of walling immediately below the parapet on the Agar Grove frontage would also be an alien element that would underplay the role of the windows.
10. Turning to the proposed materials for these facades, I accept that render is found on the buildings adjacent and I note too that there is a strong plinth to the properties. To my mind the use of limestone at ground floor level could well be suitable, as it would give the building a firm visual base that reflected what was found elsewhere. However, I consider that the use of render over the rest of these elevations would be excessive and discordant, and would result in the building being unduly dominant in the streetscape.
11. As the building moves to the junction it rises in height and culminates in a 5-storey curved block that runs around the corner. I am of the view that a curved form is not inappropriate in such a position. However, in my opinion the building would be much taller than the other properties in the vicinity. I also consider that the arrangement, dimensions and distribution of windows on this element would relate poorly to that found on adjacent buildings. Furthermore it would be finished in ceramic tiles and again, given its height and the limited distribution of windows, I consider this would be a striking and alien finish.
12. I appreciate that the built form at junctions can be emphasised on occasions to give a focus to a corner. However in my opinion, because of its height, window treatments and materials, this 5-storey element would be unduly dominant, overwhelming the junction and not respecting the pleasant domestic scale of the adjacent roads. This effect would be particularly apparent as the building would be a visual focus when coming from the east, the north-east and the west due to its corner location and the openness of the adjacent junction.

13. In the above analysis I have raised concerns in turn with each of the proposal's 3 main elements. I appreciate though that a building is to be viewed in the whole. However, when these elements are taken together I see no reason to modify my views and I am of the opinion that the development would not accord with the area's special architectural and historic interest.
14. In assessing this matter, I have noted how the mass of the building would be reduced by the light manner in which the corner element would be linked to the facades facing St Augustines Road and Agar Grove, but the effect of this would not be sufficient to allay my concerns. I am mindful too that the Appellant considered the building to be a gateway development and that undeveloped sites should be a stimulus to high quality imaginative design. As I have come to the view that it would not relate appropriately to the surrounding area the weight I have afforded these matters is limited. Moreover, while the building may be visually acceptable in more distant views, I see no reason why this should outweigh my concerns about the effect on the immediate environment.
15. Other concerns were raised about the impact of the bicycle shed and the refuse store, but these matters could be adequately addressed through appropriate conditions. Although the boundary wall would mean the frontages would be less active than elsewhere on St Augustines Road and Agar Grove, to my mind the window arrangement would allow for a sufficient sense of security on the adjacent pavements. I also consider that, putting to one side my comments about the effect of the height, the proposed balconies on the curved element would suitably address the crossroads. Finally I am to consider this proposal on its merits and so the manner in which other sites around this junction may be developed has not been decisive in my reasoning.
16. Accordingly, having regard to its materials, window treatment, height and scale, I conclude the development would be a discordant and incongruous building in this context that would detract from the street scene of both St Augustines Road and Agar Grove, and would also dominate and overwhelm the junction to the west. As such, it would not preserve the character or appearance of the Camden Square Conservation Area, and so it would be contrary to Policies B1 and B7 in the *Camden Replacement Unitary Development Plan* (the UDP).

Legal agreements

17. The matters to be covered under a legal agreement were accepted by the Appellant but no such agreement was before me. In the light of this the Council raised various concerns, each of which I will examine in turn.

Effect on highway safety and residential amenity

18. In the absence of a Construction Management Plan it was contended that the construction traffic would disrupt highway and pedestrian safety and harm residential amenity. However, in my opinion disturbance during the building phase does not affect the planning merits of the case, and drivers enjoy a right of passage over the highway. Therefore, to my mind the impact of such activity is better resolved through other legislation. The Council also raised the need to secure off-site highway improvements. However, I had no details to clarify the nature of these works or to indicate why they were reasonably related to the

development before me. Consequently the absence of a legal agreement relating to these points does not justify dismissing the proposal.

19. Finally on this matter it was contended that there should be a commitment to car-free housing. I noted the parking pressures in the area, the presence of the parking scheme, the level of the site's accessibility and the traffic flows along Agar Grove. Although the development would have only 1 on-site space it does not follow that residents would not have their own cars. Any cars they may have would have to be parked at the kerbside in the vicinity, thereby increasing the existing parking pressures further to the detriment of highway safety. To my mind it is therefore reasonable to require car-free housing to address this harm, and, given the nature of the control, this would be most appropriately achieved by a legal agreement.

Education and public open space

20. I have little detail before me concerning either of these requirements and so I am unable to come to the view that the sums requested would be necessary and reasonably related to the development. The weight I can therefore attach to them is limited.

Affordable housing

21. The Council did not contend that the scheme required affordable housing in its present form. However it considered a legal agreement should be in place to address the situation if any of the flats were to be sub-divided. I have no basis to consider such sub-division would occur, and my attention has not been drawn to any of the thresholds in the UDP concerning affordable housing provision that the scheme would exceed. Consequently I consider the absence of such an agreement is not a basis to resist the development before me.

Sustainability

22. The final matter for a legal agreement concerned the requirement of a full Code for Sustainable Homes Assessment before works commenced and a post construction review. I am unaware of the Council's specific aims in regard to this matter, but to my mind such details could be secured by an appropriately worded condition.

Conclusions on this issue

23. Accordingly, for the reasons stated and based on the evidence before me I conclude that the absence of an appropriate legal agreement addressing education provision, public open space provision, affordable housing and sustainability would not result in the proposal adversely affecting those various matters and so does not offer grounds to dismiss the appeal. Consequently in relation to these points the scheme would not be in conflict with Policies N4, SD2, H2, SD9 and B1 in the UDP. Moreover, the absence of a Construction Management Plan and the lack of contributions to off-site highway improvements would not jeopardise highway safety or residential amenity and so would not conflict with UDP Policies T3 or T12.
24. However, I also conclude that the lack of an agreement concerning car-free housing would exacerbate parking pressures in the locality with a consequent effect on highway safety, and so would conflict with Policy T9 in the UDP.

Other matters

25. I consider the adjacent road network could accommodate any additional traffic associated with the scheme.
26. Given the tight urban nature of this area the proposal would not unduly affect the levels of light, outlook, privacy or noise enjoyed in neighbouring properties and their gardens. Although light may be reduced to a bathroom at 6 St Augustines Road given the use of such a room that in itself would not be unacceptable. Furthermore, while the occupiers of Flat 4 at No 6 said the front room was used as a bedroom, I consider this is very small for such a use and its outlook and light levels would be already affected by the boundary treatment. Taking these factors together I consider any impact on that room would not be unreasonable.
27. The scheme may well block views towards the centre of London but in my opinion this does not offer sufficient basis to resist this planning proposal. The proximity to the railway bridge and neighbouring buildings could give rise to matters of ground stability. Such matters though do not affect the planning merits of the scheme and would have to be addressed under other legislation.

Conclusions

28. Therefore, because of its failure to preserve the character or appearance of the conservation area and the inability to secure car-free housing I conclude that the appeal should be dismissed.

J P Sargent

INSPECTOR