



Appeal Decision

Site visit made on 16 May 2012

by D J Barnes MBA BSc(Hons) DipTP MRTPI

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

Decision date: 29 June 2012

Appeal Ref: APP/X5210/A/12/2170176
Flat 4, 6 Hanway Place, London W1T 1HF

- 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 Mr M Pascoe against the decision of the Council of the London Borough of Camden.
 - The application Ref 2011/3046/P, dated 14 June 2011, was refused by notice dated 10 August 2011.
 - The development proposed is the construction of a rooftop conservatory and associated internal alterations.
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Decision

1. The appeal is allowed and planning permission granted for the construction of a rooftop conservatory and associated internal alterations at Flat 4, 6 Hanway Place, London W1T 1HF in accordance with the terms of the application, Ref 2011/3046/P, dated 14 June 2011 subject to the following conditions:
 1. The development hereby permitted shall begin not later than three years from the date of this decision.
 2. The development hereby permitted shall be carried out in accordance with the following approved plans: 100, 101, 102, 103, 104, 105, 106, 107, 200, 201, 202, 203, 204, 205, 206 and 207.

Procedural Matters

2. Since the determination of the application by the Council and the submission of the appeal the National Planning Policy Framework (the Framework) has been published and is a material consideration upon which the parties have been able to comment.
 3. The proposed development is described on the application form as being a conservatory but the appellant now claims the structure is a studio. The design of the appeal scheme is such that it would not have the traditional character of a conservatory and this appeal has been determined based on the proposed development being an addition to the roof.
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Main Issue

4. It is considered that the main issue is whether the proposed development preserves or enhances the character or appearance of the Hanway Street Conservation Area.

Reasons

5. The Victorian building within which the appeal property is situated was redeveloped for residential purposes with only the front and one of the side elevations being retained. The majority of the original roof has been replaced by a flat roof and provides garden terraces with some storage and access structures. A pitched roof has been retained to the front of the building contributing to the roofscape and streetscene when viewed from the road.
6. The property is situated within the Hanway Street Conservation Area where in determining this appeal there is a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. This statutory duty is echoed in Policy CS14 of the Camden Core Strategy 2010-2025 (CS) and Policy DP25 of the Camden Development Policies 2010-2025 (CDP). The Conservation Area is small principally comprising 3-storey terraced properties fronting the narrow roads of Hanway Street and Hanway Place. The buildings' design, form and materials provide continuity in appearance within the streetscene.
7. By reason of its design, detailing and fenestration, including the retained pitched roof, the appeal building's front elevation does make a positive contribution to the Conservation Area. However, the original appearance of the roof has changed and it now possesses a contemporary character which is unrelated to the front elevation and, other than the retained pitched roof, does not make a positive contribution to the historic rooflines of the other properties. From the neighbouring terraces, the proposed development would appear a contemporary design which would respect the existing character of the roof. Because of its height and siting, the proposed addition to the roof would not be visible from street level within the Conservation Area and would not harm the streetscene.
8. There are limited views towards the building's roof terrace from Gresse Street which is to the rear and is outside the Conservation Area. Because of its design, including the balconies, the rear of the property does not possess the same architectural merit as the front elevation. From street level, by reason of siting and height, views of the appeal scheme would be limited by the existing parapet wall to the top of the proposed addition. Accordingly, because of its siting, design and height the appeal scheme would be neither an incongruous nor a visually prominent addition to the roof from Gresse Street.
9. Although the site visit did not include an opportunity to assess these views, the proposed development would be visible from the adjoining taller buildings which are generally outside the Conservation Area. However, a judgement could be made concerning the views towards the site, including using the photographs provided by the appellant. When viewed from the adjacent buildings, it is judged that the proposed addition would be viewed against the existing contemporary roof and would be of a sympathetic design which would complement and respect the character of the roof. Further, the appeal scheme

would not harm the integrity of the building and its contribution to the Conservation Area, including the roofscape, when viewed from these buildings.

10. The taller buildings would also provide a context against which the appeal scheme would be viewed but they are outside the Conservation Area and only limited weight has been given to this matter. The Council has claimed that if this appeal was allowed it would establish a precedent for similar schemes. However, this appeal has been determined based on its own detailed circumstances, in particular the design, siting and lack of visual prominence of the proposed addition.
11. For the reasons given, it is judged that the appeal scheme would be of a high standard of design and would respect the context and character of the roof. Accordingly, it is concluded that the proposed development would preserve the character and appearance of the Hanway Street Conservation Area and, as such, would comply with CS Policy CS14 and CDP Policy DP24 and DP25 and the Framework, including the high quality design aims of these policies.

Conditions

12. The Council has not suggested any conditions but otherwise than as set out in this decision, it is necessary that the development shall be carried out in accordance with the approved plans for the avoidance of doubt and in the interests of proper planning.

Conclusion

13. Accordingly, and taking into account all other matters and the presumption in favour of sustainable development, it is concluded that this appeal should succeed.

D J Barnes

INSPECTOR