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# Appeal Decision

Site visit made on 14 March 2012

**by Kevin Ward BA (Hons) MRTPI**

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

**Decision date: 26 April 2012**

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**Appeal Ref: APP/X5210/A/11/2166925**  
**51 Tottenham Court Road, London W1T 2EQ**

- 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 Simeta Ltd against the decision of the Council of the London Borough of Camden.
  - The application Ref 2011/2286/P, dated 4 May 2011, was refused by notice dated 17 October 2011.
  - The development proposed is erection of additional floor to provide 1 two bedroom flat.
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## Decision

1. The appeal is dismissed.

## Procedural Matter

2. The Government published the National Planning Policy Framework on 27 March 2012 and I have taken it into account in determining the appeal. In the light of the particular facts of this case, it does not alter my conclusion.

## Main Issue

3. The Council's second reason for refusal concerns the lack of a planning obligation to ensure car free housing. I consider that such an obligation would be necessary to avoid an unacceptable increase in parking stress and congestion. The appellant has indicated a willingness to enter into a planning obligation on the subject although no such obligation has been submitted. Under the circumstances I consider that the need for a planning obligation to ensure a car free development could have been the subject of a condition had the appeal been allowed.
4. The third reason for refusal concerns the lack of a planning obligation relating to a construction management plan. The appellant has also indicated a willingness to enter into a planning obligation on this matter although again no such obligation has been submitted. In this case, whilst I agree that in the interests of highway safety and the living conditions of those living nearby, a construction management plan would be necessary, I consider that this is a matter that could have been dealt with directly through a condition without the need for reference to a planning obligation.
5. With this in mind I consider that the main issue is the effect of the proposal on the character and appearance of the building and the Charlotte Street Conservation Area.

## **Reasons**

6. The appeal property lies within the Charlotte Street Conservation Area and is identified as making a positive contribution to it in the Council's Conservation Area Appraisal and Management Plan along with the other buildings in the block (Nos. 47-54). There is considerable variety in the individual style and design of buildings in the block. The height of buildings varies, as does the detailed form of roofs.
7. Although clearly subject to some alterations over time and in need of some repair, the appeal property appears to have retained the essential elements of its original form and design. It sits noticeably lower than the buildings immediately to either side. In my view, its height and in particular the relationship to these neighbouring buildings is a key element of the character of the building and the block as a whole.
8. In adding an additional full storey, the proposal would increase the height of the appeal property above that of the buildings either side. Despite the use of matching details and materials, and the appellant's willingness to restore the brickwork on the front elevation, the proposal would substantially alter the form of the original building and its relationship with those either side.
9. I note the appellant's argument that the proposal would in part obscure the taller modern building to the rear. However, I saw that this building is not in fact visible behind the appeal property from street level and the proposal would have no discernable effect on views of it.
10. I consider therefore that the proposal would adversely affect the character and appearance of the building and would fail to preserve or enhance the character or appearance of the Charlotte Street Conservation Area.
11. I appreciate that the proposal would involve investment in the property but this does not outweigh the harm I have identified.

## **Conclusion**

12. For the above reasons and taking account of other matters raised I find that the proposal would be contrary to Policy CS14 of the Camden Core Strategy and Policies DP24 and DP25 of the Camden Development Policies Development Plan Document and conclude that the appeal should be dismissed.

*Kevin Ward*

INSPECTOR