



Appeal Decision

Site visit made on 7 November 2011

by Bern Hellier BA (Hons) MRTPI

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

Decision date: 21 November 2011

Appeal Ref: APP/X5210/A/11/2157087
67a Chetwynd Road, London, NW5 1BX

- 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 Ron Aslan against the decision of the Council of the London Borough of Camden.
 - The application Ref 2011/1482/P, dated 25 March 2011, was refused by notice dated 30 June 2011.
 - The development proposed is to extend existing flat by adding a further storey and reconfiguring the existing facade.
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Decision

1. The appeal is dismissed.

Main Issues

2. I consider there are two main issues.
 - Whether the proposal would preserve or enhance the character or appearance of the Dartmouth Park Conservation Area.
 - The effect of the extension on the living conditions of the occupiers of 65 and 67 Chetwynd Road.

Reasons

Character and appearance

3. The appeal site fronts onto York Rise. It is occupied by a two storey flat roofed building attached to corner properties on each side. It is linked internally to one of these, 67 Chetwynd Road, a three storey property at the corner of York Rise and Chetwynd Road with a retail unit, the Village Vet, on the ground floor and a maisonette above. To the north is another three storey property, 33 York Rise, set at a slightly higher level to take account of the rising ground. This is well proportioned with hipped roof above a cornice and a fine traditional shopfront on the ground floor. Both the existing corner buildings are recognised as making a positive contribution to the Conservation Area¹.
4. The ground floor of the appeal building is partly occupied by a shop window which is part of the Village Vet premises. The other part has the external appearance of a small self contained retail unit but internally is a small flat with stairs giving access to a bedroom and bathroom above. The remainder of the

¹ Dartmouth Park Conservation Area Appraisal and Management Statement (CAS). Appendix 2

first floor is part of the maisonette above the Village Vet. At roof level is a parapet and railings. The proposal would add an additional storey topped by a cornice carried across from No.33. Ceiling and floor levels, brick string courses, and window proportions would also match that of this adjoining property.

5. The existing gap at first floor level provides openness within the street scene. Such a gap adjacent to a corner plot is a common arrangement within the Conservation Area and the CAS refers to the importance of gaps in York Rise which provide glimpses of trees and gardens behind. However in this case it is not possible to see over the existing parapet wall from the street and there are other more significant gaps in the frontage nearby, at the access to Bellgate Mews and to accommodate the side garden of the corner property in Dartmouth Park Road, in addition to the side roads themselves.
6. The Council argues that the proposal should be treated as a rear extension to No.67 and thus should comply with its design guidance¹ which discourages rear extensions that are higher than one full storey below the main dwelling height. However this is not a typical rear extension since it has a road frontage and I have given little weight to this advice.
7. On balance, therefore, I consider that in townscape terms the principle of infilling would be acceptable. However there are a number of unsatisfactory aspects to the proposed scheme. The overall massing of the extended building would be excessive. Its height would fail to respect the prominence of No.33 as a distinctive corner development in its own right and the projecting flank wall above No.67 would have an overbearing effect on this property. Furthermore the raised first floor level would leave an uncomfortable area of blank wall above the retail fascia and the domestic door and side window replacing the shop window would be a weak and uncharacteristic feature in a retail frontage.
8. Consequently I find that the proposal would fail to preserve the character and appearance of the Dartmouth Park Conservation Area. This would be contrary to local development framework² Policy CS14 which promotes high quality design and Policy DP25 which seeks to conserve local heritage and reinforces the statutory duty to protect the positive qualities of conservation areas.

Living conditions

9. To the rear of the development there would be a 4 metres increase in height to the eaves/parapet. This would cut out a significant segment of sky currently visible to the north west from the second floor rear bedroom window of the maisonette in No.67 and from directly in front of the rear kitchen window. There is already a fence on the rear first floor patio over 2 metres in height and only some 1.5 metres in front of the kitchen window. Even so the resulting blank elevations would create an additional overbearing sense of enclosure for someone looking out of both these rooms.
10. The maisonette above 65 Chetwynd Road has a well tended first floor terrace garden set at a lower level than the first floor patio to the rear of Nos.67/67a. The submitted plans do not include a rear elevation or show the relationship between the proposed development and this terrace. However there is no

¹ Camden Planning Guidance *Design* (CPG1) Supplementary Planning Document paras 4.12/4.13

² Including the Camden Core Strategy 2010-2025 (CS) and Camden Development Policies 2010-2025 (DP)

doubt that the substantial bulk of the proposal would be oppressive for someone using the garden. There would also be some detriment to the outlook and light enjoyed by the rear rooms of the maisonette. However I do not consider this would lead to unacceptable living conditions. The proposed development would not be directly in front of these windows and the existing rear and side walls of 33 York Rise already close off the view to the north west.

11. I conclude that the proposal would have a significant adverse effect on the living conditions of the occupiers of 65 and 67 Chetwynd Road in relation to outlook and of 67 Chetwynd Road in relation to loss of light. The suggestion that the rear elevations should be painted white would not be sufficient to overcome the harm identified. Thus the proposal would conflict with local development framework Policy CS5 which seeks to protect the amenity of residents by ensuring that the impact on occupiers and neighbours is fully considered and Policy DP26 which deals with these impacts and refers to the need for adequate privacy and outlook.

Other matters

12. The Council states that the existing flat at No.67a was created without the benefit of planning permission. Whilst my decision is based on the current use of the building this should not be taken as any indication that this use or any associated works, including the erection of the rear fence, are authorised.
13. I have noted above that the plans submitted with the application do not include a site layout showing surrounding development or existing/proposed rear elevations. They are also unclear as to how the change in floor levels would be accommodated which makes it particularly difficult to establish the relationship with the existing maisonette in No.67 and access arrangements to the rear patio. These deficiencies add weight to my conclusion that the submitted proposal would be an unsatisfactory form of development.
14. The proposal would incorporate traditional well proportioned windows in the first floor of the appeal frontage. It would also remove the existing poor quality shop front and shutter, modern first floor window and utilitarian railings. This would be an improvement. However such an improvement could be secured in other ways and this consideration does not outweigh the other harm I have identified to the street scene and to living conditions.

Conclusion

15. For the reasons given above, and having regard to all other matters before me, I conclude that the appeal should be dismissed.

Bern Hellier

INSPECTOR