



Appeal Decision

Site visit made on 23 August 2010

by Martin Brookes BA MSc MRTPI

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

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**Decision date:
23 September 2010**

Appeal Ref: APP/X5210/A/10/2126845 193-195 Kentish Town Road, London, NW5 2JU

- 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 Ms Evie Demosthenous against the decision of the Council of the London Borough of Camden.
 - The application Ref 2009/1413/P, dated 15 June 2009, was refused by notice dated 21 October 2009.
 - The development proposed is the erection of a mansard roof extension to create one self-contained flat to existing block.
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Application for Costs

1. An application for costs was made by Ms Evie Demosthenous against the Council of the London Borough of Camden. This application is the subject of a separate decision.

Decision

2. I dismiss the appeal.

Main issue

3. The main issue is the effect on the character and appearance of the area.

Reasons

Character and appearance of the area

4. Since the refusal of planning permission for the appeal proposal, the Council has granted permission for a revised proposal. The mansard roof extension in that revised proposal is essentially of the same height and appearance, but is of less depth, being set back from the front parapet wall by about 1 metre. In the appeal proposal the mansard would extend to the parapet. The main issue therefore relates essentially to any differential impact of the two proposals.
 5. Guidance on the siting of mansards is contained in the Camden Planning Guidance 2006 (CPG), which has been approved as a Supplementary Planning Document. This allows for mansards that are set back from a front parapet wall only by a substantial gutter and the appeal proposal generally reflects the mansard siting illustrated in the document.
 6. Development in Kentish Town Road in the vicinity of the site consists of long terraces made up of a number of buildings of a variety of designs. Many of the buildings have mansard roofs that are set back from the front wall by variable
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- distances. Whether an integral part of the original design or a later addition, a mansard roof in this area is generally a feature of the whole building and contributes to its uniform and balanced appearance.
7. Although divided into separate units, the appeal property architecturally comprises part of a four-storey building at 189-195 Kentish Town Road. The end of the building at 189 Kentish Town Road is located at the junction of Kentish Town Road with Prince of Wales Road and the corner is celebrated by a different material for the external walls, by bow windows and by a cupola feature on the roof. However the unity of the building is well defined by various features, including common window designs and by strongly defined stone string courses and parapet details at upper levels. The absence of other additions to the roof gives greater prominence to the cupola, which provides a focal point in the street scene. Overall, and notwithstanding the unsympathetic alterations to the first floor facade of the appeal property, the building is an attractive and prominent feature of the street scene and makes an important contribution to the character and appearance of the area.
 8. The appeal proposal would harm the integrity of the building in adding a mansard to just half of its roof. Furthermore, the additional structure would intrude into views of the cupola along Kentish Town Road and be harmful to the street scene. These consequences are common to both the approved scheme and the appeal proposal. However they are materially and unacceptably greater in the appeal proposal because of the greater prominence of the mansard in the street scene as a consequence of its siting at the front of the building. For this reason, adherence to general guidance in the CPG is insufficient to prevent harm in this particular case.
 9. My conclusion on this issue is that the appeal proposal would have a harmful effect on the character and appearance of the area. It would not be of a high standard of design that respects the character of the building or its setting and consequently would conflict with saved Policies B1 and B3 of the Camden Replacement Unitary Development Plan 2006. It would also conflict with the general purpose of guidance on the implementation of those policies in relation to roof extensions in the CPG. This states that the Council will seek to ensure that roof alterations are sympathetic and do not harm the character and appearance of the buildings or the wider townscape of the borough.
 10. In reaching this conclusion I have taken account of the benefit that the appeal proposal would have in providing better living accommodation, but this does not outweigh the harm I have identified. I have also noted the appellant's submission that the approved scheme could result in use of the set back area for keeping plants or other matter which could fall onto the footway or road below. However, I am not convinced that this is a likely consequence and justification for allowing the appeal.

Other Matters

11. Planning permission was also refused on grounds that no provision is made for a construction management plan to prevent unacceptable loss of residential amenity and conflict with road users. A further reason for refusal related to the absence of a legal agreement for car-free housing.

12. The Council has made it clear that these grounds of refusal could be overcome by a Section 106 planning obligation and there is no disagreement between the parties on this. A draft agreement addressing these matters has been submitted by the appellant and its contents have not been questioned by the Council. Furthermore, I am satisfied that its provisions satisfy the tests in Circular 5/2005 and the Community Infrastructure Levy Regulations 2010. However, the deed is not complete. It could not therefore be relied upon if I had found in favour of the proposal on the main issue. The absence of effective measures to address these matters therefore constitutes additional grounds for dismissing the appeal.

Conclusion

13. For the reasons set out above and having regard to all other matters raised I dismiss the appeal.

M P Brookes

INSPECTOR