



Appeal Decision

Site visit made on 8 September 2010

by Mike Fox BA (Hons) Dip TP MRTPI

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

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**Decision date:
22 September 2010**

Appeal Ref: APP/X5210/A/10/2127449

137 Camden High Street, London, NW1 7JR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
- The appeal is made by Mr Jutin Kanani against the Council of the London Borough of Camden.
- The application Ref 2009/2520/P, is dated 17 November 2008.
- The development proposed is additions and alterations to include the conversion of ancillary retail storage at first floor level with an extension at this level and the erection of second floor and third floor mansard extensions to provide three self contained flats and alterations to the shop front and front elevation.

Decision

1. I dismiss the appeal.

Procedural matter

2. The Council drew my attention to several inconsistencies in the submitted drawings. Although the appellant advised me at the site visit that these have been resolved, upon further study I consider that a number of these discrepancies remain. These relate to the first floor retail headspace of about 1.5m in the proposed rear elevation (Drawing Ref. A3:598:213A); differences between the proposed first floor plan (Drawing Ref. A3:598:205A) and the proposed rear elevation in both the dimension and the location of the proposed first floor window to the rear of the first floor two bedroom flat; the proposed first floor courtyard which is shown on the proposed first floor plan is not shown on the proposed second and third floor plans (Drawings Ref. A3:598:206 and 207); and the dimensions of the proposed rooflight vary between the proposed first floor plan and proposed second floor plan.
3. I also noticed on the site visit that the existing rear elevation (Drawing Ref. A3:598: 112) contains inaccuracies in relation to the height of windows compared with the next door property at no.139. I consider that the scale of these discrepancies in the submitted plans is significant enough for me to dismiss the appeal.

Main issues

4. In addition to the inaccuracies in the submitted drawings, I consider that the main issues are whether the proposal would preserve or enhance the character or appearance of the Camden Town Conservation Area; and contribute unacceptably to parking congestion.

Reasons

5. The appeal property is a two-story terraced building on a busy frontage in a vibrant town centre within a Conservation Area. The ground floor is in retail use with ancillary storage above. The proposed development would significantly increase the height of the original building. I note that the elevational treatment of the adjacent property at no.139 is already different to the appeal property, although the proposed additional storeys would equal its height. The contrast, however, with the next door property to the south, no.135, would be stark, despite the variation in the height of buildings along this frontage. In my judgment this would harm the elevational balance of the terrace. The proposed minor changes to the shopfront, however, would not in themselves be a reason for dismissing the appeal.
6. I consider that the proposed two storey increase in height would be excessive for the appeal property and would appear out of place in the streetscene. I therefore conclude that the proposal would harm the character and appearance of the Conservation Area, contrary to the statutory requirement¹ for development to preserve or enhance the character or appearance of Conservation Areas. This is reflected in *London Borough of Camden Replacement Unitary Development Plan* (UDP) Policy B7 and UDP Policies B1 and B3, which require development to respect and not to harm its setting.
7. In relation to parking congestion, the property is located on a busy highway and is well served by bus services. It is within easy walking distance of many commercial and community facilities. The Council states that the area suffers from significant parking stress, which has not been challenged by the appellant, and which is reflected in the designation of Camden High Street as a Red Route. UDP Policy T8 requires car-free housing in such areas. UDP Policy T9 resists development that would harm on-street parking conditions or add to on-street parking where existing on-street parking spaces cannot meet demand. The proposal would be contrary to both of these policies.
8. The appellant has not submitted a unilateral undertaking containing an obligation pursuant to Section 106 of the Act, to ensure that car-free status for the proposal would be secured permanently. I therefore conclude in relation to the second main issue, that the proposal would be contrary to UDP Policies T8 and T9. Although the proposal includes cycle parking provision, this does not outweigh the reasons that have led me to dismiss the appeal.
9. The Council maintains that the impact of construction work in Camden High Street would require a Construction Management Plan in order to reduce the impact on traffic disruption and avoid danger to pedestrians. In my view this could be implemented by the Council in its capacity as a highway authority rather than through planning legislation.
10. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should fail.

Mike Fox

INSPECTOR

¹ The Planning (Listed Buildings and Conservation Areas) Act 1990, Section 72 (1).