



Appeal Decision

Site visit made on 17 August 2010

by Roland Punshon BSc (Hons) MRTPI

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

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email: enquiries@pins.gsi.gov.uk

**Decision date:
14 September 2010**

Appeal Ref: APP/X5210/A/10/2124633

Diwana, 123 Drummond Street, London NW1 2HL

- 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 Diwana Bhel Poori Ltd against the decision of the Council of the London Borough of Camden.
- The application Ref 2009/5570/P, dated 23 November 2009, was refused by notice dated 4 February 2010.
- The development proposed is rear extension above basement kitchen space between ground and first floors to be used as a 2-bedroom self contained flat.

Decision

1. I dismiss the appeal.

Main issues

2. I consider that the main issues in this case are:
 - The effect of the development on the appearance of the host building and the terrace of which it is part;
 - Whether the development would provide residential amenities which would give its occupants acceptable living conditions;
 - The effect of the development on the living conditions of the occupiers of 119a Drummond Road by reason of loss of outlook; and,
 - The effect of the development on on-street parking conditions in the area.

Procedural matters

3. At the time of my site visit the structure which is the subject to this appeal had already been constructed although it was proposed to alter the internal arrangement to convert it into a 2 bedroomed flat. Large-diameter ducting associated with the kitchens below the appeal development passed through the structure, across its roof and up the outside wall of the main building. This ducting and other outside plant are not part of the appeal works and my consideration of this case does not imply any acceptance of those works.

Reasons

Character and appearance

4. The appeal premises comprise a restaurant on 2 floors with residential accommodation above. They are one of a terrace of substantial brick-built
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structures. The land at the rear of the terrace has been developed to form an office building with a double pitched roof. The appeal works have been constructed over a projection at ground floor level at the rear and are not visible from the street.

5. In visual terms the area to the rear of the premises is not attractive. Whilst the original brick structures have some character, the area is dominated by the somewhat utilitarian appearance of the office building and various flues, ducts and other structures have been added to a number of the buildings and which give the area a generally cluttered quality. A first floor brick-built extension has been added to the adjacent property.
6. The appeal development provides a single floor of accommodation in a flat-roofed structure clad in what the appellant describes as 'a light grey membrane'. The membrane has a flat and bland texture. There are no external openings in the structure other than a number of domed rooflights fitted into the flat roof. Although partially hidden by the extension at the adjacent premises, the development will be visible from windows in surrounding buildings some of which are in residential use. Whilst only being visible from a limited number of locations, I consider that the alien qualities of the external materials employed and the unrelieved character of the external surfaces make the development incongruous against the brickwork and original openings of the host building. I accept that the general character of the original terrace and the more general surroundings may have become degraded over the years. However, I do not consider that this is sufficient reason to permit developments which cause further harm.
7. In these circumstances I conclude on the first main issue that the development has an unacceptably harmful effect on the appearance of the host building and the terrace of which it is part. The development is, therefore, contrary to Policies B1 and B3 of the London Borough of Camden Replacement Unitary Development Plan 2006.

Living conditions of future occupiers

8. During my site visit I inspected the interior of the development. It had been fitted out to a high standard. I appreciate that the proposal to convert the structure into a 2 bedroomed flat would make it more spacious and the rooms, whilst being relatively small, would be adequate. However, the lack of windows in the structure was obvious. Whilst all of the rooflights were open at the time of my visit, the accommodation still had an uncomfortably enclosed and stuffy quality. Cooking smells from the adjacent restaurant were obvious. I accept that any windows which were provided would look over an uninspiring roofscape. Nonetheless, the natural light and ventilation, combined with the sense of space around the structure, which windows would provide would, in my opinion, make the living conditions of the accommodation more acceptable. No private external amenity space of any kind would be available to the occupants of the proposed flat. This, combined with the lack of any outlook from the structure, would make the proposed accommodation unsatisfactory.
9. When the extraction plant was in operation it was audible in the appeal accommodation. Whilst this could be relocated, it is not immediately obvious where an alternative location would be.

10. The appellant argues that the accommodation is primarily intended for occupation by students. However, it would be difficult to enforce a planning condition which seeks to limit occupation in this way. In any event, I do not consider that living conditions of students should necessarily be different to other parts of the population.
11. In these circumstances I conclude on the second main issue that the development would not provide residential amenities which would give its occupants acceptable living conditions. The development is therefore contrary to Policy H1 of the Unitary Development Plan.

Effect on neighbours

12. The only external amenity space available to the occupier of the upper parts of the adjacent building – no. 119a Drummond Street – is a small first floor terrace. Windows at the rear of no. 119a face out over the terrace. The terrace is overlooked from windows in the office building at the rear but it faces south east and would formerly have received direct sunlight for a substantial part of the day.
13. The appeal development is built up to the boundary with no. 119a and has increased enclosure of the south western side of the terrace. This has reduced the amount of direct sunlight reaching the terrace in the afternoon and evening. In itself, I do not consider that this impact would justify the refusal of planning permission as no. 119a's terrace and windows would continue to benefit from an adequate level of natural lighting. However, the side wall of the development and the bland and featureless quality of the external materials employed have made outlook from the main rear facing window and terrace of no. 119a uncomfortably confined. I accept that outlook from the window and terrace was already compromised by the office building to the rear and the cluttered appearance of its surroundings. Nonetheless, I do not consider that this justifies making the situation worse.
14. In these circumstances I conclude on the third main issue that the development would result in an unacceptable additional effect on the living conditions of the occupiers of 119a Drummond Road arising from loss of outlook. The development is therefore contrary to Policy SD6 of the Unitary Development Plan.

Car parking

15. Since my site visit I have been provided with a completed agreement between the appellant and the Council made under Section 106 of the Town and Country Planning Act 1990 (as amended) which would prevent occupiers of the development from benefiting from the parking permit scheme which is currently in force in streets around the appeal premises. This would effectively make the development car-free and would reduce demands on available on-street car parking spaces. I have noted the ready access to public transport facilities which exist and I am satisfied that completion of the agreement overcomes the concerns about car parking.
16. In these circumstances I conclude on the fourth main issue that the development would not have a harmful effect on on-street parking conditions in

the area. The development would comply with Policies T8 and T9 of the Unitary Development Plan.

Other matters

17. During my site visit I viewed the appeal development from the adjacent office building. I note the appellant's argument that the external materials employed are more reflective of light and that this would reduce the impact of the works on the users of the offices. Whilst this may be so, I consider that any benefits in this regard are outweighed by the unattractive appearance of the 'membrane' at such close range. Whilst I do not consider that the effect of the development on working conditions in the offices would, by itself, justify the refusal of permission, it reinforces my conclusions on the unacceptability of the works.
18. I have taken into account all other matters raised, in particular the demand for accommodation in the area. However, I do not consider that these outweigh the harm which I have identified.

Conclusion

19. For the reasons given above I conclude that the appeal should be dismissed.

Roland Punshon

INSPECTOR