



Appeal Decision

Site visit made on 4 August 2010

by **Gary Deane BSc(Hons) DipTP MRTPI**

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

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Decision date:
23 August 2010

Appeal Ref: APP/X5210/A/10/2121596

Belsize Park House, 59-60 Belsize Park, London NW3 4EJ

- 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 the Kapoor Group against the decision of the Council of the London Borough of Camden.
- The application Ref 2009/1732/P, dated 2 April 2009, was refused by notice dated 28 July 2009.
- The development proposed is the construction of 2no 2-bed flats under a mansard roof and rendering of front elevation.

Decision

1. I dismiss the appeal.

Procedural matter

2. The appellant has submitted a Unilateral Undertaking, dated 13 April 2010, under Section 106 of the Town and Country Planning Act 1990 (as amended). This Undertaking secures the proposed flats as car-free. I have taken this document into account in my decision.

Main issue

3. The main issue is the effect of the proposed development on the character and appearance of the appeal property and the local area.

Reasons

4. The appeal property, Belsize Park House (BPH), is a substantial 4-storey plus basement building in residential use with its top floor set back from the front building line. It is located within a predominantly residential area and the Belsize Conservation Area, the character of which is largely derived from mid 19th Century Italianate villas. The repeated form of these villas, with their consistency in building height and general appearance, gives the local area a strong identity and a unity of appearance. BPH sits between two such villas in a terrace of 3 properties. Although the overall height of the appeal building and the adjacent properties is similar, the appearance of BPH contrasts markedly with its flat roof, brickwork, and pattern of fenestration differing from the more ornate, large pitched roof and stucco render of the neighbouring buildings.
 5. The proposal would erect an additional floor to provide 2 flats at roof level as a mansard roof extension to BPH. The proposed mansard would have a pitched slate roof, dormer windows, and extend across the entire width of the appeal
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building. It would be a significant addition to BPH that would be clearly visible from various vantage points along Belsize Park notwithstanding the set back of the proposed mansard from the front building line of the appeal building and the slope of its roof away from the highway frontage.

6. The proposed roof form and pattern of fenestration would create an awkward juxtaposition between BPH and the two adjoining buildings. Specifically, the depth and steeper pitch of the proposed mansard would contrast with the shallower, hipped roof slopes on both adjacent buildings. The position of the proposed dormers in the front elevation would further emphasise this awkward relationship since they would be placed significantly higher than the existing dormers on the properties on either side. The result would be an arrangement of windows and two contrasting roof lines that would appear obtrusive and out of keeping with the character and appearance of the appeal property, the terrace to which it belongs, and the local area.
7. In reaching this view, I accept that the top of the proposed mansard would be similar to that of the adjoining buildings and that the existing chimneys on either side of BPH would physically contain it. I also acknowledge that, at present, there is an uneasy visual transition between BPH and the buildings on either side particularly in terms of fenestration, floor levels, materials and appearance. However, the proposed mansard would exacerbate that visual contrast since the effect would be to emphasise the discordant floor levels and pattern of fenestration compared with the adjoining buildings. Dormer extensions are not uncommon on many properties in the local area and, as proposed, the dormer extensions are relatively modest in size and scale. However, neither point would diminish the visual impact of the proposed mansard as it relates to BPH and its immediate context.
8. Some elements of the proposal, including the application of render to the front elevation of BPH, would help visually connect the appeal building with existing development in the local street scene. However, this would not offset the harm that I have identified with regard the effect of the proposed mansard on the character and appearance of BPH and the local area.
9. I therefore conclude that the proposed development would cause significant harm to the character and appearance of the appeal property and the local area. For this reason, it would fail to preserve or enhance the character or appearance of the Belsize Conservation Area. The proposal would therefore conflict with Policies B1, B3 and B7 of the London Borough of Camden Replacement Unitary Development Plan 2006 (UDP) and the Camden Planning Guidance (CPG). These policies seek to ensure that development respects the site and setting, does not harm the architectural quality of the existing building and the attractiveness of the surrounding area, and preserves or enhances the special character or appearance of the Conservation Area.

Other matters

10. The appellant has submitted a completed planning obligation in the form of a Unilateral Undertaking that secures the proposed flats as car-free. This requirement has a clear policy basis contained within the UDP and the CPG and I am satisfied that the requirements contained within the obligation would be necessary to enable the development to proceed in accordance with the tests in

Circular 05/2005, *Planning Obligations*. I therefore attach considerable weight to the obligation.

11. In my opinion, the obligation satisfactorily resolves those matters raised in the second reason for refusal and addresses some of the concerns of interested parties regarding the potential for increased parking stress and local traffic congestion and the effects on highway and pedestrian safety. The proposal would therefore comply with UDP Policies SD2, T8 and T9. These policies seek to ensure that, where necessary, planning obligations are used to secure measures to meet the needs generated by the proposal that would not be met by existing or planned infrastructure and to inform future occupants that they would not be entitled to on-street parking permits. This does not, however, offset the harm that I have identified in relation to the main issue.
12. Interested parties raise several additional objections to the proposed development including the loss of light, loss of privacy through overlooking, noise and disruption during construction, the position of the plant room, waste storage arrangements, the effect of vehicle emissions on health, and the current condition of the appeal building. I have taken into account these concerns and considered all the evidence before me. However, given my findings on the main issue these are not matters upon which my decision has turned.

Conclusion

13. I have had regard to all other matters raised. However, these matters are not sufficient to outweigh the harm that I have identified. Therefore, for the reasons given above I conclude that the appeal should be dismissed.

Gary Deane

INSPECTOR