



Appeal Decision

Site visit made on 12 March 2010

by **Peter Fenwick BA(Hons) BPI 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:
30 April 2010

Appeal Ref: APP/X5210/A/09/2113518 **Flat 7, 16 Thurlow Road, London, NW3 5PL**

- 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 Mrs Anna Toppin against the decision of the Council of the London Borough of Camden.
- The application Ref 2009/0986/P, dated 20 March 2009, was refused by notice dated 17 June 2009.
- The development proposed is the erection of safety railings on the roof.

Decision

1. I dismiss the appeal.

Procedural matter

2. The development has already been carried out and I have determined the appeal on this basis.

Main issue

3. I consider the main issue to be the effect of the development on the character and appearance of the appeal property and, in particular whether the proposed development would preserve or enhance the character or appearance of the Fitzjohns/Netherhall Conservation Area.

Reasons

4. Thurlow Road is characterised by mainly 19th Century large detached and semi-detached residential properties, with generally unaltered roofs. The dwellings are set back from the road with gaps between, which together with the sloping and curved nature of the street, allow longer and skyline views along the road. The appeal property is three storey with roof accommodation above a semi-basement. The metal railings, sited just inside a very low raised parapet, enclose three sides of a substantial flat roof area, with a central chimney stack forming the other side. Sloping roofs on three sides extend away from the flat roof area.
5. The railings, in their elevated skyline position, are clearly visible from public vantage points. Their height, together with their length and close spacing result in a visually dominant appearance. The adjoining dwelling has an unbroken flat roof whereby the introduction of the railings unbalances the symmetry of this pair of semi-detached properties. I consider this emphasises

their prominence, causing unacceptable harm to the character and appearance of the building and surrounding area.

6. Whilst several properties in the area have roof railings these are, in the main, in front of dormers and are subservient in scale to the overall roof. They are generally of a more open design which, in my opinion, does not detract from the residential character or appearance of the property or impact on the street scene. The few other nearby examples of rooftop railings are, in my view, alien features at odds with the traditional residential appearance of those properties on which they are found which illustrates the visual harm that arises from such development.
7. I conclude that the railings due to their siting and design unacceptably harm the character and appearance of the appeal property and do not preserve or enhance the character or appearance of the conservation area. The development conflicts with the Camden Replacement Unitary Development Plan 2006 policies B1, B3 and B7 and guidance and advice within the Camden Planning Guidance 2006 and the Fitzjohns/Netherhall Conservation Area Statement, which seek to ensure that new development, amongst other matters, respects its site and setting, with extensions subordinate to the original building in terms of scale and situation, and preserves or enhances the character or appearance of the conservation area.

Other matters

8. Concern has been raised that the installation of railings would enable the flat roof to be used as a terrace although I note that this is not the appellant's intention. I acknowledge that the appellant considers the railings necessary in order to allow safe access to the flat roof for both maintenance and emergency personnel, and as a safe refuge in case of emergency. I also recognise the appellant's frustration at the difficulties in seeking to negotiate an acceptable solution to the roof safety issue. However, the safety benefit arising from the railings is not sufficient to overcome the harm that I have identified.
9. I also note that an enforcement notice has been served and the inspector in the subsequent appeal came to a similar decision on the impact of the railings on the character and appearance of the area.

Conclusion

10. For the reasons set out above I conclude that the appeal should be dismissed.

Peter Fenwick

INSPECTOR