

SRL

C/426/MH/P

DISMISSED

Reg. 2113
8700590

HS/2/17 Item 22

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25 JAN 1988
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**Department of the Environment and
Department of Transport**

Common Services

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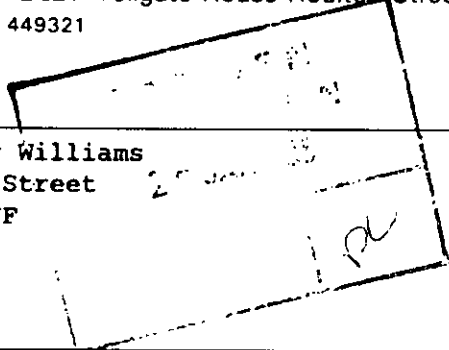
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Your reference

PC1602

Our reference

T/APP/X5210/A/87/076431/P4

Date

22 JAN 88

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY MR R SALMON
APPLICATION NO: PL/8700590

LONDON BOROUGH OF CAMDEN
TOWN AND COUNTRY PLANNING ACTS
16 MAR 1983
RECOMMENDATION AGREED
ON BEHALF OF THE COUNCIL

1. I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeal. This appeal is against the failure of the London Borough of Camden Council to issue a decision on a planning application for the conversion of the existing roof space into further residential accommodation for the 2nd floor flat at 56 Compayne Gardens, London NW6. I have considered the written representations made by you and by the Council. I inspected the site on 12 October 1987.

2. Your client's property is a large 3-storey semi-detached house dating, by its appearance, from Edwardian times. On its street frontage, it has a balcony at 1st floor level. Its roof slope facing the street is of slate and comparatively steep. A gable containing a large window at second-floor level extending above eaves level, is a prominent feature of the front elevation. It is set back from the street behind a substantial front garden. Compayne Gardens and the adjoining streets consist for the most part of properties like the appeal property. I noted on my site inspection that a number of the houses in Compayne Gardens had had roof-space conversions, although most were lit by skylights or dormer windows. However, in the vicinity of No 56, Nos 38, 40, 54 and 58 Compayne Gardens have roof conversions incorporating balconies on the front elevation; the 2 last are respectively the house attached to the appeal property and its other neighbour.

3. From the material before me and from my observations of your client's property and its setting, I deduce that the main issue in the appeal concerns the appearance of the proposed alteration and its likely effect on the character of the area, against the background of the Council's policies and design guidelines.

4. The Camden Borough Plan, adopted in 1987 and forming part of the statutory Development Plan for Camden, states in Policy UD4 that the Council will have regard to the various standards and guidelines set out in its non-statutory Environmental Code and the commentary states that the Council regards the Code as a set of guidelines to be interpreted for each application. The Environmental Code contains Design Guidance Notes on roof alterations within the district which includes Compayne Gardens, which were adopted by the Council for development control purposes on 20 October 1987, subject to further public consultation; this appeal against the Council's failure to determine pre-dates that adoption, but nonetheless the Design Guidance Notes are a material consideration in deciding it.

5. No 2 of the Design Guidance Notes states that dormer windows or recessed roof terraces at the front or side of the building will not normally be allowed.

No 3(b) of the Notes says that recessed roof terraces may be allowed at the rear, set back at least 1 m from the eaves line. No 6 refers to the retention of any architecturally interesting features.

6. Your client's proposal is clearly contrary to the Council's guidelines, but you maintain that the north-south orientation of the property makes its front the logical place for a terrace, which is needed to relieve the effect of living in an upper-storey flat. You point to the existence of other front terraces nearby. The Council relies on its Design Guidance Notes and also maintains that the front terrace, by reason of its size, is visually detrimental; that the side dormer window alters the character of the roof by blocking the gap between the chimney and the roof pitch when viewed from the front or rear; and that the rear terrace is also too large and spoils the character of the roof. The Council's view is that the construction of front terraces and dormer windows under previous planning permissions has caused the visual quality of the area to decline and resulted in the change of approach to be found in the Design Guidance Notes.

7. I formed the opinion on my site inspection that, although not a Conservation Area, Compayne Gardens is part of an area with architectural homogeneity which the Council is justified in seeking to safeguard through its guidelines: however, I bear in mind that the guidelines are intended to be interpreted for each application.

8. I recognise the force of your argument that it is only at the front of the house that a terrace would be sun'it, but that consideration would also apply to a great number of houses in Compayne Gardens and other roads in the locality, which are laid out on a grid pattern on the same orientation. If allowed as a reason for permitting a front terrace in the present case, the Council's application of its guidelines would be seriously compromised, in the absence of special reasons for deciding contrary to the guidelines. Similarly, your client's understandable desire to relieve the effects of living in an upper storey flat could apply to any property which has been converted into flats.

9. Interpreting the Council's guidelines in relation to the detail of your client's proposal, I find myself in agreement with the Council that, because of its size and bulk the front terrace would harm the appearance of the roof of the property to the extent that it would adversely affect the appearance of that part of Compayne Gardens. I find the side dormer and the rear terrace more acceptable on their merits, but nevertheless I am persuaded that your client's appeal should be dismissed.

10. You mention that your client has a growing family, but that is not a planning consideration and I do not regard it as a factor of sufficient weight to overcome the planning objections to your client's scheme. I have taken into account all the other matters in the written representations not expressly referred to above and they do not weigh sufficiently to vary my views on the considerations on which I base my decision.

11. For the above reasons, and in exercise of powers transferred to me, I hereby dismiss this appeal.

I am Gentlemen
Your obedient Servant



C CLAYTON MA LLM Barrister
Inspector