



The Planning Inspectorate

AE9

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Appeal No 21 Dismissed
Appeal No 23 Allowed

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LONDON BOROUGH OF CAMDEN
ENVIRONMENTAL RECORDS & INFORMATION
RECEIVED 23 AUG 1995
Your Ref: AW/151/4.1
Our Ref: T/APP/X5210/A/95/249979/P2
T/APP/X5210/A/95/250007/P2
Date: 22 AUG 1995

Dear Sirs

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6
APPEAL BY LINDA and PETER JONES and MR EKKEHARD WEISNER
APPLICATION NOS:- 94/01092 and 94/00149

1. I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeals. These appeals are against the decisions of the Camden London Borough Council to refuse planning permission for the erection of roof extensions at Nos 23 and 21 Fitzroy Road, NW1. I held an informal hearing into the appeals on 8 August 1995.

2. From my consideration of the representations made before and during the hearing and, having regard to the requirements of Section 54A of the above mentioned Act and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have concluded that there is one, identical, main issue in each of these 2 cases. That is, whether the proposed extensions would preserve or enhance the character and appearance of the Primrose Hill Conservation Area in which they would lie.

3. Notwithstanding this conclusion and notwithstanding the fact that it was agreed that, for all practical purposes, the proposals sought permission to erect visually identical extensions on adjoining and, in visual terms, more or less identical buildings an extant and implemented permission for a roof extension at No 23 ensures that each appeal has to be judged differently. This is because the extant permission effectively means that, in respect of application No 94/01092 (No 23), determination of the main issue rests mainly on a comparison between 2 alternative designs whereas, in respect of application No 94/00149 (No 21) determination rests mainly on the effect of the extension on its surroundings, bearing in mind that some form of roof extension is permitted next door. For reasons of convenience I propose to deal with appeal No 94/00149 (No 21) first.

4. In regard to this appeal inspection showed that No 21 (as well as No 23) forms part of a terrace containing 6 more or less identical buildings. From the front the flat parapet of the terrace forms a sky-line feature which can readily be seen at varying distances and

angles. To the back the butterfly roof form is less noticeable but glimpses of it can be obtained from public areas leading to backland development. The rear of the terrace can also readily be seen from neighbouring dwellings lining Chalcot Road and Manley Street. Although your clients held that from distant, oblique angles the horizontal line of the front parapet would largely be unaffected by any upward extension I, like the Council, strongly disagree. To my mind the front part of the extension would clearly be seen and, as this would break up the parapet's sky-line silhouette, it would provide an asymmetrical visual distraction which would seriously detract from the appearance of what was originally a formal, symmetrical edifice. I appreciate that, regardless of the outcome of this particular appeal, a similar distraction could be said to exist at No 23. However, this fact does not, in my opinion, provide any real justification for allowing a further increase in the distraction which would inevitable flow from allowing this appeal. Seen from close range the extension would detract even further from the appearance of the terrace. This is because the extension would not only break up the sky-line feature of the parapet, by rising above it, but also because it would effectively block view of the sky through the parapet's somewhat unusual tracer.

5. At the rear I appreciate that the outline of the butterfly roof will be maintained. However, this outline would provide no more than a sketchy indication of the original roof form which would otherwise be altered beyond recognition. Again, while I would accept that, at best, No 23's roofline would be similarly changed this does not justify further loss of this visually interesting roof form. As a result of the above I have concluded that any upward extension, as proposed, would change the overall appearance of both building and terrace and that this change would be visually detrimental. However, having reached this decision I take your clients' point that as, following a recent review, the terrace and individual buildings in question remain unlisted any merit they may have has not been judged to be of national importance. Consequently, despite my view of the aesthetic merits of the case I would accept that extensions of the type proposed may not necessarily be out of character should they be found throughout the conservation area generally.

6. Inspection clearly supported your clients' contention that many similar extensions do exist both close by and elsewhere throughout the conservation area. Furthermore, inspection also showed that in certain areas, such as Gloucester Avenue, terraces exist where only a small fraction of buildings lack roof extensions and that, in such cases, the form of original elevations has been permanently changed from regular, symmetrical and balanced facades to ones which could reasonably be held to be their direct antithesis. Obviously some observers, such as Mr Weisner, feel that these extensions provide the main physical characteristic of the area and have genuinely welcomed their advent on the grounds that they have added greatly to the charm of the neighbourhood. This is because such observers see the extensions as not only bringing in an element of individuality, which relieves a series of otherwise monotonous or drab street scenes, but also because they emphasise the fact that the area is not locked into stasis.

7. Although I have accepted that within this area of mixed uses there is a large number of roof extensions I take the Council's point that, at present, they could not reasonably be held to be typical of the area as a whole. This is because I, like the Council, consider that the area's main physical characteristic is still provided by the formal residential terraces whose classicism ensures that the area has a certain stately charm. In contrast to Mr Weisner I therefore see the extensions as a form of visual aberration which, because they appear to

have all the physical attributes of a sky-line squatter camp, have begun to transform the quiet, dignified character of the area in a visually detrimental way.

8. As a result of this I fully appreciate why it is that, in its Draft Unitary Development Plan, the Council have produced policies that seek to discourage such extensions and understand why it is that such policies are not to be seriously challenged at the current public inquiry. Having therefore considered all the other matters raised before and during the hearing and, having concluded that they lack sufficient strength to outweigh the above considerations, I have determined to dismiss appeal No 94/00149 on the grounds that the proposed extension would unacceptably detract from the character and appearance of the conservation area in which it would lie.

9. For the above reasons and in exercise of the powers transferred to me I hereby dismiss appeal No 94/00149 in respect of an application to erect a roof extension at No 21 Fitzroy Road, NW1.

10. In regard to appeal No 94/01092 I accept that similar findings apply. However, as stated in paragraph 3, the extant permission makes it necessary for me to compare what are, in effect, 2 proposals so as to establish which of the 2 is likely to have the least detrimental effect. Insofar as the front elevation is concerned the 2 extensions have similar main profiles. However, as the current proposal has dormer windows - as opposed to rooflights, its visual impact would be greater than that of the extant permission as these dormers would noticeably increase the bulk of the roofline silhouette. With this in mind it seems to me that, insofar as the visually more important front elevation is concerned, the extant solution has a less detrimental effect. Notwithstanding this however conditional approval for the current proposal, which secured the omission of the dormer windows, could well negate any significant difference in visual effect.

11. At the less critical rear elevation the position is reversed for, while both extensions would completely change the appearance of the building, the current proposal has an advantage in that it enables some indication of the original roofline to be maintained. Consequently, on balance I am inclined to accept that the current proposal, modified by condition as proposed, would be visually less disruptive than that previously accorded permission. Therefore, as I need to judge this particular appeal as if it is sought permission to replace a less satisfactory extension, I have determined that its construction would, in fact, enhance and preserve the character and appearance of the conservation area in which it would lie.

12. For the above reasons and in exercise of powers transferred to me, I hereby allow appeal No 94/01092 and grant planning permission for the erection of a roof extension at No 23 Fitzroy Road, NW1 in accordance with the terms of the application (No 94/01092) dated 18 July 1994 and the plans submitted therewith, subject to the following conditions:

1. the development hereby permitted shall be begun before the expiration of 5 years from the date of this letter.

2. The dormer windows in the front elevation shall be replaced with rooflights the design of which shall be approved in writing by the local planning authority before the development hereby permitted is commenced.

13. An applicant for any consent, agreement or approval required by a condition of this permission has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused or granted conditionally or if the authority fail to give notice of their decision within the prescribed period.

14. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than Section 57 of the Town and Country Planning Act 1990.

Yours faithfully

A handwritten signature in dark ink, appearing to read 'J L Dickinson', with a stylized flourish at the end.

J L DICKINSON MA DipArch.
Inspector