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LONDON BOROUGH OF CAMDEN
PLANNING AND TRANSPORT
DEPARTMENT

30 JAN 1991

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LONDON BOROUGH OF CAMDEN
TOWN AND COUNTRY PLANNING ACT 1990

11 APR 1991

RECOMMENDATION AGREED
ON BEHALF OF THE COUNCIL

Your Reference:

RECEIVED

Our Reference:

T/APP/X5210/A/90/167409

and E/90/806869/P2

Date: 25 JAN 91

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 SCHEDULE 6 AND
PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990
SECTION 20 AND SCHEDULE 3
APPEALS BY MS T STYLER
APPLICATION NOS PL/9003210 AND HB/907046/0

FILE COPY

REF: NE

1. As you know, I have been appointed by the Secretary of State for the Environment to determine your client's appeals against the decisions of the Camden London Borough Council to refuse planning permission and listed building consent for the erection of a conservatory on the existing second floor terrace at Flat 5, Fitzroy Lodge, The Grove, Highgate, N6.

2. Following my inspection of the site and surroundings on 14 January 1991 and my consideration of all the written representations made on behalf of your client and by the council, together with those made by The Highgate Society and nearby residents, I find that there are two main issues to be considered in this case. The first concerns the effect of the proposal on the amenities of neighbours. The second involves considering the scheme in relation to the character of the listed building and the conservation area.

3. Flat 5 is on the second floor of Fitzroy Lodge. This building is located on the east side of The Grove at its junction with Hampstead Lane. It is part of a much altered nineteenth century villa. The new conservatory would be located on top of the north part of the southern wing. This projects into a courtyard to the west of the building and its amenities to the south and east. There is a tall tree near its south-west corner.

4. Dealing with the first issue and the effect of the proposal on neighbours' amenities, I note that there is a kitchen window to the flat below to the west. However, it has reasonable southerly aspect. With the height and level of the conservatory proposed, and at such a distance from this window, the scheme would not in my opinion unduly overshadow it. Nor would it effect daylight and sunlight to this or any other windows to any significant extent. In any case, I can imagine that, in summer, the tree to the south would at times shade the southern windows of these flats.



5. Neighbouring gardens are relatively large. The proposal would be set back on the south elevation forming a small balcony. The new conservatory would not project beyond the existing parapet each side. From inside, it would tend to restrict visibility east and west as there would be no opening windows or people leaning out as there could be with the present terrace. This would provide somewhat more privacy for neighbours. In any case I do not consider that the proposal would allow any more overlooking than at present.

6. There is, I understand, a bedroom below the present terrace and I note the submissions by the occupant of that flat. However, any structural problems are a matter for building regulation rather than planning. On the other hand I consider that sound insulation is an important factor. A conservatory is likely to be used during a greater part of the day and more often throughout the year than a balcony. However, this matter can be covered by a condition. Otherwise in respect of the first issue I can see no overriding planning objection to the scheme.

7. Turning now to the second issue, Fitzroy Lodge is included as Grade II in the statutory list of buildings of architectural or historic interest. It has a plain white painted finish which successfully integrates the later alterations and additions. Surrounding houses are characterful if undistinguished. Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special regard to be had to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest that it possesses.

8. The site is also in a comparatively verdant and open corner of the Highgate Conservation Area. Section 72(1) of the Act requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of that area. It is also noted that the Borough Plan, adopted in 1987, seeks a high standard of design compatible with the council's detailed planning guidelines and the scale and character of the surroundings, taking into account their 1979 Environmental Code.

9. Fitzroy Lodge, it seems to me, has been considerably altered and extended over the years with new roof, some new windows and other alterations such as the iron stair to the lower flat and in particular, the addition of the southern wing. The indent in the kitchen wall betrays the considerable alterations that have taken place. The appeal wing and terrace itself seems to be modern. However, the whole building has a unity of its own even if it is not particularly distinguished.

10. The design of the conservatory, ~~correctly in my view does not imitate what~~ is left of any particular historical style in the villa. ~~It would merely provide a~~ simple and direct enclosure. This both complements the character of the listed building and fits well into its surroundings. Therefore I can see no objection to it in terms of preserving the listed building or its setting, or any features of special architectural or historic interest that it still possesses.

11. In terms of the quality of the conservation area the proposal would preserve its open and verdant character at this point although not significantly enhancing it. Although the tree would be quite close to the new conservatory it would not, as far as I can see, actually interfere with it. In any case, as you say, a little judicious pruning would not be impossible to arrange.

12. In allowing your client's scheme, certain conditions are attached on the lines suggested by the council. In order to ensure that the external facing materials and method of sound insulation to be used in the floor construction is agreed by the council, a condition is attached requiring their approval of these details before any work starts on the site. Also, a condition is also included requiring all new work and making good the existing to be carried out to match the original work as closely as possible both in materials and workmanship.

13. With these conditions, I consider that the proposal would not unduly harm the residential amenities of surrounding properties or their gardens at expense of the qualities of the listed building or the conservation area or be contrary to the council's planning policy and guidelines. All the other matters raised in the written representations have been carefully considered but none are of such weight as to lead me to any other conclusions.

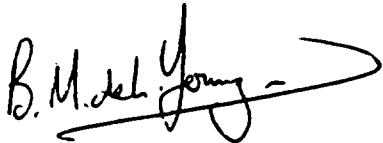
14. For the above reasons, and in exercise of the powers transferred to me, I hereby allow these appeals and grant planning permission and listed building consent for the erection of a conservatory on the existing second floor terrace at Flat 5, Fitzroy Lodge, The Grove, Highgate, N6, in accordance with the terms of the applications (Nos PL/9003210 and HB/9070461) dated 27 April and 21 June 1990 respectively and the plans (drawing Nos 533/03 to 06) submitted therewith, subject to the following conditions:

1. the works hereby permitted shall be begun before the expiration of five years from the date of this letter;
2. the external facing materials and method of sound insulation to be used in the construction shall not be otherwise than shall have been submitted to and approved by the council before any work on the site begins;
3. all new work and making good the existing shall be carried out to match the original work as closely as possible both in materials and detailed execution.

15. 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 such consent, agreement or approval is refused or granted conditionally or if the authority fail to give notice of their decision within the prescribed period.

16. This letter does not convey any approval or consent which may be required under any enactment, bye-law, or regulation other than Section 57 of the Town and Country Planning Act 1990 and Sections 7 and 8 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

I am Gentlemen
Your obedient Servant



B M de L Young AAdipl RIBA DipCHM
Inspector