



Appeal Decision

Site visit made on 5 February 2008

by **J Chance** BSc DipTP MRTPI

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

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Decision date:
26 February 2008

Appeal Ref: APP/X5210/A/07/2059399

33 Rhyl Street, London NW5 3HB

- 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 Baron Developments against the decision of the Council of the London Borough of Camden.
- The application Ref 2007/3336/P, dated 29 June 2007, was refused by notice dated 21 September 2007.
- The development proposed is the conversion of a single family house into four flats, a two-storey rear extension and a vertical two-storey extension.

Decision

1. I dismiss the appeal.

Procedural Matters

2. By the time of my visit the outbuilding to the rear of the house had been removed and major construction work was taking place within the main building
3. I was informed at the site visit that the white painted wall adjacent to Rhyl Primary School was to be taken down in the future as it has been affected by movement.

Main Issues

4. The main issues are:
 - (a) the effect of the proposed development on the character and appearance of the host building and the West Kentish Town Conservation Area; and
 - (b) whether the proposed development would increase the risks to the safety of highway users, including pedestrians, with particular regard to parking provision.

Reasons

Effect on the Character and Appearance of the Host Building and Conservation Area

5. The appellant contends that the additional two levels of accommodation within the proposed additional storey and the mansard roof extension would increase the amount of residential accommodation provided without causing visual harm to the host building or surrounding area. Furthermore, the appellant points out that the four units to be provided in the form of 2 one-bedroom and 2 two-

bedroom flats are of the size which the Council considers to be most in demand in the Borough.

6. I saw that the appeal property is three storeys in height, with lower ground, upper ground and first floors, with a front parapet and valley roof. It is at one end of a terrace of six properties. The terrace varies in height from a maximum of five floors including mansard roof extensions and semi-basements at Nos 43 and 41 Rhyl Street at the other end to the three storeys of the appeal property. Although the adjoining properties at Nos 35 and 37 Rhyl Street have not been extended at roof level, because the appeal property is effectively set half a storey lower than they are, it is significantly lower in overall height. Consequently, when viewed from Rhyl Street there is a gradual stepping down in height from No 43 to the appeal property at No 33.
7. I accept that individual properties within the terrace have been extended differently and the architectural detailing varies from property to property in its nature and quality. Nevertheless, the terrace as a whole has an attractive appearance and despite the differences between the individual buildings within it, primarily because of the stepping down in height towards the appeal property and the existing half way split in the roof forms and styles, the terrace still appears as one group of related buildings. Moreover, despite its lower height, the appeal property appears as an integral part of that group and its unusual arrangement of floor levels in relation to the adjoining properties adds to the character of the terrace as a whole.
8. Overall, I consider that both the appeal property and the terrace as a whole make a positive and attractive contribution to the character and appearance of this part of the West Kentish Town Conservation Area. I note that the West Kentish Town Conservation Area Statement makes reference to Nos 33-39 (odd) Rhyl Street as buildings which make a positive contribution to the character and appearance of the Conservation Area.
9. Contrary to the appellant's view that the additional floor and mansard roof extension would give the building an appropriate scale in relation to the rest of the terrace, I find that the increased height of the appeal property compared with Nos 35 and 37 would interrupt that gradual stepping down in height along the terrace. From Rhyl Street the appeal property would appear far more prominent than it currently does and instead of relating well to the rest of the terrace and the adjoining property, it would appear out of place and poorly related in height and scale. Furthermore, the resulting uneven roof heights of the various buildings would, in my opinion, have a jarring effect on the present rhythm. In addition, the extra levels of fenestration that would fail to relate in level to those in the adjacent property and across the terrace as a whole would further serve to unbalance the present balanced appearance of this attractive group of properties.
10. I note that the appellant says that the new parapet line would be only some 0.6m higher than the existing parapet line of No 35 and the height of the mansard roof extension would generally match with the height and scale of the mansard roofs at Nos 39, 41 and 43. However, when viewed from the front the extended appeal building would appear significantly higher than No 35, and would break the pattern of declining building height. This would be contrary to advice in paragraph 41.12 sub-section i) of Camden Planning Guidance 2006

which indicates that roof alterations or additions are likely to be unacceptable where the differing heights of buildings within a group add visual interest and an extension would detract from this. I have taken account of the intention to use matching materials and timber sash windows with the same proportions and spacing as the original windows. Nevertheless, for the reasons given above I consider that the proposed scheme would be significantly detrimental to the character and appearance of the appeal property and the terrace of which it is part.

11. Furthermore, despite the different heights and styles of many of the terraces in the surrounding area, the loss of the cohesion of the different properties within this appeal terrace through loss of the gradual stepping down in height and failure of the additional levels of fenestration to relate through to the adjacent properties, as previously described, would, in my view, harm the character and appearance of this part of the Conservation Area. Moreover, I saw that the properties in the short terrace on the south side of Rhyl Street to the other side of Rhyl Primary School indicated as Nos 1, 3 and 5B on site, although shown on the Site/Location Plan as Nos 1, 3, 5, are of a generally similar height, scale and design to the appeal property. Consequently, in long distance views along the street there is a visual link between the properties either side of the imposing Grade II listed school building, which would be severed if the appeal scheme were to go ahead, which would add further to the harm caused to the streetscene and this part of the Conservation Area.
12. At the rear of the building the proposed vertical extension of the property would eliminate the present valley feature which is an original traditional characteristic of this terrace and has been largely retained at the other properties despite their additions and alterations. The rear of the terrace of which the appeal property is part is visible across the school playing area from Marsden Street and from the rooms of the terraced properties which front onto that street. I consider that the loss of the valley feature from the appeal property as a result of the proposed vertical extension would be seen to be detrimental to the traditional character of the building and terrace. As such, it would be contrary to the general intention within paragraph 41.12 sub-section a) of Camden Planning Guidance 2006 to resist roof alterations and additions where there is an unbroken run of valley roofs and the proposal would be likely to have an adverse effect on the appearance of the building.
13. As regards the proposed rear extension, contrary to the application description, this would appear to be part three-storey and part one-storey as in the Council's description on the refusal notice. It would require the removal of the original two-storey part-width back addition and would extend across the full width of the rear of the property. The Council makes the point that there is no precedent for a full width rear extension at first floor level.
14. Although I consider that, because of past alterations and extensions, there is no real pattern of extensions at the lowest level across the rears of the properties in this terrace, the part-width back additions are clearly a characteristic traditional feature of this terrace. Even though the appellant indicates that the rear extension would be a full floor below the new rear parapet line, it would be at a higher level than the adjacent back addition at No 35 and above those of the other additions at first floor level on the terrace. This would emphasise its bulk, height and general lack of sympathy for the

traditional part-width, pitched roof rear additions which are a characteristic of this terrace.

15. I find that the scale, height and width of the rear extension as proposed would be so great, and the design so unsympathetic, that it would look out of place even in the relatively limited views possible from Marsden Street and the rear area at No 35 Rhyl Street. In addition, the proposed changes to the fenestration proportions and levels on the rear of the property would cause further visual harm by failing to relate to both the fenestration at No 35 and that across the rest of the terrace. The proposed rear extension would, in my opinion, have an adverse effect on the character and appearance of the host building, terrace as a whole and the Conservation Area. Moreover, since I find that the rear extension would be insensitively designed, this would conflict with advice in paragraph 19.12 of Camden Planning Guidance 2006 regarding rear extensions.
16. Policy B1 of the adopted Camden Replacement Unitary Development Plan 2006 (UDP) indicates that the Council will grant planning permission for development that is designed to a high standard. Amongst other things, development should respect its site and setting and seek to improve the attractiveness of an area and not harm the area's appearance or amenity. Policy B3 Part A says that the Council will not grant planning permission for alterations or extensions that it considers cause harm to the architectural quality of the existing building or to the surrounding area. Within such an assessment account will need to be taken of whether unsympathetic alterations or extensions are removed or improved, as well as whether the architectural integrity of the building is preserved and its form, proportions and character, and its setting, are respected. For the reasons set out above, I find that the proposed scheme conflicts with the intentions of UDP Policies B1 and B3 Part A.
17. UDP Policy B7 Part A indicates that the Council will only grant consent for development in a conservation area that preserves or enhances the special character or appearance of the area. Policy B7 Part A is in line with the statutory duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 for special regard to be had to the desirability of preserving or enhancing the character or appearance of a conservation area. As indicated above, I consider that the proposed development would harm the character and appearance of this part of the West Kentish Town Conservation Area.
18. I therefore conclude that the proposed development would significantly harm the character and appearance of the host building, the terrace of which it is part and the West Kentish Town Conservation Area. I further conclude that the proposal would be contrary to UDP Policies B1, B3 Part A, B7 Part A, and to national policy objectives to preserve or enhance the character or appearance of conservation areas.

Whether the Risks to the Safety of Highway Users would be Increased

19. The Council contends that the proposal would result in an increase of three residential units compared with the previous use as a single house and that this would be likely to contribute to increased parking stress and congestion.

20. The proposal makes no provision for parking within the site. It is within an area where on-street parking is controlled, being limited to permit holders only. The appellant suggests that a planning condition be imposed that would prevent a number of the units from obtaining parking permits. However, the Council indicates that as the permit issuing authority it cannot refuse a car owning resident a parking permit unless there is a legal agreement that allows the authority to refuse one.
21. I saw that the appeal site is in a location that is accessible by public transport and is not far from a range of facilities and services. At the time of my visit I observed that the designated parking bays in Rhyl Street and other nearby streets were fully occupied. UDP Policy T8 concerns car-free and car-capped housing. The appeal site falls within a location where the Council will particularly seek car-free or car-capped housing. The supporting text to Policy T8 says that for such housing the Council will, amongst other matters, not issue on-street residential parking permits and will use planning obligations to ensure that future occupants are aware that they are not entitled to such permits. Policy SD2 indicates that the Council will use planning obligations to secure measures where existing and planned provision of infrastructure, facilities and services are not adequate to meet the needs generated by a proposal.
22. I consider that if the proposed development were not car-free or car-capped, the additional residential units created by this proposed development would be likely to result in additional pressure on the existing controlled parking facilities, with the risk of vehicles double parking, parking on footways, causing congestion by waiting for other vehicles to leave designated bays and driving round the locality to search for a space. This would be prejudicial to the safety of the drivers of other vehicles, cyclists and pedestrians. Moreover, it would be contrary to the intentions of Policy T9 Part A of the UDP which seeks to ensure that development proposals will not harm on-street parking conditions or add to on-street parking where existing on-street parking provision cannot meet demand.
23. Although the appellant is willing to agree to a planning condition regarding parking permits, I consider that in the absence of a legal agreement, as referred to in Section 7 of Camden Planning Guidance 2006 and UDP Policy T8, this would not be sufficient to prevent occupiers of the flats from seeking a parking permit in the future. Since the Council considers that without such an agreement it would not be able to refuse to issue a permit and I find that without restrictions on further permits the additional parking pressures associated with the proposed scheme would unacceptably increase the highway safety risks, I am of the opinion that a legal agreement is necessary.
24. Since no legal obligation has been provided, I conclude that the proposed development would result in an unacceptable increase in the risks to the safety of highway users. I further conclude that the proposal would conflict with the intentions of UDP Policies T8, T9 Part A and SD2

Other Matters

25. I have taken account of the appellant's comments regarding making efficient use of existing housing stock in an accessible, sustainable, urban location to meet an acknowledged need for small dwelling units. However, this does not outweigh the harm to the character and appearance of the host building and the Conservation Area, and the harm to highway safety which would result if I were to allow this appeal.
26. I have had regard to concerns raised by adjacent occupiers of the flats at No 35 regarding noise transmission during construction and the potential for noise nuisance after completion of the conversion. If the appeal had been successful, it would have been possible to impose a condition to prevent occupation of the flats until a scheme to provide sound insulation to accord with the current Building Regulations had been submitted to and approved by the local planning authority, and carried out in accordance with the agreed scheme. This should be sufficient to prevent future unacceptable noise nuisance for adjacent existing residents.
27. I have also taken into account concerns raised regarding overshadowing of and restricting daylight to parts of the nursery play area at the adjacent school, and the lack of discussion with the school over the proposed works. The increase in the height of the property's flank wall facing towards the school would have a noticeable effect when in the school area immediately adjacent to the appeal property. However, given the overall size of the school playspace and the height of the wall as existing, I share the Council's view that the impacts in terms of sense of enclosure, overshadowing and restriction of daylight would not be so serious as to warrant refusal on these grounds alone.
28. The Council has referred me to two appeal decisions for schemes at Agar Grove and Maple Street. While I have had regard to these, I have determined this appeal proposal on its own merits, by reference to the development plan. These matters raised do not affect my earlier conclusions regarding the unacceptability of this proposal in terms of the main issues and the appeal therefore fails.

J Chance

INSPECTOR