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Dismissed



# The Planning Inspectorate

*An Executive Agency in the Department of the Environment and the Welsh Office*

Room 1404  
Tollgate House  
Houlton Street  
Bristol BS2 9DJ

H10121A  
4116

Direct Line	0117-987-8927
Switchboard	0117-987-8000
Fax No	0117-987-8769
GTN	1374-

Mr A H Crowther  
Greenway & Crowther  
77 The Chase  
London

SW4 ONR

Your reference:

Our reference:

T/APP/X5210/E/94/811127/P8 and  
T/APP/X5210/A/94/243352/P8

Date: 26 JAN 1995

Dear Sir

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6  
APPEAL BY P N WAINMAN  
APPLICATION NOS:- HB/9460043 AND PL/9400402

1. I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeals, which are against the decision of the London Borough of Camden Council to refuse Conservation Area Consent for the demolition of two houses and planning permission for the erection of four houses on land at 1 and 3 Fitzroy Road, London NW1. I have considered the written representations made by you and by the Council, and also those made by interested persons including those made directly to the Council and forwarded to me. I inspected the site on 21st December 1994.
2. The appeal site is a roughly rectangular area of land fronting Fitzroy Road, occupied by a pair of mid-Victorian semi-detached villas and their gardens. They sit at the north-eastern end of a terrace of houses which have three storeys and a semi-basement, but are set further back from the highway than these. The north-eastern site boundary abuts the short rear gardens of several terraced houses fronting onto Gloucester Avenue. At the rear of the site there are commercial premises. The whole area is part of the Primrose Hill Conservation Area which in this locality is strongly characterised by Victorian terraced houses.
3. It is proposed to demolish 1 and 3 Fitzroy Road and to build on the site four terraced houses which would strongly resemble the existing houses to the south-west, except that they would be set slightly further back on the site (but forward of the position of the existing villas) and have basement garages.



4. I have inspected the appeal site and its surroundings and considered all of the submitted representations. On that basis I have decided that the main issue to be determined in respect of the Council's refusal to grant Conservation Area Consent is whether the demolition of the existing buildings would result in the loss of buildings which contribute positively to the appearance and character of the Conservation Area. As to the refusal of planning permission, I take the view that the main issues to be decided are firstly, whether the proposed development would serve to preserve or enhance the appearance or character of the Conservation Area, and secondly, whether it would be unduly harmful to the residential amenities of neighbouring occupiers. In considering these issues I am mindful of the Borough Plan and draft UDP policies to which my attention has been drawn, most of which require judgements to be made about the effect of the proposals on the local street scene or on residential amenities.

5. I deal first with the refusal of Conservation Area Consent for the demolition of 1 and 3 Fitzroy Road. You have sought to argue that these particular houses are out of keeping with the predominant character of this part of Primrose Hill which was almost exclusively developed with terraced houses in the mid-nineteenth century. I agree that the homogeneity of much of the surrounding area is noticeable and that the houses which are the subject of this appeal have a somewhat anomalous appearance in that strong context. However, the pursuit of uniformity is not in my view a laudable aim in itself especially if, in order to achieve it, properties having some intrinsic historic interest are to be demolished.

6. Conservation areas are areas "of special architectural or historic interest, the character of which it is desirable to preserve or enhance". In exercising control over demolition of buildings in Conservation Areas, local authorities are advised in paragraph 4.26 of PPG15 "Planning and the Historic Environment" to take account "of the part played in the architectural or historic interest of the area by the building for which demolition is proposed." In this case the extraordinary appearance of the buildings is attributable to the circumstances of the development of the Chalk Farm Estate, described in the opening paragraphs of the Council's statement. It is apparent from the nature of many of the representations made by third parties that these facts are well known locally and that many value the contribution made by these two properties to the historic character of the Primrose Hill Conservation Area. I conclude that their demolition would result in the loss of buildings which make a positive contribution to the historic interest and character of the Conservation Area.

7. I note that paragraph 4.27 of PPG15 states that there is a general presumption in favour of retaining such buildings and I have therefore considered whether there are good reasons for overriding that presumption in this case. In this context I have taken account of the merits, as you see

them, of the proposed replacement development. These include better quality family accommodation, a form of construction complying with modern standards, and improved "townscape". I could foresee some benefit in townscape terms from the greater concealment of the rear elevations of the Gloucester Avenue houses, and the north-eastern elevation of No. 5 Fitzroy Road, and I also accept that the existing accommodation may have some constructional and qualitative shortcomings but these are insufficient in my opinion to outweigh the loss of character which would result from the demolition of these buildings whose somewhat anomalous form testifies to the historic development of the area. The fact that this form of building was not pursued in this area does not in my view diminish its interest.

8. I have considered all of the matters raised in the representations but find nothing which outweighs the presumption in favour of the retention of these houses. For the above reasons and in exercise of the powers transferred to me, I hereby dismiss this appeal and refuse Conservation Area consent for the demolition of Nos 1 and 3 Fitzroy Road.

9. Turning now to the issues raised by the refusal of planning permission, I will deal first with the impact of the proposed development on the character and appearance of the Conservation Area. I have already acknowledged that the proposed form of development would bring with it some benefit in screening unattractive elevations of existing houses in Gloucester Avenue and Fitzroy Road. But in my opinion such benefits would be outweighed by those features of the proposal which are overtly modern in appearance and wholly uncharacteristic of the form of building which is being imitated. I refer to the basement garages. The ramped accesses and unenclosed frontages would be quite at variance with the appearance of other houses in the street and would be a noticeably discordant feature in the street scene. To that extent the proposed development does not in my view serve to preserve or enhance the appearance or character of the Conservation Area.

10. The appeal site lies to the south west of houses in Gloucester Avenue. The latter have particularly short rear gardens. The effect of the proposal would be to locate a flank wall of much greater height than the existing one much nearer to the common boundary. This would undoubtedly have a marked effect on the amount of sunlight reaching those gardens, but would also, in my opinion, lead to an oppressive sense of enclosure at the rear of the Gloucester Avenue houses. The outlook from rear facing windows especially at the lower levels would be much more confined and I regard the sum of these effects as representing an unacceptable loss of residential amenity for those occupying the affected properties. That the same unneighbourly relationship exists elsewhere in the locality is not in my view a sound argument for replicating it here.

11. I have taken into account all of the matters raised in the representations and whilst you have argued the merits of the proposal lucidly, nothing I have seen or read sways me from the conclusions I have reached on the principal issues in this case.

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

Yours faithfully

A handwritten signature in black ink, appearing to read 'G R Stewart'. The signature is written in a cursive, flowing style.

MRS G R STEWART BSc DipTP MRTPI  
Inspector