



Appeal Decision

Site visit made on 10 April 2014

by **G Powys Jones MSc FRTPI**

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

Decision date: 1 May 2014

Appeal Ref: APP/X5210/D/14/2214901

1a Lyme Street, London, NW1 0EH

- 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 Mr Steve Sapwick against the decision of London Borough of Camden.
 - The application Ref 2013/5974/P, dated 18 September 2013, was refused by notice dated 12 December 2013.
 - The development proposed is to rearrange external front facade to existing residence with new door and windows and new roof above providing additional living space.
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Decision

1. The appeal is dismissed.

Preliminary and Procedural Matters

2. Arrangements had been made for an access required site visit, but neither the appellant nor his representative was at home when I called. However, I was able to fully assess the effects of the proposals from outside the site, and I therefore conducted an unaccompanied inspection. Neither of the parties has objected to the revised site visit procedure, and I shall therefore proceed to a decision.
3. Judging from the information made available, the building subject of the appeal lies alongside the boundary of the Regents Canal Conservation Area (CA), and just outside it, as suggested by the appellant. The appeal property also sits next to one of five listed buildings (grade II) located on the northern frontage of Lyme Street, and backs onto the rear of a listed terrace of properties (also Grade II) in Royal College Street.

Main Issues

4. Having regard to the foregoing the main issues are the effects of the proposals on: (a) the setting of the heritage assets, and (b) the living conditions of residents of those properties backing onto the site in Royal College Street with specific reference to visual intrusion.

Reasons

Host property & heritage assets

5. It appears from the planning history that the appeal property was originally built as a workshop just over twenty years ago and that permission was granted for its conversion to a dwelling towards the end of 2001. The appellant

describes the building as being of '*dummy massing in the sense that there is no base, middle or top to the building*', and asserts that '*the proposed scheme simply solves this by applying a new logic to this under-realised home.*'

6. Immediately alongside the appeal property is the first of a row of five pairs of very attractive semi-detached Victorian Villas. The villas' setting is limited in its extent, being understandably constrained given their location within a tightly knit urban area. The flat roofed appeal property, which is rather plain, and of little or no architectural significance intrudes on the setting, particularly that of the closest villas. However, I do not share the appellant's view that the appeal property '*sticks-out*'; to my mind, the plainness and modesty of the building is such that it does not inappropriately draw attention from the attractiveness of the adjacent listed buildings.
7. The appellant proposes a slight increase in the height of the existing parapet, and a new roof which is described as subservient to others in the street with the pitch designed with the objective of providing '*..a balanced end to (the) streetscape.*' Significant changes are also proposed to the front elevation, and the composition of the modifications as a whole, including the roof and materials, are unashamedly contemporary.
8. The architectural approach adopted would add significant visual interest to a plain building, and in this sense the architectural approach adopted is understood. But the unfortunate end result would be a building of greater bulk, notwithstanding that the roof would be set back at its highest point, and a substantially modified building of an overall design seemingly intended to be eye-catching.
9. Far from being the '*sensitive extension that adds distinction*' aimed for by the appellant the proposals have failed to take adequate account of the presence of the adjacent listed buildings, or the significance of their setting. The appellant recognised in the Design and Access Statement that '*..any design will naturally be prominent..*', and, as anticipated, that has turned out to be the case. The modified building would unacceptably compete for visual attention with the listed buildings, and in the process cause substantial harm to their setting. The design is not so outstanding or '*exemplary*' as to overcome the harm.
10. In that the listed buildings in Lyme Street comprise a significant element in forming the character and appearance of this part of the CA, the proposed development would also harm the setting of the CA. Given that the appeal property stands to the rear of the listed terrace in Royal College Street, the setting of these building would not be affected to the same extent.
11. I attach considerable importance and weight to the desirability of preserving the setting of the listed buildings in Lyme Street. I therefore conclude that the appeal should fail in view of the significant harm caused by the proposals on the setting of the listed buildings in Lyme Street, to that of the CA, and for the clear conflict with those provisions of policy CS14 of Camden's Core Strategy (CS) and policy DP25 of Camden's Development Policies (DP) directed to preserving and enhancing Camden's rich and diverse heritage assets and their settings.

Living conditions

12. The appellant has produced a report satisfying the Council that the proposed development would not harmfully affect the amount of sunlight and daylight

currently enjoyed by those Royal College Street residents living directly to the rear of the appeal property. I have no reason to disagree with the findings of the report on these aspects.

13. The report also says that '*with regard to outlook, whilst this is a subjective matter, the assessed window is closest to the site and the Waldram diagram demonstrates the limited effect of the proposals*'. The appellant considers that the windows facing the appeal property in the closest properties at 163 & 165 Royal College Street are secondary windows, with only some serving habitable rooms. I saw that several of the windows looking towards the appeal property were clear glazed.
14. Lyme Street and Royal College Street are set at an acute angle to one another, and converge just beyond the appeal site at the public house. Because of the street layout the rear wall of the appeal property and that of the terrace backing onto the site are relatively close together. As the author of the sunlight/daylight report says, a judgment on the issue of outlook is inherently subjective in nature.
15. In my view, the increased bulk of the roof coupled with the closeness of the properties to one another, would inevitably result in the residents of the closest properties in Royal College Street feeling increasingly and harmfully hemmed-in by development, to the extent that the added sense of enclosure would be perceived as oppressive.
16. I therefore conclude that the appeal proposals would prove visually intrusive and would harmfully increase the level of enclosure experienced by neighbouring residents. A conflict therefore arises with those provisions of CS policy CS5 and DP policy DP26 designed to protect the amenity of Camden's residents, and this represents another reason why the appeal should not succeed.

Other matters

17. The references to other development plan policies have been noted but those to which I have referred are considered the most pertinent given the particular circumstances of this case.
18. The new national *Planning Practice Guidance* has been published recently, but having regard to the facts in this case and the main issues identified at the outset, it has no material bearing on my conclusions.
19. The appellant's references to other development proposals have been noted, and I saw the development referred to at Lawford's Wharf. Whatever the perceived merits of that scheme, they do not justify granting permission for proposals that I have found to be harmful for the reasons already set out.
20. All other matters raised in the representations have been taken into account, including the references to Camden's Design Guidance and the Conservation Area Appraisal but none is of such strength or significance as to outweigh the considerations that led me to my conclusions.

G Powys Jones

INSPECTOR