



Appeal Decision

Site visit made on 23 June 2008

by **Kevin Ward BA (Hons) MRTPI**

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

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Decision date:
2 July 2008

Appeal Ref: APP/X5210/A/08/2068998

24 England's Lane, London NW3 4TG

- 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 C M Fritsch against the decision of the Council of the London Borough of Camden.
- The application Ref 2007/2778/P, dated 28 May 2007, was refused by notice dated 19 September 2007.
- The development proposed is the construction of a roof terrace.

Decision

1. I dismiss the appeal.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the building and the Belsize Conservation Area.

Reasons

3. Both the Camden Planning Guidance and the Belsize Conservation Area Statement were subject to public consultation and adopted by the Council. They carry significant weight therefore. The conservation area statement includes the appeal property, along with others on England's Lane, amongst those that make a positive contribution to the special character and appearance of the area.
 4. The proposed development would involve the erection of railings on top of the existing mansard roof extension to facilitate its use as a roof terrace. Given the height of the building and the fact that the railings would be set back from the front of the roof extension, they would not be visible from street level along England's Lane. However, they are likely to be visible from properties opposite in Chalcot Gardens, particular from upper floors and at times of the year when the screening effect of the intervening trees is reduced. The appeal property is near the end of the terrace and the rear of the roof extension is exposed in views from Primrose Gardens, which slopes upwards from the junction with England's Lane. The railings would be prominent for a significant section of Primrose Gardens. The use of the top of the roof extension as a terrace, with the domestic paraphernalia that is likely to accompany it, such as garden furniture, would add to the visibility.
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5. Even with the use of traditional railing materials, the proposed development would be an uncharacteristic and intrusive feature which would dominate the roof of the property and this part of the terrace. It would be prominent in views from street level in Primrose Gardens and the upper floors of nearby properties. It would adversely affect the character and appearance of the building and the terrace within which it sits and would not therefore preserve or enhance the character or appearance of the conservation area. It would be contrary to Policies B1, B3 and B7 of the London Borough of Camden Replacement Unitary Development Plan and the guidance in the Camden Planning Guidance and the Belsize Conservation Area Statement.
6. There are a number of alterations to the original roof line along the terrace and England's Lane generally, including the substantial development on the roof of No.26 which has a dominating effect on the end of the terrace, and the rather unsightly and prominent railings on top of the roof extension at No.14. However, I consider that the overall character and appearance of the roofline of the terrace has been predominantly retained. In any case, the existence of other prominent roof alterations in the area, including terraces and railings, does not justify the harm that would be caused by the proposed development. I appreciate that the proposed development would bring benefits to the occupiers of the appeal property in terms of providing secure amenity space, and I note the views of the appellant and others that roof terraces are part of a vibrant and cosmopolitan urban environment which evolves over time. I also note the level of support for the proposed development. However, this does not outweigh the harm that would be caused.
7. For the above reasons and taking account of other matters raised, I conclude that the appeal should be dismissed.

Kevin Ward

INSPECTOR