

## Appeal Decisions

Site visit made on 21 October 2014

**by R M Barrett BSc (Hons) MSc Dip UD Dip Hist Cons MRTPI IHBC**

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

**Decision date: 17<sup>th</sup> November 2014**

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### **Appeal Ref: APP/X5210/A/14/2225046 (Appeal A)**

#### **26 Steeles Road, London NW3 4RE**

- 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 David Josephs against the decision of Council of the London Borough of Camden.
  - The application Ref 2014/1366/P, dated 19 February 2014, was refused by notice dated 8 July 2014.
  - The development proposed is alteration to existing dormer and rooflight to form one enlarged and one dormer at front. Addition to the existing roof terrace at rear.
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### **Appeal Ref: APP/X5210/A/14/2225048 (Appeal B)**

#### **26 Steeles Road, London NW3 4RE**

- 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 David Josephs against the decision of Council of the London Borough of Camden.
  - The application Ref 2014/2894/P, dated 24 March 2014, was refused by notice dated 22 June 2014.
  - The development proposed is addition to the existing roof terrace at rear.
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### **Decision**

1. Appeal A is allowed and planning permission is granted for alteration to existing dormer and rooflight to form one enlarged and one dormer at front at 26 Steeles Road, London NW3 4RE, in accordance with application Ref 2014/1366/P, dated 19 February 2014, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan marked 'Streetwise'; 02 Rev 01D; 04b Rev 01D; 05aa Rev 01D; 05bb Rev 01D; 07 Rev 01D.
  - 3) All new work shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the existing building, unless otherwise specified in the approved application.

2. Appeal B is dismissed.

### **Procedural Matters**

3. Notwithstanding the description of development in the header above in respect of Appeal A, it is clear from the evidence before me, including the Council's

decision notice that Appeal A relates to the proposed dormers on the front elevation only. I am determining that appeal accordingly, as the Council did, and have reflected this in my formal decision above.

4. Appeal A and Appeal B relate to the same site. Whilst I have considered each proposal on its own merits, given that they have much in common, and in the interests of brevity, I have dealt with them in one document.
5. I have referred throughout to the proposals as Appeal A and Appeal B respectively, in accordance with the way they are listed in the header above.

### **Main Issues**

6. In respect of both appeals, whether the proposed developments would preserve or enhance the character or appearance of the Eton Conservation Area. In respect of Appeal B only, whether the proposed roof terrace would adversely affect the living conditions of the occupiers of neighbouring properties, with regard to noise and disturbance.

### **Reasons**

7. The appeals relate to a mid-terrace three storey property, with basement and accommodation in its roof. It forms part of a terrace of similar properties and is situated within the Eton Conservation Area.
8. The character and appearance of the Eton Conservation Area generally comprises residential properties with some cohesion in terms of their age, building line, height, massing, general use of materials and detailing. The terrace, No 23-29, of which the appeal site forms a part, generally mirrors that opposite, which adds to its interest. The appeal property, as a whole, forming part of a terrace, makes a positive contribution to the Conservation Area, a matter confirmed in the Camden Conservation Area Statement: Eton (CAS).

### *Appeal A*

9. The Council confirms that the larger of the two dormers is acceptable in terms of its position, scale and bulk and in this regard generally accords with Camden Planning Guidance: Design CPG1 (CPG1). Its concern, therefore, is the position, scale and bulk of the smaller of the two dormers, the detailed design of both and their cumulative effect on the appeal site and the Conservation Area generally.
10. In terms of the smaller dormer, even though it would be close to the chimney stack and firewall, it would result in some separation, and would be set down from the ridge, sufficient for it to read as a separate small projection within the roof slope. It would be in line with the larger dormer proposed and together they would fit comfortably within the roof slope, with appropriate space between, such that they would appear subservient to the roof. The smaller dormer would replace an existing rooflight which is sited close to the ridge and not in line with the existing dormer and in this respect, on balance, it would represent an improvement. Further, the proposed dormers, together, would be centred on the window openings below and their proportions would relate appropriately to those windows and the host dwelling's elevations. Even though both would have a deep fascia, this would relate appropriately to the bulk of the proposed dormer, in each case, and I saw on my site visit that there are other dormers in the terrace (No 23-29) with similar detailing. I

acknowledge that none of these were approved after the adoption of the CAS but they are now part of the established character of the roofscape of the terrace. All in all, I find that the proposed dormers would be appropriately designed and together would be subservient to the existing roofscape and relate appropriately to the host building.

11. I conclude that the appeal proposal would generally preserve the character and appearance of the Eton Conservation Area and would generally accord with Camden Development Policies 2010-2025 (CDP) Policies DP24 and DP25 and Camden Core Strategy 2010-2025 (CCS) Policy CS14, which together, promote high quality places and conserve heritage. In addition, it would generally accord with Paragraph 5.11 of CPG1, which sets out, that roof dormers should be sensitive changes, which maintain the overall structure of the existing roof form.

### **Conditions**

12. I have considered the conditions suggested by the Council and agree that most are necessary, subject to some alterations to improve clarity and ensure consistency with paragraphs 203 and 206 of the National Planning Policy Framework (the Framework), and Planning Practice Guidance : Use of Planning Conditions. I have attached the standard condition relating to the commencement of development. For clarity a condition referring to the relevant plans is necessary for the avoidance of doubt and in the interest of proper planning. A condition to control external materials will ensure that the development preserves the character and appearance of the Eton Conservation Area.

### *Appeal B*

#### *Conservation Area*

13. On the basis of the information before me, the proposed balustrade would sit above an existing mansard roof addition and terrace. The proposed structure would be outside the existing building envelope and would alter the distinctive simple form of the roof, which is mirrored throughout the terrace. Due to this, it would appear as an alien structure which, even though it would be glass, would add bulk at roof level where none exists at present. This would unbalance the proportions of the existing building and fail to relate appropriately to it or the terrace of properties in which it is sited. If outdoor paraphernalia such as seating, umbrellas and planting, which do not fall under the planning regime, were to be placed on the proposed terrace, this would increase the harm identified.
14. Whilst I have limited information regarding the proposed staircase, which would provide access to the roof terrace, this would run up from the existing terrace at third floor level. It would be likely to result in more built form at a high level and give the host property an unbalanced and top heavy appearance when viewed from the rear. This adds to my concern for the effect of the appeal proposal on the character and appearance of the Conservation Area.
15. Due to its prominent siting, the appeal proposal would be visible above the roof line of the existing building and could be viewed from the properties to the rear of the appeal site, even though the existing chimney stacks would partly screen views of it. This would compound the harm identified and would be the case

even though the appeal proposal or any outdoor paraphernalia would not be visible from Steele Road. Whilst it may be visible from parts of Haverstock Hill, these would be at some distance which would limit the harm resulting.

16. I have had regard to the roof terrace at 19 Steele Road brought to my attention. This I clearly viewed from Eton Villas. This, in the main, avoided the need for planning permission and does not provide the justification for this appeal. Whether there are similar developments to that proposed in other conservation areas within London, does not materially affect my decision, as I have very limited evidence in this regard.
17. Paragraph 132 of the Framework states that great weight should be given to the conservation of heritage assets, as they are irreplaceable and any harm should require clear and convincing justification. In this case, I consider that the unacceptable harm identified to the Eton Conservation Area would be notable, although in the context of the significance of the appeal site as a heritage asset, less than substantial. Paragraph 134 of the Framework requires that where the harm identified would be less than substantial, that harm should be weighed against the public benefits of the proposal. I acknowledge that the appeal proposal would make an efficient use of the existing flat roof space and would improve the living conditions of the occupiers of the residential unit it would serve by providing more outdoor space. However, these matters would not outweigh the unacceptable harm identified to the Eton Conservation Area and its significance as a designated heritage asset.
18. I conclude that the appeal proposal would fail to preserve or enhance the character or appearance of the Eton Conservation Area and would fail to accord with CDP Policies DP24 and DP25 and CCS Policy CS14, which together, promote high quality places and conserve heritage.

### *Living Conditions*

19. The appeal site already has a rear terrace at third floor level, used by the residential unit at the same level. The appeal proposal would result in another outside area for that same unit. As it would enable access to the roof and its use as an outside space, it would provide the potential to accommodate more people than the existing situation. For this reason, in addition to the existing terrace, it would be likely to result in additional noise and disturbance. The rear of the appeal site is a quiet rear garden area. As residential properties would be either side of the appeal proposal at third floor level and windows to those properties would be close, it would be likely to adversely affect the living conditions of those occupiers. My concern is particularly for the summer months when windows to those adjacent residential units are likely to be open.
20. I have noted the proposed balustrade, but this would not be a sufficient height to act as an effective noise barrier. I acknowledge that the existing chimney stacks may reduce the noise resulting from the use of the proposed terrace, but as the third floor windows would be below that level, these would not provide a sufficient noise barrier.
21. I conclude that the appeal proposal would adversely affect the living conditions of neighbouring occupiers with regard to noise and disturbance and would fail to accord with CCS Policy CS5 and CDP Policy DP26. These, together, aim to protect the amenity of Camden's residents.

## **Conclusion**

22. For the reasons given above, and taking into account all other matters raised, I conclude that Appeal A should be allowed and Appeal B should be dismissed.

*R Barrett*

INSPECTOR