
Appeal Decision

Site visit made on 4 September 2014

by Cullum J A Parker BA(Hons) MA MRTPI AIEMA

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

Decision date: 27 November 2014

Appeal Ref: APP/X5210/A/14/2220429

8 Elsworthy Road, London, NW3 3DJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Michael Preedy against the Council of the London Borough of Camden.
 - The application Ref 2014/1477/P is dated 25 February 2014.
 - The application sought planning permission for erection of building (incorporating part of retained existing building – roof and internal walls) comprising basement, ground and two upper floors for use as a single-family dwellinghouse (Class C3) (following substantial demolition of existing dwellinghouse (Class C3) including all external walls) without complying with a condition attached to planning permission Ref 2012/5897/P, dated 9 July 2013.
 - The condition in dispute is No 3 which states that:
The development hereby permitted shall be carried out in accordance with the following approved plans: 8ELS-001 P3; 8ELS-002 P3; 8ELS-020 P3; 8ELS-030 P2; 8ELS-050 P1; 8ELS-051 P1; 8ELS-060 P1; 8ELS-070 P1; 8ELS-100 P5; 8ELS-101 P5; 8ELS-200 P6; 8ELS-300 P5; 8ELS-301 P4; Design and Access Statement (Ref: 8ELS-B-PL121031 P2)
 - The reason given for the condition is: *For the avoidance of doubt and in the interest of proper planning.*
-

Decision

1. The appeal is dismissed and planning permission for erection of building (incorporating part of retained existing building – roof and internal walls) comprising basement, ground and two upper floors for use as a single-family dwellinghouse (Class C3) (following substantial demolition of existing dwellinghouse (Class C3) including all external walls) without complying with a condition attached to planning permission Ref 2012/5897/P, dated 9 July 2013 is refused.

Procedural Matters

2. The Council has indicated that had it still been in a position to do so it would have refused the application for the following reason: *'The proposal would harm the host building and the character and appearance of this part of the conservation area. This is due to the alterations to the roof to replace the original roof form with an incongruous mansard roof to the front and the visibility of the photovoltaic panels to the rear contrary to policies CS14 of the*

Local Development Framework Core Strategy and policies DP24 and DP25 of the Local Development Framework Development Policies.'

3. I acknowledge that a Deed of Variation relating to an originally submitted Section 106 agreement, is before me. However, as the appeal has been dismissed for the reasons detailed below, I address this matter no further.

Background and Main Issue

4. The Council granted planning permission in July 2013 for the erection of a dwelling following substantial demolition of the existing building. The roof design of the scheme included a pitched roof. The appellant seeks to alter the approved roof design by substituting a mansard style roof. I therefore consider the main issue is whether the condition is reasonable and necessary having regard to the effect of the proposal on the character and appearance of the Elsworthy Conservation Area.

Reasons

5. The appeal site comprises a semi-detached building (attached to No6 Elsworthy Road), which my site visit confirmed was in the latter stages of being built. It is located within a residential area of the Camden borough. The Conservation Area Appraisal Management Strategy (CAAMS) for the Elsworthy Conservation Area indicates that the block formed by Nos 2-20 (even) differs from the rest of the area being semi-detached and on slightly wider plots being double fronted.
6. The CAAMS goes on to explain that the significance of the Conservation Area derives from the fact it was a 19th century wealthy residential suburb, different building styles and architectural details in different areas. In particular I note *'The properties (nos. 2 -20 even) display a number of features of detailing and form common to others in the group. There is a consistency in height, building line, window form and proportions which, despite many alterations, give these houses an attractive cohesive quality. However, many of the original half timbered houses have suffered from dominant dormer extensions, often to both front and rear effectively forming another floor which detracts from the overall consistency of the group.'*
7. The CAAMS therefore suggests that whilst some of the original features have been lost, and the group has been spoilt by over dominant roof extensions which break the rhythm of the roofline, there is still a degree of consistency. In particular, it was clear from my site visit that despite their nomenclature as mansard roofs, some within the block of Nos 2-20 were slate clad extensions rather than mansard roofs in the form normally understood to be so. For example, there are examples of front 'roof slopes' extending from the ridge to the eaves, with no discernable break, whereas normally there is a clear break between the mansard and elevational wall.
8. Whilst I note the fact that there other examples of mansard style roofs, these appear to be later additions to the buildings rather than as originally designed. Moreover, as identified in the CAAMS, these alterations are at odds with the original built form of the buildings, and interrupt the skyline of the street and are therefore harmful. A similar roof at the appeal property, rather than providing a beneficial consistency would therefore compound the harm of the roof extensions. Consequently, consistency with other altered roofs in the street would not justify the roof form proposed.

9. Furthermore, my site visit also confirmed that Nos 2-4 Elsworthy Road had one side with a mansard style roof, with the other a pitch roof similar to that originally approved. Visually, the originally approved scheme would echo these architectural details and preserve the overall character of this part of the conservation area by retaining the essence of the original roof forms for these semi-detached dwellings. The extending of the roof to try and replicate the mansard style roof, as suggested by the appellant, would only compound the present harm to the area's character through the inappropriate roof forms, as identified by the CAAMS.
10. I note that solar PV and thermal panels are sought on the roof form to achieve conformity with the Code for Sustainable Homes. In the location shown these are likely to be visible from views into the Conservation Area, especially from the rear of the property. The solar panels would represent uncharacteristic additions to the proposed roof form, particularly given that most roofs locally are devoid of any such additions. This incongruous feature would further compound the unacceptability of the scheme, and its inability to preserve or enhance the character or appearance of the Elsworthy Conservation Area.
11. I acknowledge the references to other planning permissions and an appeal within the nearby area, in particular APP/X5210/E/11/2144575, and also the overall character of the block from Nos 2-20. I do not have the full details of that appeal decision before me, nor of how the other examples cited arose. Nevertheless, I have considered the proposed scheme on its own planning merits, and do not find that the examples provided point towards allowing the scheme before me. Whilst the harm to the character and appearance of the Conservation Area is less than substantial, these benefits are not sufficient to outweigh that harm.
12. The variation of the original condition to allow the use of a mansard style roof together with the inappropriate siting of the solar/thermal panels would result in a development that would neither preserve nor enhance the character or appearance of the Elsworthy Conservation Area. Accordingly, I conclude that the changes sought would be contrary to Policies CS14 of the Camden Core Strategy 2010-2025 and Policies DP24 and DP 25 of the Camden Development Policies 2010-2025, which amongst other aims seek to ensure that development respects local context and character. As such, it is necessary to continue to impose the original conditions in terms of the drawings submitted, for the reasons set out.

Conclusion

13. For the reasons given above, I conclude that the appeal should be dismissed.

Cullum J A Parker

INSPECTOR