

Appeal Decision

Site visit made on 5 November 2014

by David Spencer BA (Hons) DipTP MRTPI

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

Decision date: 8 December 2014

Appeal Ref: APP/X5210/A/14/2224690

66 Malden Road, London NW5 4DA

- 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 Mohsen Ghorani against the decision of the Council of the London Borough of Camden.
 - The application Ref 2014/1552/P, dated 17 March 2014, was refused by notice dated 16 July 2014.
 - The development proposed is erection of a mansard roof extension with rear roof terrace, existing property subdivided into flats.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a mansard roof extension with rear roof terrace, existing property subdivided into flats at 66 Malden Road, London, NW5 4DA in accordance with the terms of the application, Ref 2014/1552/P, dated 17 March 2014, subject to the conditions set out at the end of this decision.

Procedural matters

2. The address on the application form is No. 66 Malden Road but the appeal proposal and this decision only affects No. 66C Malden Road, which occupies the first and second floors of the property.

Main Issues

3. The main issues are as follows:
 - whether the proposed development would preserve or enhance the character or appearance of the West Kentish Town Conservation Area;
 - whether the development would provide acceptable living conditions for future occupiers with particular reference to suitability for changing needs; and
 - the effect the proposal would have on highway safety with respect to parking arrangements.

Reasons

Character and Appearance

4. No.66 Malden Road is a three storey dwelling with basement, consisting of brick elevations to front and rear and a butterfly roof arrangement between tall chimney stacks. The rear elevation has been modified to accommodate a two

storey closet wing. The dwelling is situated in the West Kentish Town Conservation Area (WKTCA), which is primarily residential in character, generally consisting of 2 and 3 storey terraced Nineteenth Century housing of similar design to the appeal dwelling. The front elevations to properties generally have a uniform appearance, including characteristic brick or stucco parapets largely concealing the roof profile from street level.

5. It is accepted that the proposed roof extension to No.66 would be obscured at street level by the stucco parapet. I agree with this assessment. Whilst it would be visible from the upper storeys of the tall block of flats opposite on Malden Road, I note that a number of other roof extensions in the terrace containing No.66, which were either approved by the Council or on appeal, would also be visible. Consequently, I am not persuaded that the appeal proposal would result in significant harm to this perspective of the WKTCA, either on its own or cumulatively.
6. The appeal proposal would involve replacing the butterfly roof with a mansard roof and a roof terrace at the rear. The edge to the terrace would be largely formed by the retained profile of the butterfly roofing on the rear elevation. With the exception of a modest mansard roof element over the stairwell adjacent to the tall chimney stack, the main bulk of the roof extension would be set back by some margin. The height of the roof extension would be parallel to the top of the adjoining rear parapet at No. 68 Malden Road.
7. Given the modest scale of the proposal and a degree of shielding from the tall chimney stacks and the parapet to No. 68, views of the proposed roof extension from elsewhere in the WKTCA would be limited to those rear windows in properties opposite in Bassett Street. Even from this aspect the appeal proposal would not appear as a bulky or conspicuous alteration by virtue of its set back position, the use of materials found in the WKTCA, and its assimilation with the adjoining parapet and the retained elements of the butterfly profile.
8. From the evidence before me it would also be seen in the context of variation in the appearance of the rear elevations of the dwellings in the terrace containing No. 66. Both parties have referred me to a recent appeal decision for a roof extension at No. 74 Malden Road (ref APP/X5210/A/14/2211852) where the Inspector was able to obtain a panoramic view of the rear elevation of the terrace. He concludes the following at paragraph 8 of his decision. “..many of the nearby dwellings have been substantially altered over the years, as clearly demonstrated by my site visit. As a result, the terrace does not represent a group of uniform buildings.”
9. I have no reason to disagree with this recent assessment. I also observed the prominent roof alterations above Nos. 84 and 92 Malden Road from street level and numerous alterations to the rear roof profiles of Bassett Street from No. 66. Consequently, I am satisfied that the appeal proposal would not harm the appearance of the building, the terrace and the wider conservation area.
10. I therefore conclude that there would be no significant harm to the character or appearance of the West Kentish Town Conservation Area arising from the appeal proposals. Accordingly, I consider that the proposal would comply with Policy CS14 of the Camden Core Strategy 2010 (the Core Strategy) and Policies DP24 and DP25 of the London Borough of Camden Development Policies document 2011 (the CDP). Nor would it compromise the design considerations

for roof alterations set out in the Camden Planning Guidance 1 on Design. The proposal also accords with the principle of the National Planning Policy Framework (the Framework) in terms of conserving and enhancing the historic environment and securing high standards of design.

Lifetime Homes

11. The strategy for meeting Camden's need for homes as set out in the Core Strategy requires the provision of lifetime homes recognising that accessibility issues affect most households at some point. As such CPD Policy DP6 requires that all housing developments should meet the lifetime homes standard. The supporting text at paragraph 6.5 acknowledges that the design or nature of some existing properties means that it will not be possible to meet every element of the standard, but that each scheme should achieve as many features as possible. In implementing the policy the Council requires a submission showing how the standard will be met and a full justification of why any individual element will not be met.
12. As part of the appeal process the appellant has submitted a schedule titled 'Lifetime Homes Checklist' (document ref: 215_DOC_001). I note that the appeal proposal would satisfy the lifetime homes standard with the exception of criteria relating to parking and provision of a communal lift. However, I am not persuaded that these exceptions would justify refusal given the proposed upgrades to the quality of the existing residential accommodation to meet the vast majority of the lifetime homes criteria.
13. I therefore conclude that the development would provide acceptable living conditions for future occupiers with particular reference to suitability for changing needs. It would therefore comply with CPD Policy DP6 and the objective of the Framework to widen the choice of high quality homes.

Highway Safety

14. Due to the grain of development there is little off-street parking provision on Malden Road and surrounding streets. On-street parking is the subject of parking regulations and a residents' parking scheme is in operation. No. 66C has no off-street parking and I do not know if any of the existing occupants in the flat have a resident's parking permit. The appeal proposal would see No.66C reconfigured to provide two flats, representing a net increase of 1 unit. As the associated increase in parking could not be provided on-site there would be an entitlement to a resident's parking permit.
15. CDP Policy DP18 seeks to limit the availability of car parking in Camden, including car-free developments in highly accessible areas, including the appeal location in Kentish Town. The policy further requires that this would be achieved by the use of a legal agreement ensuring future occupants are aware they are not entitled to on-street parking permits. Core Strategy Policy CS19 affirms that the Council will use of planning obligations to mitigate the impact of development.
16. No detailed or substantive evidence was presented to suggest that the Council is not prepared to issue additional permits for this area or that an extra vehicle could not be satisfactorily accommodated with the existing residents' parking scheme. At the time of my lunchtime site visit, which can only provide a snapshot, there was no evidence of parking stress, particularly on Malden

Road. I am therefore not persuaded that the proposal would result in unacceptable pressure on parking or be prejudicial to highway safety.

17. In any event, I note that Malden Road is an area that has been given a PTAL rating of 4 (good). Malden Road is already a bus route with regular services and is a short walk from Kentish Town West railway station. It therefore seems to me that the area is well served by public transport and residents would have a reasonable choice as to whether or not to own a car.
18. Notwithstanding these factors, the Local Planning Authority seeks a planning obligation to secure car-free housing in accordance with CDP Policy DP18. However, I am mindful of the recent court case involving Westminster City Council v Secretary of State for Communities and Local Government and Anor (2013) [EWHC 690 (Admin)], where a similar obligation was found not to meet the requirements of S106 of the Town and Country Planning Act, 1990. In any event, as I consider there is every possibility that the demand for additional parking could, should it arise, be accommodated within the current controlled parking zones, I consider that an obligation is neither necessary nor justified in this case.
19. I therefore conclude that the proposed development would not adversely affect highway safety and the proposal would be acceptable. It would comply with Core Strategy Policies CS11 and CPD Policy DP19 which promote sustainable travel and require the appropriate management of the impact of parking on the local environment.

Other Matters

20. A neighbour has submitted that the appeal proposal would adversely affect their living conditions by virtue of loss of privacy and light. However, I share the Council's assessment that a number of windows already overlook the gardens and as such there would be no material reduction in privacy arising from the appeal proposal. Given the modest scale of the appeal proposal I am satisfied that there would be no significant loss of daylight.
21. Concerns regarding structural conditions and sound insulation have also been raised. However, I share the appellants' submission that these matters would be adequately covered by separate legislation, notably building regulations.

Conclusion and Conditions

22. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be allowed.
23. The local planning authority has suggested conditions that should be imposed if the appeal is allowed. I have considered these in the light of the Planning Practice Guidance 2014 (PPG). For clarity and to ensure compliance with the PPG, I have amended some of the Council's suggested wordings. In addition to the standard time limit condition, I have also specified the approved plans for the avoidance of doubt and in the interests of proper planning. The Council has also suggested a condition requiring the external materials to resemble the colour and texture of the existing building which I consider necessary to ensure a satisfactory appearance in this location.
24. A further condition has been suggested by the Council regarding details for an acoustic screens and balustrade for the terrace be submitted, which I also

consider necessary in the interests of both the amenities of neighbouring properties and local character and appearance. The appellant has also suggested a condition to secure the proposal as a car-free development. However given my conclusions on highway safety such a condition would not be necessary.

David Spencer

INSPECTOR.

Schedule of 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: 1150 P1 Location Plan 1:1250; 1100 P1 Existing ground floor plan; 1101 P1 Existing First Floor Plan; 1102 P1 Existing Second Floor Plan; 1103 P1 Existing Roof Plan; 1200 P1 Existing Section; 1300 P1 Existing Elevation (Front & Rear); 1320P1. Existing Elevation; 1110 P1 Proposed First Floor Plan; 1111 P1 Proposed Second Floor Plan; 1112 P1 Proposed Second Floor Plan; 1113 P1 Proposed Roof Plan; 1210 P1 Proposed Section; 1310 P1 Proposed Elevation (Front & Rear); 1321 P2. Proposed Elevations (North & South)
- 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.
- 4) No development shall take place until full details of an acoustic screen and balustrade for the roof terrace have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved and retained thereafter.