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## Appeal Decision

Site visit made on 6 January 2015

by **Jim Metcalf BSc DipTP MRTPI**

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

Decision date: 26 January 2015

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### Appeal Ref: **APP/X5210/A/14/2227982**

### **60 Fellows Road, London, NW3 3LJ**

- 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 Stefan Nedialkov against the decision of Camden Council.
  - The application Ref 2014/2822/P, dated 22 April 2014, was refused by notice dated 22 August 2014.
  - The development proposed is a second floor extension with balcony above.
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### Procedural Matter

1. The description of the development above is taken from the application form. However, the Council have described the development as an 'extension at first floor level and roof terrace above with a new balcony above the existing front porch and associated railings'. I have adopted this description for the purposes of considering the appeal, describing fully the separate elements involved.

### Decision

2. The appeal is dismissed.

### Main Issues

3. The main issues are whether the development would preserve or enhance the character or appearance of the Belsize Conservation Area (CA), and the effect on the living conditions of neighbours with regard to disturbance.

### Reasons

4. No 60 Fellows Road forms one half of a pair of grand and imposing semi-detached houses that sit in a row of generally similar properties along the north side of the street. The property has been sub-divided into a garden flat with three flats above in the main part of the house. The property is joined to the adjoining pair of semi-detached properties by a small projecting wing, set back from the house frontage. The front door of the house, under a portico, is approached up a flight of steps. The north side of Fellows Road marks the southern boundary of the Belsize CA, designated in 1973 and since extended.
  5. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of conservation areas. This approach is
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reflected in Policy CS14 of the Camden Core Strategy 2010-2025 (CS) and Policies DP24 and DP25 of Camden Development Policies 2010-2025 (DP). DP Policy DP25 explains that account will be taken of conservation area statements when considering applications for development in conservation areas.

6. The Belsize CA is a fine example of mid 19<sup>th</sup> century speculative residential development carried out on a grand scale. The row of houses, Nos 26-72 Fellows Road, including the appeal property, are identified in the Belsize Conservation Area Statement (CAS) as making a positive contribution to the character and appearance of the Belsize CA. The CAS describes the properties in the row as displaying a consistent frontage of paired and detached three-storey villas with overhanging eaves, three-storey bays, porticos with Corinthian capitals and sash windows.
7. The CAS also contains guidelines for assessing development proposals. These are relevant when considering the appeal in the context of the CS and DP Policies. In addition, in 2010 the Council made an Article 4(1) Direction in respect of the Belsize CA. This means that some work, normally carried out without need of permission, is subject of control. The Article 4(1) Direction seeks to address a concern that the character and appearance of the Belsize CA could be threatened by the loss of traditional architectural details.
8. The CAS notes that although the Belsize CA retains much of its architectural integrity some extensions, due to excessive bulk, massing or height, have contributed to noticeable changes. CAS paragraph BE37 explains that side extensions would normally only be acceptable where they do not upset the character and relationship between properties. Furthermore, normally the infilling of gaps will be resisted where an important gap is compromised or the symmetry of the composition of a building would be impaired. Where extensions would not result in the loss of an important gap they should be single storey and set back from the building line.
9. The extension at the side would sit, at second floor level, on top of the existing extension. The new flat roof, about 3.2m below the eaves of the house, would be bounded by railings in connection with its use as a balcony. In the form and position involved the extension, albeit set back from the front elevation, would reduce the visually positive impact of the gap between Nos 60 and 58 Fellows Road, close down views through the gap and compromise the symmetry of the houses, and the composition they form along the street, contrary to the CAS guidelines, CS Policy CS14 and DP Policies DP24 and DP25.
10. Although a limited number of upper level extensions have been built in the gaps between the houses along Fellows Road, rather than setting an example that should be followed, they illustrate the need for care to ensure that further development does not prejudice the attractive, well balanced character and appearance of the individual houses and the street scene. Indeed it could be argued that the diminution of some of these gaps in the street scene make the remaining spaces all the more important.
11. The house has an imposing entrance, at the top of a flight of steps, under a portico. Access to the roof of the portico is gained, with difficulty, from a bedroom window of the second floor flat. To facilitate access the sash window

would be replaced with French doors so that the small roof can be readily used as a balcony, bounded by railings.

12. Distinctive porches and porticos are integral to the design of the houses and are an impressive and prominent feature along Fellows Road. Altering such features, and other work, on the front elevation of the houses is a development brought under planning control by the Article 4(1) Direction. The Belsize Conservation Area Design Guide gives advice on inappropriate minor alterations, following the introduction of the Article 4(1) Direction, and explains clearly that such work will be resisted.
13. A small number of porticos along Fellows Road have been adapted to allow use of their roof as balconies. The Council point out that the one at No 68 Fellows Road was in place prior to the designation of the Belsize CA. I am not aware of the planning history of the other, relatively limited, examples. However, I do not regard these features as precedents that mean others should be allowed. Indeed the opposite applies. Placing railings round the edge of the portico roof, and replacing the sash window with uncharacteristic French windows would clearly detract from the appearance of the attractive building, compromise the symmetry of the pair of houses, Nos 60 and 62 Fellows Road, and create a distinctly incongruous feature in the street scene, contrary to the CAS guidelines, CS Policy CS14 and DP Policies DP24 and DP25.
14. In reaching my conclusions I am mindful that in addition to the railings, that would emphasise the balcony use of the roofs in an incongruous manner, such use would typically be accompanied by paraphernalia, such as furniture, umbrellas and planting that would further detract from the well ordered nature of the properties. This likelihood reinforces my concerns about the proposals.
15. Furthermore, use of the balconies, especially the relatively large one at the side, could bring noise and associated disturbance generated by the congregation of people. Such activity is commonplace in gardens, and an accepted part of life in a residential area. However, introducing such activity at a high level in an otherwise quiet environment, close to the homes of residents in both Nos 60 and 62 Fellows Road would unreasonably disturb the living conditions of neighbours, contrary to DP Policy DP26 which seeks to protect the quality of life of residents from, amongst other things, noise that could be harmful to amenity.
16. I have taken all other matters into account, including other appeal decisions and the concern of neighbours that the side extension would prejudice the outlook from their homes, or the light available to them in their living rooms. I note that the Council did not raise such concerns in their reasons for refusal.
17. The side extension, and the new window and railings above the portico, would significantly detract from the character and appearance of the Belsize CA, and the use of the balconies would unreasonably prejudice the living conditions of neighbours with regard to disturbance, contrary to well established local policies. The appeal is dismissed.

*Jim Metcalf*

INSPECTOR