



## Appeal Decision

Site visit made on 12 January 2015

**by Chris Couper BA (Hons) DiP TP MRTPI**

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

Decision date: 28 January 2015

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### **Appeal Ref: APP/X5210/A/14/2219239**

### **21-23 Cressy Road, London NW3 2NB**

- 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 C Lay against the decision of the Council of the London Borough of Camden.
  - The application ref: 2013/6125/P, dated 19 September 2013, was refused by notice dated 20 December 2013.
  - The development proposed is the change of use of the building from 4 x residential units to 2 x residential dwellings (1 x 2 bed and 1 x 4 bed). Includes external alterations to install new front wall and automatic gate to parking space, and erection of a replacement single storey rear extension and construction of a second floor.
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### **Decision**

1. The appeal is dismissed.

### **Procedural Matter**

2. The floor plans show a single window at second floor on that part of the proposed building closest to no. 19 Cressy Road. However, that is inconsistent with the drawing of the proposed elevations which shows two windows in that location. It was confirmed at the site visit that two windows are proposed there, and as that is what is shown on submitted drawing no. RM 13/139.4, I have dealt with the appeal on that basis.

### **Main Issues**

3. The main issues are the effect of the proposal on i) the character and appearance of the area, including whether it would preserve or enhance the character or appearance of the conservation area; and ii) the living conditions of adjacent residential occupiers, with particular regard to the outlook from those properties.

### **Reasons**

#### *Character and appearance*

4. Cressy Road, Constantine Road and Agincourt Road form a triangular block, with the residential properties on those roads overlooking a central space
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formed by their rear gardens ('central space'). The buildings here and on surrounding streets are predominantly two or three storeys high and display considerable uniformity of design. On Cressy Road the terraced properties are generally three storeys, with simple unaltered front roofs, two storey bays, and repetitive fenestration. Those characteristics, and the buildings' siting behind small front gardens, give a pleasing symmetry and cohesion to the streetscene, and no doubt contributed to the decision to include Cressy Road in the Mansfield Conservation Area ('CA'). A detailed description of the CA is set out in the Mansfield Conservation Area Appraisal and Management Strategy 2008 ('CAA').

5. On its front elevation the building on the appeal site broadly reflects the style, facing materials, fenestration and detailing of many other properties in Cressy Road. However, its eaves and ridge lines are significantly lower than the attached terrace to the south and, unlike those properties, it has a pair of projecting gables. The Council considers that the contrasting form was a planned design solution to the site's end-of-terrace location, where space is limited due to two converging roads. It states that the proposed development would appear cramped and over dominant in this location.
6. No. 72 Constantine Road, which is at the junction with Cressy Road, is lower than the attached properties in that terrace. However, having considered the comprehensive statement from the appellant's Conservation and Design Consultant ('Design Consultant'), and from my own observations on site, I am not persuaded that there is a consistent approach in the area to the form and style of properties at or near road junctions. I noted the way the terrace terminates rather abruptly at no. 74 Constantine Road, and different design solutions where Constantine Road and Agincourt Road converge. The approach at the appeal site, as with other plots close to junctions in the vicinity, appears to be an arbitrary and expedient solution to the site's configuration, rather than conforming to a set pattern.
7. From the highway there is a view between no. 23 Cressy Road and 72 Constantine Road into the central space. However, that view is restricted by buildings, including no. 23's flat-roofed side extension, and by boundary treatment. Consequently it is not an important aspect of the streetscene, and the site is not an important gap in the frontage. I note in any event that, other than the removal of the side extension, the footprint of the proposal would be similar to the existing building, and that, viewed from the highway, a significant gap between the buildings would remain.
8. As the existing front elevations of nos. 21 and 23 respect many elements of the design of other buildings in Cressy Road, I accept the Council's view as set out in the CAA that those properties, along with other original buildings, make a positive contribution to the area. However, I have little evidence to support the Council's contention that the properties are of exceptional character, or of any particular individual significance.
9. Given the site's context and position between existing buildings, the scheme would not have a harmful effect on the skyline. The proposed three storey form with projecting ground and first floor bays and regular fenestration would respect the area's character, and would broadly replicate the appearance of other buildings in the terrace. Consequently, the proposal would not conflict with paragraph 5.1 of the Camden Planning Guidance: Design Supplementary

Planning Document 2013 which states that roof alterations should be sympathetic and not harm the character and appearance of buildings or the wider townscape of the borough.

10. To the rear, the existing building's appearance is less coherent, and includes elements, such as a large flat-roofed dormer and random fenestration, which are not sympathetic to the area. The proposed simplified form, with sash windows in a regular pattern, would better reflect the character of other nearby properties, albeit as the rear of the building is not generally seen in public views, those benefits would be relatively limited. Similarly removal of the front rooflights, and the flat-roofed side extension would result in some enhancement. I therefore agree with the Design Consultant's conclusion that the development would result in some small positive enhancement to the CA.
11. Summing up on this matter, the scheme would not be detrimental to the character and appearance of the area, and would result in some limited enhancement to the CA. Consequently, it would not conflict with policy CS14 of the Camden Core Strategy 2010-2025 ('Core Strategy'), or with policies DP24 and DP25 of the Camden Development Policies 2010-2025 ('Development Policies'). The thrust of those policies is broadly consistent with the National Planning Policy Framework ('Framework'). Having had particular regard to the statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area, I am satisfied that the scheme would not conflict with those interests.

*Living conditions*

12. The adjacent buildings on Constantine Road are at a higher elevation than, and set at an angle to, nos. 21 and 23 Cressy Road. The windows on the rear elevations of nos. 64 to 70 (even) look directly towards the appeal site across those property's short rear gardens.
13. At ground floor the proposed rear extension would replace an existing structure in a broadly similar location. Given the siting and form of that proposed structure, together with the ground levels, and boundary treatment, I am satisfied that it would not have an overbearing effect on adjacent occupiers, or a significant effect on their living conditions.
14. The separation distance between the upper floors of the proposal and the properties in Constantine Road would be unchanged as a result of this scheme, and the proposed roof would slope away from the site's rear boundary. The footprint of the building would be staggered and at an angle to the properties in Constantine Road, as at present.
15. However, the scheme would result in a building of greater overall height than the existing structure, and in particular that middle section of the building at second floor where the stairwells are proposed, would have a significantly greater height. Given the very limited depth of the adjacent gardens at nos. 64-70 (even), the number of habitable room windows in the rear elevations of those properties, and the short separation distance, the scheme would have an unacceptable effect on those occupiers' living conditions as a result of the increased sense of enclosure and overbearance in the outlook from their gardens and habitable rooms. Notwithstanding the difference in levels and angled siting, that effect would be most keenly felt at nos. 66 and 68.

16. From the limited evidence before me, I am not however persuaded that there would be a significant loss of light to adjoining properties, and in its favour on this matter, the scheme would reduce the number of units on the site from 4 to 2, and provide a more traditional layout with bedrooms above living space.
17. Nevertheless, for the reasons above, the scheme would conflict with those parts of policies CS5 of the Core Strategy and DP26 of the Development Policies which seek to protect the amenity and quality of life of Camden's residents.

*Other matters*

18. I have considered that planning permission was granted in 2013 for a scheme which I understand was similar to this proposal other than the additional storey and amendments to the rear elevation. I accept from the information before me and the evidence of my visit, that the existing building, which is currently vacant and in a poor state of repair, provided substandard accommodation. I do not doubt that the proposal would deliver significantly improved residential accommodation which would meet or exceed relevant space standards in the London Design Guide, and which would address many of the Lifetime Homes criteria. In bringing an empty building back into use the scheme would contribute towards that objective in the Framework. However, this scheme is not the only way in which those matters could be addressed.

**Conclusions**

19. I have concluded that the scheme would not harm the character or appearance of the CA, and that, particularly to the rear, the scheme would result in some enhancement. However, given the very limited separation distance to the properties on Constantine Road, the height and mass of the proposal would have a significant adverse effect on the outlook for those residential occupiers to the detriment of their living conditions. As the limited benefits to the CA, and other benefits of the scheme, do not outweigh that harm, the scheme is not sustainable development when read against the Framework taken as a whole.
20. For those reasons, and having regard to all other matters raised, the appeal is dismissed.

*Chris Couper*

INSPECTOR