
Appeal Decision

Site visit made on 3 November 2014

by K R Seward Solicitor

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

Decision date: 11 December 2014

Appeal Ref: APP/X5210/A/14/2224856
280 Kilburn High Road, London NW6 2BY

- 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 Zapper Limited against the decision of the Council of the London Borough of Camden.
 - The application Ref 2013/7833/P, dated 6 December 2013, was refused by notice dated 23 April 2014.
 - The development proposed is described as "construction of new fourth floor to provide a 2 bedroom 3 person duplex on third and fourth floors with third and fourth floor terraces. Second floor rear extension to provide enlarged 1 bedroom 2 person flat with second floor terrace. New commercial kitchen extract and ventilation plant on rear of ground floor roof to replace existing ad hoc extracts".
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue raised is the effect of the proposed development on the character and appearance of the host property and surrounding area.

Reasons

3. The appeal premises are one of fifteen properties in a four storey Victorian terrace fronting Kilburn High Road. The ground floor comprises a mix of commercial uses. No 280 is mid terrace. It has a restaurant at street level with four residential flats above.
4. The front elevation is very uniform. At the rear, there are a variety of ground and first floor extensions, including at the appeal property. These give a somewhat haphazard appearance. In common with the adjoining properties, there is a second floor outrigger at No 280 which I understand to be original. Two very large and prominent extractor and ventilation ducts are attached to the rear of the appeal property which project above the roofline. A defining characteristic of the rear of the building is the long butterfly profile roofline. This provides a pleasing rhythmic appearance despite the additions. Immediately behind this part of the terrace is an all weather sports pitch within Kilburn Grange Park.
5. The proposal is to extend and convert the appeal property to provide a larger 1 bedroom unit and two, 2 bedroom units, one of which would be a split level maisonette. The extensions would create a layered effect with each storey

- being stepped down to be wider than the one above, avoiding a top heavy appearance.
6. The degree of uniformity to the rear elevation has been compromised already to some extent by the existing additions, but these are largely confined to the lower levels. A second floor flat roofed infill would create a full width element at this level amongst a fairly consistent row of half width outriggers. A sympathetic addition could potentially integrate successfully within this space and attempts have been made through the lower height, set back and use of contrasting materials to maintain the existing rhythm. However, this would not be satisfactorily achieved due to the set back being so slight and the timber clad finish. Although such materials would provide a contrast and visual break, it would fail to correlate with any aspect of the building. The timber finish would also draw attention to the high level addition. The overall effect would be to detract from the character and appearance of the building.
 7. A roof terrace extending above part of the second floor extension would afford occupiers a small area of outdoor space. Side walls rising above the outriggers would afford some privacy to the users, but would at the same time give the impression of bulk as a solid structure at height. It would thereby harm the character and appearance of the terrace. The vertical metal railings and door opening onto the roof terrace would not be typical of the building, but with appropriate materials and finish could blend sufficiently to avoid harm arising.
 8. The proposed roof extension would be hipped to the front where it would be concealed from view by the parapet. It would be gabled to the rear and highly visible from the access into the park which is alongside the terrace and from within the park itself. Guidance within CPG1 of the Camden Planning Guidance on Design (SPG), 2013 suggests that mansard roofs are often the most appropriate form for an extension to a Victorian dwelling. This does not preclude other roof forms.
 9. Notwithstanding such advice, the full width roof addition to the appeal property over the inverted part of the butterfly roofline would appear as a most discordant feature drawing the eye from distance. This is despite being set back from the rear elevation. Not only would it disrupt the otherwise unbroken roofline, the timber cladding would contrast starkly with the brickwork highlighting its presence. Rather than being discreet and creating a contemporary sympathetic addition, its height, position and design would detract significantly from the skyline and the appearance of the terrace as a whole. Given the wide extent of its visibility from the public realm, significant harm would arise.
 10. The appellant states that without the roof extension the works would not be financially viable and there would be no improvements to the terrace as a result. Undoubtedly, removal of the unsightly extractor and ventilation ducts would be a benefit. I note that there would be other improvements through the replacement of aluminium framed windows with traditional hardwood sash windows and reinstatement of original leadwork to the front aspect. The appeal property would also be better insulated delivering improved energy efficiency.
 11. However, it is clear from Paragraph 56 of the National Planning Policy Framework (the Framework) that great importance is to be attached to the design of the built environment and that good design is a key aspect of

sustainable development. Paragraph 58 also requires development to respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation. In this instance, I have identified significant harm that would arise from the design. That being the case, I do not accept that the Council has attempted to impose architectural styles or particular tastes. The appellant argues that too much emphasis has been placed on preserving the building rather than the innovative design. However, the design does need to harmonise sufficiently to avoid material detriment to the property and its surroundings.

12. While there are aspects to commend the scheme, as it stands, I consider that the proposal would significantly detract from the character and appearance of the host property and the surrounding area. As such it would conflict with Policy CS14 of the Camden Core Strategy 2010-2015, Policy DP24 of the Camden Development Policies 2010-2025 and Paragraphs 56 and 58 of the Framework, all of which seek high quality design that respects local context and character. It would also be contrary to the advice in CPG1 of the SPG that a roof addition is likely to be unacceptable when there is an unbroken run of valley roofs. Whilst not prescriptive, the SPG has relevance as adopted guidance.

Conclusion

13. I recognise that there would be benefits by tidying of the external ducts and improvements to the front elevation along with improved accommodation for occupiers and better energy efficiency. However, these factors do not outweigh the significant material harm that would be caused to the character and appearance in the ways identified. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

KR Seward

INSPECTOR