



# Appeal Decision

Hearing held on 5 February 2008

Site visit made on 5 February 2008

by **C J HOILE** MA(Oxon) MRTPI

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

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Decision date:  
11 February 2008

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## Appeal Ref: APP/X5210/A/07/2048762 18-22 Inverness Street, London NW1 7HJ

- 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 Qina Investments (Seychelles) Ltd against the decision of the Council of the London Borough of Camden.
- The application Ref: 2007/0151/P, dated 8 January 2007, was refused by notice dated 10 May 2007.
- The development proposed is described in the decision notice as: "erection of a 3-storey dwelling to the rear of the site, erection of an extension at rear ground, first and second floor levels and erection of a roof extension to facilitate the conversion of the upper floors from 4 x 1-bed flats to 3 x 2-bed flats and 1 x 2-bed flats and other external alterations at the rear".

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### Formal Decision

1. I allow the appeal, and grant planning permission for the erection of a 3-storey dwelling to the rear of the site, the erection of an extension at rear ground, first and second floor levels and the erection of a roof extension to facilitate the conversion of the upper floors from 4 x 1-bed flats to 3 x 2-bed flats and 1 x 2-bed flats and other external alterations at the rear, at 18-22 Inverness Street, London NW1 7HJ, in accordance with the terms of the application Ref: 2007/0151/P dated 8 January 2007, and the plans submitted with it, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) Details of the facing materials, window materials and glazing bars to be used on the building shall be submitted to and approved in writing by the local planning authority before the development commences, and only the materials thereby approved shall be used, unless other materials are specifically approved in writing by the local planning authority.
  - 3) Details of the design and materials of all new or replacement external pipework or ductwork, consequent on the construction of the approved scheme shall be submitted to and approved in writing by the local planning authority before the development commences, and the development scheme hereby approved shall employ only those artefacts and materials thereby approved, unless other artefacts and materials are specifically approved in writing by the local planning authority.
  - 4) Prior to the commencement of the development a legally binding scheme shall be submitted to and approved in writing by the local planning authority to provide for the control of potential on-street parking

arising from the development. Any such scheme as may be agreed shall thereafter be implemented prior to residential occupation of the premises following works to implement the development and shall thereafter be maintained for the lifetime of the residential units.

### **Main Issue**

2. At the outset of the Hearing, the Council side conceded that that they would not be pursuing issues raised by the third reason for refusal in the decision notice: i.e. whether the living conditions of residents in the basement of the new dwelling at the rear would be adversely affected by the amount of daylight received and outlook from the fenestration of the proposed kitchenette/dining room.
3. Consequently, from what I have heard, seen and read I consider the main issue in this appeal to be: whether the appearance of the street hereabouts would be marred by the proposed roof extension; and whether the height and bulk of the proposed rear extension would make it appear over-dominant or a bad neighbour to nearby buildings.

### **Reasons**

4. This is agreed by the parties to be an unattractive 4-storey flat roofed building of the early 1960's, faced in London stock bricks. The use in the basement is a club/bar. The ground floor comprises a shop and a restaurant. The first and second floors are said to have a flat and bed-sit on each floor, with access from a door on the left hand side of the front elevation. Neighbouring buildings, between No. 4 and No. 26, are mid-C19th terrace houses of traditional form, with ground floor shops or eating places, and flats above. The terrace, including the appeal premises, has a generally uniform parapet line but, above ground floor level, most buildings have been changed somewhat over the years, often by painting the stock brick façades or altering the fenestration within the existing openings.
5. Properties on the opposite (south) side of this part of Inverness Street lie within the boundaries of the Camden Town Conservation Area. However, they comprise the unattractive rear elevation of a large former cinema, and an adjoining recent 4 storey development of decent but not particularly inspired design. Consequently, I share the view of the Planning Inspectors who decided two previous appeals for alterations and extensions at the appeal premises: that the principle of a roof-level extension would not have an adverse effect on the nearby Conservation Area.
6. I have read the policies mentioned in the Council's decision, from the adopted 2006 Replacement Unitary Development Plan and find the intentions of all of them relevant and worthy of support.
7. The works proposed would extend the existing structure at first and second floor level, to transform the bed-sits into flats. The additional penthouse floor would be a full-width lightweight glazed structure. The Council considers new residential floorspace acceptable in principle here, and makes no criticism of the proposed mix of unit sizes.

8. At the rear, the kitchen and storage areas would be re-formed and enclose the fire escape from the basement club. A proposed three-storey dwelling at the rear, brick faced with a flat roof, would have access on to Earley Mews, and the Council makes no case against building this part of the appeal scheme.

#### The Proposed Roof extension

9. Two previous applications for roof extensions have been refused and dismissed at appeal – for disruption of the consistent parapet line to the terrace. No drawings of the appeal scheme considered in an appeal decision of 23 October 1997 could be found to show me. It included a staircase tower continued above parapet level, as well as a roof extension set back 2.27 m from the front building line. I have seen the scheme considered in an appeal decision of 27 April 2000, which I would describe as a more conventional dormer storey scheme, set close to the front parapet, containing 5 irregularly-disposed, large windows.
10. The present proposals differ significantly from these earlier schemes. The roof extension – extending 2.45 m above the height of the existing parapet – is set back 2.1 m from the front elevation. It is less prominent than the two earlier schemes, its pitch lowered to 56 degrees. To the appellants it represents “an attractive addition to a highly varied frontage”...“minimally visible from Inverness Street”. The Council says it would be a discordant element, and particularly visible in long and oblique views from either end of the street.
11. I have looked at the front elevation of the appeal premises from all possible vantage points. Though all the properties between No. 4 and No. 26 are free of a dormer storey at present, one can see at roof level a number of irregular features: some chimney stacks, some diminished remnants of chimney stacks rising from party walls, and some ugly metal railings close to the parapet of No. 24. At points in the street the terrace roofs are seen against larger buildings behind them.
12. In this context, I consider that the proposed light structure of metal-framed glass, set well back from the parapet, would actually enhance the design of the existing, indifferent front façade. As to its prominence to observers at street level, only from points close to the building on the south side of Inverness Street opposite could the uppermost part of the proposed roof structure be discerned. The street is a shopping thoroughfare lined by free-standing market stalls throughout the week, so pedestrians tend anyway to use the more central parts of the street to walk and congregate. Thus, only in longer views from points between the High Street to the east and Gloucester Crescent to the west would the new roof storey be visible. I am certain that at these distances, and in the context of a very varied street scene, the structure would be a small element in an observer’s view, neither visually offensive in itself nor seriously detracting from the relative homogeneity of this part of Inverness Street’s southern side.

#### The Proposed Rear Extension

13. The rear of the appeal building gives on to Early Mews. This is a short and visually non-descript cul-de-sac, where the post war buildings behind the Inverness Street terrace are of low visual quality, lacking any positive group value. It is not a street that the general public would enter, except to gain

access to one of the small number of business premises operating there. Though one can discern the uppermost floors of older terrace buildings either side of the appeal premises, this fact does not enhance the quality of what one sees.

14. The Council agrees that what is proposed would not materially affect the amenities, light or outlook of occupiers of the upper storey flats on either side. However, it does object to extent of the addition, and I have considered the relevance to this site of the adopted Camden Planning Guidance (CPG). Its paragraph 19.16 says that "extensions that are higher than one full storey below roof/eaves parapet level, or that rise above the general height of neighbouring projections and nearby extensions will be strongly discouraged".
15. In most locations, and especially in residential areas, these are sentiments that command respect. However, given the low quality of the surroundings here, I think it more appropriate to determine if visual or other actual planning harm would be caused to a nondescript building by this substantial but stylistically similar addition. The appellants consider this "a natural addition to the rear of the building", rather than bulky, over dominant, or prominent. They point out that it would match the height and materials of the existing building, and that it is set in from each property boundary by 1.1.m.
16. I find that in this particular, exceptional location there is no need for an addition to be subservient, in the way indicated by the Guidance, to be acceptable in practice. I conclude that the addition proposed would not be over-dominant, nor unsightly, nor a bad neighbour to nearby buildings.

### **Conditions**

17. Pre Hearing correspondence suggested that the appellants would produce a Unilateral Undertaking that households in a converted and extended building would be car-free, to meet the Council's fourth reason for refusal. However, this was not produced, though the appellants agree that this would be a logical and desirable action in an area where shopping and public transport are both very good. I am satisfied that the gist of a suggested condition handed me at the Hearing would bring about car-free housing at the property on completion of the development, and I am using it. The appellants have no objection to the two specifically suggested conditions from the Council, which I also find necessary.
18. During the part of the Hearing held on-site, I noticed that the appeal drawings do not take account of the need to reinstate existing vertical ducting at the rear of the premises, needed for the existing ground floor/basement uses. In accordance with what I told the parties on site, I have therefore composed a specific condition to ensure that the Council will be able to ensure that this, or other similar necessary artefacts not specifically shown, are subject to control, to ensure the least intrusive manner of installation.

**Conclusion**

19. For the reasons given I conclude that the appeal should be allowed. I consider that this decision would not offend against the objectives of any of those UDP policies specifically mentioned in the Council's reasons for refusal.

*C J HOILE*

INSPECTOR