
Appeal Decision

Site visit made on 28 April 2015

by **Roger Pritchard MA PhD MRTPI**

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

Decision date: 13 May 2015

Appeal Ref: APP/X5210/W/15/3008862
48B Regents Park Road, London, NW1 7SX

- 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 Professor Anthony Segal against the decision of the Council of the London Borough of Camden.
 - The application Ref 2014/4714/P, dated 29 July 2014, was refused by notice dated 21 November 2014.
 - The development proposed is the erection of a glazed side extension on existing roof terrace at second floor level.
-

Decision

1. The appeal is dismissed.

Main Issues

2. I consider the main issues to be the effect of the proposed development on the character and appearance of the host dwelling, 48B Regents Park Road, and whether it would preserve or enhance the character or appearance of the Primrose Hill Conservation Area.

Reasons

3. The appeal site is a four-storey, semi-detached dwelling on the north side of Regents Park Road. No 48 is broken up into flats, of which No 48B occupies the upper floors. The dwelling is not nationally listed but is identified as a positive contributor to the Primrose Hill Conservation Area within which it lies.
4. No 48B already benefits from an open terrace at second floor level that occupies the roof of a side extension. That extension, with its neighbouring extension to No 50, provides a physical connection to the pair of dwellings to the west. Access to the roof terrace is from an existing opening on the staircase that links the floors of No 48B. The proposed development would form a conservatory to enclose a significant part of this terrace, amounting to some 8.3m², which would thereby provide a wind- and weather-proof space. A window would be provided at the front of the conservatory – facing Regents Park Road – and a pair of patio doors at the rear would give access to the rest of the terrace that would remain open.
5. Policies CS5 and CS14, respectively, of Camden's Core Strategy provide overarching principles for new development in the Borough and the promotion of high quality places. They are supplemented by the policies of the Council's Development Policies Development Plan Document (DPD), of which Policy DP24 seeks high quality design and Policy DP25 focuses on the conservation of the

Borough's heritage. Those general policies are augmented by adopted Supplementary Planning Guidance (SPG). CPG1 deals with design and CPG6 deals with the amenity of occupants and neighbours. Chapter 5 of the former refers specifically to roofs, terraces and balconies. Finally, the Council has also adopted a Primrose Hill Conservation Area Statement that applies these policies to the specific circumstance of the area in which No 48 is located.

6. The key criteria from the above policies in respect of the proposed development appear to be that extensions and alterations that change the shape and form of roofs will not normally be acceptable and that conservatories should be subordinate to the host building and will not be allowed above ground floor level. The proposed development would fail to meet either of these criteria. Furthermore, the Conservation Area Statement stresses the importance of retaining the gaps between the pairs of semi-detached dwellings in Regents Park Road. It acknowledges, however, that there are examples where those gaps have already been compromised. Finally, there is an emphasis on the use of traditional materials.
7. It is unarguable that the proposed development fails to meet the overwhelming majority of the provisions of the policies set out above. Furthermore, that conflict is reflected in material harm to the character and appearance of the Conservation Area, to which Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 emphasises that special attention should be paid to the desirability of preserving or enhancing. The sole question is therefore whether there are sufficient material considerations to set that strong presumption aside.
8. The appellant's principal arguments are that the proposed development would not be visible from any public viewpoints and that, in any case, there are numerous examples of similar developments in the area that provide a precedent for it.
9. I spent considerable time at my site visit considering how far the proposed development would be visible and from which viewpoints. The most important of the latter must be whether the conservatory could be seen from street level in Regents Park Road. The setting back of the proposed development and the pitched roof and parapet that separates it from the façade of No 48 should ensure that there are only the most minimal glimpses, if any at all, from even the far side of Regents Park Road. There would, however, be views of the proposed development from the front elevations of the houses on the south side of the road, especially from their upper floors. There would be some mitigation of these views because of the set back of the proposed development but it would, nevertheless, be a prominent feature when seen from the houses most directly opposite.
10. Those views also raise the issues to which the Council refers in its second reason for refusal. This is drafted as the harm that would be produced to the living conditions of occupants of neighbouring properties if and when the conservatory were internally lit. I do not consider that this is a matter which primarily concerns the living conditions of the occupants of the immediately neighbouring property, 50 Regents Park Road. The only directly facing window lights a stairwell of that property. Lighting of the proposed conservatory would therefore have a limited effect on No 50. Its more significant impact, were it to

serve as a form of 'lightbox' as the Council fears, would be its impact on the wider street scene and the character and appearance of the Conservation Area.

11. The appellant correctly points out that the existing roof terrace could already be temporarily lit without planning permission. He also suggests that the conservatory would rarely need to be internally lit and that therefore the supposed problem would not often occur. I am wary of this argument. The purpose of the conservatory must be to enable increased use of the roof terrace and that increased use would, in my view, lead to demands for it to be lit. I am also hesitant to accept the argument that a condition could be imposed to restrict internal lighting as I agree with the Council that such a condition could be difficult to enforce. By contrast, the Council has suggested that the conservatory be constructed of opaque glass, but this would represent a fundamental change in its design.
12. As to the argument that there are sufficient local examples, I acknowledge that there are roof terraces in the vicinity but I saw nothing in Regents Park Road that paralleled what is now proposed at No 48B. I was especially aware of the degree to which the conservatory would be constructed of materials which would be fundamentally atypical of the area.
13. My overall conclusion therefore is that the proposed development would conflict with the statutory presumption and range of development plan policies quoted above. The result would therefore be material harm to the character and appearance of the host property and would fail to preserve or enhance the character and appearance of the Conservation Area. Nevertheless, I accept that the degree of material harm that would result from the proposed development would be less than substantial. In such circumstances, paragraph 134 of the Government's National Planning Policy Framework ('the Framework') advises that where there is '...less than substantial harm to the significance of a designated heritage asset...' (i.e. in this case the Primrose Hill Conservation Area) this harm should be weighed against the public benefits of the proposed development. There are no public benefits from the conservatory and, on this basis, the appeal should be dismissed.

Conclusion

14. For the reasons given above I conclude that the appeal should be dismissed.

Roger Pritchard

INSPECTOR