



The Planning Inspectorate

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APPEALS ALLOWED

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Your Ref:
L05197/U
Our Ref:
T/APP/X5210/A/98/297365/P9
T/APP/X5210/E/98/814467/P9
Date:
20 NOV 1998

Dear Sir

**TOWN AND COUNTRY PLANNING ACT 1990 SECTION 78 & SCHEDULE 6
PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990
SECTION 20 & SCHEDULE 3
APPEAL BY PINECROFT RESOURCES LTD
APPLICATION NOS: PE9800063 AND CE9800064**

1. The Secretary of State for the Environment, Transport and the Regions has appointed me to determine your clients' appeals against the failure of the Council of the London Borough of Camden to determine, within the required period, applications for planning permission for the demolition of existing building and erection of 3-bedroomed dwelling and for conservation area consent for the demolition of existing building at 39 Camden Mews, London NW1. I conducted a hearing into the appeals on 29 October 1998.

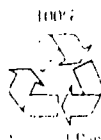
The Appeal proposals

2. No 39 Camden Mews is a vacant building to the rear of No 190 Camden Road. It was formerly used as a photographic studio, and has been partly dismantled in preparation for its conversion to a dwelling, planning permission for this having been granted on appeal in April 1997. The applications which are the subject of these appeals were submitted in January 1998.

3. Following discussions with the Council you submitted revised plans for the redevelopment scheme in May 1998. The applications have never been determined and it is this amended version of the planning application (shown in drawings 39CM-SE-01; 39CM-3P-01C; and 39CM-3P-02B) that is before me for consideration.

Main Issues

4. From what I have seen, read and heard I consider the main issues to be, firstly, the effect of the proposals on the character and appearance of the Camden Square Conservation Area and, secondly, whether the proposed new building would have an unacceptable effect on living conditions in 190 Camden Road in terms of overlooking and loss of privacy.



Policies

5. The development plan is the 1987 Camden Borough Plan. There are also emerging policies in the Deposit version of the Camden Unitary Development Plan (UDP), proposed modifications to which have been published following a Local Public Inquiry held in 1995. I attach considerable weight to these policies having regard to the advanced stage that has been reached in the preparation of the UDP.

6. Policy EN16 of the Deposit Draft UDP (Proposed Modifications) states that the Council will encourage high standards of design in all new development. Policy EN16(new) says that all proposals for development should be sensitive to and compatible with the scale and character of their surroundings, and that particular account will be taken of the scale and general proportions of the surrounding development. These policies reflect the requirement of Policy UD3 of the 1987 Borough Plan, which requires all new development to be of a good standard of design, sensitive to and compatible with the scale and character of the existing surrounding development.

7. Policy EN26 of the Deposit Draft UDP states that infill schemes should have regard to building lines, heights, parapet and roof lines and materials of neighbouring development and should make a positive contribution to their surroundings.

8. Although my attention has not been drawn to any development plan policies specifically relating to Conservation Areas, I have had regard to the requirement in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, to pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas.

9. Policy EN27 of the Deposit Draft UDP says that in assessing the impact of development on its neighbours account will be taken of the extent of any loss of privacy.

Issue 1; the character and appearance of the Conservation Area

10. The appeal site is within the Camden Square Conservation Area. Although much of this is characterised by large villas, many of the buildings on Camden Mews have been altered or redeveloped. There are commercial uses in some parts of Camden Mews, but the area immediately around the appeal site is predominantly residential. Facing the site is a modern development of terraced houses while on each side of it are individually designed houses, which are also of fairly recent date.

11. Although the Council argues that a three storey development would be excessive, permission has already been granted for the conversion of the existing building into a three storey house. Moreover, the bulk and massing of the proposed dwelling would, in my view, be appropriate to its context; it would be similar in height not only to the building it would replace but also to those on each side of it.

12. The Council is also concerned about the design and bulk of the front dormer. However, I do not consider this to be out of keeping with the overall design of the house. It would also be very similar to that in the previously approved scheme, but would be set further back and in a less prominent position. In my view, because of the narrowness of the

Mews and the height of the roofs and parapets of the adjacent buildings, its impact on the street scene would be very limited.

13. The houses to each side of the appeal site (Nos 37 and 41), and those facing it, are very different from each other in terms of their design and appearance. I consider the distinctive design of the appeal proposal to be appropriate in the circumstances and in my opinion it would result in a building of quality which would neither conflict with nor detract from the individual merits of its neighbours.

14. The rear elevation of the house would not be visible from any public vantage point and, being set back behind the rear portions of the adjacent houses, would not be readily seen by occupants of houses on Camden Road with the exception of No 190 which immediately backs on to the site. I consider the rear dormer to be one of the less attractive features of the design. However, it would be inconspicuous (it is very unlikely, having regard to the height of the adjacent buildings, that any part of it would be visible from Camden Mews) and in my view would be visually acceptable.

15. There is no dispute that the existing building on site, which has been much altered over the years and is now partly dismantled, is of little intrinsic architectural merit. However what remains of the front elevation does perform a useful function in preserving the continuity of the row of buildings on this side of Camden Mews and does therefore make a positive contribution to the appearance of the Conservation Area. Although the Council would have no objection to its replacement by a new building of suitable design it does not consider that the redevelopment proposal would meet that requirement.

16. In my view the architectural merits of the proposed dwelling would be considerably greater than those of the existing building and the appearance of this part of the Conservation Area would be very significantly enhanced as a result of the appeal proposals.

17. My conclusion on the first issue is, therefore, that the proposed development would be of an appropriate and attractive design that would significantly improve the character and appearance of this part of the Conservation Area, and would be a more than worthy replacement for the existing building.

Issue 2; Overlooking and Loss of Privacy

18. There is no dispute that the distance between the rear walls of the proposed dwelling and No 190 Camden Road would be more than enough to ensure adequate levels of privacy within the two buildings and in this respect the development would meet the Council's standards.

19. Because the rear wall of the proposed house would be on the boundary between the two properties, the rear windows could give rise to some loss of privacy due to overlooking of the garden of No 190. However, I consider that this could be overcome by the use of obscured glazing. I do not consider the fact that the windows might allow light to escape from the building to be of any great significance in an urban context.

20. You explained at the hearing that it would be necessary for some of the rear windows to be openable, but that privacy could be ensured if the lower parts of these windows were fixed. Although I consider that this arrangement could not be achieved with the type of

window shown on the application plans, this is a matter of detail which, in my view, could be dealt with by means of a condition.

21. My conclusion on the second issue is, therefore, that the proposed dwelling would not have an unacceptable impact on living conditions in No 190 Camden Road in terms of overlooking or loss of privacy.

Other Issues

22. The Council has also expressed concern that the house would not be provided with any open amenity space and has referred to the fact that a small patio (about 1.2 metres by 4 metres) was included in the previously approved scheme. However the small north-facing patio shown on that scheme would have been surrounded by high walls and, in my view, it would have served no practical or aesthetic purpose. Moreover, the UDP Policy referred to by the Council in this context (Policy HG15A) requires the provision of garden space only where practicable. I do not consider the provision of a garden to be practicable in this instance, given the very restricted size of the site.

Overall Conclusion

23. My overall conclusion is, therefore, that the removal of the existing building and its replacement by the proposed house would considerably enhance the character and appearance of this part of the Camden Square Conservation Area. I also consider that the proposed dwelling would not have an unacceptable effect on living conditions in No 190 Camden Road in terms of overlooking or loss of privacy. Consequently the appeal proposals would not conflict with Policy UD3 of the 1987 Borough Plan, or with Policies EN16, EN16(new), EN26 or EN27 of the Deposit Draft UDP, or with the aims of Section 72(1) of the 1990 Act. My conclusion is, therefore, that planning permission and conservation area consent should both be granted.

24. I have considered all the other matters raised but have found none of them to be of sufficient weight to cause me to alter my overall conclusion.

Conditions

25. The Council has suggested that several conditions (in addition to the statutory time limit for starting development) be attached to any consent or permission in the event that the appeals be allowed.

26. In view of the contribution to the appearance of the Conservation Area made by the existing building, I consider that it would be appropriate to attach a condition to the Conservation Area Consent requiring that it should not be demolished until a contract for its replacement has been let.

27. In my view the level of detail provided on the planning application plans is sufficient to give a clear indication of its intended appearance and there is no need for a general condition requiring the submission of further details.

28. I do, however, consider it necessary to attach a condition requiring that approval be obtained for the materials to be used in the external surfaces of the building in order to

ensure that its appearance is in harmony with that of neighbouring buildings and of the Conservation Area. These materials are either not specified on the application plans or, as in the case of the roofing materials, were the subject of amendments proposed at the hearing.

29. The Council has asked that a condition be attached to the planning permission requiring that no pipes or plumbing be fixed to the external face of the building. You confirmed at the hearing that you had no objection to such a condition, which would be similar to that attached to the previously approved conversion scheme. I consider that, in view of the special circumstances of this proposal including the fact that it would occupy the whole of the site, such a condition (though unusual) would be appropriate in order to protect the appearance of the Conservation Area.

30. The Council also suggests that a condition be imposed preventing the use of the area of flat roof in front of the second floor bedroom as a balcony or roof terrace. You confirmed at the hearing that, because any access to the roof would be for maintenance purposes only, you would have no objection to this. I consider that such a condition is necessary, having regard to the narrowness of Camden Mews, in order to protect the privacy of the occupiers of houses facing the appeal site.

31. Having regard to the need to protect the privacy of occupiers of 190 Camden Road, I consider that a condition should be attached to the planning permission requiring that all windows on the rear elevation be fitted with obscured glass. For the same reason I consider that the detailed design of any openable windows on that elevation should be subject to the approval of the local planning authority.

Decision

32 For the reasons given above and in exercise of powers transferred to me, I hereby allow these appeals and grant planning permission for the demolition of existing building and erection of 3-bedroomed dwelling at 39 Camden Mews, London NW1, and conservation area consent for the demolition of existing building at 39 Camden Mews, London NW1 in accordance with the terms of the applications Nos PE9800063 and CE9800064 both dated 22 January 1998 and the plans submitted therewith, subject to the following conditions:

Planning Permission

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
3. No pipes or plumbing, other than rainwater pipes, shall be fixed on the external face of the building without the prior written approval of the local planning authority.
4. The roof area of the building hereby permitted shall not be used as a balcony, roof garden or similar amenity area without the grant of further specific permission

from the local planning authority.

5. All windows on the rear elevation shall be fitted with obscured glass which shall thereafter be retained.

6. No openable windows shall be installed in the rear elevation of the building hereby permitted without the prior approval of the local planning authority.

Conservation Area Consent

1. The works hereby permitted shall be begun before the expiration of five years from the date of this permission.

2. No works of demolition hereby authorised shall be carried out before a contract has been made for the carrying out of works of redevelopment of the site and planning permission has been granted for the redevelopment for which the contract provides.

33. These conditions require further matters to be agreed by the local planning authority. There is a right of appeal to the Secretary of State should it refuse any such application, fail to give a decision within the relevant period, or grant a conditional approval.

34. This letter only grants planning permission under Section 57 of the Town and Country Planning Act 1990 and listed building consent under Section 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990. It does not give any other approval or consent that may be required.

Yours faithfully

A J DAVISON BA(Hons) LLB(Hons) MSc MBA FRTPI RIBA MLI
Inspector

APPEARANCES

FOR THE APPELLANTS

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FOR THE LOCAL PLANNING AUTHORITY

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Planner - London Borough of Camden

Ms Ruth Blum DipArch DipTP

Architect - Planner - London Borough
of Camden

DOCUMENTS

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| Document 1 | List of persons present at the hearing. |
| Document 2 | Letter of Notification of the hearing. |
| Document 3 | Appendices (A to F) to Appellants' Statement. |
| Document 4 | Letter to Pinewood Resources Ltd from Messrs Ellis and Moore (Consulting Engineers) dated 7 January 1998 |
| Document 5 | Appendices to Council's Statement |
| Document 6 | Letter to Council from Messrs Papaloizou (Architects) dated 22 May 1998 |
| Document 7 | Letter from Mrs A L H Hosking, 18 Camden Mews, dated 24 August 1998 |

PLANS

- Plan A The application Plans (Appeal A);
 1/1250 scale untitled site location plan
 1/50 scale Existing Plans and Elevations (Ref 39CM-ED-01B)
 1/100 scale Section A-A Comp Montage (Ref 39CM-SE-01)
 1/100 scale Proposed Plan (Ref 39CM-3P-01C)
 1/100 scale Prop Elevations & Section (Ref 39CM-3P-02B)
- Plan B The application plans (Appeal B);
 1/1250 scale untitled site location plan
 1/50 scale Existing Plans and Elevations (Ref 39CM-ED-01)
- Plan C 1/50 scale drawing by the Ian Haye Partnership, entitled
 Proposed Front Elevation. Section (Ref 3042 P4)

PHOTOGRAPHS

- Photograph 1 Photographic Views of the Existing Rear Elevation