
Appeal Decision

Site visit made on 17 November 2015

by Mr C J Tivey BSc (Hons) BPI MRTPI

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

Decision date: 11 January 2016

Appeal Ref: APP/X5210/W/15/3130914
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 London Borough of Camden Council.
 - The application Ref 2015/0696/P, dated 6 February 2015, was refused by notice dated 16 June 2015.
 - The development proposed is for the construction of roof extension to provide a 2 bedroom 3 person duplex on third and fourth floors with third floor terrace. A second floor extension to provide an enlarged 1 bed 2 person flat. New commercial kitchen extract and ventilation plant on the rear ground floor roof and rear elevation to replace the existing ad-hoc installation.
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Decision

1. I dismiss the appeal.

Application for Costs

2. An application for costs has been made with respect to the appeal proposal and which is the subject of a separate decision.

Main Issues

3. The main issues are the effect of the proposed roof and second floor extensions upon the character and appearance of the area; and the effect of the proposed roof terrace upon the living conditions of the occupants of 278 and 282 Kilburn High Road and the future occupiers of the proposed development, with specific reference to privacy.

Reasons

Character and Appearance

4. The appeal site is situated within a row of vernacular four storey terraced buildings largely comprising commercial uses on the ground floor with residential flats over. The rear elevation of the site is clearly visible from Kilburn Grange Park to the east and on viewing it, one cannot help but notice the unbroken run of original butterfly roofs. Below these at second floor level there is a greater variety in design, with no280 and those immediately adjoining
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having flat roof "outriggers". Extract ventilation ducting is also a prominent feature, particularly on the rear of the appeal building.

5. I have had regard to the previous proposal which was the subject of a dismissed appeal (Ref. APP/X5210/A/14/2224856). I note that the overall scale and form of the roof extension has been amended from a rear gabled feature with a ridge running from front to rear, with a slate hipped arrangement and a flat roof over. The roof extension, the subject of this appeal, would continue to project above the existing ridges along the terrace, as well as the parapet wall to front elevation. Consequently, I consider that the roof extension would give rise to an alien feature which would be at odds with the traditional butterfly roof of the terrace. By virtue of its scale and design, it would create a visual interruption, particularly when viewed from the park to the rear, which would be detrimental to the character and appearance of the wider area.
6. I note that in determining the previous appeal that my colleague had stated that guidance within CPG1 of the Camden Planning Guidance on Design (2013) highlights that Mansard roofs are often the most appropriate form of an extension to a Victorian dwelling and that this does not preclude other roof forms. However, it fell for her to assess the proposal that was before her, rather than providing an opinion as to whether or not the principle of a roof extension was unacceptable and she was merely stating fact. As in the case before me, again, it falls to me to determine the proposal on its merits.
7. However, CPG1 does state that roof extensions will be unacceptable where there is an unbroken run of valley roofs, and complete terraces or groups of buildings have a roof line that is largely unimpaired by alterations or extensions. Whilst I accept that CPG1 does not form part of the Development Plan, it is nonetheless adopted Supplementary Planning Guidance and was subject to statutory consultation, therefore it is a material consideration that should be taken into account in assessing the proposal. I acknowledge that the policies referred to within the first reason for refusal do not specifically refer to the principle or otherwise of roof extensions, but CPG1 supports those policies.
8. I agree that in accordance with the planning policies, an assessment of a proposal, such as a roof extension, should come down to whether the extension would respect the character, setting, context and form/scale of the existing neighbouring buildings, which I have found not to be the case in this instance. Whilst I have no reason to doubt that there will be incidences where roof extensions can and will be considered to be acceptable to buildings which form part of a complete terrace, I am not convinced that this applies to the appeal site, particularly bearing in mind how visually exposed it is. Therefore, whilst having regard to my colleague's decision, the lower profile roof extension would constitute an improvement upon the previous gabled form, but it would still give rise to an incongruent feature that would be out of character with the terrace as a whole; particularly bearing in mind the increase in height over and above the existing ridges.
9. Whilst I acknowledge that the Design and Access Statement submitted with the planning application sets out the rationale behind the proposed roof extension, and that it may well have appeared less prominent than a Mansard roof, I still consider it harmful to the character and appearance of the terrace and the wider area in general, being a feature that would be far from discrete.

Therefore, notwithstanding the fact that the materials would match the existing roof, it would still compete for attention with the adjacent chimney stacks and would be far higher than the existing brick parapet walls to each side.

10. With regard to the second floor extension, I note that my colleague in coming to her decision, noted that a sympathetic addition could potentially integrate successfully within the space currently existing within the half width outriggers. In that previous case, due to a minimal setback and a timber clad finish, it was considered that the previous extension would have failed to correlate with any aspect of the building. However, in this instance the second floor extension would now comprise a slate finished mansard roof addition which would be set back from the rear elevations of the adjoining outriggers. It would, again, be finished in a contrasting material to the main elevations of the building, but nonetheless would match materials employed elsewhere on the building. The rear elevation of this extension would also have a centrally located dormer window set within the face that would slope back beyond the existing outriggers.
11. Taking into account the slightly more jumbled appearance of the rear elevation from the third storey and below, I find that the second floor extension would form a relatively discrete and sympathetic addition that would not appear unduly prominent or visually intrusive from the public realm. Combined with the removal of extract ducts this would also improve the character and appearance of the building.
12. Notwithstanding this, as I have found above, I consider that the proposed roof extension would have a harmful effect upon the character and appearance of the area and would be contrary to both Policies CS14 of the Camden Core Strategy 2010 – 2025 (CCS) and Policy DP24 of the Camden Development Policies 2010 – 2025 (CDP), as the proposed development would not be of the highest standard of design, and would fail to consider the character, setting, context and the form and scale of neighbouring buildings, in addition to the character and proportions of the existing building. These policies are broadly in accordance with the National Planning Policy Framework (the "Framework"), in that within paragraph 56 it is stated 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.

Living Conditions

13. The final element of the proposal relates to the creation of a roof terrace to the third floor. I note the Council's concern that the opalescent glass screens to each side would not be high enough to prevent direct overlooking towards the nearby third floor rear windows to the rear of numbers 278 and 282, and that also the privacy of the users of the roof terrace would also be compromised. However, as in most urban situations one generally must expect a degree of mutual overlooking. Therefore I am not convinced, due to the relationship between the terrace and the relatively oblique angle of views that would be afforded from these adjacent windows, that the proposal would give rise to a significant loss of privacy to the living conditions of the occupants of either existing or proposed development.

14. Therefore, on balance, I consider that the living conditions both of the adjoining flats, in addition to future occupiers of the proposed third floor flat, would not be harmed and, would not conflict with CCS Policy CS5 or CDP Policy DP26 which require the amenity of Camden's residents to be protected, by making sure that the impact of developments on their occupiers and neighbours is fully considered through considering factors such as visual privacy and overlooking.

Other Matters

15. I note the appellant's submissions with regard to the financial viability of the appeal proposal, and that the costs of replacing the extract ducts, along with other repairs and remedial works to the building need to be funded through the increase in gross internal floor area and subsequent value of the resultant flats created. Whilst I acknowledge that both existing and proposed values, as well as the cost of works have been listed, this is no more than a summary appraisal. I agree that the replacement of ducts along with other repairs and works could certainly enhance the visual appearance of the building; any benefit accrued however would be significantly outweighed by the harm that would be caused by the roof extension.

Conclusion

16. I have found that the living conditions of both neighbouring and future occupants of the proposed development would not be unduly harmed, and I consider that the second floor infill extension to be an acceptable feature. The other improvements to the building proposed are also to be commended, but these do not outweigh the harm that I have found stemming from the proposed roof extension upon the character and appearance of the terrace and the wider area.

17. Having regard to the above and all other matters raised I conclude that the appeal be dismissed.

C J Tivey

INSPECTOR