
Appeal Decision

Site visit made on 5 April 2016

by John Dowsett MA DipURP DipUD MRTPI

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

Decision date: 17 May 2016

Appeal Ref: APP/X5210/W/15/3140174

Flat D, 299 West End Lane, Camden, London NW6 1RD

- 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 Mr Gwenael Fort against the decision of the Council of the London Borough of Camden.
 - The application Ref 2015/2435/P, dated 27 April 2015, was refused by notice dated 22 July 2015.
 - The development proposed is a single storey roof extension and terrace.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council's decision notice describes the proposed development as a single storey roof extension and terrace. I consider that this accurately and more succinctly describes the proposal than the somewhat lengthy description that was given on the planning application form, and so I have adopted this for the purposes of the appeal.

Main Issues

3. The main issues in this appeal are:
 - The effect of the proposed development on the character and appearance of the existing building, the terraced group and the West End Green Conservation Area; and
 - The effect of the proposed development on the living conditions of occupiers of neighbouring properties with particular regard to loss of light to windows located within a light well.

Reasons

Character and appearance

4. The appeal building is located at the end of a short terrace of four storey buildings with commercial uses at ground floor level and residential accommodation above. The group of buildings is constructed in yellow stock brick with a three storey bay window rising from first to third floor level on the front elevation. All of the buildings in the group originally had inverted pitch
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roofs although the buildings at each end of the terrace, numbers 299 and 315, have subsequently been extended above roof level on the front part of the block to provide a fifth floor. At number 299 this fifth floor extension forms part of a separate flat known as 299C. Number 299 and the adjoining building, number 303, have also been extended at the rear part of the block with a fourth floor extension infilling the space between the roof pitches to form a flat roof. The appeal building is the top floor rear flat, a maisonette over two levels with its upper floor contained within the previous rear roof extension.

5. The West End Green Conservation Area is a mixed area with a bustling commercial street, West End Lane, at its heart with residential streets connecting to this. These streets contain a mix of buildings ranging from large mansion flat blocks to substantial terraced houses and smaller mews cottages. Whilst West End Lane is comprised of buildings in a range of heights and styles, contributing to its lively character, the surrounding streets are more homogenous and as a result the Conservation Area appears as an architecturally consistent entity centred on West End Lane.
6. The appeal proposal would add an additional floor and roof terrace on the flat roof of the previous rear extension and located behind the existing fifth floor extension to 299C. Although it would be partly screened by this existing extension, the proposed extension would be visible from ground level on West End Lane, due to the gable end of number 299 being exposed above a single storey element of the neighbouring public house. It would also be visible through a gap in the buildings on Inglewood Road and the access road to the flats at Welbeck Mansions to the rear. From these viewpoints it would be seen as an additional skyline feature and, due to the fact that it is set in from the wall of the existing fifth floor extension at 299C and has a lower overall roof height, it would not read as a coherent addition to the building roof and would appear as a disjointed feature. Whilst this terrace of buildings has been altered at the rear, there is still a degree of consistency in the rear roof levels and this would be broken by the proposed extension.
7. The adopted Camden Planning Guidance: Design 2015 (CPG1), which provides design guidance against which Policy CS14 of the London Borough of Camden Local Development Framework Core Strategy 2010 and Policies DP24 and DP25 of the London Borough of Camden Local Development Framework Development Policies 2010 should be read, states that roof extensions are not normally acceptable on buildings or terraces which already have an additional storey or mansard added. The rear part of the building has already been extended at the level of the original roof to provide an additional floor of accommodation, and the proposed extension would therefore be inconsistent with the Council's adopted design guidance. Whilst there are other high level roof extensions on this terrace, these are limited to front part of building and the rear roofs remain subordinate. I therefore find that the proposed development would cause harm to the character and appearance of the building and the terraced group it is part of.
8. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in making decisions on planning applications and appeals within a Conservation Area, special attention is paid to the desirability of preserving or enhancing the character and appearance of the area. The appeal building along with the others in the terraced group are noted in the West End Green Conservation Area Character Appraisal as making a positive contribution to the

character and appearance of the Conservation Area and a harmful alteration to these buildings would also cause harm to the character and appearance of the Conservation Area by diminishing the buildings positive contribution.

9. Given the size of the proposed extension in relation to the overall size of the Conservation Area, whilst it would cause harm to the character and appearance of the Conservation Area, this harm would be less than substantial. The National Planning Policy Framework requires that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. No public benefits arising from the proposal have been identified in the evidence. I note the fact that appellant's family has grown larger and that the proposal would provide additional accommodation, however, whilst it may improve facilities for the occupiers of the property, this is not a public benefit and does not outweigh the harm to the character and appearance of the building and the Conservation Area that I have previously found. No other public benefits have been identified by the appellant and the harm to the character and appearance of the Conservation Area weighs heavily against the proposal.
10. I have had regard to the appellant's suggestion that the blank gable wall of the building or the roof section could be improved by the installation of a living or green wall solution and that this could be secured through a planning condition. In order for a condition to mitigate any adverse effects of the development there has to be a reasonable prospect of it being capable of being complied with. The appellant acknowledges that only a small portion of the gable wall is within his control and therefore there is no certainty that any scheme for the treatment of this wall could be implemented as the consent of third parties would be required, which may not be forthcoming. The appellant also states that this would have to be subject to a feasibility study which introduces a further layer of uncertainty.
11. In addition, the National Planning Practice Guidance advises that a condition that modifies the development in such a way as to make it substantially different from that set out in the application should not be used. I consider that the installation of living or green wall would enlarge the development area and substantially alter the nature of the development from that originally proposed in the planning application. Moreover, in the absence of any firm proposals there has been no opportunity for the Council or third parties to consider or comment on this approach.
12. I therefore find that the proposed development would cause harm the character and appearance of the existing building and the West End Green Conservation Area and is contrary to Policy CS14 of the London Borough of Camden Local Development Framework Core Strategy 2010, and Policies DP24 and DP25 of the London Borough of Camden Local Development Framework Development Policies 2010, which seek high quality design and to preserve and enhance the character and appearance of Conservation Areas.

Living Conditions of neighbouring occupiers

13. There is an existing rectangular light well, largely faced with white glazed bricks, between numbers 299 and 303 and which contains some 20 windows. At the time of my site visit, at around 12.30 on a sunny, largely cloudless, day whilst there was some sunlight penetration into the light well this did not

extend much below the top floor of the buildings. There was generally a good level of daylight in the upper parts of the well which diminished further down.

14. The appellant has provided a Daylight and Sunlight Study as part of the appeal submission and although this was not available to the Council when it determined the planning application, it formed part of the grounds of appeal and the Council have had the opportunity to comment on it. This study concludes that the proposed development will reduce the level of light to some of the windows within the light well, all of which are identified in the study as being habitable rooms, to below the level recommended by the Building Research Establishment (BRE). The appellant suggests that, as only some windows would not meet the required daylight levels and the majority would pass, the BRE standards can be applied flexibly to take account of the urban location. I do not accept this position as the affected windows are generally receiving low levels of daylight to begin with and to reduce this further would, in my view, noticeably affect the living conditions within these rooms.
15. Whilst I note the appellant's suggestion that the design of the extension could be modified to mitigate the effect on daylight, no supporting evidence has been provided to show what difference this would make to the levels of light received to the rooms in question and consequently I cannot be certain that this would be an effective solution.
16. I therefore find that the proposed development would cause harm to the living conditions of the occupiers of neighbouring properties as a result of loss of daylight to windows of habitable rooms within the light well and that the development is contrary to the requirements of Policy CS5 of the London Borough of Camden Local Development Framework Core Strategy 2010, and Policy DP26 of the London Borough of Camden Local Development Framework Development Policies 2010 which seek to ensure that new development does not adversely impact on the living conditions of the occupiers of neighbouring properties. It would also be inconsistent with the advice in the National Planning Policy Framework which seeks a good standard of amenity for all occupiers.

Conclusion

17. For the above reasons, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

John Dowsett

INSPECTOR