
Appeal Decision

Site visit made on 17 May 2016

by **Thomas Hatfield BA (Hons) MA MRTPI**

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

Decision date: 23rd June 2016

Appeal Ref: APP/X5210/W/16/3142649

17 Belvard Point, Murray Street, Camden, London, NW1 9RE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant planning permission.
 - The appeal is made by Mr Martin Lerner against the decision of the Council of the London Borough of Camden.
 - The application Ref 2015/4760/P, dated 18 August 2015, was refused by notice dated 10 November 2015.
 - The development proposed is the erection of a single-storey extension to an existing residential and live/work development to create a one bedroom penthouse flat on the existing flat roof.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a single-storey extension to an existing residential and live/work development to create a one bedroom penthouse flat on the existing flat roof at 17 Belvard Point, Murray Street, Camden, London, NW1 9RE in accordance with the terms of the application, Ref 2015/4760/P, dated 18 August 2015, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 344_SK_008 Rev.B, 344_SK_009, 344_001, 344_002, 344_003, 344_010, 344_011, 344_020, 344_030, 344_031, 344_032, 344_101 Rev.B, 344_102 Rev.B, 344_103 Rev.B, 344_110 Rev.C, 344_111 Rev.B, 344_120 Rev.B, 344_130 Rev.C, 344_131 Rev.C, and 344_132 Rev.B.
 - 3) No development shall take place until samples of all external facing materials have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved sample details.
 - 4) Before the development commences, details of a secure and covered cycle storage area for 1 cycle shall be submitted to and approved by the local planning authority in writing. The approved facility shall thereafter be provided in its entirety prior to the first occupation of any of the new unit, and thereafter be permanently retained.
 - 5) Prior to the first occupation of the building a plan showing details of the green roof including species, planting density, substrate and a section at
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scale 1:20 showing that adequate depth is available in terms of the construction and long term viability of the green roof, and a programme for a scheme of maintenance shall be submitted to and approved in writing by the local planning authority. The green roof shall be fully provided in accordance with the approved details prior to first occupation and thereafter retained and maintained in accordance with the approved scheme of maintenance.

Preliminary Matter

2. The appellant has submitted a Unilateral Undertaking (UU) relating to a financial contribution to highway works. However, the UU is not signed by two of the parties, nor is it dated on the front page. Accordingly, the document does not put into effect what is intended. It therefore carries no weight.

Main Issue

3. The main issue is whether the proposal would preserve or enhance the character or appearance of the host property or the Camden Square Conservation Area within which it lies.

Reasons

4. The Camden Square Conservation Area is a primarily 19th Century inner London suburb, focused around Camden Square Gardens. It is in a gridded street layout, and comprises mostly Victorian houses of 3 and 4 storeys in height. Murray Street is similarly characterised by 3 and 4 storey development, although the buildings step down in height along the north eastern side of the street towards the appeal building. Beyond the appeal building, the edge of the Conservation Area is more open in character, by virtue of the wide railway cutting and vacant plots at Nos 3 and 4 St Augustine's Road. Both of these plots now benefit from planning permission for 4 and 5 storey developments.
5. The appeal property is a modern building located towards the edge of the Conservation Area. It occupies a triangular piece of land and is prominent in views across the railway cutting from St Augustine's Road, and from along Murray Mews. Whilst the front of the building is designed to complement the character of the street, the rear of the building is relatively plain in appearance. The roof of the building is currently occupied by an unattractive and prominent stair and lift over-run that detracts from the appearance of the building. Whilst this over-run may have been built higher than the original permission allowed for, it is an extant feature of the building. An appeal decision cited by the Council (APP/X5210/A/09/2111273) refers to this structure and is dated 3 February 2010. It is therefore likely to be lawful.
6. The development would involve the creation of a new roof-top apartment. This would involve the re-cladding of the stair and lift over-run, which is a significant benefit of the proposal. This metal structure is currently an incongruous feature and its recladding in more sensitive materials would enhance the appearance of the building. This structure also accounts for some of the volume of the proposed apartment. In addition, the development would add architectural interest to the plain north east elevation. In my view, the development would improve the appearance of the host building, when viewed from Murray Mews and St Augustine's Road.

7. The appeal building has been subject to previous appeal decisions relating to roof-top extensions, and 2 decisions in particular have been highlighted by the Council. However the current proposal has sought to address the shortcomings of previous schemes, and is significantly smaller than earlier designs. It is set in from Murray Street, and from this perspective would be no more visible than the existing stair and lift over-run. It would not therefore interrupt the stepping down of the building height from this view. In addition, the development would be set back from Murray Mews by around 2.6 metres. This would overcome the previous Inspector's concerns about a dominating and over-shadowing effect to the entrance of this street. Whilst the appeal proposal would be prominent in long-distance views from Murray Mews and St Augustine's Road, my view is that the visual effect would be beneficial in this regard. The development would also be partially screened from views to the south by a mature tree.
8. Beyond the appeal property to the south and south east are more open areas of the Conservation Area. However, the character of this area will be altered given the recently consented schemes at Nos 3 and 4 St Augustine's Road. These new developments will alter the context in which the appeal building is viewed, and in my view the development will not look out of place.
9. I conclude that the development would preserve the character and appearance of the Conservation Area. It would not therefore conflict with policy CS14 of the London Borough of Camden Local Development Framework Core Strategy 2010-2025 (adopted in 2010); and policies DP24 and DP25 of the London Borough of Camden Local Development Framework Development Policies 2010-2025 (adopted in 2010).
10. In coming to that view I have considered the previous appeal decisions that relate to the site. The Inspector who determined the 2010 appeal summarised an earlier decision to the effect that a four storey building would be too high in the context of Murray Mews and Murray Street. Nonetheless, having assessed the scheme before me on its own merits, I am satisfied that the proposed set back from the road would address this concern satisfactorily.

Other Matters

11. As set out above, the UU submitted by the appellant in relation to highway works is not valid. However, no evidence has been submitted, either by the Council or the appellant, which suggests that such works are necessary to make the development acceptable in planning terms. Such works also do not appear to be a specific requirement of local policy. I therefore conclude that the lack of a valid UU would not lead to any unacceptable highways impacts.
12. The Council has not sought to secure car free housing by way of a legal agreement, as required by Policy DP18 of the London Borough of Camden Local Development Framework Development Policies 2010-2025, setting out that it would be unreasonable to pursue one now when it has not been sought on previous applications for the site. I see no reason to disagree with that approach.
13. Third party concerns have been raised about the accuracy of some of the information in the appellant's appeal statement. However, whilst I have taken thee into account I am satisfied that the points this made are not determinative. Therefore, neither these nor any other matters outweigh the

considerations that have led to my conclusion on the main issue. Accordingly, I am minded to grant planning permission.

Conditions

14. In addition to the standard time limit condition, I have imposed a condition that requires the development to accord with the approved plans. This is for the avoidance of doubt and in the interest of proper planning. The approval of samples of materials is required to safeguard the character and appearance of the Conservation Area, whilst details of cycle parking provision and the green roof are necessary to ensure compliance with the principles of sustainable development.

Conclusion

15. For the reasons given above I conclude that the appeal should be allowed.

Thomas Hatfield

INSPECTOR