
Appeal Decision

Site visit made on 5 September 2016

by D M Young BSc (Hons) MA MRTPI MIHE

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

Decision date: 28 September 2016

Appeal Ref: APP/X5210/W/16/3152799

6 Carlingford Road, London, NW3 1RX.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr & Mrs D Kerrigan against the Council of the London Borough of Camden.
 - The application Ref 2015/7179/P is dated 20 December 2015.
 - The development proposed is the conversion of an existing single family dwelling into two maisonettes.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of an existing single family dwelling into two maisonettes at 6 Carlingford Road, London, NW3 1RX in accordance with the terms of the application, Ref 2015/7179/P, dated 20 December 2015, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan; 1014-01; 1014-02; 1014-03; 1014-04; 2073.01; 2073.02A; 2073.03A; 2073.04A; 2073.05A.
 - 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.
 - 4) A 1.4 metre high screen, details of which shall have been first submitted to and approved in writing by the local planning authority, shall be erected on the east side of the proposed rear terrace prior to commencement of use of the roof terrace and shall be permanently retained and maintained thereafter.

Procedural Matters

2. The appeal is made against the failure of the Council to determine the application within the prescribed period. Following the submission of the appeal, the Council provided a statement outlining their concerns in relation to the proposal. The Council has confirmed that had it been in a position to determine the application, it would have been refused for reasons relating to; (1) the effect on the character and appearance of the area and (2) the impact on existing levels of parking stress and congestion.

3. The site and surrounding area are within the Hampstead Conservation Area (HCA). Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires that in the exercise of planning powers in conservation areas, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
4. The Appellant has referred to policies in the Emerging Local Plan. However, the plan is not at an advanced stage and therefore I have attached little weight to it in accordance with paragraph 216 of the *National Planning Policy Framework* (the Framework).

Main Issues

5. The main issues are the effect of the development on the character and appearance of the HCA and, secondly, whether the proposal would be in an appropriate location to justify car free development.

Reasons

Character and appearance

6. The appeal property is a four-storey, Victorian terraced residence, with a semi-basement, located at the eastern end of Carlingford Road close to its junction with Pilgrim's Lane. This part of the HCA is residential in nature and characterised by a densely developed grid pattern of streets flanked by homogeneous terraces which date from the late 19th century. The Conservation Area Appraisal (CAA) lists the appeal property as a good example of the local building tradition and one that makes a positive contribution to the HCA.
7. The dimensions of the extension would be modest and it would infill the area between the existing three-storey outrigger and the main rear wall of the house. In practice only the ground floor element would be readily apparent when looking at the rear of the property. The extension would not therefore challenge the host dwelling in terms of height, footprint or scale. It would be constructed in matching brickwork and the abundance of glazing in the rear elevation would lend it a contemporary appearance.
8. When I visited the site, I noted an array of extensions in the immediate area. Some of these are highlighted in the CAA as having a negative effect on the HCA. Extensions in the immediate vicinity lack a coherent architectural approach and give the rear of the terrace an unplanned and irregular appearance. One such addition, an unsightly timber lean-to, is located to the rear of the appeal property. Therefore the fact that the scheme would result in its removal would benefit both the host property and to a lesser extent the wider HCA.
9. In any event, the extension would be located to the rear of the property where there is little or no inter-visibility with public areas. The only views are therefore likely to be from surrounding gardens and perhaps from some rear windows of dwellings on Denning Road. Even from here, the large tree located just beyond the rear boundary would restrict views to all but the most fleeting of glimpses particularly in the summer months. Consequently, there would be no effect on the Carlingford Road street scene.

10. I have noted the Council's misgivings about the design of the scheme. However, there is nothing before me which adequately explains why a recess is necessary or how the extension would give rise to unacceptable harm without it. Likewise, bearing in mind the development would be largely concealed from public views, I am unclear why a modern design approach would be unacceptable. I therefore concur with the Appellant that the extension would be an acceptable modern design solution and appropriate in its context.
11. Taking all these factors into consideration I conclude that the proposal would preserve the character and appearance of the HCA. It would thus comply with Policy CS14 of the *Camden Core Strategy* (the CS) and Policies CPG1 and DP24 of the *Camden Development Policies* (the DP). These policies, amongst other things, require development to be of the highest standard of design. Proposals must also take into account the character, setting, context, scale and proportions of the host property and those of neighbouring buildings, especially in areas protected for their historic interest. Finally, there would be no conflict with the statutory duty under the Act in relation to conservation areas or Section 12 of the Framework.

Whether the development should be 'car free'

12. No off-street parking would be provided for the occupiers of the two flats. The site and the surrounding streets are within a Controlled Parking Zone with resident permit holder restrictions in place. The Council sought to overcome these concerns by seeking a legal agreement with the Appellants which would prevent future occupiers of the flat from applying for parking permits.
13. Local plan policies require car free development in the borough's most accessible locations and where a development could lead to an unacceptable impact on on-street parking conditions or highway safety.
14. Taking accessibility first, the Appellant points out that the appeal property has a Public Transport Accessibility Level (PTAL)¹ rating of 3 which is defined as 'moderate.' The Council do not dispute this. I understand that the Council's standard approach is to categorise those areas with a PTAL rating of 4 or higher as the *most accessible locations* for the purposes of Policies CS11 of the CS and DP18 of the DP. I saw nothing at the time of my visit nor have I read anything in the Council's submissions to suggest that the rating is wrong. Consequently, the site is not located within one of the borough most accessible locations.
15. In terms of parking, the Council argue that on-street parking is over-subscribed and point to the ratio of permits to parking spaces in the zone in which the appeal property is located. However, whilst I accept that the ratio of permits to spaces can be an indicator of parking stress, I find the Council's reliance on this method alone to be unpersuasive. For example it does not and cannot take account of circumstances on the ground or for variations within each zone. Moreover, it is logical to assume that not all cars with permits will require parking in a given area at a particular time.
16. At the time of my mid-morning site visit I counted six vacant spaces within a short walk of the appeal property. Whilst I can appreciate there would be more

¹ PTAL is a way of measuring the density of the public transport network at any location within Greater London and is a generally accepted method of establishing how accessible a location is.

demand in the evening, my observations were not suggestive of chronic parking stress. Moreover, there is nothing before me to suggest there are existing highway safety problems on Carlingford Road or surrounding streets. Therefore, whilst I appreciate there could be a small increase in demand for on-street parking, there is no basis to conclude that this would have an unacceptable impact on on-street parking conditions or highway safety more generally.

17. Based on the evidence before me, my own observations and the lack of substantive evidence to suggest otherwise, I conclude that the proposal would not occupy an appropriate location to justify car free development. I therefore find no conflict with Policies CS11 and CS19 of the CS and Policies DP18 and DP19 of the DP.

Conditions

18. The Council have suggested three planning conditions which I have considered against the advice in the Planning Practice Guidance. Conditions limiting the life of the planning permission and specifying the approved plans are required in the interests of proper planning and to provide certainty. A condition requiring the extension to be constructed from matching materials is necessary to ensure its appearance is satisfactory. I am satisfied that a privacy screen to the ground floor terrace is necessary to protect the privacy of neighbouring occupiers. However, given that terraces are predominantly used for sitting out, I consider the requirement for a 1.8 metre screen to be excessive. I have therefore amended the requirement to a 1.4 metre screen.

Conclusion

19. For the reasons given above and taking into account of all other matters raised, I conclude that the appeal should succeed.

D. M. Young

Inspector