

Appeal Decision

Site visit made on 14 November 2016

by Graeme Robbie BA(Hons) BPI MRTPI

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

Decision date: 8 December 2016

Appeal Ref: APP/X5210/W/16/3154638

84 Parkway, London NW1 7AN

- 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 Leo Kaufman against the decision of the Council of the London Borough of Camden.
 - The application Ref 2016/2312/P, dated 20 April 2016, was refused by notice dated 22 June 2016.
 - The development proposed was originally described as a partial rear extension on the second floor and confirmation of use of the water tank on the roof. The water tank matches the water tank already in place on the roofs of the property opposite and three doors away. This can be seen on the photograph which accompanies this application.
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Decision

1. The appeal is dismissed insofar as it relates to the water tank. The appeal is allowed insofar as it relates to the rear extension at second floor level and planning permission is granted for the rear extension at second floor level at 84 Parkway, London NW1 7AN in accordance with the terms of the application, Ref 2016/2312/P, dated 20 April 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) All new external work shall be carried out in materials that resemble, as closely as possible in colour and texture, those of the existing building.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: 01a dated 10-02-15 and 01; 02; 03; 04; 05 and 06 (all dated 18-04-16), so far as relevant to that part of the development hereby permitted.
 - 4) The roof area of the extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area.

Procedural Matters

2. Notwithstanding the description of development set out above, which is taken from the application form, it is clear from the plans and accompanying details that the development comprises the erection of a rear extension at second floor level and a water tank on the roof. I am satisfied that the Council determined the application on this basis and I have therefore adopted that description with slight amendment where necessary to remove superfluous wording.
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3. For the reasons that follow, I find the proposed rear extension at second floor level to be acceptable and it is clearly severable both physically and functionally from the proposed water tank. Therefore, I intend to issue a split decision in this case and grant planning permission for the rear extension at second floor level.

Main Issue

4. The Council refused planning permission on three grounds (the fourth reason given on the decision notice referred to the Council's intention to pursue further enforcement action). The third of these cited loss of privacy causing harm to the residential amenity of, the occupiers of 86 Parkway and to the rear of properties on Gloucester Crescent.
5. The Council address this matter in their letter dated 6 September 2016¹ in which they set out their comments on the appellant's grounds of appeal. I note that with regard to the loss of privacy to Gloucester Crescent and 86 Parkway, the Council confirm that they no longer wish to contest this matter and that reference to No 86 was made in error. I have not been presented with any further evidence to indicate that I should reach an alternative conclusion and, with the above in mind therefore, I consider the main issue to be:
 - Whether the proposal would preserve or enhance the character or appearance of the Camden Town Conservation Area.

Reasons

6. The appeal property is located in a mid-terrace position on the north western side of Parkway, a straight, gently sloping street of terrace properties comprised largely of three storey terraced buildings. Many, including the appeal site, have mansard roofs above providing accommodation on a fourth level, whilst there is the occasional, larger four storey building. The site lies within the Camden Town Conservation Area, the Appraisal and Management Strategy for which (CAAMS), identifies almost the entire length of the north western side of the street (nos 2 – 112) as being positive buildings; ie, that make a positive contribution to the character and appearance of the Conservation Area.
7. The simple and relatively unadorned upper portion of the terrace's façade, and the strong and consistent parapet line, are characteristic features of the north western side of Parkway. Although mansard roof extensions are prevalent along this side of the road, they are relatively discrete and don't unduly divert attention from the pleasing simplicity of the upper floor façades. At the rear however, I found there to be a greater variety in the extensions, additions and alterations present. Most appeared to have been extended, in one way or another, to the extent of the plots at ground floor level whilst, at upper levels, I observed the pattern of development to be more varied.
8. Camden Planning Guidance 1: Design (CPG1) sets out general principles in relation to rear extensions, including guidance on the heights of such extensions. The proposed extension would not extend across the entire width of the property. It would, instead, be inset from one side of the plot, that side being adjacent to No 86. More importantly however, it would sit comfortably below the retained butterfly roof parapet walls at the rear of No 84, which

¹ Section 3.0 Comments on the appellant's grounds of appeal, 4th bullet point and paragraph 3.6

- would be clearly visible above the proposed extension from more elevated viewpoints on Gloucester Crescent, to the rear.
9. Whilst the Council note that historic rear elevations can be an integral part of the character of an area, I do not consider the rear elevations along this part of Parkway to be so central to the character of Parkway, or the wider Camden Town Conservation Area. Rather, it seems to me that the character of Parkway is largely derived from its simple, consistent façade and building heights, street trees and longer views along its length towards Regent's Park. The rear elevation of this part of Parkway is more eclectic in terms of its scale, built form and general appearance and is not specifically noted in the CAAMS as contributing specifically to the character or appearance of the Conservation Area.
 10. Although the proposed extension would not achieve CPG1's requirement of being set one full storey below eaves / parapet level, I am satisfied that it would sit sufficiently below the existing butterfly roof parapet wall feature so as to be subservient and secondary in terms of scale, massing and design to the main building. In not obscuring the rear parapet wall, the proposal would also avoid harm to a distinctive form and feature of the original building. The extension would be substantially lower overall in height compared with the rear of No 82, and would not deviate significantly from the mix of extensions and additions to the rear of this particular part of Parkway in terms of its depth, width or height. Whilst I share the Council's view that the large extension at No 82 should not be used as a basis to justify equally large extensions, I find there to be particular features and elements of the proposal that weigh in its favour.
 11. Therefore, the proposal would be broadly consistent with the general principles relating to rear extensions set out in CPG1, and with policy CS14 of the Camden Core Strategy (CCS) and policies DP24 and DP25 of the Camden Development Policies (CDP). Whilst the proposal may not enhance the character or appearance of the Conservation Area it would have a neutral effect and would not, I conclude, cause harm thereto. Therefore, in the absence of harm, the proposal would preserve the character and appearance of the Camden Town Conservation Area.
 12. Turning to the proposed water tank situated on the top of the flat-roofed mansard roof of No 84, the appellant suggests that it is not visible from street level. From my observations during my visit to Parkway, it is certainly the case that the water tank is not widely visible from street level. However, from more elevated viewpoints opposite, and from Gloucester Crescent to the rear, the bulky, angular appearance of the water tank on the mansard roof would become more clearly visible as it breaks the mansard roofline of the appeal property and those adjacent to it. The position on the roof, and the tank's size and form render it an incongruous addition to the roof of the appeal property, and to the roofscape of Parkway.
 13. I am aware of a limited number of water tanks elsewhere on Parkway, including roof-mounted tanks at 72/74 and 76 Parkway, and the ground floor roof-mounted tank at No 86. The appellant has also provided an extensive list of other properties and buildings within the Conservation Area which, it is suggested, have water tanks similar to that found on the appeal property, or indeed other structures, on the roofs. Whilst I was able to observe some of

these during my visit to the appeal site and the surrounding area, I do not have the full details or circumstances relating to those features and thus cannot determine the extent to which they might be directly comparable.

14. However, I have to determine the proposal before me on its own merits and the presence of other such additions elsewhere in the vicinity of the appeal site should not be used to justify another addition that, for the reasons set out above, I find would cause harm to the character and appearance of the host building, and to the wider Conservation Area. I note the suggested measures to mitigate the appearance of the water tank, but the siting of air conditioning units adjacent to the water tank or the use of brick panels to screen its presence would merely add to the incongruity of the tank and its presence atop the main mansard roof, whilst rotating it through 90°, would not alter in its incongruous appearance. Thus, I conclude that the proposed water tank would not be of the highest standard of design and would fail to preserve or enhance the character of the Camden Town Conservation Area. It would therefore be contrary to CCS policy CS14 and CDP policies DP24 and DP25, as informed by CPG1.
15. Whilst I find that this element of the proposal would cause harm to the character and appearance of the Conservation Area that harm would, in the parlance of the National Planning Policy Framework (the Framework), be less than substantial. Any harm should require clear and convincing justification, and where a development proposal will lead to less than substantial harm to the significance of a heritage asset, that harm should be weighed against the public benefit.
16. I understand the desire to mount a water tank at a high level to allow for the best possible head of water to outlets within the building. I note, too, the appellant's concerns regarding other such roof mounted tanks. However, the former matter would be a private rather than public benefit and the presence of other such tanks to justify the tank in this instance would not amount to a public benefit. Therefore, in the absence of any other public benefits arising from this element of the proposal, the harm identified above would not be outweighed. The proposal would therefore also fail to accord with national policy.

Conditions

17. I have considered the suggested conditions in the light of the Framework and Planning Practice Guidance. In addition to the time limit condition, I agree that a condition requiring external materials to match those of the existing building is necessary in the interests of the character and appearance of the area.
18. A condition setting out the approved plans is necessary, but I have modified the wording so as to ensure that it relates only to the rear extension at second floor level. As outside, rooftop, terraces did not appear to be commonplace in the surrounding area, and due to the potential for the roof to offer elevated views into adjoining properties, I have attached a condition regarding the use of the roof of the hereby approved extension.
19. As I have allowed the appeal in part (in relation to the rear extension at second floor level) and dismissed it in part (in relation to the water tank), it is not necessary to impose a condition of the nature set out as condition 5 in the Council's list of proposed conditions.

Conclusion

20. For the reasons set out, and having considered all other matters raised, I conclude that the appeal should be allowed insofar as it relates to the rear extension at second floor level and dismissed insofar as it relates to the rooftop water tank.

Graeme Robbie

INSPECTOR