
Appeal Decision

Site visit made on 10 January 2017

by Caroline Mulloy BSc (Hons) DipTP MRTPI

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

Decision date: 17th January 2017

Appeal Ref: APP/X5210/W/16/3160823

Flat 1st Floor, 107 Bartholomew Road, London NW5 2AR

- 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 Ms Zoe Morgan against the decision of the Council of the London Borough of Camden.
 - The application Ref 2016/3989/P, dated 18 July 2016, was refused by notice dated 16 September 2016.
 - The development proposed is described as 'reinstate existing bricked up window as painted timber French doors with painted metal railing to provide an outside terrace/amenity space'.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is the effect of the proposal on the character and appearance of the host property and the Bartholomew Estate Conservation Area.

Reasons

3. The appeal property is an end of terrace traditional three-storey property with basement which has been converted into flats and which lies within the Bartholomew Estate Conservation Area (Conservation Area). The site is adjacent to a triangular site containing a commercial use. The Bartholomew Estate Conservation Area Statement (CAS) 27 (2001) identifies the area as a compact and well preserved Victorian residential development which largely retains its homogenous architectural character. I noted on my site visit that the strong rhythm of the terrace is emphasised by the houses set on a consistent building line behind short front gardens enclosed by low walls, the regular pattern of vertical sliding sash windows and the continuous parapet.
 4. The appeal property is of yellow London stock brick construction with a butterfly roof set behind a parapet with sliding sash timber windows. The upper ground floor is accessed via a raised single storey side porch with steps up from street level. Three bricked up former windows are visible on the side elevation. Whilst there have been some alterations to the property the architectural features and detailing are clearly still legible. The appeal property and terrace is identified in the CAS as making a positive contribution to the special character and appearance of the area.
-

5. The National Planning Policy Framework (the Framework) advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. Paragraph 132 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.
6. Paragraph 134 of the Framework confirms that where a development proposal would 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, including securing its optimal viable use.
7. The Council does not raise concerns regarding the reinstatement of the existing bricked up opening as painted timber French doors. From everything which I have seen in submissions and on my site visit I have no reason to disagree.
8. The side porch is a traditional architectural element of the appeal property and has a roofline which is unimpaired by alterations or extensions. The proposal to create a roof terrace would utilise traditional materials including new black painted traditional balustrade detail. However, the introduction of the roof terrace would add visual clutter to the street and disrupt the visual uniformity and cohesive nature of the terrace and Conservation Area. Furthermore, it would introduce a feature which is not characteristic of the area and would, therefore, undermine the significance of the Conservation Area. Moreover, due to the location of the proposal at the end of the terrace it would be highly visible in the street scene.
9. Although I noted that some of the properties on the terrace have metal railings in front of the first floor windows there are no external roof terraces to the front or side. Whilst there is contrasting brick work on the flank elevation of the property as a result of the bricked up windows this is part of the historical development of the property and thus does not distract from its character. It does not, therefore, justify the harm which I have identified.
10. Attention is drawn to a number of examples which the appellant considers supports her case. No 6 Bartholomew Villas has a side porch including a terrace with a metal balustrade which appears to have been in place for some time. The Council have no record of planning permission for the terrace which limits the weight which I can attach to it in my Decision.
11. No 27 Bartholomew Road and 97 Patshull Road have higher side porches which would appear to be part of the original buildings. No 66 Bartholomew Road has a two storey side porch with lighter brick at first floor level for which the Council has no record of planning permission. A connecting wall with masonry detailing is also referred to at numbers 33-35 Bartholomew Road. However, none of these cases are directly comparable to the appeal proposal which limits the weight which I can attach to them in my Decision.
12. Attention is also drawn to a terrace at the side at second floor level set behind a brick built parapet at 22 Bartholomew Villas. The Council clarify that this was granted planning permission prior to the designation of the Conservation Area and the current Development Plan framework which limits the weight which I can attach to it in my Decision. Furthermore, the terrace is set behind a

parapet and is, therefore, less harmful than the appeal proposal. Whilst the neighbouring site containing a van hire company is not a historic feature of the Conservation Area, it does not justify the harm which I have identified.

13. The proposal may provide some benefits to the occupiers in terms of improved living accommodation. However, whilst the harm arising from the proposal may be less than substantial, the public benefits of the proposal would not outweigh the harm which I have identified.
14. For the reasons stated I conclude that the proposal would harm the character and appearance of the host property. Furthermore, it would fail to preserve or enhance the character and appearance of the Conservation Area to which I am required to have special regard and attention and to which the courts judge I am required to give considerable importance and weight.
15. The proposal is, therefore, contrary to Policy CS14 of the Camden Core Strategy (2010) which seeks to preserve and enhance Camden's rich and diverse heritage assets. The proposal is also contrary to Policy DP24 of the Camden Development Policies (DP) (2010) which seeks to secure high quality design. Furthermore, conflict arises with Policy DP25 of the DP which states that, amongst other things, the Council will only permit development within Conservation Areas that preserves and enhances the character and appearance of the area. Moreover, the proposal conflicts with paragraphs 132 and 134 of the Framework.

Other matters

16. Representations have been received from the neighbouring van hire business that the proposed use may prejudice their operation and development. Whilst I have had regard to these representations they would not alter my overall conclusion on the main issue.
17. The trees to the rear of the appeal property are protected by a Tree Preservation Order. No harm would arise to the trees due to the distance of the proposal from the trees.

Conclusion

18. For the reasons stated above and taking all other considerations into account the appeal should be dismissed.

Caroline Mulloy

Inspector