
Appeal Decision

Site visit made on 6 December 2016

by Beverley Wilders BA (Hons) PgDurp MRTPI

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

Decision date: 1 February 2017

Appeal Ref: APP/X5210/W/16/3158776
38 Regent's Park Road, London NW1 7SX

- 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 Steven Novick against the decision of the Council of the London Borough of Camden.
 - The application Ref 2016/0276/P, dated 18 January 2016, was refused by notice dated 12 July 2016.
 - The development proposed is described as demolition of side extension and erection of side and front extension at first and second floor, rear extension at second floor, creation of third floor roof terrace and external alterations in association with the amalgamation of two Class C3 residential flats into one flat.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development used in the heading above has been taken from the application form. However revised plans were submitted prior to the Council's decision being issued and I have been provided with copies of emails between the appellant and the Council confirming that the amalgamation of the two flats element of the proposal was removed prior to the Council's determination of the application. I have determined the appeal accordingly.
3. The appellant has expressed concern regarding the Council's reference to second and third floor rear and side extensions on the decision notice. However I am satisfied that it is clear from the Council's Officer Report and decision notice that it considered and determined the proposal as shown on the submitted and revised plans which incorporates a second floor side and rear extension with a third floor roof terrace above.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the host building and the Primrose Hill Conservation Area and on the setting of 36 Regent's Park Road, a Grade II listed building.

Reasons

5. The appeal site is located in the Primrose Hill Conservation Area (CA). The Council's CA Statement for Primrose Hill (CAS) divides the CA into sub areas with the appeal site being located within Sub Area One – Regent's Park Road
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- South. The CAS states that this sub area is characterised by a low density of development and abundant vegetation with a large number of mature street trees and private trees to garden areas creating green corridors to the principal roads. These roads are dominated by large villa style properties that are set back from the highway and surrounded by substantial garden spaces. Rear gardens are also visible through gaps between buildings and in views from secondary roads and mews. The host building, together with the row of adjacent buildings between 40 and 70 Regent's Park Road, is identified as making a positive contribution to the character and appearance of the area. The adjoining property at 36 Regent's Park Road is a Grade II listed building.
6. The appeal site comprises the upper floors of a traditional villa style property. The host building is constructed from brick with render to the front elevation. It has had numerous alterations including a side infill extension and roof extensions and has an existing flat roofed side and rear extension which extends beyond and partly across the rear elevation of the original part of the host building. There are views of the rear elevation of the host building and its immediate neighbours from Kingstown Street to the rear.
 7. The proposal includes the replacement of the existing partly glazed side infill extension with a more traditional masonry extension to match the height and design of the adjoining infill at No 36. The Council raised no objections to this element of the proposal considering that it would enhance the appearance of the host building and its relationship with No 36. I have no reason to disagree with the Council's conclusions in relation to this matter.
 8. However the proposal also includes a second floor extension above the existing side and rear extension with a third floor terrace above. The terrace would be enclosed by a frameless glass balustrade. Despite being below the eaves height of the host building and No 36, the proposed additional height when combined with the width and depth of the side and rear extension would result in the extension having a more dominant appearance in relation to the host building. In addition the glazed balustrade and the use of the roof of the extension as a third floor terrace would introduce further development and visual clutter at a high level to the rear of the host building. The proposed side and rear extension would therefore be harmful to the character and appearance of the host building notwithstanding that the balustrades would be lightweight in appearance and that the appellant has sought to complement a previously approved scheme which incorporates glazed balustrades.
 9. Though the height of the proposed second floor side and rear extension would match that of the side extension at No 36, the glazed balustrade above it would be higher. In addition as with the existing side and rear extension the proposed second floor extension would extend beyond the rear elevation of No 36 and would be much wider than the same height element at No 36. Consequently the extended rear elevation of the host building would dominate the rear elevation of No 36. This would be harmful to the setting of No 36, a Grade II listed building.
 10. As stated, there are views of the rear elevation of the host building and its immediate neighbours including No 36 from elsewhere within the CA. Whilst these may be limited to gaps between buildings and whilst screening may limit the views further at certain times of the year, the proposal would nevertheless be seen from public vantage points beyond the appeal site boundary.

Therefore the harmful impact of the proposal on the character and appearance of the host building and on the relationship with and the setting of No 36 would also have an adverse effect on the character and appearance of the CA.

11. My attention has been drawn to numerous examples of other rear extensions including roof additions in the immediate vicinity of the appeal site and I have had regard to these in reaching my decision. However whilst I agree that they comprise part of the character of the area and whilst I have been provided with some information and plans relating to these developments I note that some were granted planning permission some considerable time ago and they do not appear to be directly comparable to the proposal. I am not fully aware of the details or particular circumstances relating to these cases and consequently afford them limited weight. In any event I must determine the proposal before me on its own merits.
12. I have also had regard to the previous permissions for rear extensions and alterations at the appeal site (Ref CTP/J10/15/D/32120(R), CTP/J10/5/D/HB2655(R) and 2013/1041/P), note that the proposal followed an earlier refusal (2014/7971/P) and that the appellant has sought to address the concerns previously raised by the Council. However although the previous permissions included rear extensions and in the case of the latter permission, glazed balustrades, the rear extensions proposed were smaller and the glazed balustrades lower than is the case with the proposal. Consequently these permissions are not directly comparable to the proposal which I consider would be more harmful to the host building, the CA and the neighbouring listed building.
13. I consider that the harm to the significance of the CA and the setting of the listed building would be less than substantial. As I have found harm to the significance of the CA and to the setting of the listed building, having regard to paragraph 134 of the National Planning Policy Framework (the Framework), this harm needs to be weighed against the public benefits of the proposal. Whilst the proposal would offer some benefits in terms of improvements to the front elevation of the host building, I do not consider that these equate to a public benefit that would outweigh the harm identified.
14. Taking the above matters into consideration, I conclude that the proposal would have an adverse effect on the character and appearance of the host building and the Primrose Hill Conservation Area and on the setting of 36 Regent's Park Road, a Grade II listed building. It is therefore contrary to the development plan and in particular policies CS5 and CS14 of the Camden Local Development Framework Core Strategy and policies DP24 and DP25 of the Camden Local Development Framework Development Policies. These policies require, amongst other things, development of the highest standard of design that respects local context and character and preserves and enhances Camden's heritage assets.

Conclusion

15. For the above reasons and having regard to all matters raised, I hereby conclude that the appeal should be dismissed.

Beverley Wilders

INSPECTOR