

Appeal Decision

Site visit made on 25 October 2016

by Andrew McCormack BSc (Hons) MRTPI

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

Decision date: 20 February 2017

Appeal Ref: APP/X5210/W/16/3156572 **30 Ornan Road, London NW3 4QB**

- 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 & Mrs Andrew & Alexandra Maurice against the decision of the Council of the London Borough of Camden.
 - The application Ref 2016/3305/P, dated 14 June 2016, was refused by notice dated 8 August 2016.
 - The development proposed is construction of first floor extension at second floor level above existing roof set within existing parapet, with terrace-balcony deck at rear, to provide additional living space.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appeal was originally to be dealt with by way of the Householder Application Service. However, following the site visit it became apparent that an interested party had not been given a reasonable opportunity to comment on revised plans which had been submitted by the appellant. In my view, not having such an opportunity would not reflect the principles of fairness, openness and transparency. As a result, the appeal has been dealt with under the standard Section 78 Appeal procedure. Having considered all submissions and statements on this basis, I have determined that a second site visit was not necessary.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the Fitzjohns and Netherhall Conservation Area.

Reasons

4. The appeal site is an end terrace property which forms part of a group of three two-storey houses on the north side of Ornan Road. Although not listed, the property is within the Fitzjohns and Netherhall Conservation Area (CA). The property has had several additions and alterations including the excavation of a large basement with a sunken garden and the conversion of the original ground floor garage. From the street, the group of three terrace properties, consisting of 26, 28 and 30 Ornan Road (Nos 26-30), appear largely uniform with each being predominantly unaltered at roof level and maintaining the strong parapet roofline and flat roofs.
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5. From the evidence before me, I find that the design and appearance of the proposed development fails to respond to the character and appearance of the host property or the CA either in its form or choice of materials. The existing buildings within the terrace of three dwellings have a simple appearance and design and are surrounded by trees and bushes. The addition of a roof extension to the host property would increase its prominence in the streetscene and would result in a stronger and detrimental impact on the local townscape and the CA.
6. The terrace is a distinct group of properties in the area. The consistent flat roof appearance contrasts with the rooflines of larger properties in the streetscene, particularly Nos 32 and 34 Ornan Road to the west of the appeal property. The terrace sits well within the streetscene and has a modest presence and scale. In addition, it is set back from the public highway. Notwithstanding this, whilst it would be secluded by nearby trees for some periods of the year, the addition of a roof extension to only one end property of the terrace, rather than as a group, would have a detrimental effect on the visual appearance, symmetry and balance of the three properties.
7. The appellant states that the proposed roof extension could be replicated across the terrace. However, I note that there is no legal control over whether this would be a realistic possibility. Furthermore, I am not persuaded that such an agreement could be achieved, particularly as each property would seem to be in different ownership.
8. The appellant argues that the design of the proposal has been carefully considered. Although the detailed design of the scheme is straightforward, I find that there would be little relationship between the proposal and the building below. As a result, the roof terrace would be an incongruous addition which would create an awkward juxtaposition between the existing and proposed elements of the property. The roof addition should demonstrate the highest standards of design and respond to the host building and its context which, in this case, is the CA. In my view, the proposed development would not achieve this and would therefore not meet the design requirements sought by the relevant local planning policies as specified by the Council.
9. As the proposal is situated within the CA, I have a duty to consider the impact of the proposal with regard to harm to the significance of the heritage asset and whether it would preserve or enhance the character or appearance of the CA. I note that the Fitzjohns and Netherhall CA Statement 2001 assessed the terrace of properties as making a neutral contribution to the character and appearance of the area. Notwithstanding this, having had regard to the evidence before me, I find that the impact of the proposal would be harmful to the CA. The harm would be less than substantial. However, I have not been made aware of any public benefits of the proposal which would substantively outweigh the harm identified. Furthermore, the proposal would have neither a preserving nor enhancing effect on the character or appearance of the CA.
10. I appreciate the points made by the appellant with regard to other nearby roof terraces, the design and materials used, how, in the appellant's view, the appeal proposal differs from the scheme at No 28 and how it steps up to No 32. Furthermore, I have given due regard to the points made relating to more garden space around No 30 to lessen its impact on surrounding properties and their occupiers and the subservience of the proposal to the host property.

However, I find that none of these points, individually or cumulatively, would be sufficient to override the significant harmful impact of the proposal on the character and appearance of the CA.

11. In addition, whilst the proposal would provide additional accommodation for the appellant, I find that this and other benefits would be outweighed by the significant harm I have identified in eroding the appearance of the host property and the balance, symmetry and appearance of the terrace of properties at Nos 26-30. The proposal would therefore make the terrace more prominent in the streetscene and it would not fully respond to its surrounding context which, in this case, would be the CA.
12. Consequently, I conclude that the proposed development would have a harmful effect on the character and appearance of the host property and the CA. It would therefore be contrary to Policies CS5 and CS14 of the London Borough of Camden Local Development Framework Core Strategy and Policies DP24 and DP25 of the Council's Development Policies. Amongst other matters, these policies seek to ensure that development is of a high quality design, preserves or enhances the special character of local heritage assets, including conservation areas, and has no materially harmful effect on the character and appearance of buildings and the surrounding area.

Other Matters

13. I acknowledge concerns raised by interested parties, particularly relating to the impact of the proposed development on neighbouring occupiers in terms of privacy and overlooking. Moreover, I appreciate that such matters are of importance to those affected. However, my consideration of them in this appeal would not materially alter my overall decision.

Conclusion

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

Andrew McCormack

INSPECTOR