
Appeal Decision

Site visit made on 21 March 2017

by Elizabeth Pleasant DipTP MRTPI

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

Decision date: 7 April 2017

Appeal Ref: APP/X5210/W/16/3161931

17 Boscastle Road, Camden, London NW5 1EE

- 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 Mrs Caroline Gladstone against the decision of the Council of the London Borough of Camden.
 - The application Ref 2016/0758/P, dated 10 February 2016, was refused by a notice dated 8 July 2016.
 - The development proposed is a single storey, one-bedroom house at the rear of 17 Boscastle Road, a semi-detached townhouse. The site is partly occupied by two garages and a garden store, these existing building are proposed to be demolished. There is an existing mews road serving the back of the garages and this will form the access of the proposed house.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council's decision notice advises that reasons for refusal Nos. 4 and 5 could be overcome by entering into a Section 106 agreement. A signed and completed undertaking under Section 106 of the Town and Country Planning Act 1990 has accompanied the appeal. It contains obligations to secure the development as car free, and undertakes to submit a Construction Management Plan to prevent parking stress and congestion in the surrounding area, secure pedestrian safety and protect amenity. I consider that the provisions of the undertaking are necessary to make the proposed development acceptable in planning terms, having regard to reasons for refusal Nos 4 and 5, and that they otherwise accord with Regulation 122 (2) of The Community Infrastructure Levy Regulation 2010.

Main Issues

3. Having regard to the outstanding reasons for refusal, I consider the main issues to be the effect on the:
 - Character and appearance of Dartmouth Park Conservation Area;
 - Living conditions of neighbouring residents, with particular regard to noise and disturbance; and
 - Living conditions of future occupiers, with particular regard to outlook.
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Reasons

Character and appearance of Dartmouth Park Conservation Area

4. The appeal site currently forms part of the rear garden of 17 Boscastle Road and adjoins Grove Terrace Mews. It lies within Dartmouth Park Conservation Area and the adopted Dartmouth Park Conservation Area Appraisal and Management Statement, 2009 (CAMS) recognises the contribution that the large garden areas of many of the properties within this area make to its semi-rural quality on the fringe of the Heath.
5. Grove Terrace Mews separates the ends of the rear gardens of the houses on Boscastle Road and Grove Terrace. It is an attractive and tranquil lane which provides access to a number of single storey garages and buildings which are positioned within the rear gardens of the neighbouring properties. It presents a utilitarian character which serves the parking and storage needs of the adjacent properties, and the CAMS attributes the interest of this lane to the *'small scale and intimate spaces created by the buildings that face the garden walls at the rear of Boscastle Road.'*
6. The existing double garage and store which front onto the mews, and which the proposed dwelling would replace, sit comfortably within their setting. In contrast, their replacement with a new dwelling in this established 'back of house' location, would conflict sharply with the historic pattern of residential development in this area.
7. The proposed dwelling would be sited directly in front of the entrance to Grove Terrace Mews. Consequently, it would be visually prominent when entering the lane and clearly open to public views from Grove Terrace. Despite the siting, layout and use of traditional brickwork for the proposal, which I understand aims to visually link it to the neighbouring garages; the dwelling would appear incongruous in this location. It would be particularly conspicuous by reason of its height, unusual winged roof form and the way it presents itself to the lane, and its overall form would contrast sharply with the established small-scale horizontal grain of the 'street' scape. The dwelling in this location would intrude into the prevailing intimate and harmonious utilitarian space which defines the special character of the mews, and it would be at odds with the back garden and service area in which it would be located. Moreover, it would lead the viewer to question how it came to be.
8. I have taken into consideration the detached property which is located at the northern end of the mews. However, historically there has always been a house in this location, and consequently it has a different setting and relationship to the lane than the appeal proposal. The presence of this other dwelling does not alter the prevailing character and pattern of development in the area which I have described above, and I therefore give this consideration limited weight.
9. I conclude that the proposed dwelling would cause significant harm to the character and appearance of Dartmouth Park Conservation Area. It would cause less than substantial harm to the Conservation Area as a heritage asset. This harm is not outweighed by any public benefits, including the social benefits of providing accessible living accommodation for the appellant. The proposal is therefore contrary to policies in the National Planning Policy Framework which seek to conserve and enhance the historic environment and

conflicts with Policies CS5 and CS14 of the London Borough of Camden Local Development Framework Core Strategy (CS) and Policies DP24 and DP25 of London Borough of Camden Local Development Framework, Development Policies (DPM) which seek to ensure, amongst other things, that new development respects local context and character, takes account of conservation area statements and only permit development which preserves and enhances Camden's heritage assets.

Living conditions of neighbouring residents

10. The deep and verdant garden areas of properties on Boscastle Road and Grove Terrace provide their residents with an unusual high sense of tranquillity for an urban area. Although I recognise that the new dwelling would only be suitable for occupancy by a single person or couple, the vehicle movements and activity associated with the dwelling would not be confined to its occupants. It would also attract visitors, service and delivery vehicles. Although those movements would not be substantial in numbers, in view of the existing very private and serene nature of this area, any material increase in activity in this location would change the peaceful environment currently enjoyed by neighbouring residents within their garden areas, and have a harmful effect on their living conditions.
11. I understand the personal circumstances of the appellant, and the intention to provide accommodation for elderly persons. However, it is not possible to control the activities and movements of any future occupiers of the dwelling, and I therefore give this consideration only limited weight.
12. I conclude that the proposed development would have a harmful effect on the living conditions of neighbouring residents, with particular regard to noise and disturbance. I therefore find conflict with the development plan, and in particular with Policy CS5 of the CS and Policy DP26 of the DMP which seek to ensure, amongst other things, that the impact of development on occupiers and neighbours is fully considered and does not cause harm to amenity, including the impact from noise.

Living conditions of future occupiers.

13. The proposed dwelling would have two private courtyards available for use as external amenity space. Although each area would be relatively small, overall there would be sufficient space for future occupiers to sit out, dry clothes and a place to store bins and cycles. Furthermore, the proposed living space would be well lit by both skylights and large glass doors which would open out into the courtyard areas. Consequently, although the outlook from the dwelling would be relatively enclosed by the sites boundary walls, the proposed living accommodation would not feel oppressive.
14. I therefore conclude that the proposed dwelling would provide for acceptable living conditions for its future occupiers, with particular regard to outlook. I therefore find no conflict with the development plan, and in particular with Policy CS5 and CS6 of the CS and Policy DP26 of the DMP which seek to ensure, amongst other things, that new development provides quality homes with an acceptable standard of accommodation for future occupiers.

Other Matters

15. I have had regard to permitted development rights which would allow for the construction of a large building within the garden area of the existing dwelling. However, although such a building could have some of the characteristics of the proposed dwelling in terms of footprint and design, it would not allow for a building as high as the proposed building in this case and nor would it allow for a building to be used as a separate dwelling. The proposed height and residential use of the appeal proposal would contribute to the harm I have identified in the main issues above, and therefore the existence of permitted development rights is not a material consideration in this instance.
16. I have had regard to the appellant's personal circumstances and taken into account the contribution the proposed dwelling would make to meeting housing needs within the Borough. However, the social benefits that would be derived from a single accessible dwelling would not outweigh the harm I have identified to the character and appearance of Dartmouth Park Conservation Area, and the living conditions of neighbouring residents.

Conclusion

17. Although I have found that the proposed development would provide for acceptable living conditions for future residents, I have found that it would cause significant harm to the character and appearance of Dartmouth Park Conservation Area and the living conditions of neighbouring residents. Therefore, for the reasons given above and taking into account all other matters raised, I conclude that the appeal should be dismissed.

Elizabeth Pleasant

INSPECTOR