

Appeal Decision

Site visit made on 20 June 2017

by **Roy Merrett BSc(Hons) DipTP MRTPI**

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

Decision date: 06 July 2017

Appeal Ref: APP/X5210/W/17/3172668

205 - 207 Queen's Crescent, London NW5 4DP

- 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 Stavros Fatalios, Tortuga Investments Limited, against the decision of the Council of the London Borough of Camden.
 - The application Ref 2016/6808/P, dated 9 December 2016, was refused by notice dated 6 March 2017.
 - The development proposed is a mansard roof addition.
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Decision

1. The appeal is allowed and planning permission is granted for a mansard roof addition at 205 - 207 Queen's Crescent, London NW5 4DP in accordance with the terms of the application Ref 2016/6808/P, dated 9 December 2016 and subject to the conditions below.

Procedural Matter

2. Since the Council issued its decision, the appellant has submitted amended drawings omitting the proposed cycle shelters from the scheme. The Council has confirmed that the proposed amendment overcomes its opposition to the scheme on grounds of the scale and appearance of the shelters. I consider that the amended drawings, in this case, can be accepted without resulting in prejudice to any of the parties. Accordingly the Council's refusal reason 5 falls away and there is no need for me to address this matter in my decision.

Main Issues

3. The main issues are the effect of the development on i) the character and appearance of the existing building and surrounding area; ii) the living conditions of neighbouring residents with particular regard to outlook and iii) whether a planning obligation is necessary to secure a car-free development and a construction management plan.

Reasons

Character and Appearance

4. The appeal site is part of a mixed use area which includes residential and retail uses along Queen's Crescent. It is, however, within a peripheral location, part of a short section of that street situated between its junction with Grafton Road and Gillies Street. The appeal building is detached, comprising an
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amalgamated pair of units with a single front entrance door. On one side is the rear elevation of a three storey residential terrace fronting Grafton Road, which the appeal building is subordinate in height to. On the other side are the relatively open grounds of a primary school. Opposite the site is a shorter two storey building which, constructed in brown brick, differs from the appeal building in both scale and appearance.

5. Given the surrounding context of varied or undeveloped frontages, the appeal building has a 'stand alone' appearance within this short section of Queen's Crescent. The Council has set out that the shorter height of the buildings on Queen's Crescent gives this part of the street the characteristic of appearing secondary and subordinate to the terraces on Grafton Road. However because of the short and varied nature of this part of the street, I do not concur with the Council that such a hierarchy of built form is a strong and distinctive characteristic.
6. The proposed mansard roof would be of limited height and would incorporate sloped front and rear elevations. It would therefore appear as a proportionate rather than dominant extension. In addition the scale and alignment of windows in the front elevation of the extension would give the already amalgamated building a more cohesive and integrated appearance.
7. Taking account of the above context, the proposal would not interrupt any strong sense of uniformity in the scale and appearance of buildings along the street scene. Furthermore, it was apparent from my visit that several buildings along Queen's Crescent further to the west incorporate mansard roofs, with an extension of this type currently under construction at the nearby Mamelon Tower building. The proposal would not therefore appear as an unfamiliar feature within the wider locality.
8. Drawing the above considerations together I conclude that the proposal would not result in harm to the character and appearance of the existing building and surrounding area. It would not therefore conflict with Policy CS14 of the London Borough of Camden Core Strategy 2010 (CS); Policy DP24 of the London Borough of Camden Development Policies 2010 (DP); emerging Policy D1 of the Camden Local Plan Submission Draft (SD) and the Council's Design Planning Guidance 2015 insofar as they seek to promote high quality design which has regard to the character of its surroundings.

Living Conditions

9. There is limited separation between the rear windows in the adjacent Grafton Road terrace and the side elevation of the appeal building. However, outlook from these rear windows is already substantially onto the blank side elevation of the appeal building. Therefore, in this context, and taking into account the limited height of the proposed mansard roof, it seems to me that there would not be any significant impact on outlook for residents, resulting from an increased sense of enclosure, when compared to the impact that is already experienced.
10. I therefore conclude that the proposal would not result in harm to the living conditions of neighbouring residents with particular regard to outlook. Accordingly I find no conflict with Policy CS5 of the CS; Policy DP26 of the DP and Policy A1 of the SD insofar as they seek to protect the living conditions of residents.

Planning Obligation

11. Regulation 122 of the Community Infrastructure Levy Regulations 2010 states that a planning obligation may only constitute a reason for granting planning permission for the development where it meets three tests. The tests, which are restated in paragraph 204 of the National Planning Policy Framework (the Framework) are as follows:
 - Necessary to make the development acceptable in planning terms;
 - Directly related to the development; and
 - Fairly and reasonably related in scale and kind to the development.
12. The area is part of a controlled parking zone where residents are required to hold a parking permit due to high levels of demand. Although the proposal would result in the provision of three additional bedrooms, not all new residents may be car owners. Either way, any additional demand for parking is likely to be very small, considering the limited scale of development. Any harm arising from this, in terms of additional parking stress and congestion would therefore be extremely limited.
13. The proposal would extend the existing House in Multiple Occupation and it is undisputed that existing residents there are not excluded from entitlement to parking permits. A planning obligation aimed at securing a car-free development could therefore only reasonably be applied to future occupiers of the extended part of the building. However, from the information before me, such an obligation would be very difficult or impossible to enforce as it would only apply to a small proportion of residents occupying the same address. If, alternatively, the obligation were to apply to all occupiers of the property, it seems to me that this would be unreasonable as it would go beyond addressing the impact of the development itself.
14. Drawing the above considerations together, I am not persuaded that a planning obligation to secure car-free development would meet the relevant Regulation 122 and Framework tests of being necessary or fairly and reasonably related in scale and kind to the development. I conclude that a planning obligation to secure car-free development is not required and I therefore find no conflict with Policy CS19 of the CS in this regard, which is concerned with the appropriate use of planning obligations to mitigate the impact of development.
15. Whilst the proposal not to provide a car-free development would be at odds with Policy CS11 of the CS; Policies DP18 and DP19 of the DP and Policies T1 and T2 of the SD which seek to promote sustainable travel and car-free development and resist proposals that would add to on-street parking demand, for the aforementioned reasons there is not a compelling justification to apply these policies in order to manage the local road network in this specific case.
16. The Council sought a planning obligation from the appellant to secure a construction management plan in order to mitigate the impact of the development on traffic disruption, highway and pedestrian safety and residential amenity. I have had regard to the Council's guidance on when it will seek construction management plans as set out in Camden Planning Guidance 6 – Amenity. I am mindful that the proposal in this case would comprise of a relatively small scale scheme, would not be expected to generate significant amounts of construction related traffic and involves a site which

does not suffer from particularly poor accessibility. Furthermore I have no reason to expect that the project would be unduly lengthy.

17. The site would, however, be immediately adjacent to a primary school and residential accommodation. Accordingly, a planning condition to control construction working hours, in the interests of residential amenity, and dust emissions from the site in order to avoid undue disturbance to surrounding land uses would be appropriate in this case. However, taking into consideration the scale and nature of development proposed, I am not persuaded that a planning obligation to secure further construction and transport management measures would meet the relevant Regulation 122 and Framework tests of being necessary or fairly and reasonably related in scale and kind to the development.
18. I therefore conclude that a planning obligation to secure a construction management plan is not required and find no conflict with Policies CS5, CS11 and CS19 of the CS; Policies DP16, DP20, DP21, DP26, DP28 and DP32 of the DP and Policies A1 and T4 of the SD insofar as they seek development to have regard to environmental protection, highway and pedestrian safety and residential amenity.

Conditions

19. The Council has suggested various conditions. Conditions specifying the plans and requiring details of the external materials are needed to safeguard the character and appearance of the area. A condition requiring a construction management plan to control construction working hours and dust emissions from the site is necessary to protect the living conditions of nearby residents and people present within the nearby school.

Conclusion

20. For the above reasons, and having considered all other points raised, I conclude that the appeal should succeed and planning permission be granted.

Roy Merrett

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: EH01OS; EH01BP; EH03; EH03a Rev A; EH04; EH05; EH06; EH07; EH08; EH09; EH10; EH11; EH12 Rev A; EH13; EH14 Rev A.
- 3) No development shall commence until details of the materials to be used in the construction of the external surfaces of the extension hereby permitted have been submitted to and approved in writing by the local planning

authority. Development shall be carried out in accordance with the approved details.

- 4) No development shall take place until a construction management plan has been submitted to and approved in writing by the local planning authority. The plan shall provide for the control of construction working hours and the emission of dust and dirt. The approved construction management plan shall be adhered to throughout the construction period for the development.