
Appeal Decision

Site visit made on 23 May 2017

by Roy Merrett BSc(Hons) DipTP MRTPI

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

Decision date: 08 June 2017

Appeal Ref: APP/X5210/D/16/3164956
Flat 3, 137 Malden Road, London NW5 4HS

- 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 Wacinski against the decision of the Council of the London Borough of Camden.
 - The application Ref 2016/4805/P, dated 31 August 2016, was refused by notice dated 26 October 2016.
 - The development proposed is the creation of a green roof and a roof terrace with access via an internal staircase and a sliding rooflight.
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Decision

1. The appeal is allowed and planning permission is granted for the creation of a green roof and a roof terrace with access via an internal staircase and a sliding rooflight at Flat 3, 137 Malden Road, London NW5 4HS in accordance with the terms of the application Ref 2016/4805/P dated 31 August 2016 and subject to the following 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: EP1; EE1; ES1; PP1; PE1; PS1.
 - 3) No development shall commence until details of the materials to be used in the construction of the external surfaces of the development 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.

Main Issue

2. The main issue is the effect of the roof terrace and balustrade on the character and appearance of the host building and surrounding area.

Reasons

3. The appeal site is part of a tall terrace of properties, some of which incorporate mansard roofs. It was also apparent from my visit that two properties in the terrace at Nos 117 and 131 have constructed roof terraces with balustrades. This stretch of residential development therefore exhibits variation in the
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- roofline and is not unimpaired by the kind of development that is sought in this case.
4. The proposed balustrade would be significantly set back from the front elevation of the host building. Considering the overall height of this building, the development would not, therefore, be significantly visible from viewpoints along Malden Road. It would also be set further back when compared to the balustrade at No 131. From Malden Road, the development would not, therefore, draw the eye as an incongruous feature, interrupting or unbalancing the uniformity of the street scene.
 5. Though it would be substantially screened by existing buildings, the rear of the balustrade would be more prominent from certain viewpoints to the west and south of the site including the public highway along Malden Place and Quadrant Grove and the rear of nearby private properties.
 6. However from Malden Place, visibility would be limited to a short fleeting glimpse via a gap between buildings. The structure would be visible against the skyline from the rear of adjacent private properties and from Quadrant Grove. However the dark colouring, limited height and lack of solid surface of the railings, would give the balustrade a recessive appearance that would not tend to draw the eye as clutter. Furthermore, considering the overall scale of the host building, it would not appear as a disproportionate addition that would add significantly to its bulk or unbalance the architectural composition. Visual impact would be further mitigated from Quadrant Grove, where views would be at greater distance thus further reducing the apparent scale of the development.
 7. I therefore conclude that the proposal would not result in harm to the character and appearance of the host building and surrounding area. It would not therefore conflict with the Policy CS14 of the Camden Core Strategy 2010 or Policy DP24 of the Camden Local Development Framework Development Policies 2010 insofar as they seek to promote the highest standard of design having regard to character, setting and context.
 8. I have taken into account the Council's Design Planning Guidance (CPG1) 2015, which sets out various guidelines for roof terraces. The proposal would not strictly accord with all of the guidelines therein, however the specific circumstances of this case, as set out above, serve to justify the development.

Conditions and Conclusion

9. For the above reasons, and having considered all other points raised, I conclude that the appeal should succeed and planning permission be granted.
10. Conditions specifying the plans and requiring details to be agreed of the materials to be used in the external surfaces of the development are needed to safeguard the character and appearance of the area.

Roy Merrett

INSPECTOR