



---

# Appeal Decision

Site visit made on 24 July 2017

**by Caroline Jones BA (Hons) DipTP MTP MRTPI**

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

**Decision date: 4 August 2017**

---

**Appeal Ref: APP/X5210/W/17/3174423**

**338 Kilburn High Road and 2A Iverson Road, London NW6 2QN**

- 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 Mark Low against the decision of the Council of the London Borough of Camden.
  - The application Ref 2016/6270/P, dated 14 November 2016, was refused by notice dated 8 February 2017.
  - The development proposed is erection of one part single, part two story roof extension to create 1 x 1 bed and 2x 2 bed self-contained units.
- 

## Decision

1. The appeal is dismissed.

## Procedural Matter

2. Following the determination of the application and submission of the appeal, the Council adopted the Camden Local Plan (LP) which has replaced the Camden Core Strategy and Camden Development Policies. Therefore, in determining the appeal, I have had regard to the LP policies identified by the Council which supersede the policies of the Core Strategy and Development Policies set out in the decision notice. The appellant has had the opportunity to comment on the implications of the adopted policies to his case.

## Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the host property and surrounding area.

## Reasons

4. The appeal property occupies a prominent corner plot located on a busy crossroads at the junction of Kilburn High Road and Iverson Road. The building is a four storey property with commercial uses on the ground floor. The property benefits from permission for C3 use on the first, second and third floors<sup>1</sup>. The property is an attractive 19<sup>th</sup> Century brick building which provides architectural and historic interest to the character and appearance of the area. There is a certain regularity and rhythm to the facades which together with the fine architectural detailing creates an imposing frontage onto the crossroads.

---

<sup>1</sup> Planning application Refs: 2014/0548/P & 2014/7304/P

- The surrounding area comprises a great variety of properties in terms of scale, massing, age and height.
5. The proposal comprises the erection of a part one and part two storey flat roof extension with angular roof slopes constructed in two shades of grey standing seam zinc vertical cladding. The roof extension would be set back from the main elevation and the fifth floor would include a roof terrace. The windows would be aluminium framed.
  6. The contemporary and asymmetrical box like additions would fundamentally change the proportions, height, shape and visual integrity of the existing building. The upward extension would be a prominent and top heavy addition. Together with the use of grey materials the additional floors would appear in stark contrast to the handsome facades of the building. The uneasy contrast of materials and detailing would result in a visually incongruous and disproportionate addition.
  7. I accept that the structure would not be visible above the parapet in shorter views close to the building and that the railway bridge would screen views from the south. However, the extensions would be visible when travelling from the west along Cavendish Road and to a lesser degree from the east when travelling along Iverson Road. It would be particularly visible when approaching the crossroads from the north. From this view point, I agree with the Council that the appeal building forms a pair with 375 Kilburn High Road. The buildings are clearly of the same era, of a similar height, each with a bevelled corner onto the crossroads. The two buildings, despite architectural variances complement each other in the street scene and the proposed additions would unacceptably alter and unbalance this positive relationship.
  8. The fact that there is variation in the design and scale of surrounding properties and the presence of antennae on the roof of the appeal property does not justify the relatively major works proposed at roof level. Whilst I note the windows would align with those below, I do not agree that it would be a positive addition nor does the proposal create a direct reference to a traditional mansard structure. Rather, the scale of the extension and the contrast of the existing and proposed materials would give it an unacceptably dominant presence over the crossroads detracting from the building's distinctiveness. The building forms an inherent part of the character and appearance of the busy crossroads and the proposal would have a detrimental effect upon the architectural integrity of this handsome building and its contribution to the area.
  9. In reaching these findings, I am mindful that paragraph 60 of the National Planning Policy Framework (the Framework) states that decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. That said, for the aforementioned reasons I find that the proposal conflicts with one of the core principles of the Framework, that planning should always secure high quality design and paragraph 64 which states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area.
  10. The appellant has drawn my attention to several properties that they assert demonstrate the variety of heights, bulk and design composition of traditional

and contemporary forms. With the exception of Suffolk house, I was able to consider the examples at my site visit. I am not persuaded that any of the examples put before me are directly comparable to the appeal scheme either in terms of their architectural and historic form or their context. The buildings at 377 and 357-363 Kilburn High Road are standalone new builds which are located in a different local authority area and were therefore assessed under a different policy context and prior to the publication of the Framework. For these reasons I attach little weight to these examples.

11. I note from the aerial photographs provided that the property at 375 Kilburn High Road comprises three storeys with a mansard roof extension. However, from the information before me it appears that it is a traditional single storey mansard and an inconspicuous addition to the property. Similarly, the roof extensions at 340-354 Kilburn High Road are single storey of a traditional mansard design. I agree with the Council that these examples are more appropriate in their scale. I do not consider that Springfield House, a 1980s purpose built property is either architecturally or proportionally comparable to the appeal property. I note that Suffolk House provides an example of a modern extension to a period property. However, from the limited information before me, it does not appear comparable to the appeal building in composition, scale or surrounding context. In any case, each appeal must be considered on its own merits.
12. I therefore conclude that the proposal would materially harm the character and appearance of the host property and the area thereby conflicting with Policy D1 of the LP which requires, amongst other things, development to be of the highest architectural and urban design quality which improves the function, appearance and character of the area.

### **Other Matters**

13. A signed and dated legal agreement under section 106 of the Town and Country Planning Act 1990 has been submitted which has been accepted by the Council as addressing reasons for refusal No 2-5. Notwithstanding, were I to allow the appeal, I would still need to consider the obligation against the relevant statutory tests. However, as I have found harm in relation to character and appearance, there is no necessity for me to consider this further.
14. I note that Policy H4 of the Local Plan states that the Council will expect a contribution to affordable housing from all developments that provide one or more additional homes and involve a total addition to residential floorspace of 100m<sup>2</sup> of GIA or more. In this regard the Council state that a contribution of £31,959 would be required and that this could be secured by way of an attached condition which has been agreed by the appellant. I have my doubts on whether a condition would be appropriate having regard to the Planning Practice Guidance which advises that a positively worded condition should not be used to require a payment of money. Nevertheless, in light of my findings above I have not considered this matter further.
15. Notwithstanding the above, the potential contribution towards affordable housing is a benefit weighing in favour of the scheme. In addition the proposed development would contribute to housing supply in the Borough including units of size that are a priority to the Council in an accessible location which is identified for growth. However, whilst these benefits are material considerations which weigh in favour of the proposal, the benefits associated

with three dwellings are not sufficient to outweigh the harm that would result to the character and appearance of the host property and the surrounding area if the proposal were to go ahead.

**Conclusion**

16. For the reasons given above and taking into account all other matters raised, I conclude that the appeal should be dismissed.

*Caroline Jones*

INSPECTOR