



Appeal Decision

Site visit made on 16 August 2017

by S Jones MA DipLP

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

Decision date: 12 September 2017

Appeal Ref: APP/X5210/W/17/3176547
Flat 1, 8 Ainger Road, London NW3 3AR

- 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 Daniel Harvey against the decision of the Council of the London Borough of Camden.
 - The application Ref 2016/6958/P, dated 19 December 2016, was refused by notice dated 13 April 2017.
 - The development proposed is formation of duplex flat and single storey rear extension over existing flat roof.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. After submission of the appeal, the London Borough of Camden adopted a new Local Plan on 3 July 2017. The policies in that Plan supersede previous policies, and this is the development plan for the purposes of this appeal. This has been brought to the appellant's attention and, since the draft policies were already referred to by the Council in their Officer's Report, I am satisfied that no prejudice thereby arises to any party.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the property as a locally listed building, and on the surrounding terraces which are also locally listed.

Reasons

4. The property is a substantial terrace currently divided into flats and is a locally listed building recorded in the Camden Local List January 2015. The Ainger Road group of later 19th century terraces are said to have a particular uniformity and consistency in the townscape which is considered noteworthy by the Council. Consequently in determining this appeal I must be mindful of the effect of the proposed development on the significance of the appeal property and the terraces as non designated heritage assets in accordance with paragraph 135 of the National Planning Policy Framework (the Framework). It is not in a Conservation Area.

5. Originally No 8 was the end terrace in its particular row, with a passageway to its side giving rear access to the yard behind it. 3-7 Ainger Road was originally a separate terrace. At some point a side extension has been built above the passageway access to the yard to join up No 8 and No 7 and form a continuous row. The rear of Ainger Road has already seen a number of cumulative extensions.
6. The proposed extension at the appeal property would reconfigure the ground floor and first floor flats to create a 4 bedroomed maisonette. It would infill between No 8 and No 9 to create a flatroofed two storey square extension abutting the adjoining closet wing at No 9 without extending any deeper than it does at present. I find that building across the full width at first floor level, and raising the extension roof level by about 750mm would intensify the scale and bulk of the building, contributing to the piecemeal infill at the property to a harmful extent.
7. Moreover, this would be particularly harmful because the design would alter the remaining original layout to the windows and have a harmful effect on two windows which still reflect the original appearance. One would be removed completely and adapted to become an internal doorway, and one would be covered over by the extension. Removing or obscuring more original openings and adding a further different modern square window at first floor level would not complement the building's original style and would further detract from its character and appearance overall.
8. I note that 3-7 Ainger Road and 8-29 Ainger Road represent two separate rows of differently built terraces. They do not have the same design, roofs or windows. The proposal would resemble the flatroofed square rear extension at No 7 on the opposite side of the passageway. The appellant argues that the development would not be harmful because of the characteristics of the adjoining extensions at Nos 3-7, and other intensive rear alterations in the terraces, with a lack of views into the rear generally. The appellant also refers to policies 7.4 and 7.6 of the London Plan 2016 with regard to the high quality suitable design submitted.
9. The Council states that the stretch of terraces from 8-12 Ainger Road does not have the same pattern of rear development as Nos 3-7 because they generally have one particular type of mono pitched roof closet wing extension that does not extend across the full width of the property. The Council contends that the characteristics of a building and the townscape are not limited to the frontage and that significance is not reliant on being seen.
10. Nevertheless, whilst I can appreciate differing views on design and whether a closet wing or a square flatroof would better harmonise with the immediate surroundings, overall I consider that as the development would further erode the original window layout that featured in this section of the locally listed terraces at Ainger Road, it would be harmful to the character and appearance of the surrounding area. Even if I were to accept the appellants arguments about limited views of the development, I would still conclude that it would result in harm because window layout including in the rear elevations forms part of the features and significance of the terraces overall.
11. As a result of identifying harm to the building and the terraces, in accordance with paragraph 135 of the Framework I must now have regard to the scale of harm and the significance of the non designated heritage assets, which are also

given particular emphasis in Policy D2 of the new Local Plan. As set out above, I find that considerable harm to the appeal property as a locally listed building would be caused by the introduction of a bulky unsympathetic development that would erode its remaining features, have an adverse impact on its window arrangement and detract from its significance. Likewise, this would have a considerable adverse impact on the locally listed terraces harming their significance by eroding part of the consistency of the remaining features and the original layout of the group, which remain apparent despite subsequent alterations.

12. Due to the harm to the character and appearance of the locally listed building and the surrounding locally listed terraces the development would be contrary to Policies D1 (Design) and D2 (Heritage) of the London Borough of Camden Local Plan 2017 and the Framework which seek to secure appropriate design which protects heritage assets.

Conclusion

13. From the information before me, no matters have been found to outweigh the harm identified from the development. For the reasons given above I conclude that the appeal should be dismissed.

S Jones

INSPECTOR