
Appeal Decision

Site visit made on 26 September 2017

by Beverley Wilders BA (Hons) PgDurp MRTPI

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

Decision date: 18 October 2017

Appeal Ref: APP/X5210/W/17/3179194

Flat A, 25 King Henry's Road, London NW3 3QP

- 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 & Mrs E Gutierrez against the decision of the Council of the London Borough of Camden.
 - The application Ref 2017/0918/P, dated 15 February 2017, was refused by notice dated 13 April 2017.
 - The development proposed is changes to the existing basement, ground floor rear extension, changes to rear facade and other small works.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Camden Local Plan (CLP) was adopted on 3 July 2017 and replaces the Camden Core Strategy 2010 – 2025 and the Camden Development Policies 2010-2025. The CLP was adopted after the application was determined and the appeal was submitted. Policies A1, D1 and D2 of the emerging Local Plan were referred to in the Council's reasons for refusal and in reaching my decision I have had regard to these now adopted policies. As the relevant CLP policies were referred to in the Council's decision notice, I am satisfied that the appellants have had the opportunity to comment on the relevance of them to their case.

Main Issues

3. The main issues are the effect of the proposal on:
 - the character and appearance of the host building and the surrounding area;
 - the living conditions of the occupiers of 27 King Henry's Road having regard to outlook.

Reasons

Character and appearance

4. The appeal site comprises a four storey mid terrace building currently in use as three flats. The proposal relates to Flat 25A which occupies the lower ground and ground floors of the host building which is positioned towards the southern end of the terrace close to Erskine Road and the boundary of the Primrose Hill

Conservation Area (CA). The host building together with nearby buildings at Nos 1-23, 27 -49 (odd) and 8-54 (even) King Henry's Road are locally listed buildings noted as being an intact and relatively unaltered group of high architectural quality creating a fine consistent townscape. There is a partial view of the rear elevation of the host building and those of its immediate neighbours from Erskine Road, including of a contemporary flat roofed rear extension at No 27 and of a visual gap between the rear elevations of properties on King Henry's Road and the side elevation of Leeder House. This gap contributes to the character and appearance of the CA.

5. The proposal includes a flat roofed extension above an existing extension at lower ground floor. Although the extension would be constructed from matching materials, would not be full width and would be subservient in height when compared to the host building and Leeder House, it would nevertheless result in a relatively large and wide two storey flat roofed rear extension. The depth and position of the proposed extension above the existing extension means that it would project further to the rear of the terrace than the extension at No 27, would be visible from Erskine Road and the CA and would significantly reduce the visual gap between the terrace and Leeder House, notwithstanding the backdrop of the wider terrace which curves around to the east. It would be a visually obtrusive and prominent addition to the host building which would also be harmful to the character and appearance of the CA.
6. At the time of my visit works were taking place to Leeder House and I understand from the evidence that permission has been granted for it to be altered and extended though I have no specific details of the re-development proposals or whether they affect the relationship with the host building.
7. Two storey rear extensions are not generally evident on properties in the immediate vicinity of the appeal site and do not form part of the character of the surrounding area. Though the extension at No 27 is closer to Erskine Road, it differs from the proposal in that it is of a different design and appearance and has a reduced rear projection when compared with the proposal. Additionally whilst it appears from the appellants' evidence that there are other two storey rear extensions to properties on King Henry's Road and surrounding roads some of which are locally listed buildings and within the CA, I am not aware of the details and particular circumstances relating to these other examples and note that they are located some distance from the appeal site. I therefore attach limited weight to these examples. In any event I must determine the proposal before me on its own merits.
8. The Council has also raised concerns regarding a proposed front canopy above a new entrance door at lower ground floor level. The canopy would be positioned to the side of the raised entrance staircase to the ground floor of the host building. Limited details have been provided about the design, size and appearance of the canopy though the plans state that it would be constructed from glass. Whilst I acknowledge that the host building is locally listed and that the canopy would be to the front of the building, its set back position to the side of the entrance staircase means that it would not be unduly prominent and the fact that it is to be constructed from glass means that it would likely have a lightweight appearance. At my visit I noted that a number of other properties within the terrace have canopies in similar positions, one of which is constructed from glass. Consequently I consider that the canopy would not be

harmful to the character and appearance of the locally listed host building or the wider terrace. If I were allowing the appeal I consider that the particular design of the canopy could be adequately dealt with by a suitably worded condition.

9. The Council raised no objections to the impact of the other aspects of the proposal on the character and appearance of the host building and the surrounding area and I have no reason to disagree with the Council's findings on those aspects. However for the reasons stated above I consider the proposal to be harmful.
10. I consider that the harm to the significance of the CA that would result from the proposal would be less than substantial. As such having regard to paragraph 134 of the National Planning Policy Framework (the Framework), this harm needs to be weighed against the public benefits of the proposal. There do not appear to be any public benefits of the proposal which would outweigh the harm identified.
11. Taking the above matters into consideration, I conclude that the proposal would fail to preserve the character and appearance of the host building and the adjacent CA. It is therefore contrary to policies D1 and D2 of the CLP. These policies seek, amongst other things, to secure high quality design in development and to preserve and where appropriate enhance heritage assets including conservation areas.

Living conditions

12. As stated, the proposal includes a flat roofed extension above an existing extension at lower ground floor. The rear elevation of the host building is set further to the rear than the rear elevation of the adjacent property at No 27. There is a large window in the rear elevation of No 27 close to the side of the proposed extension. From the evidence it appears that this window serves a study/library and it currently has a fairly open outlook towards the host building and a direct outlook onto the side elevation of nearby Leeder House.
13. The proposed extension would result in a significant reduction in the outlook towards the host building from the affected window at No 27. Notwithstanding that it appears that the window is to a study/library room that also has another window in the front elevation, that it appears that the room contains circulation space near to the window and that the Council raised no objections having regard to daylight and sunlight, on the evidence before me I consider it likely that the resultant reduction in outlook would be harmful to the living conditions of the occupiers of No 27, particularly given the relatively restricted outlook towards Leeder House. The fact that the occupiers of No 27 did not raise concerns regarding outlook or that the extension at No 27 may have impacted on the living conditions of the occupiers of the host building does not justify permission being granted for the proposal.
14. I note that the proposal would result in the removal of the existing rear terrace at the appeal site and that this would be likely to improve privacy levels in adjacent gardens. However this potential benefit of the proposal would not overcome the harm resulting from it that I have identified.
15. The Council raised no objections to the impact of the other aspects of the proposal on living conditions and I have no reason to disagree with the

Council's findings on those aspects. However for the reasons stated above I consider the proposal to be harmful.

16. Taking the above matters into consideration, I conclude that the proposal would have a significant adverse effect on the living conditions of the occupiers of No 27 having regard to outlook. It is therefore contrary to Policy A1 of the CLP which seeks, amongst other things, to protect the quality of life of neighbours.

Other Matters

17. I note that the appellants state that the application was submitted following the receipt of pre-application advice from one of the Council's planning officers who responded positively to the proposal. However I am unaware of the particular details of the advice given and note that it appears that it was informal rather than formal pre-application advice. In any event, whilst it would be unfortunate if conflicting advice was given by the Council, I nevertheless consider the proposal to be harmful for the reasons stated above.
18. The appellants state that amended plans were submitted to the Council at the application stage but that these were not considered by the Council. Amended plans have not been submitted with the appeal and I have considered the plans listed on the Council's decision notice.
19. Though not specifically referred to in the Council's decision notice, the proposal is also contrary to relevant paragraphs of the National Planning Policy Framework relating to design, living conditions and heritage assets and to policies 7.4 and 7.6 of the London Plan.

Conclusion

20. For the above reasons and having regard to all matters raised, I conclude that the appeal should be dismissed.

Beverley Wilders

INSPECTOR