



Appeal Decision

Site visit made on 2 August 2017

by Gwyn Clark BSc DipTP MRTPI

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

Decision date: 8th November 2017

Appeal Ref: APP/X5210/W/16/3164335

Former 59-61 Leighton Road, London NW5 2QH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Chaim Freed against the Council of the London Borough of Camden.
 - The application Ref 2016/4687/P, is dated 23 August 2016.
 - The development proposed is create an additional floor on the northern building accommodating one additional dwelling and changes to the existing external staircase.
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Decision

1. The appeal is allowed and planning permission is granted to create an additional floor on the northern building accommodating one additional dwelling and changes to the existing external staircase at former 59-61 Leighton Road, London NW5 2QH in accordance with the terms of the application, Ref 2016/4687/P, dated 23 August 2016, subject to the conditions listed in the attached Schedule.

Preliminary Matter

2. Since the decision to refuse planning permission the Council has adopted a new Local Plan and I have taken into account these policies in arriving at my decision.
3. The appellant has now submitted a Unilateral Undertaking that would have the effect of precluding occupiers of the dwelling from applying to use Council owned car parks. I will return to this later.

Main Issue

4. The main issue in this appeal is the effect of the development on the character and appearance of the area and on the Kentish Town Conservation Area.

Reasons

5. The Leighton Road separates the appeal site from the Kentish Town Conservation Area. Within the Area, the early 19th Century Georgian houses present a most attractive street scene. Across the road tree-lined road and in the vicinity of the appeal site the architecture is very different. This comprises mainly of large blocks of brick built low-rise flats. They range from the 3 storey Margaret House on one side of the appeal site to the 4½ storey Kennistoun

House on the other. The latter is an Edwardian mansion block at the far end of which and some distance from the appeal site stands the Grade II Listed Our Lady Help of Christians Church and Hall. Willingham Close is a 6 storey block of flats lying to the rear.

6. The development granted planning permission under reference 2013/1614P is now almost complete. It consists of two mainly brick built buildings designed in a contemporary style. The front building, facing onto Leighton Road, is 4 storey's in height and features large glazed openings and contrasting metal panelling, a material that has also been used to clad its recessed upper floor. Behind lies a similarly design though plainer three storey building. The proposed development would add a 4th floor dormer-style roof in anthracite coloured corrugated metal. Pedestrian access to the dwelling created would require an extension to the external stairway. This is currently one flight high and would be extended to reach the 4th floor.
7. The additional floor would bring the height of this block of flats to match that of the forward standing block. However it is so far back within the site that the increase in bulk would not be particularly noticeable. The only opportunity to observe the relative heights would be at a distance looking along the narrow access way that serves the rear of Margaret House. The recessed nature of the roof and the anthracite grey cladding would reduce its perceived scale and bulk. The added floor would be more apparent when viewed from within the landscaped gardens that serve the surrounding flats. However from this perspective Kennistoun House which, although just 4½ storeys high is much larger in scale, would present the background to the development. It also features a mansard roof which would provide a visual context for the proposed roof extension.
8. The external staircase would be extended significantly. An oblique view of a small section of this staircase would be gained from Leighton Road but the structure would only become more clearly evident when viewed further along the access road. The railings would be painted black and would be a relatively lightweight design. Against the background of the rear block itself and of Kennistoun House, and within the context of the modern design of the front block which features projecting metal elements, the stair case would not appear a dominant feature.
9. The context for the proposed development is not the Conservation Area but the surrounding low rise flats. The Conservation Area and the Listed Church are some distance away and due the intervening buildings the character of neither would be affected by the addition to the height of the block in the way proposed. In particular when viewed from the Conservation Area the Willingham Close and Kennistoun House flats are overwhelming in scale. They present a backcloth against which the heightened roof would remain subservient. I consider therefore that the proposed development would preserve the character of the Conservation Area and would not affect the setting of the Listed Building.
10. The London Borough of Camden Local Plan (2017) has policies D1 and D2 which seek to secure a high quality design in new development, respectful of local context and character, and integrating well with surrounding streets. Where development takes place outside a conservation area it must still preserve the character and appearance of any nearby conservation area.

11. In this case I consider that the proposed development would preserve the character of the nearby Conservation Area. It would be of a high standard of design and be in keeping with local character. Consequently the requirements of the Camden Local Plan are met.

Other Matters

12. The appellant has submitted a Unilateral Undertaking under S106 of the Town and Country Planning Act 1990 (as amended) to the effect that each new resident, unless disabled, would be informed that they are not entitled to park a vehicle in a residents parking bay or to purchase a contract to park within a Council owned car park. I find no evidence in this appeal to demonstrate that significant harm would arise to highway safety or the living conditions of those living in the local area resulting from the development. In particular I consider that there would be no significant risk posed to highway safety and that the development is therefore consistent with development plan policies and in particular policy T2 of the Camden Local Plan.
13. I have considered the representations received from residents but as these in the main relate to health and safety concerns over on-going work on the site rather than the merits of the proposal development I have been unable to give weight to the points raised in the determination of this appeal. I do not consider that the development would result in a significant loss of light to neighbouring residents or overshadowing of adjacent open spaces.

Conditions

14. In addition to a condition requiring the submission of details of cycle parking in the interests of promoting sustainable transport modes. A condition specifying the approved plans is imposed for certainty as to what has been granted planning permission. A condition requiring materials to match the existing building is imposed in the interest of the appearance of the area.
15. For the reasons given above I conclude that the appeal should be allowed.

Gwyn Clark

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) All new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the existing building, unless otherwise specified in the approved application.
- 3) The development hereby permitted shall be carried out in accordance with the following approved plans: P/00; P/01; P/01-1; P/02; P/02-1; P/03; P/03-1; P/04; P/04-1; P/05; P/05-1; P/06; P/06-1; P/07; P/07-1; P/08; P/08-1; P/09; P/09-1; P/10; P/11; P/12; P12-1 Rev P2.

- 4) Before the development commences, details of secure and covered cycle storage area for two cycles shall be submitted to and approved by the local planning authority. The approved facility shall thereafter be provided in its entirety prior to the first occupation of any of the new units, and permanently retained thereafter.

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