



Appeal Decision

Site visit made on 10 October 2017

by **B Bowker Mplan MRTPI**

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

Decision date: 9th November 2017

Appeal Ref: APP/X5210/W/17/3178371

Flat B, 59 Oseney Crescent, London NW5 2BE

- 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 Thomas Girod against the decision of the Council of the London Borough of Camden.
 - The application Ref 2016/5020/P, dated 13 September 2016, was refused by notice dated 22 December 2016.
 - The development proposed is described as 'the removal of the mono pitch at the rear extension to create a roof terrace accessible from the second floor landing as the only outdoor space in the flat. To replace the rear sash window on the second floor landing for a french door, same width as the existing window and materials in keeping with existing sash windows throughout the house. To insert 2 sky lights in the flat roof terrace'.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. During the appeal, the Camden Local Plan (LP) was adopted. The parties have had the opportunity to comment on the effect of this matter on the appeal. Accordingly the appeal has been determined taking into account policies of the LP and the related comments.

Main Issue

3. The effect of the proposal on the character and appearance of the Bartholomew Estate Conservation Area (BECA).

Reasons

4. The appeal site comprises a three storey terrace building subdivided into two self contained flats. The site, as part of a wider Victorian terrace that has retained its traditional historic features, is identified as a positive contributor to the BECA.
5. During my site visit I saw that the only example of a roof terrace within the Victorian terrace is at No 57, which unlike the proposal before me, does not involve the use of a translucent or glazed screen and is sited at first floor level. Furthermore, the roof terrace at No 57 is the exception rather than the norm, and as such it is not characteristic of the Victorian terrace, nor can it be said to be a traditional historic feature. In the main, the rear of the Victorian terrace retains its traditional historic features. Thus I consider it contributes positively

- to the significance of the BECA. In this context, despite its age, in my view the Conservation Area Statement for the BECA remains accurate in identifying this Victorian Terrace as a positive contributor to the BECA.
6. Despite being set back from the rear elevation and not being sited on the principal roof, the translucent screen would appear as an incongruous addition to the host building and wider terrace. Views of the proposal from Bartholomew Road would be limited and the proposal would be sited on the rear elevation of the property. However, owing to the curved layout of the wider terrace and the second floor height of the proposal, the resultant harm would be prominent from properties across the wider terrace. Consequently the proposal would diminish the positive contribution the Victorian terrace makes to the significance of the BECA.
 7. In the context of paragraphs 131 - 134 of the National Planning Policy Framework (the Framework), I consider the extent of harm to the significance of the BECA to be less than substantial. In such circumstances, the Framework advises to weigh harm against the public benefits associated with the proposal.
 8. The proposal would improve the quality of a family dwelling by providing outdoor space, a fire escape and improved insulation. In this light I note that section 7.6 of the London Plan states that buildings should provide high quality outdoor spaces. However the benefits put forward in support of the appeal cannot be considered as public benefits that would outweigh the harm identified to the BECA.
 9. Whilst the harm of the proposal to the BECA would be less than substantial, the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) is clear that such harm should be given considerable importance and weight. In this context, the considerable weight afforded to the harm of the proposal to the BECA would outweigh the combined weight afforded to the benefits described above.
 10. In reaching this view I have taken into account the roof terraces and extensions highlighted by the appellant, some of which I saw during my site visit. However, those I observed and those cited are located away from the appeal site where a different character prevails. Furthermore none of the examples provided are situated in the Victorian terrace within which the appeal property is located. In this respect, the examples cited would not be viewed alongside the proposal. This includes the glazed extension at 78A Caversham Road which is not part of the same Victorian terrace and occupies a more discrete ground floor location.
 11. I have also considered the potential use of a condition to secure the precise materials and design for the screening to be used at the proposed terrace. However, taking into account the prominence, form and scale of the proposal, and in the context of the previous application being refused on grounds of harm to neighbouring privacy, a condition to this effect would not overcome the harm identified above or be appropriate in this case.
 12. In addition, I cannot agree with the appellant's assertion that as the appeal building is an undesignated heritage asset, the proposal would not harm the BECA. Nor does the absence of an objection to the proposal from the

Bartholomew Estate Conservation Area Advisory Committee justify or remove the harm identified above.

13. I acknowledge that paragraph 60 of the Framework states that architectural styles or particular tastes should not be imposed. Nonetheless, paragraphs 56, 60 and 64 highlight that it is proper to promote local distinctiveness and that permission should be refused for poorly designed development. Based on my reasoning above, the proposal would be deficient in this respect.
14. Therefore the proposal would not preserve or enhance the character or appearance of the BECA. Consequently the proposal would be contrary to paragraphs 131 - 134 the Framework and LP policies D1 and D2. Combined these policies require development to secure a high quality design that preserves and enhances the significance of heritage assets such as conservation areas.

Other Matters

15. The appellant is concerned about the way in which the Council processed the application, which includes the approach taken to consultation. In addition, it is contended that the application should have been presented to the Members' Briefing. However these are matters outside my remit. Moreover these factors do not justify or reduce the harm identified in relation to the main issue above.
16. It is also put to me that the Council have been inconsistent in how they determined the appeal proposal compared to the previous refused roof terrace application at the site. In this respect I understand that the appeal proposal has been designed to overcome a previous reason for refusal relating to the privacy of neighbouring occupants. I also note that the Council considered that the previous application was acceptable in terms of its effect on the BECA. In this context, it is brought to my attention that the appeal proposal is smaller in scale than the previous application.
17. However, based on the evidence before me, it is clear that the proposals are materially different. Therefore I cannot agree that the Council have determined the proposal in an inconsistent manner. Furthermore I must determine the appeal based on its own merits. Moreover, the Council's approach to the previous application would not remove or reduce the harm I have identified above in relation to the BECA. Nor would the letters submitted in support of the proposal prevent or outweigh the harm identified above.
18. The Framework identifies three dimensions¹ to sustainable development that should be sought simultaneously through the planning system. However, based on the harm identified to the BECA above, the proposal would be deficient in respect of the environmental dimension. Consequently the proposal would not represent sustainable development as defined and sought by the Framework.

Conclusion

19. For the reasons given above, and having taken all matters raised into account, I conclude the appeal should be dismissed.

B Bowker INSPECTOR

¹ Economic, social and environmental