



Appeal Decision

Site visit made on 9 January 2018

by John Dowsett MA DipURP DipUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th February 2018

Appeal Ref: APP/X5210/W/17/3185980
93 Redington Road, London NW3 7RR

- 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 Lev Leviev against the Council of the London Borough of Camden.
 - The application Ref: 2017/2954/P, is dated 23 May 2017.
 - The development proposed is the addition of a roof terrace to the rear of the property at second floor level with the subsequent removal of two dormer windows.
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Decision

1. The appeal is allowed and planning permission is granted for the addition of a roof terrace to the rear of the property at second floor level with the subsequent removal of two dormer windows at 93 Redington Road, London NW3 7RR in accordance with the terms of the application, Ref: 2017/2954/P, dated 23 May 2017, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: D(0)1000 00; D(0)1050 00; D(0)1199 00; D(0)1100 00; D(0)1101 00; D(0)1102 00; D(0)1103 00; D(0)1500 00; D(0)1700 00; D(0)1701 00; D(0)1702 00; D(0)1703 00; D(0)2050 00; D(0)2199 00; D(0)2100; D(0)2101 00; D2102 00; D(0)2103 00; D(0)2500 00; D(0)2501 00; D(0)2700 00; D(0)2701 01; D(0)2702 01; and D(0)2703 01.
 - 3) No development shall commence until details/samples of the materials to be used in the construction of the external surfaces of the roof terrace hereby permitted have been submitted to and approved in writing by the local planning authority. Thereafter, the development shall be carried out in accordance with the approved details/samples.

Main Issue

2. The appeal has been made against the failure of the Council to give notice of its decision on the application within the prescribed period. I have, however, been provided with an undated Planning Officer's report which sets out that had the Council been in a position to determine the application it would have refused permission on the basis that the proposal would detrimentally alter the

character and appearance of the building and, consequently, cause harm to the character and appearance of the Redington Froggnal Conservation Area

3. The main issue in this appeal is therefore, the effect of the proposed development on the character and appearance of the Redington Froggnal Conservation Area.

Reasons

4. The appeal building is a substantial detached, two storey, house with rooms within the roof space lit by dormer windows that are present on all four roof slopes. The roof is a large, hipped, structure with prominent chimneys rising to each side. It is one of a group of four houses which share common design features and is situated near the north end of Redington Road. To the rear of the house is a long back garden that backs onto the extensive grounds of a very large property located on West Heath Road.
5. The appeal proposal seeks to remove the two dormer windows that are presently situated on the rear roof slope and to form a roof terrace within the roof slope in the area that these presently occupy. It is also proposed to replace a number of PVCu windows in the house with timber windows. I note that the Council have not raised any concerns with regard to this aspect of the proposal and from what I have read, and from what I saw when I visited the site, I have no reason to reach a different conclusion in respect of this matter.
6. The appeal building is located within the Redington Froggnal Conservation Area and is identified as making a positive contribution to its character and appearance. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in making decisions on planning applications and appeals within a Conservation Area, special attention is paid to the desirability of preserving or enhancing the character and appearance of the area. Paragraph 132 of National Planning Policy Framework (the Framework) also requires that great weight should be given to the conservation of heritage assets.
7. Policy D1 of the Camden Local Plan 2017 (the Local Plan) expects new development to be of a high quality of design that has regard to its context and preserves or enhances the historic environment, whilst Local Plan Policy D2 seeks to ensure that new development preserves or enhances the character and appearance of conservation areas. Further advice on the design of roof extensions and alterations is found in the Camden Planning Guidance- Design CPG1 2013 (the CPG) which has to be read alongside these more general design policies.
8. Policy A1 of the Local Plan seeks to protect the living conditions of adjoining occupiers and neighbours by assessment of development proposals against a number of criteria.
9. The conservation area is almost wholly residential in character with many established trees in private gardens and within the footways. The Redington Froggnal Conservation Area Statement 2000 (CAS) states that it is a well preserved example of a prosperous late 19th Century and Edwardian residential suburb, and notes that of great significance to the areas character are its contours and slopes resulting in numerous views and vistas and emphasising many of the buildings. The CAS also notes that the part of the conservation

area where the appeal building is located contains some of the larger and more generous houses set in a mature landscape.

10. Redington Road is comprised generally of large properties standing in substantial plots. The architecture of the individual houses varies quite widely with a range of styles being present, however, commonalities in the form of similar materials and window proportions; similar solid to void ratios and size and massing of the buildings; together with complex roof forms often featuring dormer windows and prominent chimneys combine to form an attractive and coherent street scene.
11. Whilst the removal of the dormer windows would alter the roof form, due to the overall size of the roof and its complex shape, the effect on the overall massing and appearance of the roof would be minimal. Although dormer windows are a common feature in the area, and I saw when I visited the site that the neighbouring house at number 97 Redington Road has a similar complement and configuration of dormers, the CAS does not note that dormers are a defining characteristic of the area. The CAS seeks to prevent inappropriate dormers being added to houses in the conservation area but is silent in respect of their removal.
12. The existing dormers cannot be seen from the highway and do not contribute to the overall street scene. Similarly, the proposed roof terrace would not be seen from the highway. I accept that the rear of houses and their garden areas are also within the conservation area and contribute to its character and appearance. However, due to the large size of the rear gardens and the extensive tree cover within these, the existing dormers and the proposed roof terrace would only be seen from within the garden areas of the immediately neighbouring properties. Within this context the removal of the dormer windows would amount to a very small change that would not be inherently harmful to the character and appearance of the conservation area or diminish the contribution that the appeal building makes to this.
13. The proposed roof terrace meets the guidance set out in the CPG. Whilst the roof terrace is wider than the width of the dormers taken individually, it would be contained wholly within the space occupied by the two dormers and the area of roof between them. I note the Council's point that the CPG is advisory only, nonetheless, it is advice that is published by the Council and a prospective developer can have a reasonable expectation that if a development is designed in accordance with such published guidance then there is a likelihood that it is acceptable.
14. The roof terrace would be set into the existing roof slope and the submitted drawings do not show any elements that would project beyond the roof plane. It would be set in from the edges of the main roof and such, even taking into account the effect of removing the dormer windows, the recessed form would not materially alter the shape and massing of the roof.
15. The Council suggest that the building was designed as a complete composition and that the alterations to the roof would undermine its architectural style. The rear elevation of the appeal building is simpler than the front, which features prominent brick quoins and brickwork details above and below the windows. I saw when I visited the site that the appeal building is one of a group of four that share common design features. The neighbouring house at

91 Redington Road does not have dormer windows but is still very clearly built in the same architectural style as the appeal building.

16. In addition, planning permission has been granted at the appeal building for a single storey rear extension with a roof terrace above. When I visited the site I observed that this was under construction and is larger in scale than the appeal proposal. Even taken cumulatively with the appeal proposal, the overall architectural composition of the building would still be evident and the architectural style of the building would not be compromised. Consequently, I do not find the Council's argument in this respect a compelling one.
17. The examples cited by the appellant of other roof terraces do not have a direct visual or physical relationship with the appeal building, with the exception of those to the rear of number 95 Redington Road, which are smaller in scale, retain the dormer windows and are not directly analogous to the appeal proposal. Nevertheless, these examples are evidence that roof terraces are present on other buildings within the conservation area and are not a completely alien feature.
18. Overall the visual effect of the proposed development would be limited to a very small part of the conservation area in the near vicinity of the rear of the appeal building. As a result if the small scale of the proposed extension relative to the size of the appeal building and its very limited visual effect, the effect of the proposal on the character and appearance of the conservation area would be a neutral one.
19. I therefore conclude that the proposed development would not cause harm to the character and appearance of the Redington Froggnal Conservation Area. It would comply with the relevant requirements of Policies D1 and D2 of the Local Plan, which seek to ensure that new development is of a high quality of design, which has regard to its context and preserves or enhances the historic environment and the character and appearance of conservation areas.

Other matters

20. I note from the officers report and the Council's statement that the Council do not consider that the proposal would cause harm to the living conditions of neighbouring residents. From what I saw when I visited the site I would agree with this conclusion. Whilst there would be some opportunities to overlook the rear garden areas of neighbouring properties, these would be no greater than that which currently occurs from the dormer windows.

Conditions

21. I have had regard to the conditions suggested by the Council. In order to provide certainty in respect of what has been granted planning permission, I have attached a condition specifying the approved drawings. In order to ensure that the works are constructed using materials that match the existing roof and having regard to the more sensitive location of the appeal site, it is also necessary to attach a condition requiring that the proposed materials are submitted for approval. Due to the nature of the works it is necessary that this condition be pre-commencement. The Council have suggested two conditions in relation to materials which would effectively achieve the same end and so I have combined these into a single condition requiring that details or samples be submitted for approval.

Conclusion

22. For the above reasons, and having regard to all other matters raised, I conclude that the appeal should be allowed and that planning permission be granted subject to the conditions set out above.

John Dowsett

INSPECTOR