



Appeal Decision

Site visit made on 17 April 2018

by **C L Humphrey BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 3rd May 2018

Appeal Ref: APP/X5210/W/18/3194361

Flat A 37 Bartholomew Road, London NW5 2AH

- 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 Hubert against the decision of the Council of the London Borough of Camden.
 - The application Ref 2017/5636/P, dated 9 October 2017, was refused by notice dated 3 December 2017.
 - The development proposed is 'erection of single storey side return extension to side of ground floor garden flat.'
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the appeal proposal would preserve or enhance the character or appearance of the Bartholomew Estate Conservation Area.

Reasons

3. The appeal property is a ground floor garden flat situated in the Bartholomew Estate Conservation Area (the Conservation Area), which is characterised by well-preserved Victorian residential development laid out in a regular grid pattern of tree-lined streets with spaces between buildings lending a spacious quality to the townscape.
4. The section of Bartholomew Road where the appeal site is located comprises predominantly semi-detached villas. Whilst their scale and detailed design varies, the regular spaces between the properties impart a sense of rhythm, consistency and continuity to the built form. There are few examples of side extensions along this section of the street, and the entrance gates and fences that have been erected at lower ground floor level are typically lightweight structures which do not appreciably erode the spaces between buildings.
5. The proposed side extension would intrude significantly into the gap between the properties and so disturb the balance of built and unbuilt space which is an essential characteristic of the Conservation Area. It would also unbalance the pair of semi-detached villas which, despite minor variations in architectural detailing and boundary treatment, have a composed and cohesive appearance. Furthermore, although the extension would be constructed in London stock bricks to match the host property, the proposed steep mono-pitched green roof would be out of keeping with the typical fairly shallow hipped slate roofs.

Whereas the roofing materials could be controlled by planning condition, the form of the roof could not.

6. Set behind the boundary wall and fence, the proposed extension would not be particularly conspicuous at street level. However, it would be visible from the upper floor windows of surrounding properties. The limited extent of public views is no basis for allowing the appeal proposal given the harm it would cause to both the character and appearance of the area.
7. The appellant has drawn my attention to a recent planning approval for a side extension at 2A Caversham Road. This property is situated at the end of a row of villas and the side boundary runs along Wolsey Mews which is characterised by contiguous development built up to the back of the highway. Consequently, based on the details before me, it would seem that the context of this other scheme is not directly comparable to the appeal proposal. In any event, I am required to reach my conclusions based on the individual circumstances of the appeal. I therefore attach little weight to this matter.
8. For the reasons set out above I conclude that the appeal proposal would fail to preserve or enhance the character and appearance of the Conservation Area. Consequently, it would not accord with the design, heritage conservation and enhancement aims of London Borough of Camden Local Plan Policies D1 Design and D2 Heritage, Camden Planning Guidance CPG1 Design and BE25 of the Bartholomew Estate Conservation Area Appraisal.
9. In the parlance of the National Planning Policy Framework, the harm to the designated heritage asset is less than substantial. Nevertheless, any harm requires clear and convincing justification. The creation of additional residential floorspace within the appeal property and the small positive contribution to biodiversity provided by the sedum green roof do not amount to public benefits which convincingly outweigh the harm to the heritage asset.

Other Matters

10. That the scheme may constitute permitted development if it related to a house outside of a protected area is not relevant to the consideration of the appeal proposal, which concerns a flat in a conservation area. Whilst I note that the appellant sought pre-application advice from the Council and the proposal was developed in response, the Council is not bound by the informal views of its officers. These matters do not materially affect my assessment of the planning merits of the case.
11. Based on the evidence before me, it would appear that the development would not have a harmful effect upon the living conditions of neighbouring residents and that a reasonable sized garden would be retained. However, an absence of harm with regard to these matters is a neutral factor which does not weigh for or against the proposal.

Conclusion

12. For the foregoing reasons, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

CL Humphrey

INSPECTOR