



Appeal Decision

Site visit made on 5 September 2018

by Andrew Dawe BSc(Hons) MSc MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th September 2018

Appeal Ref: APP/X5210/W/18/3199644

181-183 York Way & 282A Camden Road, London N7 9LN - NW1 9AB

- 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 Tsangari against the decision of the Council of the London Borough of Camden.
 - The application Ref 2017/3675/P, dated 16 October 2017, was refused by notice dated 20 December 2017.
 - The development proposed is extension to the roof to provide 2 x 1 bedroom self-contained flats; formation of a 3 storey rear extension to provide 3 x 1 bedroom self-contained flats; formation of new steps to corner retail unit, provision of 2 new windows to 1st & 2nd floor corner elevation to replace existing blank window features; construction of boundary wall at corner and along Camden Road frontage; landscaping of Camden Road frontage in place of existing parking spaces; removal of 4 car parking spaces; removal of hardstanding on Camden Road frontage.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - i) whether the proposed development would preserve or enhance the character or appearance of the Camden Square Conservation Area (the CA);
 - ii) the effect of the proposed development on the living conditions of the occupiers of the existing flats (as proposed to be amended in terms of their layout), and of the adjoining property at No 179 York Way in respect of outlook, daylight and sunlight;
 - iii) whether provision for affordable housing is necessary;
 - iv) whether the proposal would adequately promote cycle use through provision for cycle parking;
 - v) whether the proposed development would make adequate provision for minimising the effects of climate change;
 - vi) whether the proposed development would provide adequate living conditions for future occupiers with regard to air quality;

- vii) the effect of the proposed development on the mix, inclusivity and sustainability of the local community with regard to the proposed mix of unit sizes.

Reasons

Character or appearance of the CA

3. The site is located within, at the northernmost corner of, the CA and as such special attention has to be paid to the desirability of preserving or enhancing the character or appearance of the CA. The CA comprises a variety of building designs, ages and types. However, the appeal building is in a prominent location on one corner of a cross-roads junction projecting noticeably closer to the Camden Road boundary than is the case with the buildings on the other corners of that junction. It also projects significantly further forward than those neighbouring buildings within the CA continuing along Camden Road. The building on the diagonally opposite corner of the cross-roads junction is a prominent 5-storey contemporary designed building. However, it is located outside of the CA and the degree of separation from the appeal site prevents it from materially detracting from the prominence of the latter.
4. The building has a distinct roof level parapet which provides some horizontal emphasis to its appearance. That is consistent with the York Way terrace generally, of which the site is a part, albeit that there are some small staggers and visual breaks relating to chimneys and including a modest roof extension. The building's parapet and architectural features generally contributes to a pleasing degree of continuity in the design of that terrace at a gateway point to the CA.
5. The proposed mansard roof would occupy the majority of the existing roof area and be set back behind the parapet by only a small amount. These factors together with its vertical elevation would, despite the use of grey zinc cladding to reflect slate roofs in the area, make it a prominent roof top feature, clearly visible from street level from the opposite sides of the roads and on the approaches to the junction. Crucially, it would break the rhythm of the terrace and draw the eye disproportionately from the line and capping nature of the existing distinctive parapet feature. As such, rather than enhancing the visual importance of the building on this corner site, it would create a dominating and jarring feature in the context of that existing degree of continuity relating to the building and terrace as a whole.
6. Although it is already a prominent building on this corner site, the addition of the proposed mansard would make it noticeably higher than those attractive neighbouring buildings within the CA in Camden Road. As such, despite the gap to No 282, it would cause the building to become a dominating feature relative to those neighbouring properties and would be likely to draw the eye disproportionately away from them.
7. That gap between the appeal building and No 282, together with the nearest part of the former set-back to a similar building line as the latter, does nevertheless allow those differently designed neighbouring properties in Camden Road to be seen more coherently as a group. The introduction of the proposed three storey extension, both filling the gap and projecting forward of that building line, despite not being as high as the buildings either side, would therefore remove that distinct and important visual break. As such, and

despite introducing a contemporary building that does not attempt to mimic the host property, that too would be a jarring feature within the streetscene that would appear crammed in.

8. The proposed introduction of a front boundary wall, lower than that which would be replaced, on the Camden Road frontage with low railings atop would be unlikely to stand out as a dominant feature due to the relatively modest height of the wall itself and the transparency provided by the railings. If anything, it would be likely to represent a visual improvement particularly in terms of allowing sight of the proposed frontage soft landscaping. Although there are no other similar boundary treatment designs in the vicinity along Camden Road, it would also be seen in the context of the distinct prominence of that corner property.
9. That proposed soft landscaping on part of the existing hardstanding used for car parking and bin storage would therefore have some visual benefit within the streetscene. However, that existing space is currently significantly screened by the front boundary wall and does not stand out as unusual or jarring in the context of other nearby properties along Camden Road with parking at the front. The extent of the landscaping benefit would therefore be unlikely to be substantial in those circumstances. Any biodiversity benefits of that landscaped area would also be likely to be limited by the small area involved. Together with other relatively minor works relating to improved access to the ground floor retail unit, new windows to the first and second floor corner elevation, as well as the replacement boundary wall and railings, any visual benefits arising from these aspects would not be sufficient to outweigh the harm that I have found would be caused by the proposed extensions in respect of this issue.
10. I have had regard to other examples of infill development and roof extensions in the area referred to by the appellant, including four, labelled as sites 1, 2, 3 and 7 in the Design, Access and Heritage Statement, which are in the closer vicinity of the site and which I was able to see at my visit. I saw that the circumstances of those cases, in terms of their design and location context were different to those of the appeal proposal. From the evidence provided by the appellant on other sites in the area the same applies to them also. I have in any case considered the appeal on its own merits.
11. With regard to paragraphs 193, 194 and 196 of the National Planning Policy Framework (the Framework), harm to the significance of the CA would be less than substantial due to the relatively small scale of development involved. I have had regard to any public benefits of the proposal which would include the provision of additional housing to the local supply and the aim to promote sustainable transport objectives. However, such benefits would be fairly small relating only to five new dwellings. Together with my findings relating to the significance of those other visual benefits referred to above, they would therefore be insufficient to outweigh that less than substantial harm, and I have received insufficient substantive evidence of any other benefits that would do so.
12. For the above reasons, I conclude on this issue that the proposed development would fail to preserve the character and appearance of the CA, and its public benefits would not convincingly outweigh that harm. As such, in respect of this issue, it would be contrary to policies D1 and D2 of the London Borough of

Camden Local Plan (the Local Plan) which together relate to securing high quality design in development and preserving and, where appropriate, enhancing heritage assets and their settings.

Living conditions

13. The proposed three storey extension would be directly in front of and in close proximity to flat 2's bedroom 2 window. Furthermore, the extension would rise above the floor level of that bedroom to an extent that, combined with the close proximity, it would present an overbearing structure and be likely to create an unacceptable sense of enclosure when looking out from that room. That sense of enclosure would be exacerbated by the presence of existing walls either side of that small intervening space. Those factors would also combine to substantially restrict the amount of sky visible from the room concerned, and restrict the amount of sunlight and daylight into it to an unacceptable degree. The greater degree of separation between the extension and the kitchen of flat 1, also on the first floor, would be likely to prevent the same harmful effects relating to outlook, sunlight and daylight for the occupiers of that unit. However, that does not deflect from the harm that would be caused to the occupiers of flat 2.
14. The adjacent first floor flat relating to the adjoining property at No 179 York Way has a habitable room window on a similar elevation plane as that relating to the flat 2 window in the existing appeal building referred to above. That neighbouring window is set behind a terrace area enclosed on both sides by existing walls. Together with it facing the rear part of the main side wall of the property at No 282 Camden Road, the degree of outlook from the associated room would therefore already be restricted to some degree. The proposed extension, introduced alongside most of the boundary between the properties and projecting significantly above the floor level of the neighbouring room concerned, would be likely to create an unacceptable enclosing and overbearing effect when looking out from that room, materially worsening the existing situation. However, in not being directly in front of the window concerned, the position and height of the extension, together with the presence of the existing wall to the side of No 179's terrace, would be unlikely to harmfully reduce the amount of sunlight and daylight to that neighbouring property. However, that would not deflect from the harm that would be caused in terms of outlook.
15. For the above reasons, I conclude on this issue that the proposed development would cause unacceptable harm to the living conditions of the occupiers of the reconfigured flat 2 of the appeal property in respect of outlook, daylight and sunlight, and to the living conditions of the occupiers of the adjacent first floor flat of No 179 York Way in respect of outlook. As such, in respect of this issue, it would be contrary to policy A1 of the Local Plan which seeks to protect the quality of life of occupiers and neighbours including in respect of outlook, sunlight and daylight.

Provision for affordable housing

16. As highlighted in the supporting text to policy H4 of the Local Plan, Camden has a particularly large requirement for additional affordable homes. As such, the policy sets out a requirement for a financial contribution towards such provision elsewhere in the borough where a proposed residential development would involve less than 10 units.

17. I have had regard to paragraph 63 of the Framework which states that provision for affordable housing should not be sought for residential developments that are not major, defined as 10 or more homes or where the site area is 0.5 hectares or more. Nevertheless, the Local Plan was adopted against the background of the Written Ministerial Statement dated 28 November 2014 (the WMS) which was later confirmed as Government policy. The WMS set out that such affordable housing contributions for developments of 10 units or less, and which had a maximum combined gross floor space of 1000 square metres, should not be sought. In such circumstances, whereby an exception to Government policy was deemed appropriate due to the specific needs of Camden, I have afforded substantial weight to the need for the proposed development to make an appropriate financial contribution towards affordable housing in accordance with policy H4.
18. For the above reasons, provision for affordable housing in the form of an appropriate financial contribution would be necessary in this case. In the absence of a legal agreement to secure such provision, the proposed development would fail to accord with policy H4 of the Local Plan.

Provision for cycle parking

19. In the interests of promoting cycle use as an alternative and sustainable mode of transport to private motorised vehicles, the proposals indicate that a cycle parking facility would be provided. However, from the details submitted, it is unclear as whether five cycle racks, each easily accessible to the independent users from each of the flats, could be provided in such a structure. Furthermore, if a significantly larger structure than currently indicated was necessary, due to the fairly prominent frontage location, that would have the potential to materially affect the visual appearance of the site and nearby streetscene. With that uncertainty as to the necessary size of structure and any potential visual impact, it would be inappropriate to secure further details by condition in this case.
20. For the above reasons, I conclude on this issue that in the absence of sufficient evidence to the contrary, the proposal would be unable to adequately promote cycle use through provision for cycle parking. As such, in respect of this issue, it would be contrary to policy T1 of the Local Plan which relates to promoting sustainable transport including, in respect of cycling, by seeking to ensure provision for an appropriate amount of suitably designed accessible and secure cycle parking.

Provision for minimising the effects of climate change

21. In order to be satisfied that the proposed development as a whole would be able to appropriately take account of the requirements to achieve sustainable design and construction, details of appropriate measures would be needed. In the absence of substantive submitted evidence in this respect, and given the consequent uncertainty that such measures could be incorporated, it would be inappropriate to secure the submission of details by condition.
22. Therefore, in the absence of sufficient details relating to this matter, I conclude on this issue that the proposed development would not make adequate provision for minimising the effects of climate change. As such, it would be contrary to policies CC1 and CC2 of the Local Plan which together require all development to minimise the effects of climate change, and be resilient to

climate change with a need, amongst other things, to ensure development schemes demonstrate how adaptation measures and sustainable development principles have been incorporated into the design and proposed implementation.

Air quality

23. The proposed dwellings would be located close to a heavily trafficked road where the air quality is therefore likely to be poor due to exhaust fumes. Although it is only a relatively small scale proposed development, not even a basic Air Quality Assessment has been submitted, by way of determining the extent of any pollution effects, nor any details of any resulting necessary mitigation measures. Without knowing what any such measures might entail, I cannot be certain that they could be accommodated into the proposed development. In light of that uncertainty, it would be inappropriate to secure such an assessment and any necessary mitigation measures by condition.
24. For the above reasons, I conclude on this issue that, in the absence of sufficient details relating to this matter, the proposed development would provide inadequate living conditions for future occupiers with regard to air quality. As such, in respect of this issue, it would be contrary to policy CC4 of the Local Plan which, amongst other things, requires the impact of air quality to be taken into account through the consideration of the exposure of occupants to air pollution.

Mix of unit sizes

25. The proposed development would involve the creation of five 1-bedroom flats. Whilst I acknowledge that 1-bedroom units represent a lower priority in terms of supply in area, they would be of varying sizes, those on the proposed top floor being larger than those in the extension. Furthermore, in terms of overall mix on the site, they would complement the provision of four 2-bedroom flats in the existing building which are within the higher priority category, albeit changing from existing 3-bedroom units. The proposals also relate to fairly restricted space for the proposed three storey extension, albeit less so for the new roof extension, and a small number of additional dwellings overall.
26. I therefore conclude on this issue that the proposal would result in an appropriate mix of unit sizes on the site and therefore not cause unacceptable harm to the mix, inclusivity and sustainability of the local community in this respect. As such, in respect of this issue, it would accord with policy H7 of the Local Plan which relates to securing a range of homes of different sizes that will contribute to the creation of mixed, inclusive and sustainable communities and reduce mismatches between housing needs and existing supply.

Other Matters

27. In relation to the Council's reasons for refusal Nos 7, 8 and 9, a legal agreement has not been submitted by the appellant and the need for such is contested by him. However, in respect of the particular matters relating to those reasons for refusal, as I have found there to be unacceptable harm in relation to the main issues, with the exception of the mix of unit sizes, it has not been necessary for me to consider them in any further detail.

Conclusion

28. I have found that the proposed development would not cause unacceptable harm to the mix, inclusivity and sustainability of the local community in respect of the mix of unit sizes. However, this does not deflect from the level of harm that I have found would be caused in respect of the other main issues.
29. I have previously found that the proposal's benefits of adding to the local housing supply, aiming to promote sustainable transport objectives, improved landscaping of the site and increased local biodiversity, works to the shop entrance and new windows in the corner elevations would be insufficient to outweigh the less than substantial harm that would be caused to the significance of the CA. The relative weight afforded to those benefits would be further lessened in light of my conclusions on the other main issues, other than that relating to the proposed mix of units.
30. Therefore, for the above reasons, and taking account of all other matters raised, I conclude that the appeal should be dismissed.

Andrew Dawe

INSPECTOR