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## Appeal Decisions

Site visit made on 24 September 2018

**by Joanna Reid BA(Hons) BArch(Hons) RIBA**

**an Inspector appointed by the Secretary of State**

**Decision date: 15<sup>th</sup> October 2018**

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### **Two Appeals at 8 Little Green Street, London NW5 1BL**

- The appeals are made by Mr Jake Solomon against the decisions of the Council of the London Borough of Camden.
  - The development and works proposed are "Removal of existing roof and conversion into new traditional mansard roof with dormers to provide an additional bedroom and en-suite bathroom. New stair access to roof space to be a continuation of existing staircase."
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### **Appeal A Ref: APP/X5210/W/18/3202898**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The application Ref 2017/4810/P, dated 6 October 2017, was refused by notice dated 23 February 2018.
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### **Appeal B Ref: APP/X5210/Y/18/3202901**

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
  - The application Ref 2017/5401/L, dated 6 October 2017, was refused by notice dated 23 February 2018.
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### **Appeals A and B: Decisions**

1. The appeal is dismissed.

### **Appeals A and B:**

#### **Preliminary matter and main issues**

2. Number 8 Little Green Street (the listed building) is listed in Grade II with group value, and it is situated within the Dartmouth Park Conservation Area.
3. With this in mind, the main issues in Appeals A and B are:
  - whether the proposed works and development would preserve the special architectural or historic interest of the listed building, and
  - whether the proposal would preserve or enhance the character or appearance of the Conservation Area, and
  - in Appeal A only, the effect that the proposed development would have on highway safety and transport infrastructure in the nearby public highways during the construction phase.

## Reasons

### *Listed building*

4. The listed building is a late C18 3-storey end-of-terrace house. The classical proportions, box-like form, and historic features of the brick built slate-roofed listed building, contribute positively to its special architectural interest and to its significance as a historic dwelling. Its main roof form, which includes a pair of parallel hipped roofs with a central valley behind a modest parapet, is in keeping with the late C18 dwelling, and the clear lines of its parapet, contribute positively to its historic character and special interest.
5. The proposal would convert the existing hipped roofs into a 'traditional' mansard roof with dormers. It would accommodate a bedroom and en-suite reached by a new flight of stairs from the existing staircase.
6. The appellant's heritage statement notes the lack of fireplaces, and suggests that at some stage in the 1960s the original central chimney stack was removed and the roof was 'reworked'. The appellant's french polishing and restoration expert's report explains that the roof timbers vary in age. Between them, they suggest that the roof was at least partly rebuilt between about the 1960s and 1974. However, there is almost no evidence to show that the roof form was different before then. Moreover, on the balance of probability, the present roof form was there when the building was listed in 1974, so it is to be treated as part of the listed building, which it is desirable to preserve.
7. The proposed mansard has taken into account local and national guidance including *Camden Planning Guidance Design CPG 1*. Even so, due to its height, scale, substantial bulk and massing, its dominant form would harmfully intrude above the parapet line, and unacceptably disrupt the classical form and proportions that are important to the special interest of the listed building.
8. The simple plan form of the main part of the listed building, with front and back rooms on each floor linked by a staircase, is one of its most important features. This has been interrupted on the second floor by the installation of the bathroom. The second floor alterations would not be likely to cause an unacceptable loss of historic fabric. Even so, the proposed stairs from the existing staircase to the proposed third floor, and the alterations to both bedrooms and the bathroom to form the larger second floor landing, would harmfully erode the historic character of the heritage asset.
9. Whilst the present roof may need some repairs, and the building could be made more energy efficient, subject to obtaining the necessary consent, those works could be carried out without the need for this harmful scheme.
10. In the terms of the *National Planning Policy Framework* (Framework) the proposal would cause 'less than substantial harm' to the significance of the heritage asset.
11. The heritage asset would stay in use as a dwelling, so the proposal would not be necessary to achieve its optimum viable use. Moreover, almost no public benefits have been put to me, so they would not be enough to outweigh the less than substantial harm that the proposal would cause. Furthermore, insufficient clear and convincing justification has been put to me to show that the proposal would be necessary to preserve the listed building in a manner appropriate to its significance as a historic dwelling.

12. Therefore, I consider that the proposed development and works would fail to preserve the special architectural interest of the listed building. They would be contrary to Policy D1 of the London Borough of Camden *Local Plan* (LP) which seeks high quality design, LP Policy D2 which reflects the thrust of the statutory duties with regard to listed buildings, and the Framework which aims to conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

#### *Conservation Area*

13. The London Borough of Camden *Dartmouth Park Conservation Area Appraisal and Management Strategy* (CAS) says that the Conservation Area has a variety and complexity that charts the history of domestic architecture from the late C18 to the present day. The Conservation Area is mainly characterised by residential areas with other uses scattered throughout and fairly little public open space. The site is within the Highgate Road sub area, where Little Green Street is described as a narrow street with buildings on both sides, which retains a charming C18 quality. The modest forms, historic features, and use of mainly traditional materials in the buildings, and the trees in streets and gardens in the wider area, are important to the appearance of the Conservation Area and to its significance as an area of historic townscape.
14. The listed building is at the end of the other mostly 2-storey plus attic Grade II listed buildings in the terrace. Although it is taller, its 3-storey form is broadly reflected by the more modest No 9 Little Green Street, which is on the opposite side of the street. Due to their scale, siting and strong parapet lines, there is a rough symmetry at Nos 8 and 9, which makes a harmonious entrance into Little Green Street from Ingestre Road and the pedestrian College Lane.
15. By contrast, due to its substantial bulk, scale, form and siting, the mansard would make the present dwelling much more prominent, so it would dominate the other buildings in Little Green Street. It would also harmfully unbalance the way into Little Green Street from Ingestre Road, which slopes up with the lie of the land, irrespective of the partial screening effect of nearby street trees at times. The mansard would be barely seen in some nearby views. However, its unsympathetic form would be harmfully intrusive in longer views from the south and beyond the railway arch in College Lane, the south west end of Little Green Street, and from roughly west in Highgate Road. For the same reasons, the proposal would harm the settings of the nearby listed buildings. As the CAS aims to resist additional storeys and changes to the roofline that would harm the historic character of the roofscape, the varied historic roofs, chimneys and dormers of nearby buildings in Little Green Street do not support this unacceptable scheme.
16. Attention was drawn to nearby developments including Wiblin Mews, but there is little information about them, and as the scheme at Flat 6 Grove End House sought to replace an existing mansard addition it differs from the proposal. So, I have dealt with the proposal before me on its merits and in accordance with its site specific circumstances, my statutory duties and relevant local and national policy and guidance.
17. In terms of the Framework, the proposal would cause 'less than substantial harm' to the significance of the Conservation Area. As almost no public benefits have been put to me, that less than substantial harm would not be

outweighed. There is also insufficient clear and convincing justification to show that the proposal would be necessary to preserve or to enhance the significance of the Conservation Area as an area of historic townscape.

18. Thus, I consider that the proposal would fail to preserve or enhance the character or appearance of the Conservation Area. It would be contrary to LP Policy D1, LP Policy D2 which reflects the thrust of the statutory duty in respect of conservation areas, Policy D3 of the Kentish Town Neighbourhood Plan which seeks respect for context, and the Framework.

#### *Highways*

19. Due to the narrow width of Little Green Street, the site's location near the end of the street, and the lack of nearby parking, servicing during construction is likely to be difficult. As construction phase servicing, including deliveries and despatches, would be likely to disrupt the use of, and could endanger safety in, the nearby public highway network, the lack of a planning obligation to secure a construction management plan was a concern of the Council in its reason for refusal 2. Whilst it was omitted in error from the Council's reasons for refusal, the Council's report and statement also explain that a financial contribution to ensure that any damage to the footpath during the works is repaired should be secured by planning obligation. As activities affecting the public highway would be outside the site, and that land is not within the control of the appellant, such an obligation could meet all 3 statutory tests in Regulation 122(2) of *The Community Infrastructure Levy Regulations 2010* as amended and Framework paragraph 56, in accordance with local policy. However, no planning obligation or other acceptable mechanism to achieve these aims has been put to me.
20. Thus, I consider that the proposed development would be likely to endanger highway safety and that it would fail to protect existing transport infrastructure in the nearby public highways during the construction phase. It would be contrary to the aims of LP Policy A1 to mitigate construction phase impacts, LP Policy T1 to promote sustainable transport including walking, LP Policy T3 to protect existing transport infrastructure, and LP Policy T4 to promote the sustainable movement of goods and materials.

#### *Other matters*

21. The appellant's concerns about the Council's handling of the applications are not relevant to my findings. It is also an established principle that the advice of its officers cannot bind the decision of the Council.

#### **Conclusions**

22. For the reasons given above and having regard to all other matters raised, including the support of some interested parties, the appeals fail.

*Joanna Reid*

INSPECTOR