



Appeal Decision

Site visit made on 18 December 2018

by **Helen O'Connor LLB MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 10th January 2019

Appeal Ref: APP/X5210/W/18/3207241

Garden Flat, 43 Countess Road, London NW5 2XH

- 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 Nick Bastian against the decision of the Council of the London Borough of Camden.
 - The application Ref 2018/1058/P, dated 7 March 2018, was refused by notice dated 21 May 2018.
 - The development proposed is a rear ground floor and side return infill extension with alterations to the internal layout.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are the effect of the proposal on:
 - The character and appearance of the area including whether the proposal would preserve or enhance the character or appearance of the Kentish Town Conservation Area, and;
 - The living conditions of the occupants of 41 and 45 Countess Road with particular regard to outlook.

Reasons

Character and appearance

3. The Kentish Town Conservation Area covers an area that encapsulates the historic village of Kentish Town and its expansion over time. Countess Road is located in the Northern Streets character area, a predominantly residential area with a distinct homogeneous grid-like urban design layout, comprising long terraces of mainly three storey houses. The appeal property is a three storey Victorian house that has been converted into flats which contributes positively to the significance of the conservation area as it is within a terrace that with its detailing and arrangement reflects the rapid 19th century expansion of Kentish Town.
4. The proposal would project some considerable depth from the rear of the property, and across the full width of the narrow plot. The resultant depth and width of the rear projection would be significantly greater than the original closet wing, and is exacerbated by the sunken terrace area which extends

further into the existing garden. This results in a development, albeit single storey, that would be out of proportion to the original dwelling and visible in private views from a considerable number of neighbouring properties. Accordingly, it would erode the strong homogeneous urban layout identified in the Kentish Town Conservation Area Appraisal and Management Strategy, March 2011. Such harm would not be sufficiently mitigated by the use of sympathetic materials.

5. The appellant points to a number of single storey rear extensions at other properties in Countess Road, and in particular an extension at the adjacent property No 45 Countess Road, to which the depth of the appeal proposal would be broadly aligned. The established rear extension at No 45 Countess Road is the closest to the appeal site. It is materially different to the proposal before me as it relates to an end of terrace property and does not cover the full width of the plot. Furthermore, in my opinion, it illustrates that extensions of significant depth diminish the original strong urban design layout and have a negative impact. I am not aware of the full circumstances of the other cases however, 15 and 17 Countess Road are located some distance from the appeal site, and the remaining examples do not appear to combine both the depth and width proposed in this case. As such the examples carry limited weight and in any event, each appeal must be determined on its own planning merits.
6. I therefore find that the proposal would cause harm to the significance of the Kentish Town Conservation Area as a designated heritage asset, but in view of the domestic scale of the proposal this would be less than substantial harm. Nevertheless, this harm is of considerable importance and weight given the special regard that is given to the desirability of protecting or enhancing the character or appearance of conservation areas. Paragraph 196 of the National Planning Policy Framework advises that this harm should be weighed against the public benefits of the proposal. Whilst the proposal would provide for additional and upgraded accommodation space that would benefit the appellant and future occupants, would improve the sustainable credentials of the property and maximise its potential, these would not amount to public benefits that would outweigh the harm identified.
7. In light of my findings above I conclude the proposal would be harmful to the appearance of the host building and would fail to preserve or enhance the character or appearance of the Kentish Town Conservation Area. It would therefore conflict with the design quality and conservation objectives of Policies D1 and D2 of the Camden Local Plan, June 2017. In addition the proposal conflicts with policy D3 of the Kentish Town Neighbourhood Plan, June 2016 which seeks to secure a high quality of design that respects the local character of the area.

Living conditions

8. The development would extend along the shared boundaries with 41 and 45 Countess Road for a considerable depth and would be contained within the existing garden walls. Nevertheless the built form would still project slightly higher than these, and the glass lanterns on the roof would be higher still. As such, the structure would be visible to the occupants of Nos 41 and 45 from their rear garden areas and from windows in their rear elevations. The presence of built form to such a depth and in such close proximity to these

boundaries would result in a material sense of enclosure to those occupants to an unreasonable degree. Furthermore, due to the expanse of the built form proposed, the current outlook onto the garden area from neighbouring properties would also be materially diminished.

9. Whilst I note that there is some disagreement regarding the specific heights of the existing boundary walls, it is not disputed that the development would be partly visible over the top of the majority of the boundary walls when viewed from ground level. As such, they would not entirely shield the impact of the proposal, and furthermore, the boundary walls would be unable to alleviate the outlook from the first and second floor rear windows of the neighbouring properties. Whilst the appellant suggests that this might be mitigated by sedum planting to the roof, this would be insufficient to overcome the harm arising from the expanse of the built form.
10. The appellant points out that an extension of similar or increased height may be constructed without the need for planning permission. However, I have seen no firm evidence that such a development could be constructed at the appeal site given that the extension relates to a flat, and so this carries only limited weight.
11. I find that the development would, due to its depth and scale in such close proximity to the neighbouring boundaries, materially harm the living conditions of the occupants of Nos 41 and 45 Countess Road in relation to outlook. As such, the proposal conflicts with policy A1 of the Camden Local Plan, June 2017 which includes the consideration of outlook amongst the matters to be considered when managing the impact of development.

Conclusion

12. For the reasons given I have found that the proposal would result in harm to the character and appearance of the area and would neither preserve nor enhance the character or appearance of the Kentish Town Conservation Area. It would also result in harm to the living conditions of occupiers of neighbouring properties. The appeal is therefore dismissed.

Helen O'Connor

Inspector