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## Appeal Decision

Site visit made on 15 January 2018

**by Eileen Griffin LLB Hons**

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

**Decision date: 04 February 2019**

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**Appeal Ref: APP/X5210/D/18/3214303**

**1 Rose Joan Mews, London NW6 1DQ**

- 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 Sharesense Limited against the decision of the Council of the London Borough of Camden.
  - The application Ref 2018/3408/P dated 17 July 2018 was refused by notice dated 31 August 2018.
  - The development proposed is infill existing first floor space above ground floor living area to form bedroom.
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. The application form and the decision notice both include the prefix Mr before the company name and I have therefore included it although it does appear to be a minor error.

### Main Issue

3. The main issue is the effect of the appeal proposal on the character and appearance of the area.

### Reasons

4. Rose Joan Mews has a small cluster of modern mews style dwellings to the rear of properties on Fortune Green Road. Fortune Green Road has more traditional 3 storey developments with commercial use on the ground floor with residential use above which back onto Rose Joan Mews. There is a very distinct visual difference between the traditional buildings and the newer modern architectural style development on Rose Joan Mews. The modern dwellings including the appeal dwelling have white rendered walls which together with recesses that appear as cut away elements are part of the distinctive design and add to their visual prominence and character.
5. The appeal dwelling is part single storey at the front and part two storeys due to the recess at the front. It is a semi-detached house with No 2 but due to its design, they appear to be a single dwelling. It has a flat roof design and white rendered walls. The recess to the front of the house is repeated on other mews

- buildings including on the block opposite. The effect of the recesses is to reduce the appearance of massing and scale.
6. As a previous appeal decision (APP/X5210/D/17/3188631) relating to this site was also for an infill first floor space above ground floor living area to form a bedroom, it is a material consideration before me for this appeal.
  7. The previous Inspector considered that “the recess performs an important visual function and reflects the distinctive character of the appeal building and the surrounding properties of a similar design”.
  8. In order to reach a different decision to the previous Inspector with regard to character and appearance, I would need to consider whether there are any changes in previous consideration or any new factors including the use of materials now proposed to lead me to a different conclusion. The parties agree that the siting of the proposal is the same and neither party has indicated that the size of the proposal would be different to what was considered for the previous appeal.
  9. In terms of the impact of infilling the existing recess, the distinction between old and new and the modern architectural style of the mews remains the same. The appellant considers that the existing recess does not perform any useful function. However the recess performs a visual function which adds to the character of the mews and reduces massing and scale.
  10. The Council believes that the change proposed in materials is the only change to the application. The appellant now proposes the use of timber cladding for the infill extension in grey timber slats to create a screen and provide more lightweight corner in contrast to the solid render of the rest of the building.
  11. Two unaligned and different sized windows are proposed, one behind the screen and one on the screen. The timber screen, detailing and wall behind will be in a light grey colour.
  12. The proposed use of screening is intended to make a positive contribution to the appeal building. However whilst the intention is to create a lightweight corner, the overall effect is still to fill in the recess which in turn adds bulk and mass to the overall appearance of the building.
  13. I agree with the Council that a box like form would be created which is not in keeping with that modern architectural style and the proposed materials do not lessen that effect.
  14. I therefore conclude that the proposal has a harmful effect upon the character and appearance of the appeal dwelling and the area. It would therefore be contrary to Policies D1 and G1 of the London Borough of Camden Local Plan 2017 which amongst other things require development to respect local context and character and takes into account the quality of design.
  15. It would also conflict with Policy 2 (Design & Character) of the Fortune Green and West Hampstead Neighbourhood Plan which refers to high quality of design including development which positively interfaces with the street and street scape in which it is located. It would also conflict with Paragraph 127 c) of the National Planning Policy Framework which refers to developments being sympathetic to local character.

### **Other Matters**

16. The appellant considers that a recent permission for 14 Rose Joan Mews granted on the 10<sup>th</sup> October 2017 is a material consideration the decision. However, the appellant states that the previous appeal “dismissed its consideration but reasserts that this should be a material consideration”. The appellant considers that the decision undermines the symmetry argument but provides no further information. However, I note that the permission relates to the rear of 14 Rose Joan Mews and at the time of my site visit, the recesses that form part of the distinctive character were still prevalent including the recess opposite the appeal dwelling.
17. I note that the proposed infill would provide an improved internal layout and living space. Whilst this may improve the quality of housing stock, this does not outweigh the harm that I have identified.
18. The appellant considers that the Framework refers to design not being a reason to object where a scheme complies with local plan policies. However in this instance, the proposal does not comply with the development plan policies for the reasons given. Whilst the appellant refers to this proposal being of greater costs than the last proposal, that does not overcome the harm that I have identified.
19. Whilst the Framework refers to the effective use of under-utilized land at paragraph 118 d, possible compliance with one element of the Framework does not overcome the harm that I have identified or conflict with other parts of the Framework such as Paragraph 127 a) which refers to development adding to the overall quality of the area.

### **Conclusion**

20. For the reasons given, the appeal is dismissed.

*Eileen Griffin*

INSPECTOR