



Appeal Decision

Site visit made on 18 June 2019

by D J Barnes MBA BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Housing, Communities and Local Government

Decision date: 8th July 2019

Appeal Ref: APP/X5210/W/19/3226127

49 Fitzjohn's Avenue, London NW3 6PG

- 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 Jetty Properties Limited against the decision of the Council of the London Borough of Camden.
 - The application Ref 2018/2867/P, dated 19 June 2018, was refused by notice dated 15 February 2019.
 - The development proposed is the erection of a single storey infill extension to existing residential building and associated external alterations.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. At the time of the site visit the property was enclosed by scaffold and wrapping. Accordingly, the building could not be easily seen but, together with the ability to observe the neighbouring properties, there is sufficient detail provided as part of the existing and proposed drawings to enable the appeal scheme to be assessed.
3. The appellant has provided a Planning Obligation which seeks to address some of the Council's reasons for refusal.

Main Issue

4. It is considered that the main issue is the effect of the proposed development on the character and appearance of the property and the surrounding area.

Reasons

5. The appeal property is a 3-storey residential building with basement accommodation located within the Fitzjohns/Netherall Conservation Area and is situated adjacent to 47 Fitzjohn's Avenue, part of St Mary's School, which is a Listed Building. There is a requirement that special regard is had to the desirability of preserving a Listed Building or its setting or any features of special architectural or historic interest which it possesses. There is also a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area. These duties are echoed in Policies D1 and D2 of the Camden Local Plan (LP).
6. The Council has produced a *Conservation Area Assessment* and the appellant has provided heritage assessments which draw upon published material. The

heritage significance of this part of the Conservation Area is principally associated with its architecture comprising a mix of large detached Victorian villas which are predominantly in residential use and located within large plots. These villas are predominantly 3-storeys high with basement accommodation. Some of the villas have accommodation within the roofspace. The buildings are set back to the rear of front gardens and face towards a wide road with avenues of mature trees within the footways. The topography of the road results in the stepping of the roof heights of the buildings. In combination, the siting of the buildings and the stepped height provide a rhythm for the built form of development along the road.

7. The buildings are of varying styles, including their height and widths, but are generally constructed of red brick and include detailing such as bay window, balustrades, chimneys and stone window surrounds. The upper floors of the residential buildings generally have openings which are lower height than those below. The bay windows generally extend to one storey below the eaves level of the buildings.
8. Based upon the existing drawings and what could be seen, the appeal property conforms to the general characteristics of the other buildings fronting the road and makes a positive contribution to the streetscene and the significance of the Conservation Area. This reflects the identification of property in the *Assessment* as an unlisted building which makes a positive contribution to the Conservation Area.
9. By reason of its relationship to No. 47, the appeal property is within the setting of this Listed Building. The heritage significance of the Listed Building is partially associated with historic ownership and its architecture which is similar to other villas fronting the road. There was a physical single storey link between the property and the Listed Building which has been removed. Notwithstanding this now demolished structure, I share the appellant's assessment that there is no obvious subservient relationship between the property and the Listed Building with each having been erected as a villa in its own right.
10. As part of the proposed development an additional storey would be added to the property and its height increased. The physical relationship between the property and the road would not be altered and matching external materials would be used to erect the appeal scheme. The hipped roof form would be similar to what currently exists. Although there would be an increase in the height of the roof and eaves, the resulting property would not materially disrupt the rhythm of the pattern of the built form of development along the road. Further, because of the stepped height of the building along the road the increase in the property's height would not harm the setting of the Listed Building.
11. However, the design of the proposed development would fail to complement and respect the architectural composition of the property. I share the Council's concerns regarding the failure of the appeal scheme to respect the hierarchy and scale of the property which would be evident by the size of the proposed openings not reducing in height. Although the overall proportions of the property would reflect those of other buildings along the road, because of the size of the openings in the proposed additional storey, it would not appear to be a subservient addition to the property.

12. There would also be a 2-storey gap between the top of the bay window, with its associated balustrade, and the eaves of the roof which is not representative of the majority of other buildings along the road. This gap is predominately only a single storey with this storey having a subservient appearance because of smaller openings. By reason of the larger gap and the lack of subservience of the openings, the resulting property would have a top-heavy appearance. Further, the drawings do not indicate that the proposed windows within the front elevation would have the same stone architrave or surrounds as the property's other openings. Overall, the appearance of the resulting front elevation would fail to be either high quality design or complement the local character and, as such, it would be harmful to the property's positive contribution to the streetscene. The appeal scheme would, therefore, fail to preserve the character and appearance of the Conservation Area and be harmful to the significance of this area albeit it would be less than substantial harm.
13. The National Planning Policy Framework identifies that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset then this harm should be weighed against the public benefits of the proposal. The benefits claimed by the appellant include the creation of additional residential floorspace to meet a housing need in an accessible location, a financial contribution towards affordable housing and investment in the property. As was evident, there is already investment in the fabric of the property and it is unclear how the proposed development would be any different to the current situation. Although the provision of additional residential accommodation may meet a housing need this has not been identified. The affordable housing contribution is of some significance but this is a case where the benefits claimed by the appellant do not outweigh the harm which has been identified.
14. For the reasons given, it is concluded that the proposed development would cause unacceptable harm to the character and appearance of the host property and the surrounding area and, as such, it would conflict with LP Policies D1 and D2, including by reason of not comprising details that are of high quality which complement the local character and not preserving the historic environment and heritage assets.

Other Matters

15. The submission of the Planning Obligation to address some of the Council's reasons for refusal has been noted but because the appeal is failing for other reasons its contents have not been considered in any detail. Accordingly, it is concluded that the appeal should be dismissed.

D J Barnes

INSPECTOR