



Appeal Decision

Site visit made on 15 August 2019

by Jamie Reed DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 September 2019

Appeal Ref: APP/X5210/W/19/3229042 65-69 Holmes Road, London NW5 3AN

- 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 Chi Tang against the decision of the Council of the London Borough of Camden.
 - The application Ref 2018/4871/P, dated 4 October 2018, was refused by notice dated 4 February 2019.
 - The development proposed is the erection of roof extension to facilitate the creation of 42 student accommodation rooms.
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Decision

1. The appeal is dismissed.

Background

2. The appeal site has a significant planning history, including a series of applications for varying forms of development for the existing building on top of which the proposal will be constructed. The Council has advised that it is currently investigating whether the existing building has been constructed in accordance with the relevant approved plans and legal agreements that have been entered into. Such matters do not form part of the proposal that is before me and consequently have no bearing on my decision.
3. Both parties have made reference to a previous appeal¹ on the site where the Inspector suggested that the appeal property in its current form may represent a maximum quantum, in terms of height. I have noted that this decision was made a number of years ago and since then further applications have been approved nearby² for developments of a similar height. As a result, it is clear that the surrounding area has changed since this previous appeal¹ and as such, the weight attached to the previous Inspector's decision has diminished.

Main Issues

4. The main issues are the effect of the proposal on:
 - the character and appearance of the appeal property and the adjacent Inkerman Conservation Area (ICA);

¹ Appeal ref: APP/X5210/A/13/2197192

² Planning Applications ref No's 2016/1986/P, 2017/6322/P and 2018/0622/P

- the living conditions of the occupiers of the appeal property by way of room sizes and outlook; and
- The living conditions of the occupiers of No's 74 and 55-57 Holmes Road by way of outlook and daylight.

Reasons

Character and appearance

5. The appeal property is a large building of modern appearance located on the corner of Holmes Road and Cathcart Street. The opposite side of Cathcart Street and to the rear of the appeal property lies the predominantly residential ICA. This generally consists of small mid-Victorian 2 and 3 storey terraced houses on narrow streets, interspersed with institutional, educational, light industrial and commercial uses. This mix of uses and dense urban grain give the ICA a lively characteristic. When moving out of the ICA onto Holmes Road, there is a marked change in building typography, featuring a mix of larger scale, modern accommodation of which the appeal property, in its current form is one of the tallest.
6. A key feature of the appeal property is that there is a marked distinction between its lower and upper stories, with the current top floor being set-back from the lower white-rendered stories beneath. On the Holmes Road elevation, this set-back extends down a further 2 floors in places, in order to break up the large expanse of this elevation and to add visual interest. The façades of these upper floor set-backs are then over clad with mesh panels of a metallic finish. Such an arrangement results in the windows of these uppermost parts of the building being largely obscured, giving a more subservient appearance when compared to the larger expanse of white-rendered floors beneath. These, in contrast, are uniformly punctuated with windows of identical proportions throughout.
7. The proposal seeks to add a further upper floor of accommodation to the appeal property, which would be over clad in the same manner, as a continuation of the chosen architectural style. The appellant considers the existing design of the building lends itself to extension in the manner proposed and that this would not result in any harm to the character and appearance of the area. Such an arrangement would detract from the architectural approach chosen for the building however, as the increase in over cladding would unbalance the current relationship that exists between the current upper floor and the stories beneath. As a result, the proposed larger extent of mesh over cladding would read as a top heavy addition to the building, making it appear unduly prominent within the streetscene.
8. Such an arrangement would also result in the appeal building becoming more prominent in views within the ICA, in particular around the junction of Holmes Road and Cathcart Street. As a result, the proposal would be harmful to the architectural interest of the ICA. Accordingly, I conclude that the proposal would be harmful to the character, appearance and significance of the ICA.
9. Consequently, the proposal would be contrary to Policies D1 and D2 of the London Borough of Camden Local Plan (LP) (2017) and Policy D3 of the Kentish Town Neighbourhood Forum Neighbourhood Plan (NP) (2016). When read together, policies D1 and D3 require proposals to achieve a high standard of

design that respects and reinforces local context and character and preserves or enhances the historic environment. Policy D2 requires proposals outside of conservation areas to not cause harm to any conservation areas and preserve and where appropriate, to enhance them for the future.

10. As this harm to the significance of the ICA would be less than substantial, it is therefore necessary, in accordance with paragraph 196 of the Framework, to balance it against any public benefits from the proposal. Whilst it is acknowledged that the proposal would help to deliver a currently unmet demand for student accommodation in London, such public benefits would not outweigh the great weight I must attach to the harm that the proposal would cause to the ICA.

Living conditions of the occupiers of the appeal property

11. The proposal seeks to deliver 42 rooms of student accommodation, which the Council has raised concerns regarding their size and outlook, referring to the requirements that are set out under Policy 3.5 of the London Plan (Consolidated with Alterations 2016) and the Nationally Described Space Standards (NDSS). By way of explanation, the London Plan advises that single person dwellings of less than 37 m sq, as would be the case in this instance, may be permitted if the proposal can demonstrate that it would be of exemplary design and contributes to the achievement of any of its other objectives and policies.
12. The appellant has suggested that the proposal would indeed contribute to another objective, that of delivering the unmet demand for student accommodation and that as a result of this tenure that regulations relating to licensed Houses in Multiple Occupation would be more contextually appropriate in assessing room sizes. With this in mind, whilst the proposal does not meet the NDSS, it does exceed the standard set out in the Licensing of Houses in Multiple Occupation Regulations 2018. Furthermore, when taking into account that there would also be over 1700 m sq of floorspace provided in the building for communal facilities for the occupiers to use, I find that the floor areas of the accommodation rooms to be provided would be acceptable in this instance.
13. In terms of ceiling heights, the NDSS sets a minimum requirement of 2.3 m. The London Plan strongly recommends that this distance is increased to 2.5 m, however, in order to address the increased temperatures that are regularly experienced and the distinct density and flatted nature of many of its residential developments. This ensures that adequate levels of light, ventilation and a sense of space are achieved. Consequently, the Council has raised concerns that the living conditions of occupiers would be harmed as a result of the sloping roof design of the extension, which would result in over 35% of the gross internal area of the rooms having less than 2.3 m height in which to stand.
14. Whilst the appellant has argued that NDSS should again not be applicable, they have duly acknowledged that the proposal would not meet this requirement, which I consider to be particularly important in such a high density, flatted form of development. By way of justification, the appellant has explained that a large proportion of those areas where head height is reduced would either be in storage areas or where beds would be positioned. As a result, the appellant does not consider the requisite height to be necessary, due to the decreased likelihood of occupiers standing in these spaces. Whilst I acknowledge that this

may be the case and that the proposal would contribute to delivering the unmet demand for student accommodation, this deficiency in floor to ceiling height would nevertheless be harmful to the living conditions of occupiers. This would be due to the inadequate levels of light or ventilation that would be achieved, which would be particularly harmful in such a high density, flatted proposal in this location. As a result, I find the ceiling heights proposed would be harmful to the living conditions of occupiers.

15. In terms of outlook, the proposed rooms would all be single aspect, with their windows positioned behind the mesh over cladding panels that are to be used on the uppermost parts of the building. The appellant asserts that such an arrangement would be acceptable, as occupiers would be able to see through these panels and across the rooftops due to the height of the building. Additionally, the occupiers would also have access to communal space on the lower floors, where panels are not present. Whilst this may be the case, the panels in the proposed rooms would still, nonetheless, be highly visible by their occupants. The presence of the panels in those parts of the rooms where ceiling heights would be at its lowest would further emphasise the reduced levels of space that would be provided in these areas. Such an arrangement would exacerbate the cramped nature of these rooms.
16. Accordingly, I conclude that for the above collective reasons, the proposal would fail to provide an acceptable standard of living accommodation for the prospective occupiers of the rooms. Consequently, the proposal would be contrary to policies A1 and D1 of the LP and policy 3.5 of the London Plan. When read together, these policies require proposals to be of the highest quality design both internally and externally whilst protecting the quality of life of occupants.

Living conditions of the occupiers of No's 74 and 55-57 Holmes Road

17. The Council has raised concerns regarding 2 buildings in particular, which are close to the appeal property; 74 Holmes Road, on the opposite side of the road to the north and 55-57 Holmes Road, which is on the same side but further east, following a turn in the road. No 74 has a number of south facing flats featuring balcony areas that look out onto the appeal property opposite. Similarly, flats to the rear of No's 55-57 have their main outdoor balcony space facing towards the appeal property, due to the orientation of the building.
18. The additional floor of accommodation proposed would further increase the overall height and massing of the appeal property, which at 7 storeys in height is already significant when considered within its surroundings. This increase in height would have a harmful overbearing effect upon the flats and balconies that the appeal property faces towards, as it would create a greater sense of enclosure than at present. Such an arrangement would therefore be harmful to the outlook of the occupiers of the neighbouring flats.
19. A Daylight and Sunlight Availability Study and Summary accompany the appeal. Whilst the study concludes that the proposal would be acceptable in terms of the number of Annual Probable Sunlight Hours that neighbouring properties would experience, there are a number of instances where best practice guidelines for daylight availability would not be met, meaning that a number of flats would lose significant levels of daylight.

20. Accordingly, I conclude that for the above collective reasons, the proposal would be harmful to the outlook and living conditions of the occupiers of 74 and 55-57 Holmes Road. Consequently, the proposal is contrary to Policy A1 of the LP which requires developments to protect the quality of life of neighbours.

Other Matters

21. In addition to matters relating to character and appearance, local residents have also raised other concerns, including the behaviour of the existing occupiers of the appeal property. Whilst I can empathise with these concerns, the appeal is being dismissed for other reasons and as such, these matters would not alter my decision.
22. The Council's decision notice cites 12 reasons for refusing the application. An informative note on the decision notice advises that reasons for refusal 5-12 could be overcome by entering into a s106 agreement. In addition, the Council and the appellant have agreed that reason for refusal 4 could also be overcome in such a manner. A copy of a signed and engrossed s106 agreement to this effect is before me, containing the relevant obligations that would come into effect in the event that the appeal is allowed and planning permission is granted. Given that the proposal is unacceptable for other reasons however, it has not been necessary for me to consider such matters in any further detail.

Conclusion

23. For the reasons given above, I conclude that the appeal is dismissed.

Jamie Reed

INSPECTOR