



Appeal Decision

Site visit made on 15 August 2019

by Jamie Reed DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 November 2019

Appeal Ref: APP/X5210/W/18/3215214

7 Jeffrey's Place, London NW1 9PP

- 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 Decadent Junior Ltd and City & Provincial Properties Ltd against the decision of the Council of the London Borough of Camden.
 - The application Ref 2018/2081/P, dated 27 April 2018, was refused by notice dated 5 July 2018.
 - The development proposed is erection of a single storey roof extension to create a 3x bedroom flat.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a single storey roof extension to create a 3x bedroom flat at 7 Jeffrey's Place, London NW1 9PP in accordance with the terms of the application, Ref 2018/2081/P, dated 27 April 2018, subject to the conditions in the attached schedule.

Preliminary Matters

2. I have before me a signed and engrossed legal agreement that provides obligations that a Construction Management Plan (CMP) and support contribution shall be submitted to the Council and sets out measures to ensure that the proposal will be car-free. I have taken that Agreement into account in my assessment and determination of the appeal, as set out later in my decision.
3. A number of revised and additional drawings accompany the appeal. As these provide clarification in respect of a number of matters, without altering the proposed scheme, I have also taken these into account in my assessment and determination of this appeal.
4. A previous application¹ for a roof extension at the appeal site was dismissed on appeal² on 20 July 2016. In this previous appeal, the Inspector found that the proposed roof extension would be an incongruous addition to the building, which would fail to preserve the character and appearance of the Jeffrey's Street Conservation Area (JSCA) and detract from the setting of the Grade II listed building at 8-10 Ivor Street. The evidence indicates that the current appeal scheme is intended to overcome the previous concerns raised.

¹ Planning application reference: 2015/4920

² Planning appeal reference: APP/X5210/W/16/3147212

Main Issues

5. The main issues are:

- the effect of the proposal on the character and appearance of the appeal property, the JSCA and the setting of the Grade II listed building at 8-10 Ivor Street;
- whether the proposal provides adequate storage space for 2 bicycles;
- whether the proposal would be 'car free' having regard to local policy; and
- whether the construction phase of the proposal would be satisfactorily managed having regard to local planning policy.

Reasons

Character and appearance

6. The appeal property is a 3 storey former factory building located within the predominantly residential JSCA. The significance of the JSCA arises from its series of quiet streets and narrow cobbled lanes of 18th and 19th century housing. The buildings in the JSCA are varied in form, with the juxtaposition of differing building styles and roof forms playing a key part in forming the character of the JSCA. Situated mid-way down the short and narrow street that is Jeffrey's Place, the appeal property has a balanced, symmetrical façade and is the largest building present, with its uppermost floor visibly higher than the neighbouring properties. A short terrace of 3 stucco fronted dwellings comprise a Grade II listed building which is located immediately to the rear of the appeal site, at 8-10 Ivor Street. The significance of this building arises from its grand appearance when viewed from Ivor Street, which features a painted stucco frontage and a strong horizontal cornice at parapet level.
7. The proposal seeks to create a pitched roof extension to the flat roof of the appeal property in order to form an extra floor of living accommodation. The roof extension would be set back behind the existing parapet walls and would feature a grey coloured roof. The south facing elevation onto Jeffrey's Place would be predominantly grey and the north and east facing elevations would be predominantly glazed. To the east of the extension, a roof terrace would be formed on the existing flat roof with a strip of green roof planting beyond, abutting the eastern extent of the parapet wall. It is clear that the proposal is of a well-considered, high quality contemporary design that is in keeping with the wide variety of roof forms that are present in area. I am therefore satisfied that the proposal would clearly relate well to the form of the appeal property and is also reflective of the other roof extensions that are evident in the surrounding area.
8. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. In addition, section 66 of the same Act requires special regard to be paid to the desirability of preserving listed buildings and their settings. These requirements are echoed in the National Planning Policy Framework (the Framework), with Paragraph 192 requiring proposals to take into account the desirability of sustaining and enhancing the significance of heritage assets, whilst making a positive contribution to local character and distinctiveness.

9. As a result of its pitched roof design and set back from the parapet wall, only small sections of the proposal would be visible above the parapet wall when viewed from ground level in the JSCA. As a result of its considered design and its inconspicuous appearance, the proposal would not appear unduly prominent within the streetscene or from private areas and would not be uncharacteristic when considered within the context of the wide and varied roof forms present within the JSCA.
10. At 2 storeys in height, 8-10 Ivor Street is smaller in scale than many of the surrounding properties in the JSCA. The most prominent view of this listed building is when approaching from the south on Prowse Place through the railway viaduct that dominates this part of the JSCA. When viewing the listed building in this location and from Ivor Street, it stands proud on the corner and is of grand appearance yet diminutive in size when compared to the surrounding buildings.
11. Only a small section of the appeal property's parapet wall is visible when viewed in context with the listed building, where it can just be seen in the background protruding slightly above its front façade. Furthermore, the extent of the parapet wall that can be seen is effectively contained between the two chimney stacks on the listed building. Due to the narrowness of the streets, the positions in which this relationship can be seen are extremely limited. As a result, the roof area of the appeal property in its current form does not appear unduly prominent and does not have an adverse effect upon the setting and significance of the listed building.
12. The proposal would add only slightly to this arrangement, adding what would only appear as a thin grey capping to the parapet wall when viewed in context with the listed building. It would not alter the current situation, insofar as the limited view of the appeal property would still remain visually contained in between the two chimney stacks on the listed building. As a result, the very small addition to the already varied roofscape that would occur as a result of the proposal and the limited opportunities from where it would be able to be seen, would have a neutral effect on the setting of the listed building.
13. With the above in mind, I conclude that as a result of its well-considered design, the proposal would not be harmful to the character and appearance of the appeal property and it would preserve the character and appearance of the JSCA and the setting of the Grade II listed building at 8-10 Ivor Street. The significance of the JSCA or the aforementioned listed building would not be affected by the proposal. Consequently, the proposal accords with paragraph 193 of the Framework, which requires great weight be afforded to the conservation of designated heritage assets, including their setting. The proposed development would also accord with Policies D1 and D2 of the London Borough of Camden Local Plan (LP) (2017), the London Plan (Consolidated with Alterations 2016). When read together, these encourage proposals that increase housing supply where they are of a high quality design that respects the local context and character of the area and preserve or enhance the historic environment and heritage assets.

Whether the proposal provides adequate storage space for 2 bicycles

14. The submission demonstrates that the proposal would be able to provide additional storage spaces for 2 bicycles in dedicated secure storage areas located under the staircases of the building at ground floor level. These areas are already used for cycle storage by the other residents of the building. The

Council's Camden Planning Guidance: Transport Supplementary Planning Document (TSPD) (2019) recommends a different type of cycle stand than that which is proposed but from the evidence provided, this appears to offer a reasonable useable alternative.

15. Additionally, I am mindful that the occupiers on the ground floor of the building could also be likely to store any cycles within their flat or outdoor amenity area, further lessening demand on the storage areas. As a result, I conclude that the alternative form of cycle stand proposed would be appropriate for this type of development. It would be of an acceptable quality and would provide sufficient cycle storage for all users of the building. Consequently, the proposal accords with Policy T1 of the LP, which requires proposals to prioritise sustainable forms of transport, including cycling.

Whether the proposal would be 'car-free'

16. Policy T2 of the LP seeks to limit the availability of parking and requires all new developments to be car free. As such, it is clear that a car-free form of development is necessary in this instance in order to comply with this Policy. Specific guidance on how this can be achieved is set out in the TSPD, wherein it is advised that car-free developments will be secured by s106 agreements in combination with other legislation³.
17. The proposal would not provide any parking on site and the s106 Agreement that accompanies the appeal stipulates that prior to occupying the development, each new resident would be informed that they would not be entitled to be granted a residents parking permit to park a vehicle in a residents parking bay from the Council, nor would they be entitled to buy a contract to park within any car park owned, controlled or licensed by the Council.
18. From the evidence before me, it is clear that additional car based development would cause parking stress and congestion in the vicinity of the appeal site. As such, it is reasonable to expect parking restrictions in this location, which are necessary to make the proposal acceptable and to accord with local policy. Accordingly, a s106 agreement to secure such matters meets the relevant tests set out in the Framework and Regulation 122(2) of the Community Infrastructure Levy Regulations (CIL Regulations) (2010). I therefore conclude that the proposal would deliver a car-free form of development and as such would not cause parking stress or congestion in the surrounding area. Consequently, the proposal would accord with requirements of Policy T2 of the LP, as set out above.

Whether the construction phase of the proposal would be satisfactorily managed

19. Policy A1 of the LP sets out measures that seek to manage the impact of development. Part of these measures includes a requirement for developers to provide a CMP, which the Council considers would be necessary in this instance, given the narrow nature of Jeffrey's Place. This would be secured via the s106 agreement that accompanies the appeal, which also includes an associated Construction Management Plan Implementation Support Contribution (CMPISC) of £3136.00.

³ Section 16 of the Greater London Council (General Powers) Act 1974, Section 111 of the Local Government Act 1972 and Section 1(1) of the Localism Act 2011

20. Due to the constrained nature of the surrounding streets in this location, a CMP is clearly necessary and a fair and reasonable requirement. The review and approval of the draft CMP and verification of the proper operation of the approved CMP during the construction period will also incur the time of the Council prior to and throughout the course of the construction period. Consequently, the CMPISC is also necessary and a fair and reasonable requirement to make the development acceptable in planning terms. Accordingly, a s106 agreement to secure such matters meets the relevant tests set out in the Framework and Regulation 122(2) of the CIL Regulations (2010).
21. As a result, I can therefore conclude that the construction phase of the proposal would be satisfactorily managed. Consequently, the proposal would accord with Policies A1, A4, CC4, DM1, G1, T3 and T4 of the LP. These policies require proposals to identify the potential impacts of the construction phase and to state how any potential negative impacts would be mitigated.

Other Matters

22. As well as concerns over disturbance caused during the construction phase and the effects of the proposal on the character and appearance of the JSCA and the listed building 8-10 Ivor Street, a number of local residents have also voiced their concerns regarding other matters, which are set out below.
23. In respect of overlooking, there would be very limited opportunities for this to occur as it would prove difficult either from inside the property or from the external terrace area at the eastern end of the roof. This would be due to the proposal being set in from the roof boundaries and positioned behind the existing parapet wall. A further drawing⁴ has been submitted by the appellants which helps to show this arrangement more readily than the original drawings. As such, I am satisfied that the proposal would not result in conditions that are any worse than those that may already exist with regards to overlooking.
24. In respect of possible overshadowing, the appellants have prepared a daylight / sunlight report, which demonstrates that the proposal would not appreciably reduce sunlight or daylight to surrounding properties.
25. In respect of bin storage provision, the existing bin store to the front of the building, which serves the existing flats would be utilised by occupants of the proposed development. Whilst the Council has advised that this store cannot accommodate a Eurobin, which would be its preferred option for a development of this nature, it is clear that other bin types of adequate capacity would be able to be stored in this space. As a result, I am satisfied that sufficient bin storage space exists to accommodate the overall requirement of 7 flats.
26. Concerns have also been raised regarding the increase in floorspace that would be provided when compared to the previous planning application¹ that was refused and subsequently dismissed on appeal². Even if the floor area is larger than the previous scheme¹, the carefully considered design of the current proposal is significantly different. It would not adversely affect any neighbouring properties and as such, I see no reason why the size of the footprint of the proposal which is before me should be considered as being unacceptable.

⁴ Drawing No 1422-0300-AP-303 Rev P01 (Proposed Section 5)

27. Finally, a number of representations have been submitted stating that the proposal does not bring any public benefits to outweigh any harm that may be brought upon the character and appearance of the appeal property and the JSCA. However, as set out above, I have found that the proposal would preserve the character and appearance of the JSCA and would have a neutral effect on the setting of the Grade II Listed Building at 8-10 Ivor Street. As a result, no such balancing exercise is required.

Conditions

28. The Council has suggested a number of planning conditions, which I have considered against the tests set out in Paragraph 55 of the Framework and the Planning Practice Guidance (PPG), amending the wording where necessary for the sake of simplicity, clarity and precision. In addition to the standard time limit condition, I have specified the approved plans as this provides certainty and a condition requiring that detailed drawings or samples of the materials to be used are approved with the Council, in order to ensure the appearance of the proposal is in-keeping with the character and appearance of the surrounding area.
29. In addition to the above, it will be necessary for the proposal to meet a range of energy/resource/water efficiency measures that are requirements of the CC1, CC2 and CC3 of the LP. Finally, a condition will also be required in order to ensure the proposal provides adequate cycle parking facilities, as set out in my second main issue above and to accord with the requirements of policy T1 of the LP.

Conclusion

30. For the reasons given above, I conclude that the appeal is allowed, subject to the conditions as set out in the attached schedule.

Jamie Reed

INSPECTOR

Schedule of Conditions (6 in total)

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan, 1422-0100-AP-300; Existing Ground Floor Plan, 1422-0100-AP-301 Rev PO1; Existing First Floor Plan, 1422-0100-AP-302 Rev PO1; Existing Second Floor Plan, 1422-0100-AP-303 Rev PO1; Existing Roof Plan, 1422-0100-AP-304 Rev PO1; Existing Elevations, 1422-0100-AP-305 Rev PO1, Existing Side Elevations, 1422-0100-AP-306 Rev PO1; Proposed Ground Floor Plan, 1422-0200-AP-301 Rev PO2; Proposed First Floor Plan, 1422-0200-AP-302 Rev PO1; Proposed Second Floor Plan, 1422-0200-AP-303 Rev PO1; Proposed Third Floor Plan, 1422-0200-AP-304 Rev PO1; Proposed Roof Plan, 1422-0200-AP-305 Rev PO1; Proposed Sections 1 and 2, 1422-0300-AP-301 Rev PO1; Proposed Sections 3 and 4, 1422-0300-AP-302 Rev PO1; Proposed Section 5, 1422-0300-AP-303 Rev PO1; Proposed Front Elevation, 1422-0400-AP-301 Rev PO1; Proposed Rear Elevation, 1422-0400-AP-302 Rev PO1; Proposed Side Elevations, 1422-0400-AP-303 Rev PO1 and GA Plans – Bike Storage, 1422-0200-AP-306 Rev PO1.
- 3) Detailed drawings, or samples of materials as appropriate, in respect of the following, shall be submitted to and approved in writing by the local planning authority before the relevant part of the work is begun:
 - a) Details including sections at 1:10 of all windows (including jambs, head and cill);
 - b) Manufacturer's specification details of all facing materials (to be submitted to the local planning authority) and samples of those materials (to be provided on site);
 - c) Details of the balustrading.

The relevant part of the works shall be carried out in accordance with the details thus approved and all approved samples shall be retained on site during the course of the works.
- 4) Prior to construction, an energy statement shall be submitted to and approved in writing by the Local Planning Authority, demonstrating how a target of 20% reduction in carbon dioxide emissions beyond Part L 2013 Building Regulations is achieved from the installation of on-site renewable technologies. Prior to occupation, evidence demonstrating that the approved measures have been implemented shall be submitted to and approved in writing by the Local Planning Authority and shall be retained and maintained thereafter.
- 5) The development hereby approved shall achieve a maximum internal water use of 110 litres/person/day. The dwelling shall not be occupied until the Building Regulation optional requirement has been complied with.
- 6) The cycle storage details hereby approved shall be provided in their entirety prior to the first occupation of the new flat, and permanently retained thereafter.

*****End of Schedule of Conditions*****