



Appeal Decision

Site visit made on 20 January 2020

by Diane Cragg DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 February 2020

Appeal Ref: APP/X5210/W/19/3240019

85 Jamestown Road, London, NW1 7DB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990 for the development of land carried out without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Jamestown Road LLP against the decision of the Council of the London Borough of Camden.
 - The application Ref 2019/1315/P, dated 12 March 2019, was refused by notice dated 17 May 2019.
 - The application sought planning permission for mansard roof extension to create additional floor to 3rd floor flat without complying with a condition attached to planning permission Ref APP/X5210/W/14/3000701 (Council ref: 2014/4058/P), dated 10 April 2015.
 - The condition in dispute is No 2 which states that: The development hereby permitted shall be carried out in accordance with the following approved plans: Site Plan; 112-P Rev A; 113-P Rev A; 114-P Rev A; 206-P Rev A; 207-P Rev A; 208-P Rev A; 209-P Rev A; 210-P Rev A, 211-P Rev A. 302-P Rev A.
 - The reason given for the condition is: A condition relating to the relevant plan is necessary for the avoidance of doubt and in the interest of proper planning.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. An appeal was allowed, and planning permission granted, (ref: APP/X5210/W/14/3000701) in April 2015 for a mansard roof extension to create an additional floor to a third floor flat at the appeal site.
3. Since the decision of the Council and the submission of the appellant's statement, on the 31 October 2019, an appeal was allowed, and planning permission granted retrospectively, (ref: APP/X5210/W/19/3224577), for the installation of double doors from the upper floor flat, installation of Juliet balcony and railing around the edge of the flat roof.
4. This appeal proposal seeks to vary the plans condition (condition 2) of the originally approved scheme, referred to in paragraph 2, as follows: retain skylight to mansard roof; retain glazed balustrade to the second floor fenestration fronting Jamestown Road; retain extended chimney stack and party wall to No 83 Jamestown Road; retain 4 no. single pane aluminium framed windows to the mansard roof; retain aluminium framed window to third floor on the Jamestown Road elevation (with new glazing bar detail); retain

aluminium framed windows to third floor Oval Road elevation (with new glazing bar detail); removal of third floor coving detail.

5. I saw at my site visit that, with the exception of the applied glazing bars proposed to be added to the third-floor windows, the amendments appear to have been implemented and therefore the appeal is largely retrospective.

Main Issue

6. The main issue is the effect of the amendments to the approved plans on the character and appearance of the host property and the area including heritage assets.

Reasons

7. The appeal site comprises a four-storey building plus a mansard roof located on the corner of Jamestown Road and Oval Road. The appeal building is locally listed and is within the setting of the Regents Canal and Primrose Hill Conservation Area (CA) and the former Gibley House, a grade II listed building, located opposite the appeal site.
8. It is common ground between the parties that the skylight to the mansard roof, the increase in height of the chimney stack and party wall and the glazed balustrade to the second floor Jamestown Road elevation are acceptable. At my site visit I noted the details of these elements of the development and I see no reason to disagree with the parties on these matters.
9. I saw at my site visit that the mansard roof is set back behind the parapet detail above the third-floor windows. The aluminium windows are similar to the window details of the infill extension. I accept that the mansard is designed in a traditional style, however it is a modern extension to the building, and I find that the window detail sits acceptably with the building and acceptably within the street scene.
10. There are three new windows to the third floor; one to the Jamestown Road frontage, which is a new window in a previously bricked up opening, and two to the Oval Road frontage. The first and second floor windows are 6/6 sliding sash design; these appear to be double glazed replacement windows. Despite the photographic evidence that the third floor originally had vertically proportioned crittall windows, the approach to the design of the windows at the third floor in the original approved scheme was to replicate the 6/6 sliding sash window design of the lower floors.
11. The proposal is to attach an applied glazing bar detail to the single aluminium framed window panes at third floor level in order to reflect the proportions of the sliding sash windows that would have been installed. However, I am not persuaded that this approach satisfactorily reflects the texture, depth of section or detailing of sliding sash windows. I consider that the windows at this third-floor level are significantly more prominent in the street scene than the roof extension windows and as part of the original building elevation the modern approach to their design is incongruous with the architecture of the building.
12. I have considered whether the position of the coving or cornice between the second and third floor creates a visual break between the second and third floors but instead I consider that the coving is part of the elevation detail rather than designed with the purpose of separation. In any case, I find that

the third-floor windows have a negative effect on the character and appearance of the building and the street scene.

13. I note the comparison to windows in the adjacent listed Gibley House; however, I do not find the comparison between the two distinctly different architectural styles helpful. I also note concerns that on a practical level a sliding sash window to the Jamestown Road frontage would not be an option as the window acts as a smoke vent. However, there is no evidence before me that a sliding sash window design could not be appropriately modified or another solution to this problem found.
14. The coving between the second and third floors is an important horizontal detail that carries the building around the corner, it adds depth and quality to the elevation. The approved plans show that the removed coving at eaves level was similar. It provided an attractive way to complete the elevation and on this corner location its removal and replacement with a wide flat rendered band detracts from the appearance of the building and the street scene. I saw on site that several of the adjacent buildings do not have a coving detail at eaves level. However, these buildings are lower and less prominent in the street scene.
15. Paragraph 197 of the National Planning Policy Framework (the Framework) states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. The significance of the building is in part derived from it being a focal point at the end of a group of 13 properties at the junction with Oval Road. For the reasons set out above the window detail at the third floor and the loss of the coving would detract from the character and appearance of the building and its immediate environs.
16. Overall, I consider that the amendments to the approved plans would harm the character and appearance of the host property, a locally listed building, in conflict with Policies D1 and D2 of the Camden Local plan 2017 which collectively seek to respect local context and character, and balance the harm to non-designated heritage assets against the benefits. This approach is consistent with the Framework.

Other Matters

17. Given my conclusions on the main issue I have not found it necessary to consider the duties under section 66 (1) and section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) insofar as it relates to the effect on the settings of the adjacent CA and Listed Building.

Conclusion

18. For the reasons given above the appeal is dismissed.

Diane Cragg

INSPECTOR