



## Appeal Decision

Site visit made on 18 February 2020

by **S Dean MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17 March 2020

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**Appeal Ref: APP/X5210/W/19/3240593**

**49 Pratt Street, London NW1 0BJ**

- 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 S Motesherai against the decision of the Council of the London Borough of Camden.
  - The application Ref 2019/1310/P, dated 6 March 2019, was refused by notice dated 16 May 2019.
  - The development proposed is described as "Conversion of single dwellinghouse into 2 self-contained flats (2 x 2 bed). Erection of ground, first floor and second floor rear extension. Replacement of 1 window on Western elevation".
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are the effect of the proposal on i) the character and appearance of the area, ii) the living conditions of occupiers of neighbouring properties having regard to their outlook and enclosure, and iii) whether or not the proposal would cause unacceptable parking stress and congestion.

### Reasons

#### *The site*

3. The appeal site is a locally listed terraced building with an existing flat-roofed dormer extension, and an existing two-storey rear projection with a pitched roof. There are existing permissions for the conversion of the building to flats, and this work, which includes the ground-floor single-storey extension, appears to be underway. The proposal seeks to convert the building to larger flats than already permitted, through the extension in depth and height of the existing two-storey rear element, resulting in a two and three-storey, flat-roofed rear extension.
4. The back-to-back distance between the appeal site and St Martins Close to the rear is relatively short, although not unusual for a dense, urban area. The area to the rear of the appeal site has a close and dense character and appearance, with the existing rear-extensions, boundary treatments and relatively-close, relatively-tall surrounding terraces all contributing. The rear of the appeal site terrace has an attractive rhythm and form, particularly in the form, scale and relationship of the rearward projections, which has persisted irrespective of the various roof alterations and extensions.

*Character and appearance*

5. The proposed extension would be markedly taller than any of the neighbouring or nearby rear extensions, and the flat-roofed form proposed would, in my view, emphasise the additional height and bulk of the proposal relative to its context. Given the character of the appeal site and its surroundings, I consider that the three-storey height and flat-roofed form of the appeal proposal would appear incongruous.
6. I acknowledge that the appeal proposal relates only to the rear of the property and that there is already a roof extension, which is itself somewhat atypical. However, the rear of this terrace is visible from the public domain. Despite the existing roof extension, the character and appearance of the site and its surroundings, particularly the original butterfly roof pattern and the scale and form of the existing rear-extensions retains an attractive rhythm and form. I consider that the appeal proposal would appear alien to this established character and appearance.
7. The Council confirms in its statement that the ground floor, infill extension element is acceptable. I agree with this assessment and note that it appears to benefit from separate permissions in any event.
8. The appeal site is part of a locally listed terrace, identified in Camden's Local List 2015 as "41a-55 Pratt Street". It is therefore a non-designated heritage asset, and whilst of a lower status than designated heritage assets, the National Planning Policy Framework (the Framework) requires that the significance of it should be taken into account and a balanced judgement should be made, having regard to the scale of any harm or loss and the significance of the heritage asset.
9. The Council has identified that the significance of the terrace lies in its group value and its architectural and townscape contribution, noting in particular the coherence to the front, but highlighting the degradation arising from extensions to the roofline. I have had regard to the nature of the proposal, its scale and relationship to the rest of the locally listed terrace, and my comments above on its effect on the character and appearance of the area. I consider therefore that the proposal would cause some harm to the significance of the non-designated heritage asset.
10. Taking all of the above into account, I consider that the proposal would be harmful to the character and appearance of the area. It would therefore be contrary to Policies D1 and D2 of the London Borough of Camden Local Plan 2017 (the Local Plan). These policies seek, amongst other things, to ensure that development proposals secure high-quality design, which respects local character, context, scale and form. These policies also seek to ensure that development preserves or enhances Camden's heritage assets and note in particular the value of non-designated heritage assets which help to give Camden its distinctive identity. The proposal would also conflict with guidance in the Framework on achieving well-designed places and conserving and enhancing the historic environment.

### *Living conditions*

11. The rear facing windows of the appeal site essentially mirror those of the neighbouring properties. As a result, the proposed extension, particularly the second-floor element of it, would be very close to the neighbouring window. Whilst I acknowledge the effect of the existing chimney stack, which is not shown on the drawings, the proposed extension would be significantly larger and would present a long, blank elevation immediately adjacent to the neighbouring window of 51 Pratt Street. I consider that this would give rise to an unacceptable sense of enclosure to the neighbouring property, and the immediately adjoining second-floor window in particular. Owing to its length, height and relationship to the window, the proposal would also harm the outlook from it.
12. I acknowledge that dense, urban areas such as this can be subject to increased enclosure and more limited outlook. However, despite the relatively confined nature of the space to the rear of Pratt Street and St Martins Close, in my view, further enclosure of windows facing this space would increase the sense of enclosure and affect the outlook to such a degree as to be harmful to the living conditions of occupiers of the neighbouring property.
13. I note the lack of objections from third-parties, however I do not agree that this in itself can be evidence that the proposal would cause no harm. I also do not agree that the extension could be considered minor, given its relationship to windows in the neighbouring property.
14. I therefore conclude that the proposal would be harmful to the living conditions of occupiers of neighbouring properties having regard to their outlook and enclosure. As a result, the proposal would conflict with Policy A1 of the Local Plan, which seeks to manage the impact of development to protect the quality of life of neighbours. The proposal would also conflict with guidance in the Framework to achieve well-designed places with a high standard of amenity for existing and future users.

### *Parking*

15. Although the appellant has provided a section 106 agreement which could make the development car-free in accordance with the requirements of the Council, it has not been executed and certified and is not therefore complete. The Procedural Guidance – Planning Appeals England is clear that for a planning obligation to be taken into account, an executed and certified copy must be provided within 7 weeks of the start date. As I intend to dismiss the appeal for other reasons outlined above, I have not pursued this matter further with the main parties.
16. As a result, because there is no mechanism in place to ensure that the development would be car-free, the proposal would be likely to cause parking stress and congestion. It would therefore conflict with Policies T1, T2, A1 and DM1 of the Local Plan. These policies seek, amongst other things, to manage the impact of development, promote non-car transport, require new development to be car free and use planning obligations appropriately to support sustainable development and mitigate the impact of development.

### **Other Matters**

17. I note that the aim of the proposal is to provide additional living space to occupiers of the proposed flats, over and above that proposed in previously approved applications, that the site is well located and it is proposed to use matching materials, in line with guidance in the development plan and Framework. However, that must all be balanced against the effect of those alterations on the character and appearance of the area and living conditions of occupiers of neighbouring properties. I have found above that the proposal would cause harm in those regards, and that significant development plan conflict arises as a result.

### **Conclusion**

18. I have found no material considerations of sufficient weight to indicate that a decision be taken other than in accordance with the development plan. As such, I conclude that the appeal should be dismissed.

*S Dean*

INSPECTOR