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## Appeal Decision

Site visit made on 31 August 2020

**by Alison Scott BA(Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 9 October 2020**

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**Appeal Ref: APP/X5210/W/20/3251639**

**41-47 Ingham Road and 108 Fortune Green Road, London NW6 1DG**

- 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 Stephen Fass against the decision of Council of the London Borough of Camden.
  - The application Ref 2019/6114/P, dated 30 November 2019, was refused by notice dated 25 March 2020.
  - The development proposed is To provide 1 no. additional flat (43c) at third floor level on the Ingham Road elevation.
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### Decision

1. The appeal is allowed and permission is granted for Erection of additional storey at third floor level to provide additional flat, with roof terrace at 41-47 Ingham Road and 108 Fortune Green Road, London NW6 1DG in accordance with the terms of application Ref 2019/6114/P dated 30 November 2019, subject to the following conditions:
  - 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, S021 Site survey, AP306 Permitted floor plans under construction, AP310 Permitted elevations under construction, AP403 Proposed third floor (no south windows), AP406 Proposed floor plans (extra cycle parking), AP410 Proposed elevations.
  - 3) The details of the following shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced on the relevant part of the development: (a) Details of facing materials (b) Details including sections at 1:10 of all windows (including mouldings) and external doors and door frames (c) Details including materials of all balconies and roof terraces including balustrades. The development shall not be occupied until the approved details have been implemented. The approved works shall be retained for the lifetime of the development.
  - 4) The cycle parking hereby approved shall be provided in its entirety prior to the first occupation of the unit, and permanently retained thereafter.

## **Preliminary and Procedural Matters**

2. The description of the development has been amended by the Council and described as 'Erection of additional storey at third floor level to provide additional flat, with roof terrace' and I concur that this accurately describes the proposal before me.
3. The appellant has signed a Section 106 Agreement to contribute towards off-site affordable housing, to secure a construction management plan and to secure a car-free scheme. This satisfies the Council's requirements in this regard and therefore reasons for refusal 2-4 are no longer necessary and requires no further assessment.

## **Main Issue**

4. The main issue is the effect of the proposal on the character and appearance of the area.

## **Reasons**

### *Character and Appearance*

5. The prevailing character of the area is one of buildings of large masses, with Alfred Court especially, having a dominating presence. The appeal site has a lengthy planning history associated with it and works appear to be completed to erect a more recent permission at the site<sup>1</sup> for additional floors to the premises. The extensions have the consequential effect of creating a square, flat roofed and prominent development to the main road, with the three floors to Ingham Road appearing out of proportion to the mass of development to its corner with Fortune Green Road.
6. The creation of an extension above the flat roof to part of the Ingham Road return with terrace feature would create a more balanced appearance to the building. It would appear as a subservient extension with the use of a matching pallet of materials in a mansard design, and matching fenestration details aligning with the windows below. It would complement the mass of the host building. The addition of the extension would improve the appearance of the building especially as it is a corner turning building and seen clearly in views from two main roads.
7. Therefore I can find no direct conflict with the Camden Local Plan 2017 Policy D1 or Policy 2 of the Fortune Green and West Hampstead Neighbourhood Plan 2015 in their design aims.

### *Planning Obligation*

8. The Section 106 Agreement has been completed. I consider that this adequately addresses the matters of affordable housing, a construction management plan and that the scheme is a car free development. These contributions and other mitigation measures have been justified by the Council and are appropriate to mitigate the impact of the proposal.

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<sup>1</sup> Application Reference 2018/4870/P

## Other Matters

9. I have read the letters of objection received to the proposal. With respect of the comment that the site will be further increased in size, as explained before, I find no harm would arise to the street scene as a result of the development. One additional one bedroom flat would be unlikely to cause unacceptable pressure to local amenities. Issues regarding potential subsidence is noted however there is no evidence presented to demonstrate this proposal would de-stabilize land.
10. The property at 39 Ingham Road is located perpendicular to the appeal site. The appellant's submitted daylight/sunlight study does not indicate that the addition of a flat in this location would reduce light levels to their property and I find no reason to disagree with the findings. Whilst abandoned rubbish may already occur, another residential flat is unlikely to result in significant amount of additional rubbish being generated, and furthermore, these issues are currently occurring, and are not generated by the proposal before me.
11. Noise may be generated from the site, especially as there is a terrace to part of the flat roof and loss of privacy through overlooking is also raised by the objector. However, both the terrace and external openings are located a sufficient distance away from their dwelling to avoid a sense of overlooking or loss of privacy. The proposal would not result in a significant harm to their living conditions. The development would be car free and this is secured through the legal obligation and negates increased parking stress levels to the area.

## Conditions and Conclusion

12. I have considered the suggested conditions in light of the Planning Practice Guidance and Paragraph 55 of the National Planning Policy Framework. In addition to the standard time limit condition, a condition relating to the approved plans is necessary to provide certainty, and a condition in relation to materials is reasonable in order to protect the character and appearance of the area. No trees would be affected as a result of the proposal and therefore negates the requirement for a condition. Cycle parking implementation and retention is required in the interests of sustainable transport.
13. For the reasons given, the appeal is allowed.

*Alison Scott*

INSPECTOR