



Appeal Decision

Site visit made on 6 October 2020

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th October 2020

Appeal Ref: APP/X5210/W/20/3245895

158 Agar Grove, London NW1 9TY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Wallbank, The Phyllis Wallbank Educational Trust against the Council of the London Borough of Camden.
 - The application Ref 2019/4370/P, is dated 28 August 2019.
 - The development proposed is described as 'conversion of a loft space to provide a mansard which will include a bedroom and a w.c with an outside terrace. There will also be a garbage storage area on the second floor. The house is divided into two maisonettes. The proposed works relates to the upper maisonette only.'
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Decision

1. The appeal is dismissed and planning permission is refused.

Procedural Matters

2. The Council failed to determine the application within the prescribed period. However, following submission of the appeal, the Council has prepared an appeal statement and a draft decision notice. These indicate that had the Council determined the application, planning permission would have been refused. Putative reasons for refusal are given, citing harm to the appearance of the host building and character of the area, and to the living conditions of neighbouring occupiers.
3. Although expressed differently within the Council's evidence, neither of the main parties has provided written confirmation that a revised description of development from that entered on the original application form has been agreed. I have therefore used this description in the banner heading above.
4. The appellant did not provide an application reference, commenting that none was received from the Council. Nevertheless, the Council's evidence gives the application reference 2019/4370/P. As this reflects the reference stated on the site and press notice advertising the application and quoted within comments made by interested parties, I have used it in the banner heading above.

Main Issues

5. The main issues are:
 - i) the effect of the proposal on the character and appearance of the Camden Square Conservation Area (CA); and
 - ii) the effect of the proposal on the living conditions of the occupiers of 156 Agar Grove with particular regard to outlook.

Reasons

Character and Appearance

6. Along Agar Grove, there is a high degree of regularity and a distinctive visual rhythm as a result of the similar scale, design and proportions of the majority of the buildings, the strong front building line and the regular roofscape. This uniformity is noted within the Camden Square Conservation Area Appraisal and Management Strategy 2011 as an important characteristic, and it adds to the overall impression of homogeneity within the area and thus the significance of the CA. The appeal site is part of a four-storey terrace of like buildings which reflects the typical consistency of the area, and I find that both the appeal building itself and the terrace as a whole therefore make a positive contribution to the CA.
7. In common with others in the terrace, the roof of the appeal property is concealed from the street scene by a parapet wall. The proposed mansard roof extension would add an additional storey to the building and would incorporate a rear terrace. Although set back from the front parapet, the roof level would nevertheless be visible from the surrounding area including from the street scene of Agar Grove, and from Canteloves Road and Marquis Road opposite the site. It would also be visible from St Pauls Mews and Maiden Lane to the rear of the site. In these views, the development would stand conspicuously above the lower height of the rest of the terrace. As a consequence, and irrespective of its materials, it would significantly disrupt the uniformity of the roofline and conflict with Camden Planning Guidance Altering and Extending Your Home 2019 which advises that roof alterations are likely to be unacceptable where groups of buildings have a roof line that is largely unimpaired by alterations or extensions.
8. The appellant has drawn my attention to an example of a mansard roof at 25 Agar Grove, but this building is to the other side of the street and some distance from the site. Furthermore, it forms something of a landmark feature on a prominent junction where it sits at the end of a terrace along Murray Street that includes a number of other mansards. The appellant has also provided a photograph of properties with a mansard roof and glass screen to a roof garden. However, I do not have details of the location of these features or the relevant considerations which led to their approval, and they do not form part of the same terrace as the appeal site where the roofline is currently uninterrupted. The circumstances of these examples are not therefore directly comparable to the appeal before me, and I afford them limited weight.
9. The proposal also includes a rear extension over an existing part-width rear projection. The appellant asserts that there was in the past a structure to the rear of the building, but I have no details of its scale or nature to determine whether or not it would be comparable to the extension which is now proposed. In any case, it is no longer present. While the extension would not be prominent in public views, it would nevertheless be at odds with the largely consistent pattern to the rear elevation of the upper parts of the buildings within the terrace where extensions are not typical. This would further detract from the overall coherence of the group.
10. For these reasons, I find that the development would be incongruous and visually intrusive, causing significant harm to the character and the appearance of the host building and the terraced group of which it is part. This would

detract from the character and the appearance of the wider CA to the detriment of its significance. In the terms of the National Planning Policy Framework (the Framework), I find that the harm would be less than substantial given the scale of the development and the localised nature of the effect. Nevertheless, the Framework states that heritage assets are irreplaceable and great weight should be given to their conservation.

11. The appellant advises that the dwelling which would be extended is owned by a charity who intend to rent it. Be that as it may, I have no firm information to suggest that the property is currently unsuited to residential occupation or could not be made available for rent in its current form. The development would provide an additional bedroom and living space for occupiers, but this would be a mainly private benefit and would not add to the overall supply of housing within the area. The appellant states that the proposal would allow for the storage of refuse, but this is not illustrated on the submitted plans. Nor is there compelling evidence demonstrating that suitable storage for refuse could not otherwise be accommodated in the absence of the proposal. Although full details have not been provided, the suggested replacement of windows using more sympathetic materials could enhance the appearance of the building and make a positive contribution to the character and appearance of the CA. This would be a public benefit, but the existing windows are fairly unobtrusive and the visual impact would be limited in extent such that the benefit would be small. Even taken together, I therefore find that the public benefits of the proposal would not outweigh the less than substantial harm that would be caused to the significance of the CA.
12. Overall, I conclude on this main issue that the development would cause unacceptable harm to the character and appearance of the appeal property and to the character and the appearance of the Camden Square CA. Accordingly, it would conflict with Policies D1 and D2 of the Camden Local Plan 2017 (CLP) which require, amongst other things, high quality development which respects local context and which preserves and enhances heritage assets.

Living Conditions

13. Although it would be of fairly limited depth, the rear extension would increase the height of the appeal building along the boundary with 156 Agar Grove to a point significantly above the top of the ground floor window to the rear of this neighbour. The effect of this height in such close proximity to the window would result in a dominant and overbearing feature, and in combination with the existing projection to the rear of No 156 would further result in a marked increase in the sense of enclosure and a loss of outlook. These impacts would together detract notably from the use and enjoyment of the room it serves.
14. The extension would replace an existing terrace above the rear projection. Views from this terrace towards neighbouring windows are fairly limited as a result of its modest depth. In any case, I do not consider a reduction in overlooking to justify the harm that would instead be caused through loss of outlook. The removal of the terrace is not therefore a compelling reason to allow the development.
15. For these reasons, I conclude that the proposal would result in unacceptable harm to the living conditions of the occupiers of 156 Agar Grove. It would accordingly conflict with Policy A1 of the CLP which seeks to protect quality of life for neighbours, including with regard to outlook.

Other Matters

16. I note the appellant's comments that there was little communication from the Council during the application process, and that no opportunity was given to amend the proposal. However, these factors do not alter my consideration of the planning merits of the appeal.

Conclusion

17. For the reasons given above, I conclude that the appeal should be dismissed.

J Bowyer

INSPECTOR