



## Appeal Decision

Site visit made on 27 April 2021

**by David Smith BA(Hons) DMS MRTPI**

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

**Decision date: 10 May 2021**

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**Appeal Ref: APP/X5210/W/20/3263246**

**65-69 Holmes Road, London, NW5 3AN**

- 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 Chi Tang against the decision of the Council of the London Borough of Camden.
  - The application Ref 2020/2406/P, dated 29 May 2020, was refused by notice dated 1 September 2020.
  - The development proposed is erection of 7th floor roof extension to facilitate the creation of 27 student accommodation rooms (sui generis) to existing student accommodation.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The application drawings contained an error in that they showed a panel in front of the proposed windows. This was unintentional and the discrepancy has been corrected by the submission of an amended drawing (200305 – A(GA)P301A). No prejudice to any party would result from considering that change as part of the appeal. The proposed windows would therefore be openable and the second reason for refusal relating to substandard accommodation for future occupiers has been overcome.
3. The proposed development follows on from, and responds to, an appeal decision from 2019 concerning a roof extension for 42 student rooms. That scheme was dismissed by the Inspector (Ref: APP/X5210/W/19/3229042) for reasons relating to the character and appearance of the appeal property and the adjacent conservation area and the living conditions of its future occupiers and of those nearby. Compared to that development this proposal has reduced the number of student rooms. Furthermore, it would be smaller in size. In particular, the glazed addition would be sited back from the edge of the building by 2.2m at the front and 2.6m at the rear.

### Main Issues

4. The main issues are the effect of the proposal on the character and appearance of the area including the setting of the Inkerman Conservation Area and the living conditions of the occupiers of 55-57 and 74 Holmes Road with particular reference to outlook and visual impact.

## Reasons

### *Character and appearance*

5. The appeal site is occupied by a recently constructed 7-storey building used as student accommodation with warehouse space and a coffee shop. It is finished in white render with the upper parts recessed and finished with aluminium mesh panels to provide visual interest. The immediate surroundings are characterised by generally modern development that is largely 5 to 6 stories in height. The wider area is much more mixed with varied building types and scales including the generally modest development within the adjoining Inkerman Conservation Area.
6. The existing building at 65-69 Holmes Road is one of the largest in the vicinity. It has a considerable presence along Holmes Road and is taller than most other surrounding structures. The proposal would increase the overall height of development by 2.5m in the form of a glass clad box. At an appeal at the site in 2013 the Inspector indicated that 7 stories were probably the maximum that would be acceptable. However, that decision was made some years ago and further applications have been permitted for developments of similar height. This subjective view is therefore not a decisive factor.
7. The proposal would make the existing building even higher but the effect of this would not be readily noticeable in close views because of the location of the extension behind the existing perimeter. Indeed, wider viewpoints from the public realm are generally quite limited. As a consequence and bearing in mind the general scale of development nearby, the proposal would not be overly dominant in visual terms. There is no particular symmetry of development along Holmes Road that would be altered and neither would the proposal in itself create a 'canyon effect'.
8. However, the side elevation would be readily apparent from Holmes Road close to the corner with Cathcart Road and from Cathcart Road itself. Currently this part of the building has a resolved appearance with the mesh top floor protruding above the clean line of the parapet in a visually satisfactory way. To that extent the current design is a complete and balanced composition with the existing top level a strong terminating feature but this would be significantly diluted by the proposal.
9. The negative effect of adding a further tier would be accentuated by the introduction of an additional external material. The proposed stepping of the building would undermine its existing clear architectural style producing a confused and convoluted effect. Overall the design and location of the proposed extension would appear odd and would adversely affect the locality. Whilst the proposal is intended to be understated the resulting double stepping arrangement would be jarring.
10. The appeal site is just outside the boundaries of the Inkerman Conservation Area. This comprises dense and homogenous development where most of the buildings date from the 1850s and 1860s. It is largely residential in character although interspersed with other uses. Significance can derive from the setting of a heritage asset as well as its physical presence. However, because of its nature and containment, the main significance of this heritage asset emanates from its internal qualities rather than from links to the wider area.

11. The Framework defines setting of a heritage asset as the surroundings in which it is experienced. Furthermore, great weight should be given to the conservation of assets although the proposal should not be treated as if it were within the conservation area. The proposed development would nevertheless be seen from within it. However, that does not automatically mean that there would be an adverse impact on the conservation area itself even though the design is unacceptable. In this case the significance of the heritage asset is found within its defined area. The surroundings beyond contribute very little to that significance so that the proposal would not detract from its overall value. It follows that the setting of this heritage asset would be preserved in accordance with Policy D2 of the Camden Local Plan.
12. Nevertheless, the proposal would harm the character and appearance of the area and would not accord with Local Plan Policy D1 which seeks high quality design that respects local context and character. It would also offend the design principles in Policy D3 of the Kentish Town Neighbourhood Plan of 2016.

#### *Living conditions*

13. The Daylight and Sunlight Study concludes that the proposed development would have a low impact on light received by neighbouring properties and that amenity would therefore be sufficiently safeguarded. There is no reason to disagree with these technical findings. However, the Council is concerned that the proposal would have an overbearing impact on certain properties.
14. Some of the flats on the opposite side of Holmes Road at No 74 are single aspect and have openings directly facing the appeal site. However, because the proposal would be behind the façade of the building, it would be obscured from view from the lower units. The angle of vision means that the proposed extension would be apparent from within upper flats but it would be well above eye level and recessive. The road is not wide but the proposed extension would be far enough away to avoid an undue sense of enclosure. The photographic evidence from those living at No 74 indicates that their outlook is dominated by the existing building. But even taking account of the cumulative effects the proposal, by reason of its position and height, would not detract from the internal environment of the flats at No 74.
15. The proposed extension would be offset from the main orientation of the south-west facing flats at 55-57 Holmes Road. Whilst these properties have windows and balconies those on the upper levels which might be most affected by a seventh floor addition are positioned to the south-east away from the proposal. However, there are windows and balconies on the west side of Nos 55-57 which would be directly facing the northern end of the proposed extension. At this point it would be located up to the edge of the existing building. The adjoining windows would be facing directly towards this part of the proposal at fairly close quarters. Consequently, occupiers would experience an adverse visual impact which would be detrimental to their outlook.
16. Therefore, for this reason alone, the proposal would harm the living conditions of the occupiers of the west-facing flats at 55-57 Holmes Road. As a result it would be contrary to Policy A1 of the Local Plan which, amongst other things, seeks to ensure that the amenity of neighbours is protected.

## **Other Matters**

17. The appellant has provided a unilateral undertaking to address the other reasons for refusal. It contains provisions, including financial contributions, relating to a construction management plan; an employment and training plan; local employment and procurement; a travel plan; car free occupation; use and management of the student accommodation; highway works; a sustainability plan and a renewable energy and efficiency plan. However, the Council has numerous criticisms of the obligation in terms of detailed content and ultimately whether its objections would be satisfactorily addressed.
18. The tests to be applied to obligations are set out at paragraph 56 of the National Planning Policy Framework. They should only be sought where they are necessary to make the development acceptable in planning terms. However, when they are necessary and meet the other relevant tests then any decision-maker needs to be satisfied that they will achieve their intended objectives. Given that the obligation is meant to overcome objections or policy requirements its terms are not something that needs to be weighed against the harm that would be caused. Equally because the appeal is to be dismissed there is no need for an in-depth analysis to be undertaken in the light of the approach outlined above.
19. There is a strong body of evidence from residents living near to the appeal site that the existing development is a source of anti-social and unneighbourly behaviour. That is not a matter for this appeal but given that the proposal would be for additional student rooms the provisions of any undertaking should include adequate safeguards in that respect.
20. The proposal would contribute towards meeting the need for student accommodation in London. The Framework underlines that the needs of different groups in the community, including students, should be addressed. It also refers to making an effective use of land and especially previously-developed or brownfield land such as the appeal site. However, the Framework also stresses the importance of good design and indicates that places should be created with a high standard of amenity for existing users. As the proposal is objectionable in both those respects its beneficial aspects do not outweigh the disadvantages identified.

## **Conclusions**

21. This scheme is not the same as that considered at appeal in 2019. In particular, the set back of the proposed extension explains why my findings are not identical to those of the previous Inspector. Nevertheless, for the reasons given, the proposal would harm both the character and appearance of the area and the living conditions of some occupiers at 55-57 Holmes Road. There would be conflict with the development plan which is not outweighed by other considerations. Therefore the appeal should not succeed.

*David Smith*

INSPECTOR