



Appeal Decision

Site Visit made on 19 October 2021

by Andrew McGlone BSc MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th October 2021

Appeal Ref: APP/X5210/W/21/3271726

2nd Floor Flat, 9 Cliff Road, London NW1 9AN

- 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 Andrey Novikov against the decision of London Borough of Camden.
 - The application Ref 2020/5142/P, dated 8 November 2020, was refused by notice dated 5 January 2021.
 - The development proposed is a roof extension to provide additional residential floorspace (C3) for existing upper floor flat and changes to fenestration.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the planning application was refused, the Council has brought in their guidance documents on Home Improvements and Amenity. Given that the appellant has had the opportunity to submit any comments in relation to these documents I have taken them into account in reaching my decision.

Main Issue

3. The main issue is whether the proposed development would preserve or enhance the character or appearance of the Camden Square Conservation Area (CSCA).

Reasons

4. The appeal property is a four-storey semi-detached Victorian property on the north side of Cliff Road within the CSCA. The building has been sub-divided into flats. On the north side of Cliff Road there are several raised semi-detached villas in an early Victorian Classical-Italianate style. Cliff Studios, a building of modernist architecture is to the north-east of the appeal property. The terrace has a consistent scale, massing, architectural language and parapet line that shows little sign of alteration from the street. The building is a positive contributor to the area and the regular composition of the roof lines is an important element in the appearance of the CSCA.
5. The proposal has been amended to address two dismissed appeals. In doing so, the proposed roof extension would be set back from the front and rear parapets. This allied with the form of extension proposed would mean that it would not be readily apparent from Cliff Road owing to the layout, scale and form of nearby development. However, in my judgement, some glimpsed views are likely to be possible when the site is viewed from Camden Park Road. As

such, it would harm the largely unimpaired roofline of the terrace and unbalance the symmetry of the pairing at 8 and 9 Cliff Road.

6. In any event, the design of the proposed extension, whilst specific to the site would not respond to the form and appearance of the host building. It seeks to achieve concealment from public vantage points but in doing so it would have an awkward relationship to the building due to its shape and the inclusion of large expanses of glazing, especially to the front which would not respect the character of window openings in the host building or the terrace. The retention of the existing parapet walls, party wall and chimney stacks does not change my view that the proposal would not be high quality or complementary to the host building or the local area even if the upper part of Cliff Studios is taller and the wider area has a mixed character and appearance.
7. Compared to the existing roof plan, the proposed roof plan shows the formation of a terrace. The Certificate of Lawfulness did not appear to permit the use of the roof as a terrace. However, a Deed of Variation in 2007 does state that the flat roof is permitted, by the Lease to be used as a roof terrace. The Deed of Variation seems to relate to a civil matter and not a planning application given the site's planning history. However, the date of this document, allied to the aerial images and marketing photograph, indicates that the roof has been used as a terrace since around this time. Solely for the purposes of this appeal, I attach considerable weight to the roof being used as a terrace. However, this view is expressed based on the information available, and it does not prejudice any future application for a lawful development certificate and/or, where relevant, any enforcement proceedings.
8. If the terrace use has been established then the Council's concerns around how the proposed terrace is used and what items may be stored on it would not, insofar as a planning condition is concerned, satisfy the tests of necessity, relevant to the development to be permitted and reasonable in all other respects. This is because it would place an unjustifiable and disproportionate burden on the appellant as the use of roof as a terrace would not be an issue created by the proposed development.
9. Notwithstanding this and the encouragement offered by the London Plan in terms of growth and change, the proposal would have a harmful effect on the character and appearance of the host building and the terrace that it forms part of and the CSCA. Hence, the proposal would not preserve or enhance the CSCA. However, in the context of the National Planning Policy Framework (the Framework), the harm to the CSCA would be at the lower end of less than substantial. Even so, I give this harm great weight.
10. The examples of roof extensions referred to in the wider area do not alter my assessment, which is based on the merits of this scheme alone, as they relate to different buildings or terraces. Nor do I know the full details of these cases to know whether the circumstances are directly the same.
11. The proposal would contribute to the diversity of existing housing stock and make the dwelling appropriate for use by a family. The proposal would make efficient use of the site and the design would also help improve the living environment particularly by making use of natural light. The extension could be constructed using modern techniques and include measures to improve energy efficiency or renewable technology. These modest benefits, some public some not, would not however outweigh the harm I have identified to the character

and appearance of the property, the terrace of properties and the CSCA.

12. I therefore conclude that the proposed development would not preserve or enhance the character or appearance of the CSCA. Conflict would be caused by the proposal with Policies D1 and D2 of the Camden Local Plan 2017 which jointly seek, among other things, to ensure development respects local context and character, and preserves or enhances the character and appearance of the conservation area.

Other Matters

13. The proposal would not cause harm to the living conditions of neighbouring occupants. I also note the pre-application advice given by the Council and the subsequent changes to the scheme in comparison, however I have considered the appeal proposal on its own planning merits. Pre-application advice is, in any event, not binding and there have been subsequent decisions and iterations of the scheme to extend at roof level.
14. There have been several versions to a scheme to create a roof extension and while the appellant is concerned that the Council did not fully engage in their proposal and the merits of it, I am content that the Council has explained why they took the decision that they did. I note the appellant's view on the lack of engagement, but this does not alter or outweigh my finding on the main issue.

Conclusion

15. The proposal does not accord with the Development Plan as a whole and there are no other considerations, including the Framework, that indicate that I should take a different decision other than in accordance with this.
16. For the reasons given above I conclude that the appeal should be dismissed.

Andrew McGlone

INSPECTOR