



Appeal Decision

Site visit made on 21 January 2022

by James Blackwell LLB (Hons) PgDip

an Inspector appointed by the Secretary of State

Decision date: 21 February 2022

Appeal Ref: APP/X5210/W/21/3284384

17 Fitzroy Road, London NW1 8TU

- 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 Phillippa Stewart against Camden London Borough Council.
 - The application Ref 2021/1724/P, is dated 9 April 2021.
 - The development proposed is the erection of a mansard roof extension with external alterations comprising raising the height of the parapet wall and chimneys.
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Decision

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

Preliminary Matters

2. For clarity and succinctness, I have used the Council's description of development in this decision.
3. As an appeal against non-determination, the Council did not issue a decision. Nonetheless, the Council has submitted a draft decision notice and associated officer report as part of this appeal, so these have informed the main issues. There has also been the opportunity for both main parties to make representations on the scheme at appeal, to which I have had regard (an approach which is necessary and fair).

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the host property and the surrounding area, including whether it would preserve or enhance the character and appearance of the Primrose Hill Conservation Area.

Reasons

5. The appeal site comprises an end-of terrace property on the south-eastern side of Fitzroy Road, which is located within the central area of the Primrose Hill Conservation Area (CA). The CA is characterised by wide attractive streets, which are lined with tall period terraced properties which are set back from the pavement, typically with small lightwells and railings to basement areas. These properties are largely consistent in their design, sharing rigid front buildings lines and broadly consistent roof lines, all of which contribute to an overarching sense of uniformity and symmetry. The degree of consistency also attests to the affluent historic evolution of the area, as an archetypal example of urban

- mid to late Victorian building arrangement, which contributes very positively to the character and significance of the CA.
6. The terrace within which the appeal site is located is made up of 7 separate properties (notwithstanding any subdivision into flats). Commensurate with the character of the CA, the properties are broadly consistent in terms of size, height, design and architectural detail. This gives the terrace a strong degree of uniformity which contributes very positively its character. With the exception of a flat roofed extension at no. 5 Fitzroy Road, the properties in the terrace are typified by butterfly roofs, and have not been extended at roof level. This gives the terrace a clean and attractive ridge line, which contributes significantly to its overriding sense of uniformity. Notwithstanding the Prince of Wales pub on the corner, the width of the roads in this location also mean its uniformity can readily be appreciated when approaching the terrace along Fitzroy Road itself, as well as its junctions with Chalcot Road to the south and Gloucester Avenue to the north.
 7. Reflecting this, the Conservation Area Statement for the CA (CA Statement) identifies the terrace in which the appeal site is located as a positive contributor to the character and appearance of the CA. Guideline PH18 of the CA Statement highlights that roof extensions which change the shape and form of the roof can have a harmful impact on the CA, and are unlikely to be acceptable where *"the property forms part of a group or terrace which remains largely, but not necessarily completely, unimpaired"*. Guideline PH19 of the CA Statement is then explicit that such extensions are unlikely to be acceptable at nos. 1 – 17 (odd) Fitzroy Road for this very reason.
 8. The proposed development would introduce a mansard roof extension to incorporate an additional storey within the property. The mansard roof would increase its overall height by approximately 2.08 metres, with a corresponding height increase to the flank parapet wall at the end of the terrace. The additional height would disrupt the clean roof line of the terrace, thereby appearing prominent and incongruous with the adjoining properties, which would severely undermine its prevailing sense of uniformity. Whilst the mansard roof has been sympathetically designed in itself, the mismatch in roof design with the other properties in the terrace would further exacerbate this disharmony. Moreover, given the location of the property at the end of the terrace and the proposed increase in height to the flank parapet wall, the visual imbalance would be particularly prominent within the street scene, most notably around the junction of Fitzroy Road with Chalcot Road.
 9. For these reasons, I consider that the development would harm the character and appearance of the host property and the wider area. Consequently, the development would also fail to preserve or enhance the character or appearance of the CA. Whilst I consider this harm would be less than substantial as it would only affect a small part of the CA, as per the National Planning Policy Framework (2021) (Framework), great weight must be attributed to any harm to a heritage asset (in this case the CA), irrespective of whether such harm is "less than substantial" or otherwise.

10. Set against this harm, the proposal would introduce a roundel balustrade to the front of the roof which would be an attractive feature, commensurate with the period of the terrace. However, unless all of the properties in the terrace were to do the same, this would make minimal impact on the overall appearance of the terrace, and can therefore only be afforded very limited weight. In terms of the increased space, this would primarily be a private benefit and would not have any meaningful impact on the Council's housing stock, and so in itself cannot weigh on my decision. As such, there are no public benefits that would outweigh the harm identified.
11. The development would therefore conflict with Policies D1 and D2 of the Camden Local Plan 2017, which together seek to secure high quality design which respects local context and character, and which require new development to preserve, and where possible enhance Camden's rich and diverse heritage assets, by reference to any relevant conservation area character appraisals where applicable.

Other Matters

12. Whilst I acknowledge there are numerous examples of roof extensions in close proximity to the appeal site, including the terrace opposite the appeal property, the terrace in which the appeal property is located is rare, as it remains largely unaltered in this respect. This distinguishes it from other terraces in the area, as its uniformity contributes positively to the character of the CA, and therefore warrants protection.
13. Moreover, the roof extensions at 19-29 and 26-36 Fitzroy Road were only considered acceptable, as a section 106 agreement was entered into which ensured all properties in the respective terraces would be developed at the same time and in the same way, thereby ensuring their uniformity was conserved. Whilst I sympathise with the appellant that the owners of 5-17 Fitzroy Road have not been able to come to a similar agreement, a section 106 agreement which secures development of the whole terrace "in tandem" would be a legitimate and justified mechanism to ensure the uniformity of the terrace would be retained in this instance. Without this, and irrespective of the desire of a number of other owners in the terrace to extend upwards, there can be no guarantee that such uniformity would be preserved.
14. In terms of the roof alterations to no. 5 Fitzroy Road, this extension was carried out before 1985 and would therefore have been assessed against different policy and legislative provisions. In any event, as the extension is flat roofed, it does not appear overly prominent within the terrace, which means it is able to assimilate with the wider terrace more effectively than the proposed development.
15. Irrespective of any views (or lack thereof) of the appeal property from Primrose Hill Park, the harm to the CA would still be experienced in and around Fitzroy Road. As for any inherent flaws with butterfly roofs, this factor would not outweigh the harm to the CA, and therefore wouldn't justify approval.

Conclusion

16. The development would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework,

that would outweigh this finding. Therefore, the appeal is dismissed and planning permission is refused.

James Blackwell

INSPECTOR