



## Appeal Decision

Site visit made on 27 April 2021

by **J Ayres BA Hons, Solicitor**

an Inspector appointed by the Secretary of State

Decision date: 07 MARCH 2022

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### Appeal Ref: APP/X5210/W/21/3267329

#### 34 Chalk Farm Road, London NW1 8AJ

- 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 Bacon against the decision of the London Borough of Camden.
  - The application Ref 2020/0046/P, dated 6 January 2020, was refused by notice dated 12 August 2020.
  - The development proposed is proposed extension to lift core and forming of glazed corridor link and lift lobby with one additional student room to fourth floor of existing student accommodation.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are;
  - The effect of the proposal on the character and appearance of the area, having particular regard to heritage assets;
  - The effect of the proposal on living conditions of neighbouring occupiers; and
  - Whether the proposal would be sustainable in respect of its use of resources.

### Reasons

*Effect of the proposal on the character and appearance of the area, having particular regard to heritage assets*

3. The site lies immediately adjacent to the Harmond Street Conservation Area (the Conservation Area) at its southern end. The Conservation Area takes in the greater part of Harmond Street on both sides, together with streets to its east up to the railway line. Harmond Street was largely laid out in the 1840s and is developed with more or less continuous two or three storey houses, the street is notable for its more domestic, cottage style properties, and the area derives its particular qualities from the high proportion of buildings developed during a relatively short period in the 19th century, which are largely unaltered, and retain their domestic character and scale.

4. The National Planning Policy Framework (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.
5. The existing development on the site is a large three storey block with an additional glazed floor at roof level. It has an unashamedly modern and somewhat brutal pallet of materials and colours, which appears at odds with the domestic development it sits alongside. The proposal would include the erection of an additional floor on the roof level of the building as it nears Chalk Farm Road. The extension would incorporate a significantly level of glazing to reflect the existing glazing, due to the prominence of the building and its scale and additional glazing at roof height would be highly visible. Whilst the increase in overall height would be more akin to the variation in roof heights along Chalk Farm Road, the increase in height would serve to substantially increase the bulk and mass of what is already an overly dominant building when viewed from Harmood Street. The building is not closely affiliated with the larger developments on Chalk Farm Road other than the fact that it is a large building. It runs along Harmood Street and is experienced within this more modest and residential setting.
6. The elevation of the proposal facing Hartland Road Gardens would include the glazed element, in addition to a lift shaft extension and relocation of extractor flue pipes, which would almost double in height. As a result, the elevation would appear as a cluttered and ill-conceived building.
7. The proposal would increase the scale of this dominant building, it would create an oppressive and alien development which would be entirely at odds with the character and significance of the adjacent Conservation Area and the area generally. Views into the Conservation Area along Harmood Street would be further blighted by the development.
8. The Framework advises that great weight should be given to the asset's conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to their significance, and that any harm to the significance of the asset, including from development within its setting should require clear and convincing justification.
9. Although serious, the harm to the heritage asset in this case would be 'less than substantial,' within the meaning of the term in paragraph 202 of the Framework. I have reached this conclusion as the bulk of the building is already in situ and therefore the harm caused by this proposal would be due to the overall increase in scale and bulk of the building and the cluttered result. Paragraph 202 of the Framework requires that, where a proposal would lead to less than substantial harm, the harm should be weighed against the public benefits of the proposal.
10. The proposal would provide an additional unit of accommodation within an accessible location, there would be a modest increase in demand for local services, and temporary economic benefits associated with the construction period. However, I attach limited weight to these public benefits having regard to the moderate benefit that even cumulatively they would bring. I do not consider that the public benefits associated with the scheme would outweigh

the additional blight and harm that would be caused to the setting of the Conservation Area.

11. Accordingly, I find that the proposal would result in significant harm to the character of the area and the setting of the Conservation Area. It would conflict with policies D1 and D2 of the Camden Local Plan 2017 which collectively and amongst other things seek to secure high quality design in development that respects local context and character and preserves the character and appearance of the conservation area.
12. I have considered the appeal referred to me by the Appellant.<sup>1</sup> Whilst the Inspector in that case found public benefits in respect of the provision of housing to outweigh the harm to the heritage asset, I consider the appeal before me to be materially different in that it would make a far more modest contribution, and therefore attach very limited weight to the associated public benefits. In any event I have determined this appeal on its own merits.

*Effect of the proposal on living conditions of neighbouring occupiers*

13. The proposed extension would sit approximately to the rear of Nos 3, 5 and 7 Hartland Road. In addition, there are a number of residential units in close proximity along Chalk Farm Road and Harmood Street. The extension would be set back from the elevations closest to neighbouring properties. Whilst the proposal would extend the height of the building in part, the Daylight and Sunlight Report identifies that it would not significantly extend the built form towards the residential amenity space of the neighbouring properties. The proposal would not materially alter the existing daylight conditions, and I am satisfied that the works proposed would not have a harmful impact on neighbouring occupiers in respect of daylight levels.
14. I find that the proposal would not be detrimental to the living conditions of neighbouring occupiers in respect of daylight. It would therefore comply with Policy A1 of the Local Plan which advises that the Council will seek to protect the quality of life of neighbours.

*Whether the proposal would be sustainable in respect of its use of resources*

15. The scale of the proposed extension at roof level is such that it is modest in comparison to the existing built form at the site which comprises 231 units, and approximately 810 sqm of commercial floor space. The proposed extension would provide extension at roof level will provide 1 additional unit (28.7 sqm) and a total 73 sqm of additional floorspace.
16. Policy CC1 of the Camden Local Plan 2017 Climate requires all developments involving five or more dwellings and/or more than 500 sqm of any floorspace to submit an Energy Statement. Having regard to the size of the proposal, and the technical note submitted by Contemporary Design Solutions, I am satisfied that a Sustainability Statement would not be required, and that there is no conflict with Policies CC2 and CC1 in this regard.

**Other Matters**

17. The appellant has provided a Unilateral Undertaking to address the other reasons for refusal. It contains provisions relating to the implementation of a

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<sup>1</sup> APP/E2530/W/17/3181823

student management plan; restriction of the use of the site for students only; and restriction of the site in respect of car ownership. The Council has made a number of representations in relation to the obligation in respect of its content and whether or not it would in fact overcome the reasons for refusal.

18. The Framework identifies at paragraph 57 the test to be applied to obligations, and an obligation 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. 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. However, the Framework also stresses the importance of good design, and given the harm that I have identified in this regard the beneficial aspects of the proposal do not outweigh the disadvantages identified.

### **Conclusions**

20. Have found that the proposal would result in significant harm to the character and appearance of the area, and the setting of the Conservation Area. Whilst I consider that the proposal would not result in additional harm to the living conditions of neighbouring occupiers, I do not consider that this, nor the public benefits of the scheme, would overcome the harm identified. Accordingly, I find that the proposal would conflict with the development plan when taken as a whole, and this conflict is not outweighed by other matters.
21. I conclude that the appeal is dismissed.

*J Ayres*

INSPECTOR