

Appeal Decision

Site visit made on 24 June 2022

by K Savage BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 July 2022

Appeal Ref: APP/X5210/D/22/3295830

65 Spencer Rise, London NW5 1AR

- 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 Nicholas Weiss against the decision of the Council of the London Borough of Camden.
 - The application Ref 2021/5417/P, dated 4 November 2021, was refused by notice dated 21 January 2022.
 - The development proposed is a mansard loft conversion.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the Dartmouth Park Conservation Area (DPCA).

Reasons

3. The appeal relates to a terraced dwelling on the northern side of Spencer Rise. The surroundings are predominantly residential in character, with the dwellings on the northern side of the street generally standing three storeys in height with traditional valley roofs behind flat front parapets.
4. A group of six mansard roofs have been added to dwellings to the west, between Nos 49 and 59. The Council however identifies the adjacent group of 61, 63 and 65 Spencer Rise as having a slightly smaller scale with a lower parapet line and window heights. A previous appeal decision from 2010¹ made a similar observation. From my own observations, the three dwellings are not dramatically different in scale or form, and in longer views read as largely consistent parts of the wider street scene. Indeed, the Dartmouth Park Conservation Area Appraisal and Management Statement (January 2009) (the AMS) states that Nos 33-65 form a uniform terrace. However, in closer views, the differences in height and detailing around the windows are apparent, and I agree that they have distinguishing characteristics from the adjacent dwellings in the street, and can be regarded as an individual group within the wider terrace.
5. The guidance of the AMS identifies Spencer Rise as one of the few streets in the conservation area which is marred by isolated mansard roof additions which have made their host building too prominent in the street, and categorises them as negative features of the conservation area.

¹ Appeal Decision APP/X5210/A/09/2112426

6. In this context, the addition of a mansard roof would upset the consistent, unaltered roofline of this group of three dwellings, adding visible height and bulk that would undermine its consistent, and original, form and scale. Therefore, the proposal would add a further feature clearly identified as a negative element of Spencer Rise and the wider conservation area.
7. I recognise that the proposed mansard would be seen in the same views as those to Nos 49-59, but there would still be a clear gap in the roofline which would expose the proposed mansard as an isolated and prominent feature in views from the street. This would also be the case on approach into Spencer Rise from Dartmouth Park Hill. The appellant argues that the shape of the hipped roof to No 67 would conceal the mansard from this side. However, the sloping form of the adjacent roof means the whole of the mansard would not be concealed, but rather a conspicuous party wall would be visible to the front.
8. The appellant refers to mansards at No 57 having been approved shortly before the first application in 2009 (which led to the aforementioned appeal decision) and to the mansard at No 59 being recently approved. I do not have full details of the considerations made by the Council in granting permission for these mansards, though I note its reference to some of those between Nos 49-59 predating the designation of the conservation area and to this group now forming a 'set' of mansard roofs. I have determined the appeal on its own merits and, as set out above, the proposed mansard would stand by itself as an isolated addition and would disrupt the unaltered roofline of a distinct group of dwellings within the wider street.
9. At the rear, the massing of the mansard would be seen from the rear garden of the appeal site, but the presence of rear outriggers would block views of it from neighbouring gardens, which are shallow in depth and do not permit long vistas of the wider roofline of Spencer Rise. However, this would not compensate for the harmful effect of the proposal in views from the front.
10. For the reasons set out, therefore, I conclude that the proposal would harm the character and appearance, and heritage significance, of the DPCA. This would conflict with Policies D1 and D2 of the Camden Local Plan (2017) and Policies DC2, DC3 and DC4 of the Dartmouth Park Neighbourhood Plan 2020, which together require development to be of the highest architectural and urban design quality, which complements and enhances the distinct local character and identity of the area, and to preserve and, where appropriate, enhance Camden's rich and diverse heritage assets and their settings, including conservation areas.
11. The harm to the significance of the designated heritage asset would be less than substantial, in the language of the National Planning Policy Framework (the Framework). Paragraph 202 of the Framework directs that this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
12. The proposal would deliver some economic benefits through employment for contractors in the construction of the development, though this would be temporary and limited in scale. The additional accommodation provided would be primarily a private benefit for the appellants, with any public benefit accruing from enlarging a dwelling within the housing stock being of very limited weight.

13. The evidence before me does not indicate any other tangible public benefits. Therefore, public benefits in this case would not outweigh the less than substantial harm to the significance of the designated heritage asset, to which the Framework directs I must give great weight. As a result, the Framework indicates that this provides a clear reason for refusing the development proposed.

Other Matters

14. The Council did not find harm in respect of neighbours' living conditions. Whilst I have found harm with the design of the proposal, it would be positioned such that the massing would not cause an overbearing effect on neighbouring properties. Moreover, the proposed windows would face the same direction as existing windows, and would not lead to new opportunities for overlooking that would cause a harmful loss of privacy for nearby occupants. However, this absence of harm is ultimately a neutral factor weighing neither for nor against the proposal.

Conclusion

15. I have found that the proposal would result in conflict with the development plan, taken as a whole. No other material considerations exist that would outweigh the development plan conflict and justify granting planning permission in this case.
16. Therefore, I conclude that the appeal should be dismissed.

K Savage

INSPECTOR