
Appeal Decision

Site visit made on 16 August 2022

by C McDonagh BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 September 2022

Appeal Ref: APP/X5210/W/22/3294112

Flat 1, 102 Fellows Road, London NW3 3JH

- 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 Mr Jason Cooke against the Council of the London Borough of Camden.
 - The application Ref 2021/2119/P, is dated 29 April 2021.
 - The development proposed is a side extension.
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Decision

1. The appeal is allowed, and planning permission is granted for a side extension at Flat 1, 102 Fellows Road, London NW3 3JH in accordance with the terms of the application, Ref 2021/2119/P, dated 29 April 2020, subject to the following conditions:
 - The development hereby permitted must be begun not later than the end of three years from the date of this permission.
 - The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan, Drawing No 068/LP_01; Proposed Site Plan, Drawing No 068/AP_02 Rev A; Proposed Lower Ground Floor Plan, Drawing No 068/AP_03 Rev A; Proposed Roof Plan, Drawing No 068/AP_04 Rev A; Proposed Street Elevations, Drawing No 068/AP_05 Rev A; Proposed Front Elevation, Drawing No 068/AP_06 Rev A; Proposed Side Elevation 1, Drawing No 068/AP_07 Rev A; Proposed Rear Elevation, Drawing No 068/AP_08 Rev A; Proposed Side Elevation 2, Drawing No 068/AP_09 Rev A; Proposed Section, Drawing No 068/AP_10 Rev A.
 - All new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the existing building, unless otherwise specified in the approved application.

Main Issue

2. As this is an appeal against the Council's failure to make a timely determination, there was no decision notice at the time of the appeal being submitted. Following the appeal, the Council has submitted an officer report which states that it would have refused planning permission on matters relating to the harmful effect of the proposal on character and appearance of the host

building and local area, including the significance of the Belsize Conservation Area (BCA).

3. The main issue is therefore the effect of the proposal on the character and appearance of the host property and whether the extension would preserve or enhance the character or appearance of the BCA.

Reasons

4. No 102 Fellows Road is located on the corner of Fellows Road and Kings College Road. It is an imposing detached three-storey building with existing extensions to one side and another which straddles the rear and opposite side. The ground floor is constructed of red brick, while the first and second floors are of paler Gault brick appearance with some red brick detailing. The building is now comprised of flats having been sub-divided some time ago, and the proposal seeks to extend the floor space of Flat 1 to the side into an area which has previously been excavated below street level. A 1.7 metre (m) wall lines the boundary of the site along Kings College Road and Fellows Road.
5. The Camden Planning Guidance document 'Home Improvements' (CPG) advises side extensions should be set back from the main front elevation, be secondary to the building being extended, in relation to its location, form, footprint, scale, proportions, dimensions and detailing and built from materials that are sympathetic to the existing building wherever possible.
6. At 9.5m length and 5m wide, the extension would be of significant footprint. However, it would be set slightly back from the front elevation of the host building. Moreover, despite its size it would be subservient to the large proportions of the host building, occupying one side of the already extended building and protruding minimally from the side elevation of the side/rear extension. The extension would be constructed of red brick which would match the ground floor of the building. Although the roof pitch of the extension would adjoin the host building above the render band of the ground floor, this would be minimal and not harmful from most vantage points. Moreover, the windows of the host dwelling are varied, and I observed that some also display curved lintels. Therefore, the windows proposed to the extension would not be harmful to the host building.
7. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area. The Framework sets out at paragraph 199 that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to that asset's conservation.
8. The Conservation Area Statement (CAS) states that the BCA derives its significance in part from its mid-19th century Italianate villas. The Eton Avenue Area sub-area of the BCA, within which the appeal site is located, is noted for the variety of properties in terms of their styles and elevational treatment. There is however consistency of materials generally, red brick with red clay tiled roofs being a recurrent theme.
9. The CAS also outlines the importance of No's 86 -100 Fellows Road, described as a group of Victorian dwellings of an eclectic style showing slight Arts and Crafts style mixed with Italianate influence consistent in their frontage walling

and the use of red brick. These are seen together with the corner detached house No. 102 which faces Kings College Road.

10. The proposal would protrude above the height of the boundary wall, and the render marker between the ground and first floors is a useful tool to gauge its prominence. From my observations on the site visit, while the roof would be glimpsed from both Fellows Road and Kings College Road, it would not be prominent. Consequently, the proposal would be seen as a subordinate addition to the appeal property from most vantage points in the area.
11. While No's 86-100 and 102 are seen together, they display distinct differences, most notably their facing materials and form, while also differing in their style and spread of fenestration. I have concluded that the proposal would not harm the host building and it follows that as a result, there would be no harm to the significance of the BCA.
12. Therefore, the proposed development would not cause harm to the character and appearance of the appeal property and as such would preserve the significance of the BCA. This would accord with Policies D1 and D2 of the Camden Local Plan (2017). These seek, amongst other things, high quality design that respects the local context and character, and which preserves the historic environment. The development would also avoid conflict with the National Planning Policy Framework's historic environment conservation requirements.

Other Matters

13. I have had regard to the matters raised by interested parties in their comments. Those related to character and appearance have been addressed in the main issue of the report. Matters relating to living conditions were found to be acceptable by the Council in their report and I see no reason to disagree. There may be some noise and disruption during the construction phase. However, the potential disturbance to residents as a result is likely to occur over a short period of time and is insufficient reason to withhold planning permission based on the evidence before me.

Conditions

14. I have imposed the standard time limit condition and have specified the approved plans as this provides certainty. A condition is necessary for the materials to match those that are used in the existing property to maintain the character and appearance of the host building and local area.

Conclusion

15. The proposal would not harm the character and appearance of the area and the significance of the BCA. As such it would not conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be allowed.

C McDonagh

INSPECTOR