
Appeal Decision

Site visit made on 31 January 2017

by Jason Whitfield BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 23rd February 2017

Appeal Ref: APP/X5210/W/16/3156501

29 Chalton Street, Camden, London NW1 1JD

- 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 A Ansari against the Council of the London Borough of Camden.
 - The application, Ref 2016/1476/P, is dated 16 March 2016.
 - The development proposed is described as "replacement of the existing mansard roof with a flush front facing elevation and formation of a new fourth floor extension to incorporate a modest 2 bedroom flat with balcony."
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Decision

1. The appeal is dismissed and planning permission for the replacement of the existing mansard roof with a flush front facing elevation and formation of a new fourth floor extension to incorporate a 2 bedroom flat with balcony is refused.

Procedural Matter

2. The description in the banner heading is taken from the original planning application form. I have used a revised description in the formal decision above which omits the superfluous reference to the merits of the proposal.

Main Issues

3. The Council resolved that had it been in a position to determine the application it would have refused planning permission for reasons relating to the character and appearance of the area, the living conditions of neighbours and the effect on parking stress and congestion. The main issues are, therefore:
 - The effect of the proposal on the character and appearance of the area.
 - The effect of the proposal on the living conditions of the occupiers of 31, 31A and 25 Chalton Street with particular regard to light, outlook and privacy.
 - The effect of the proposal on highway safety.

Reasons

Character and Appearance

4. The appeal property is a five storey, mid-terraced building comprising commercial uses at ground floor with residential accommodation at basement
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and upper floor level. The building has recently been extended to the rear to increase the size of the upper floors. That scheme was granted planning permission on appeal¹ in 2014. The building sits within an area characterised by ground floor commercial uses with residential above.

5. The property is one of a terrace which is of similar height and form as a result of consistent mansard roof additions. The row of buildings extending from the appeal property to 35 Chalton Street exhibits a pleasing uniformity and consistency in the front façade. This continuity is largely reflected at the row of properties at 1-19 Chalton Street. Adjacent to the appeal property is the substantial six storey building of 25 Chalton Street (Avigail House) whilst adjacent to No 35 is the larger building of No 39. These two larger buildings effectively punctuate the uniform character of this part of Chalton Street.
6. It is proposed to replace the existing mansard roof with a front elevation that would sit flush with that of the lower floors. In addition, it is proposed to provide an extension at fourth floor level to incorporate an additional apartment. It would have a mansard roof to the front similar to that which exists currently at third floor level.
7. The Council considers that the rear element of the scheme would add significant bulk to the building. However, the rear profile of the building has changed considerably over the years, particularly with the recent additions approved under the 2014 appeal. As with the Inspector in the 2014 appeal, I find the existing rear profile of the building inconsistent and jarring with the more modest form of the neighbouring buildings and the larger massing of Avigail House. Moreover, the additional storey would sit above the existing footprint and would result in a continuation in design and in the palette of materials of the existing building. Public vantage points of the rear profile of the building are also somewhat limited.
8. Nevertheless, the proposed works to the front would be readily visible in several vantage points along Chalton Street. I note that the proposal would step down from, and would therefore remain subservient to, Avigail House. I also note that the pitch of the roof, the proposed materials and the elevational treatment would reflect the design of the existing and adjacent properties.
9. However, whilst the property is not within an area of any particular historic designation, the proposal would nevertheless interrupt the consistency in the roofscape and built form on this part of Chalton Street. The loss of that uniformity would be unduly injurious to the street scene. Moreover, whilst there are taller developments in the area, the height, scale and massing of the proposal is such that, when read in the context of the prevailing uniformity of the terrace, it would result in a discordant and obtrusive presence within the built environment of Chalton Street and would fail to suitably integrate with its surroundings.
10. I conclude, therefore, that the proposal would have a harmful effect on the character and appearance of the area. It would, as such, conflict with Policy CS14 of the Camden Local Development Framework Core Strategy 2010-2015, 2010 (CS) which requires development of the highest standard of design. It would also conflict with Policy DP24 of the Camden Local Development Framework Development Policies 2010-2025, 2010 (DMP).

¹ APP/X5210/A/13/2207107

Living Conditions

11. The appeal property adjoins 25 Chalton Street (Avigail House), 31 and 31A Chalton Street which are sub-divided into flats. Avigail House is higher than the appeal property and would remain so following the proposed extension. In addition, there are no windows in the flank wall of that building and the proposed extension would not project as far as the balconies to the rear of the adjoining building. As a result, I am satisfied that the proposal would not result in a loss of light, privacy or outlook for the occupiers of Avigail House.
12. In terms of No 31 and No 31A, those properties contain habitable windows in the rear elevation, as well as a variety of balconies and roof terraces. There would be one additional window in the flank wall of the proposal facing No 31 and No 31A, however, this would be an obscurely glazed en-suite window. Moreover, whilst a balcony would be provided to the rear, this would be at an oblique angle to the windows and balconies of the adjacent properties and would not result in a significant increase in the existing levels of mutual overlooking between the properties and the existing balconies at the appeal property. Thus, I am satisfied the proposal would not result in a harmful loss of privacy for the occupiers of No 31 and No 31A.
13. I note that the rear windows of No 31 and No 31A would be in close proximity to a flank wall measuring around 5.5m from third floor level which would project the whole depth of the appeal building. However, the proposal would sit on the same footprint as the existing property and the recent additions to the rear. It would be no deeper, wider or further forward than the existing building. Moreover, the outlook from the neighbouring properties is already dominated by a dense urban grain characterised by tall buildings.
14. Whilst I note the height, proximity and orientation of the proposal to the neighbouring properties, the existing levels of daylight and direct sunlight received by those properties is currently compromised to an extent by the appeal property, and more so by Avigail House. The proposal would sit below the flank wall of Avigail House and would not therefore result in a significant obstruction to existing levels of light. As such, the proposal would not, in my view, result in a harmful increased sense of enclosure for neighbouring residents nor would it result in a harmful loss of light.
15. I conclude, therefore, that the proposal would not have a harmful effect on the living conditions of the occupiers of 25, 31 or 31A Chalton Street with particular regard to privacy, outlook and light. It would as a consequence accord with CS Policy CS5 and DMP Policy DP26 which state that the Council will protect the amenity of residents and that development should not cause harm to amenity.

Highway Safety

16. CS Policy CS11 states that the Council will minimise provision for private parking in new developments. CS Policy CS19 states that the Council will use planning obligations to mitigate the impact of development. DMP Policy DP18 states that proposed development such as this should be subject to a car-free legal agreement to ensure that future occupants of the development are aware that they would not be entitled to on-street parking permits. The aim of the policy is to ensure car-free development in areas of low parking provision which have high levels of public transport accessibility. DMP Policy DP19 states that the Council will manage the impact of parking.

17. The Council indicates that, in the absence of a legal agreement to secure car free housing, the proposal would likely contribute to parking stress and congestion in the area. The appeal site has a high Public Transport Accessibility Level of 6a and is within walking distance of a large number of services, facilities and public transport connections. Parking on Chalton Street is within the Somers Town Controlled Parking Zone. I was able to see from my site visit that on-street parking along Chalton Street was at a high level. It would not be unreasonable to consider that demand would be higher at peak periods.
18. Nevertheless, since the submission of the appeal, a signed and completed S106 agreement to secure car free housing has been submitted, to which the Council were a signatory. The obligation indicates that each new occupier of the development will not be entitled to a residents parking permit. Given the parking stress in the area, I am satisfied that the obligation would be necessary to make the development acceptable in planning terms, is directly related to the development and would be fairly and reasonably related in scale and kind to the development. It would, therefore, accord with Community Infrastructure Levy (CIL) Regulation 122 and the National Planning Policy Framework. As such the proposal would not result in an additional demand for parking that would contribute to parking stress or highway congestion in the area.
19. I therefore conclude that the proposal would not have a harmful effect on highway safety and would accord with CS policies CS11 and CS19 and DMP policies DP18 and DP19.

Other Matters

20. I note the sustainable location of the appeal site, that the proposal would be an efficient use of land and the contribution the proposal would make towards boosting the supply of housing in the area. However, that contribution would be modest and such benefits would not outweigh the harm I have identified.
21. I also note that the proposal would provide satisfactory living conditions for future occupiers and that the proposal would incorporate energy efficiency measures. However, the lack of harm in those respects would not outweigh the harm to the character and appearance of the area.

Conclusions

22. Whilst I have found that the proposal would not have a harmful effect on the living conditions of neighbouring residents or highway safety, I have found that the proposal would have a harmful effect on the character and appearance of the area. That is the prevailing consideration. For the reasons given above I conclude that the appeal should be dismissed and planning permission refused.

Jason Whitfield

INSPECTOR