
Appeal Decision

Site visit made on 27 March 2017

by P Eggleton BSc(Hons) MRTPI

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

Decision date: 13 April 2017

Appeal Ref: APP/X5210/D/17/3168272
31 Mackeson Road, London, NW3 2LU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr & Mrs Kirkpatrick against the decision of the London Borough of Camden Council.
 - The application Ref 2016/6351/P, dated 18 November 2016, was refused by notice dated 25 January 2017.
 - The application sought planning permission for a single storey side/rear infill extension and rear dormer window with associated roof terrace without complying with a condition attached to planning permission Ref 2016/0451/P, dated 31 March 2016.
 - The condition in dispute is No 3 which states that: The development hereby permitted shall be carried out in accordance with the following approved plans: 726_EX_100, 726_EX_110, 726_EX_120, 726_EX_130, 726_EX_140, 726_EX_200, 726_EX_210, 726_EX_300, 726_EX_310, 726_PL_100 B, 726_PL_130 B, 726_PL_210 B, 726_PL_110 B, 726_PL_140 B, 726_PL_300 B, 726.OS.01.
 - The reason given for the condition is: For the avoidance of doubt and in the interest of proper planning.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey side/rear infill extension and rear dormer window with associated roof terrace at 31 Mackeson Road, London in accordance with the application Ref 2016/6351/P, dated 18 November 2016 subject to the following conditions:
 - 1) The development hereby permitted shall be begun before 31 March 2019.
 - 2) 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.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: 726_EX_100, 726_EX_110, 726_EX_120, 726_EX_130, 726_EX_140, 726_EX_200, 726_EX_210, 726_EX_300, 726_EX_310, 726_PL_100 C, 726_PL_130 B, 726_PL_210 C, 726_PL_110 B, 726_PL_140 B, 726_PL_300 C, 726.OS.01 and Figure 1.2 3D Sketch.
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- 4) The use of the roof as a terrace shall not commence until the screen, as shown on the approved drawings, has been constructed. The screen shall be permanently retained thereafter.

Main Issue

2. The main issue is whether the proposal would preserve or enhance the character or appearance of the conservation area.

Reasons

3. The previous permission included a single storey side extension and a rear extension to this property. This proposal would allow the area between these two distinct elements to be filled to form a single area of accommodation within, across the entire width of the property. This would be achieved by the use of a small glazed corner addition. The application seeks to amend condition 3, which set out the plans to be followed, to include the revised plans showing the further extension. This process would result in a new, additional permission.
4. The Council are concerned that the proposal would undermine the architectural integrity of the host property, harming its appearance and the uniformity of the neighbouring rear elevations. This in turn would be harmful to the special character and appearance of the Mansfield Conservation Area.
5. The Mansfield Conservation Area Appraisal and Management Strategy 2008 advises that the original houses of Mackeson Road were completed in 1899. These three storey terraced houses have flat frontages with projecting bay windows over two storeys. They conform to one basic plan form which in this case includes a three storey part width rear extension. The document is clear that the original historic pattern of rear elevations within a street or group of buildings is an integral part of the character of the area and as such, rear extensions will not be acceptable where they would diverge significantly from the historic pattern.
6. The permitted single storey rear extension would extend from the original three storey rear addition and the side extension would infill the area to the side boundary. The original form of the building would remain legible. The glazed infill addition would be of a scale and materials that would ensure that it would be viewed as a distinct element which would be subservient to the approved extensions but it would also allow for the original form and rear corner of the building to remain clearly evident above its low roof. This minor addition would not have a significant impact on the overall character of the property or the historic pattern of development. In this respect, it would satisfy the objectives of the Management Strategy.
7. Being to the rear of this terrace, the proposal would have no wider public prominence and as it would be of such a low height, it would have a very limited impact on the appearance of the property from private vantage points. Given the quality of the materials and the sympathetic design of this particular element, it would represent a high standard of design in this context and it would have a neutral impact on both the character and appearance of the conservation area.

8. As the development would preserve the character and appearance of the conservation area, it would satisfy the design and heritage requirements of Policy CS14 of the Camden Core Strategy 2010 – 2025 and Policies DP24 and DP25 of the Camden Development Policies document 2010. As these policies generally accord with the design and heritage requirements of the *National Planning Policy Framework*, I afford them considerable weight. The *Framework* is clear that any harm to a heritage asset, such as a conservation area, should be weighed against the public benefits of the proposal. However, as I have not found that the works would result in such harm, it would satisfy the heritage requirements of the *Framework*.
9. I have considered all the matters put forward by the Council and also the concerns expressed by the neighbouring resident. However, I find that this small glazed addition would not detract from the character of the original property or the conservation area. I am also satisfied that it would retain sufficient garden area and would not be more harmful with regard to the privacy of neighbouring residents. I therefore allow the appeal.
10. As this procedure results in a new permission that includes all of the works already accepted by the original consent, I have altered condition 3 to reflect the detail of the new works but I have also imposed the other conditions. This is to ensure that the development would have a satisfactory appearance and to protect privacy with regard to the use of the roof terrace. The period for the commencement of development matches that of the original permission in accordance with the requirements of *Planning Practice Guidance*.

Peter Eggleton

INSPECTOR