
Appeal Decision

Site visit made on 26 June 2017

by Gareth Wildgoose BSc (Hons) MSc MRTPI

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

Decision date: 14 July 2017

Appeal Ref: APP/X5210/W/17/3168590
Flat 2, 1 Agincourt Road, London NW3 2PB

- 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 David Gasperow against the decision of the Council of the London Borough of Camden.
 - The application Ref 2016/5091/P, dated 16 September 2016, was refused by notice dated 11 January 2017.
 - The development proposed is a dormer window on the rear roof elevation.
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Decision

1. The appeal is allowed and planning permission is granted for a dormer window on the rear roof elevation at Flat 2, 1 Agincourt Road, London NW3 2PB in accordance with the terms of the application, Ref 2016/5091/P, dated 16 September 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1AR01; 1AR02; 1AR03; 1AR04; 1AR05; 1AR06; 1AR07; 1AR08.
 - 3) The external surfaces of the development hereby permitted shall be constructed in the materials which match those existing as shown on plan no. 1AR08.

Procedural Matter

2. The Camden Local Plan (LP) was adopted on 3 July 2017. The main parties have had the opportunity to comment on the change in status of the document in terms of the relevance to their case. The Council have confirmed that upon adoption of the LP, the Camden Core Strategy (CS) and the Camden Development Policies (DP) have been superseded. As the policies of the CS and DP referred to in the Council's decision notice have been replaced and no longer form part of the development plan, I give them no weight. I, therefore, necessarily assess the proposal in terms of the relevant policies of the LP and The London Plan, March 2015 (as amended) when determining this appeal.

Main Issue

3. The main issue is whether the development would preserve or enhance the character and appearance of Mansfield Conservation Area.
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Reasons

4. Mansfield Conservation Area has a broadly elongated diamond shape. The significance of the Conservation Area is derived from its layout and composition of largely Victorian buildings which demonstrate its historic development. There is a high density and consistency of building heights generally arranged in terraces in the predominantly residential areas and a more urban and mixed character around Fleet Road and its immediate environs.
5. 1 Agincourt Road (No 1) is currently divided into flats and is located on the northern side of the road. The front elevation of No 1 forms part of a terrace with a constant two storey height of buildings set against sloping land levels. The roofscape of the terraced row has a rhythm of decorative Dutch gables which provide roofspace accommodation and are set within individual roofs that are subdivided by party wall upstands and chimneys. Individually and cumulatively the front elevations of properties within the terrace make a positive contribution to the character and significance of the Conservation Area.
6. The rear elevation of No 1 includes an existing rear dormer and a shared two storey rear outrigger with No 3 that is subdivided by a party wall upstand. It is not visible from public vantage points within the Conservation Area due to the position of surrounding properties on Agincourt Road and Constantine Road, including a tall boundary treatment between No 42 and No 44 Constantine Road. Consequently, the rear elevation of No 1 offers a more limited contribution to the character and significance of the Conservation Area despite some elements of traditional design, proportions and architectural features.
7. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Paragraph 131 of the National Planning Policy Framework (the Framework) requires that account be taken of the desirability of sustaining and enhancing the significance of heritage assets, and of new development making a positive contribution to local character and distinctiveness. Paragraph 132 of the Framework states that when considering the impact of a proposal on the significance of designated heritage assets, great weight should be given to the asset's conservation.
8. The proposal would introduce a dormer to the side roof slope of the shared rear outrigger, which has a rear gable design and two existing rooflights. The ridge of the outrigger roof sits below a party wall upstand and is lower than the eaves height of the main roof. The dormer would extend from the ridge below the upstand with a shallower pitched roof. It would project across only part of the roof slope with a set in from eaves level, a width half that of the roof and would, therefore, be set back from the rear gable and side wall. The position and design would not subsume the roof slope of the outrigger or interfere with views of the main roof and would limit its visibility from ground level. Furthermore, the rooflights on the shallow pitched roof and matching materials would assimilate with surrounding roof slopes. Consequently, although the scale and form of the dormer would partially alter the roof profile of part of the shared outrigger it would be viewed as a discreet and subservient addition that would not undermine the architectural style and character of the host building.
9. The rear dormer would be well screened from public vantage points within the Conservation Area by surrounding buildings, including the Agincourt Road and

Constantine Road street scenes nearby. The position of surrounding properties and the party wall upstand prevents the rear elevations of Nos 1 and 3 from being viewed together. Therefore, the dissimilarity with the opposing roof slope of the shared outrigger or those of the adjoining terrace would not be apparent. The roof extension and its relationship to the host building would be visible from a small number of surrounding properties from which the extension would appear discreet with limited prominence due to its scale and position. Consequently, it would not, therefore, harm the character and appearance of the host building or those surrounding.

10. I conclude that the development would preserve the character and appearance of the Mansfield Conservation Area. The proposal, therefore, would not conflict with Policies D1 and D2 of the LP and Policy 7.6 of The London Plan, taking account of the associated guidance within the Camden Planning Guidance 1: Design, July 2015 and the Mansfield Conservation Area and Management Strategy, December 2008. When considered together the policies seek to ensure new development is of a high quality design which contributes positively in complementing local character through respect for scale, proportions, composition and materials, whilst preserving or enhancing the historic environment and heritage assets, including conservation areas. The policies are consistent with the Framework.

Other Matters

11. The proposal would not have an unacceptable impact on the living conditions of occupiers of neighbouring properties as there would be no loss of privacy or outlook to surrounding properties arising from the design and position of the dormer or the proposed rooflights. There is no substantiated evidence which indicates that construction of the development or its use would result in unacceptable noise or disturbance. It consists of an extension to an existing storage area and would not increase habitable accommodation within the flat.
12. As I have found no harm arising from the development, the proposal would not introduce an unwanted precedent for other extensions in the Conservation Area. Any future applications submitted in the area, would necessarily be considered on their own merits by the local planning authority.

Conditions

13. The Council provided a suggested list of conditions. Where necessary I have amended the wording to accord with paragraph 206 of the Framework and Planning Practice Guidance. Time limit and plans compliance conditions are necessary in the interest of certainty as to the development for which planning permission is granted. In the interest of the character and appearance of the development, the use of materials indicated on the submitted plans is also subject to a condition.

Conclusion

14. For the reasons given above and taking all other matters into consideration, I conclude that the appeal should be allowed and planning permission granted subject to conditions set out in the formal decision.

Gareth Wildgoose

INSPECTOR