
Appeal Decision

Site visit made on 1 August 2017

by Oliver Blower MA (T&CP)

a person appointed by the Secretary of State for Communities and Local Government

Decision date: 08 September 2017

Appeal Ref: APP/X5210/D/17/3176428

2 The Old Dairy, Falkland Place, Kentish Town, London NW5 2PN

- 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 Brian Armstrong against the decision of the Council of the London Borough of Camden.
 - The application Ref 2016/5780/P, dated 28 September 2016, was refused by notice dated 31 March 2017.
 - The development proposed is described as "Remodelling of an existing two storey 2 Bedroom residential dwelling to create a four storey 6 Bedroom residential dwelling by adding two new additional floors".
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on 1) the character and appearance of the building and immediate area and, 2) on the living conditions of neighbouring occupiers with particular regard to outlook.

Procedural matters

3. Notwithstanding the original description of the development; on the 30 December 2016 revised plans were received by the Council which, amongst other things, altered the proposal by removing the fourth-floor and including a wider and taller three-storey front extension. The revised plans were accepted by the Council and a second round of public consultation was undertaken. I have made my determination on the revised plans.
 4. The development plan consists of the Camden Local Plan (LP), which was adopted on 3 July 2017. This document supersedes the Camden Local Development Framework Core Strategy 2010 and London Borough of Camden Local Development Framework Development Policies 2010. Although the LP was adopted after planning permission was refused by notice dated 31 March 2017, the policies contained within the draft LP were cited in the officer's report and decision notice, and thus the appellant has had an opportunity to address them in his appeal. I have made my determination on the current development plan.
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Reasons

Character and appearance

5. The appeal relates to a modestly sized two-storey detached house (the Old Dairy) with a mono-pitched slate roof to the rear, a zinc flat roof to the front, a small single-storey front conservatory and white painted brick elevations. It is located within a walled courtyard and accessed through an entrance shared by right of way with the Hay Loft. The Hay Loft has a moderately higher slate pitched roof and is orientated so that its northern gabled elevation broadly faces the flank wall of the Old Dairy. The variations in roof heights and asymmetrical orientation of these two buildings - quite different to the broad uniformity of nearby terraces - give them a distinctive, traditional, utilitarian character which hints at their agricultural origins.
6. The Old Dairy adjoins and faces the Kentish Town Conservation Area (CA), which includes Falkland Place designated open space and 1-7 Falkland Place, a two-storey terrace row. Although there are taller terraced buildings in the vicinity, the immediate area is centred on the designated open space and has a traditional, open and verdant character. This character is reinforced by the modest scale and traditional appearance of the Old Dairy and the Hay Loft, which in turn make a positive contribution to the setting of the CA.
7. The proposed development is for the erection of a third-storey to create a second-floor and a three-storey front extension approximately 11.6m wide by 2.2m deep. The resulting house would have a shallow mono-pitch zinc roof and white rendered walls.
8. The proposed second-floor and front extension would not appear subservient to the dwelling but rather envelop the majority of it, significantly increasing its height and depth and eradicating its modest utilitarian appearance. Although its height would broadly match that of the Hay Loft, the Hay Loft has a steeply pitched roof that diminishes in bulk as it rises. The proposed vertical flat façade of the Old Dairy, on the other hand, would emphasise its height and bulk, giving it an excessively large and incongruous appearance.
9. Although Nos 324-326 Kentish Town Road and No 2 Fortress Road are taller, they are located further away from the open space. The smaller proportions of the Old Dairy and the Hay Loft currently provide a stepped transition where the mass of buildings reduces towards Falkland's Place, contributing to the immediate area's sense of openness. The significant bulk and proximity of the proposal, conversely, would unacceptably erode this characteristic openness.
10. As a result I conclude that the proposed development, by reason of its forward projection, height and bulk, would cause unacceptable harm to the character and appearance of the host building and the immediate area and, thus, would detract from the setting of the CA. It is therefore contrary to policies D1 and D2 of the LP, which seek to ensure, amongst other matters, high quality design which is required to respect local context and character, integrates well with surrounding open spaces and preserves heritage assets and their setting.

Living Conditions

11. Although the southern elevation of the Hay Loft faces open space; the northern elevation and its windows to habitable rooms broadly face and are close to the flank wall of the Old Dairy. The depth and height of the proposed extensions

would significantly increase the size of this flank wall – notwithstanding that they would be partially set back. This increase in size, in combination with the boundary wall of the courtyard to the west and east, would result in a severe sense of enclosure when viewed from the habitable room windows of the Hay Loft so that only a narrow aspect would remain. As a result, in my view, the proposal would have an unacceptably overbearing effect which would result in a significantly diminished and generally oppressive outlook, to the detriment of the living conditions of the occupiers of the Hay Loft. It would likewise lead to a significantly diminished and oppressive outlook for the occupiers of 324 Kentish Town Road, due to the proximity of the first-floor windows of its rear projection to the proposed third-floor.

12. I acknowledge that the appellant's Daylight and Sunlight Assessment suggests that windows 1 to 5 of the Hay Loft and windows 13 and 11 of No 324 Kentish Town Road would retain marginally over 80% of their former value of daylight. Nonetheless, there would be an adverse reduction, adding to the harm already identified in respect to outlook.
13. The windows of 326 Kentish Town Road and No 2 Fortress Road are located further back from the proposed rear elevation, so that the effect on outlook and daylight to these windows would be less pronounced. I also note the proposed rear facing windows would be obscurely glazed, so that they would not result in overlooking or loss of privacy to neighbouring occupiers.
14. Nonetheless, for the reasons given above, I conclude that the proposed development, by reason of its bulk, height and proximity to adjoining dwellings, would cause unacceptable harm to the living conditions of the occupiers of the Hay Loft and 324 Kentish Town Road, with particular regard to outlook. It is therefore contrary to policy A1 of the LP, which seeks to ensure, amongst other things, that the amenity of neighbours is protected, considering factors that include outlook and daylight.

Other Matters

15. The Council have raised concerns with respect to the absence of a Construction Management Plan (CMP) secured by legal agreement. I also note the appellant's willingness to enter into a legal agreement, and his provision of a CMP as part of this appeal. However, as my decision is to dismiss the appeal, the need for a CMP does not arise and thus I will not comment on this matter further.

Conclusion

16. I acknowledge that the extensions would provide additional accommodation for the appellant and that there is a shortage of six bedroom family dwellings in the Borough; however this benefit cannot outweigh the permanent harm the development would cause for the reasons given above.
17. Consequently, having had regard to all other matters raised, I find that the proposed development would cause unacceptable harm to the character and appearance of the host building and immediate area, and to the living conditions of neighbouring occupiers, contrary to LP policies A1, D1 and D2. I therefore dismiss the appeal.

Oliver Blower Appointed Person