



Appeal Decision

Site visit made on 29 May 2019

by N Smith BA (hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31st October 2019

Appeal Ref: APP/X5210/W/19/3224577

Flat 3rd and 4th Floor, Jamestown Road, London, NW1 7DB

- 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 Jamestown Road LLP against the decision of London Borough of Camden.
 - The application Ref 2018/1486/P, dated 20 March 2018, was refused by notice dated 28 September 2018.
 - The development proposed is installation of double doors leading to a flat roof from the upper floor of the flat. Installation of a Juliet balcony outside the double doors. Installation of mild steel railings around the edge of the flat roof.
-

Decision

1. The appeal is allowed, and planning permission is granted for installation of double doors leading to a flat roof from the upper floor of the flat. Installation of a Juliet balcony outside the double doors. Installation of mild steel railings around the edge of the flat roof at Flat 3rd and 4th Floor, Jamestown Road, London, NW1 7DB in accordance with the terms of the application, Ref 2018/1486/P, dated 20 March 2018, and the plans submitted with it, subject to the following conditions:
 - 1) The flat roof area shall not be used as a balcony, terrace or other amenity area.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 348-100-E, 348-113-P, 348-114-P, 348-115-B, 348-116-B, 348-207-P, 348-210-P, 348-302-P and 348-113-P.

Procedural Matters

2. The description of development as set out on the planning application includes a reference to all of the works other than the Juliet balcony having been completed. I saw on my visit that this was the case but have excluded it from the description of development so that it describes the works, rather than whether they are completed or not.

Main Issues

3. The main issues are whether the effect of the development on the character and appearance of the area, including heritage assets would be acceptable; and whether the effect of the development on living conditions at neighbouring properties, with regard to privacy, would be acceptable.

Reasons

Character and appearance

4. The appeal site contains a four-storey building plus a mansard roof at the junction between Jamestown Road and Oval Road. It is proposed to retain a set of patio style doors at third floor level which lead out on to a section of the building with a flat roof and railings that have been installed around that flat roof. It also proposed to install a Juliet balcony in front of the patio doors.
5. The appeal site is locally listed and is within the setting of the Regents Canal and Primrose Hill Conservation Area and Gibley House, which is a Grade II listed building.
6. The metal balustrade and patio doors are completed. I was able to see on my visit that given their location at upper floor level, they are not particularly prominent and do not detract from the overall form, design or character of the extended building. The patio doors in particular are not very visible, given their siting on the building. They appeared to me to constitute fairly standard features within an urban environment and I noted other examples of balustrades near to the appeal site.
7. The metal balustrades appeared to me to be of a high quality in terms of their material and design. Whilst the patio doors are made from aluminium, rather than wood, they have quite a slender profile and again, appeared to me to represent high quality design. The Juliet balcony was not in place at the time of my visit. It would also be made from black painted metal and would not appear incongruous in the context of the appeal site in my view, given its form and relatively discreet location. The extension to the building, which appears complete has a more modern form than the original part of the site, which I consider reduces the importance of the style and materials that form the appeal proposal matching entirely the materials and design of original features.
8. The Council has directed me to a previous appeal decision relating to the site, where the Inspector then found merit in the use of 'traditional materials'. That Inspector will have been considering the evidence before them then, where traditional materials were proposed. I do not think that means that alternative materials (in this case, metal) cannot also be found acceptable. In this case, I find that they would be.
9. Overall, I consider that the appeal proposals are proportionate and appropriate and that they would not result in harm to the character of the building (which is locally listed), or indeed to the setting of the nearby heritage assets.
10. The statutory duties in Sections 66(1) and 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character of a heritage asset is a matter of considerable importance and weight. In this case, I have found that the development would cause no harm to the setting of the nearby listed building and that it would preserve the character and appearance of the Conservation Area.
11. I have also had regard to paragraph 197 of the Framework given the status of the site as a locally listed building, but for the same reasons, have found that no harm would be caused to the non-designated heritage asset.

12. Accordingly, I find that the effect of the proposal on the character and appearance of the area, and on designated and undesignated heritage assets would be acceptable and in accordance with policies D1, D2 and A1 of the Camden Local Plan 2017 (the LP) which seek amongst other requirements to secure a high quality of design and to ensure that heritage assets are protected. The Council also makes reference to a conflict with the London Plan, but does not specify a policy.

Privacy

13. I walked out on to the flat roof when undertaking my visit and I share the concern of the Council that were that area to be used as an amenity space, harm would likely be caused to existing neighbours by way of overlooking into nearby garden areas.
14. The Appellant contends that the flat roof would not be used as an amenity space and would only be used for maintenance and I take that at face value. The introduction of the Juliet balcony would make access to the flat roof difficult and the Appellant has indicated that they would be comfortable with a condition preventing the flat roof being used as an amenity area, which I have imposed.
15. In that context, I am satisfied that the effect of the proposal on living conditions of existing neighbours would be acceptable, and in accordance with policy A1 of the LP, which amongst other requirements, seeks to protect living conditions of neighbours.

Conditions

16. Alongside a condition requiring the development to be carried out in accordance with the approved plans, I have attached a condition that would prevent the flat roof from being used as a balcony or terrace by occupiers of the flat. This condition was suggested by the Council and the Appellant has raised no objection to it. I consider that condition to be necessary to prevent the overlooking into neighbouring windows and outdoor spaces that would take place in the event that the flat roof was used for recreation.
17. Given that the development has commenced, I have not attached a standard time limit condition.

Conclusions

18. For the reasons that I have described, I consider that the appeal should be allowed and planning permission granted.

N Smith

INSPECTOR