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## Appeal Decision

Site visit made on 9 October 2020

**by Terrence Kemmann-Lane JP DipTP FRTPI MCMI**

**an Inspector appointed by the Secretary of State**

**Decision date: 28 October 2020**

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**Appeal Ref: APP/X5210/W/20/3248427**

**50 Lady Margaret Road, Kentish Town, NW5 2NP**

- 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 Christophe Haugen against the London Borough of Camden.
  - The application Ref 2019/6216/P, is dated 12 December 2019.
  - The development proposed is a rear dormer addition.
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### Decision

1. The appeal is dismissed.

### Preliminary remarks

2. In this case it is useful to provide some background to the proposal. The appeal dwelling is currently of 2 stories, although it has previously been extended to the side with a two-storey addition facing Ospringle Road. This extension is formed in line with both the front and rear walls, but the rear part is splayed with the site boundary, so that it narrows at the back. There has previously been granted a certificate of lawfulness for a rear dormer extension and rooflights. The most recent planning permission was for the extension of the roof over the side extension, dormers front and rear, and the insertion of a front rooflight. The current proposal is a larger rear dormer extending, that approved by 1m in width.
3. The reason that the Council would have refused permission had the appeal not been made is stated to be: the proposed rear dormer, by reason of its excessive scale, bulk and prominent location, would overwhelm the rear elevation of the host property and would constitute a visually prominent, discordant and disproportionate addition that would harm the character and appearance of the host dwelling and the adjacent conservation area.

### Main Issue

4. The main issue in this case is the effect of the proposal in terms of design, appearance and heritage.

### Reasons

5. The following policies are referenced by the Council: D1 (Design) and D2 (Heritage) of the London Borough of Camden Local Plan 2017, and policy D3 (Design principles) of the Kentish Town Neighbourhood Plan (2016). Since these policies will be familiar to the parties, there is no need for extensive

reference here to the various elements. However, I will refer to the following policies that are of particular relevance.

6. Policy D1 of the Local Plan requires all development to be of the highest standard of design and will expect developments to consider a number of matters, including:
  - character, setting, context and the form and scale of neighbouring buildings;
  - the character and proportions of the existing building, where alterations and extensions are proposed;
  - the composition of elevations;
  - its contribution to public realm and its impact on views and vistas; and
  - the wider historic environment and buildings, spaces and features of local historic value.
7. In the context of policy D1, I consider that item g of Policy D2 of the Local Plan has particular relevance, which states: The Council will ... "resist development outside of a conservation area that causes harm to the character or appearance of that conservation area;".
8. For the appellant it is stated that a major consideration of the various proposals has always been to put right a previously poor and clumsy addition of the two-storey side addition, which jars awkwardly with the existing building. This has always been agreed verbally with various officers involved in the scheme. To this end, this application seeks to marginally increase the approved rear dormer addition under prior approved applications (Ref 2019/2203/P and 2019/2768/P). The new space is to provide a new master bedroom and en-suite with a separate study space. The addition sought in this scheme is de minimis: the 1m additional width creates only an extra 4.7m<sup>3</sup> to the exterior. This is in addition to the consented 30m<sup>3</sup> for the dormer and 44m<sup>3</sup> added via the extended roof line. The volume now proposed is therefore a mere additional 6%.
9. The appellant considers that the Council's criticism of excessive scale and bulk, visual prominence, and that it is a discordant and disproportionate addition, that would harm the character and appearance of the host dwelling, is mis-judged. Also, it is incorrect to state that it is not subordinate to the host dwelling since the addition of the extended main roof over the existing two storey side addition creates the appearance of a more harmonious host building to which this dormer is subordinate. A large element of pitched roof, on average 2m in width, is clearly retained on the prominent corner.
10. In my opinion, the degree to which the present proposal is an addition to that which has already been approved, is not determinative. There has been a recent approval for the erection of a roof extension, front and rear dormers and a front rooflight, and a certificate of lawfulness for a rear dormer. These have not been implemented. The matter must be decided on the basis of the character and appearance of the final form as now proposed.
11. The appeal site is set within a residential area where the majority of dwellings are in substantial 3 storey terraces dating from circa the early 20<sup>th</sup> century. There are also some recent flatted developments, such as that opposite the appeal site. The host dwelling is a two-storey semi-detached modern post war brick-built property with tiled roof.

12. More recently it has had a 2-storey flat roofed extension added at the side, where Ospringe Road cuts back at an angle to Lady Margaret Road, so that the curtilage has a shape approximating a triangle with a truncated apex. The rear part of the extension angles back, as mention in paragraph 2 above, following the alignment of the road. The result is less than satisfactory visually.
13. The extension of a pitched roof over the present flat roofed side extension, integrates that extension into the original house in a more satisfactory manner. The proposed front dormers are modest in size, with flat roofs well separated from the ridge of the roof. The roof light in the front roof slope is also a minor feature that does not detract from the character and appearance of the dwelling.
14. It is the rear dormer that requires careful consideration. This is now proposed to extend from the party wall of the attached neighbour, most of the way across the rear, to the point where, at eaves level, it is a short distance from where the roof angles away over the slayed side extension wall. The length of this dormer also carries across a brick column that rises at first floor level to above the eaves. In addition, its flat roof meets the ridge of the roof.
15. The result is that much of this runs counter to the Council's policies and design guidance. In any event, I find that the appeal proposal would dominate the rear elevation of the existing dwelling and be incongruous in relation to the host dwelling and its neighbour. As such it would have an adverse impact on the design and appearance of the existing dwelling, and on the character and appearance of the area. Since the appeal site is at the junction of Lady Margaret Road and Ospringe Road, the rear elevation is fully exposed to the public domain.
16. Furthermore, the appeal site stands opposite the northern boundary of the Kentish Town Conservation Area. Whilst it is outside the conservation area, it must be seen as part of the approach and environs of that area. In this respect I disagree with the view of the appellant that, since it is outside the conservation area, its effect is immaterial. Indeed, it is in direct conflict with Policy D2, item g, of the Local Plan that I have referred to above. I therefore find that the appeal proposal would constitute a visually prominent, discordant and disproportionate addition to the dwelling that would harm its character and appearance, the residential area within which it sits and the heritage of the adjacent conservation area.

### **Other matters**

17. For the Appellant there is criticism of the way that the Council dealt with the validation of the application and the delays that occurred in considering it. Whilst I can appreciate that frustration can occur at such times, these are matters that should be taken up with the Council's management, and do not relate to the planning merits of this appeal.

### **Conclusion**

18. For the reasons that I have set out above, I dismiss the appeal.

*Terrence Kemmann-Lane*

INSPECTOR