
Appeal Decision

Site visit made on 25 November 2020

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 February 2021

Appeal Ref: APP/X5210/W/20/3255631

8 Frognal Lane, London NW3 7DU

- 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 Andrew Kirk against the decision of the Council of the London Borough of Camden.
 - The application Ref 2019/5690/P, dated 11 November 2019, was refused by notice dated 27 May 2020.
 - The development proposed is erection of a roof extension to create 1x2-bed (3 person) flat with terrace at 3rd floor level (Class C3) together with extending the existing side dormer to provide access to the new dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appellant has submitted amended drawings which show the location and scale of a proposed structure for the storage of bicycles. As these drawings address concerns raised by the Council and do not significantly alter the nature of the development originally proposed. I have accepted these in determining this appeal and do not consider that the interests of any party have been prejudiced by my having done so.

Main Issues

3. The main issues are a) whether the proposed development would preserve or enhance the character or appearance of the Redington/Frogнал Conservation Area (CA); b) whether the proposal provides appropriate bicycle storage facilities; and c) whether the proposal would secure a 'car free' housing scheme.

Reasons

Character and appearance

4. The appeal property comprises a late Victorian detached building with four levels of accommodation, including a lower ground floor and the loft space. This property lies within the Redington/Frogнал CA. Based on the Council's Conservation Statement-Redington/Frogнал, the significance of this CA is largely derived from its high-quality period buildings, which together form cohesive street scenes that provide a strong visual link to the past.
5. In particular, Frogнал Lane falls within Sub Area Seven: The 'Triangle' and the appeal property is identified as part of a number of buildings built in 1890's by

the same or a limited number of developers which and are finished in red brick with prominent Dutch style gables.

6. The appeal property incorporates a crown roof with a large flat section and a relatively shallow pitch. This gives it a low height and limited mass which complements the proportions of the building. Most notably, this arrangement gives prominence to its distinctive Dutch style gable, which is a notable and well-preserved feature of its principal elevation. Moreover, the appeal property forms part of a group of four detached properties in a similar style, resulting in a cohesive and quality street scene.
7. For the above reasons, the appeal property, and the group it shares its distinct style with, individually and collectively make a positive contribution to the character and appearance of the area and the significance of the CA. Consequently, and given the street-facing prominent location of the appeal property, it is particularly sensitive to change.
8. Despite some attention to materials, the proposal would facilitate an additional floor at the appeal property which would be accommodated under a mansard roof extension incorporating a rear dormer and roof terrace. This would introduce a steeper roof slope with an increased mass and height, resulting in a particularly dominant roof form. Therefore, while the existing Dutch gable is to be retained, its prominence would be severely diminished by the extended and larger roof. In particular, as a consequence of the proposed alterations, the appeal property would be significantly altered, which would erode its distinctive appearance and its contribution to the group of similar properties.
9. Although the proposal is intended to reflect the neighbouring property, 10 Frogna Lane, this building is appreciably different, including its design, roof form, overall height, and massing. It also forms part of another distinct group of similar buildings arranged in pairs. As such, the appearance of the host property, as extended, would not be consistent with this or any other nearby buildings, thereby appearing incongruous and appreciably disrupting the cohesive arrangement of buildings along this part of Frogna Lane.
10. There is some diversity to the rear elevations of the appeal property and others nearby. Nevertheless, on the evidence before me, none of these include a sizeable dormer and roof terrace as part of incorporating an additional level of accommodation and the increase in scale associated with it. Particularly amongst the small group of detached buildings which have similar roof arrangements to the appeal property. As such, this element of the proposal would further erode the distinctiveness of the appeal property and adds to the unacceptability of the proposal. Furthermore, the requirement for development proposals to preserve or enhance the character or appearance of the CA applies whether or not the proposal is prominent or in public view.
11. For the above reasons, the proposed development would harm the character and appearance of the appeal property and area, and the significance of the CA would be harmed.
12. The harm the proposal would cause to the significance of the CA would be less than substantial. Paragraph 196 of the Framework states that where a proposal would lead to less than substantial harm to the significance of the heritage asset, this harm should be weighed against the public benefits of the proposal. In this case the proposal would deliver an additional residential unit. However,

despite the significant and pressing need for more homes to improve housing choice and affordability in the area, the benefits derived from a single additional 2-bedroom residential unit would be limited.

13. Having special regard to the desirability of preserving or enhancing the character or appearance of the CA¹, despite finding the harm to be less than substantial, I still attach significant weight to this. Such harm can be outweighed by public benefits. Having given limited weight to the public benefit identified in this instance, this is not sufficiently forceful to outweigh the less than substantial harm that I have identified.
14. Drawing on the above reasons, the proposal would harm the character and appearance of the Redington/Frognal CA, contrary to Policies D1 and D2 of the Camden Local Plan 2017. Together, these policies seek to secure high quality developments which sustain and enhance the significance of designated heritage assets.

'Car free' housing

15. The proposed development would increase the level of accommodation at the appeal property and without appropriate controls this could contribute unacceptably to parking stress and congestion in the area. The appellant has agreed to providing a legal agreement to secure the proposed residential unit as 'car-free' housing. This would ensure that future residents do not have the right to apply for residents parking permits and would therefore support the Council's aims for promoting walking, cycling and public transport in the borough. Such an agreement could be secured by a condition if the appeal were to succeed. Consequently, the proposal would not be contrary to Policies T1 and T2 of the LP. Along with other matters, these Policies seek to promote the use of sustainable modes of transport and require all new developments to be 'car free'.

Bicycle storage

16. The amended drawings show that there is sufficient space at the appeal site to accommodate a unit to securely store two bicycles. Further details of this unit could be secured by a condition if the appeal were to succeed. On this basis, the proposal would accord with Policy T1 of the LP, which in the interests of promoting cycling requires the provision of accessible, secure cycle parking facilities.

Conclusion

17. I have found that the scheme could provide sufficient space at the appeal site to accommodate a unit to store two bicycles and secure a 'Car Free' housing scheme. On the other hand, the proposal would fail to preserve or enhance the character or appearance of the Redington/Frognal CA. For this reason and the overall conflict with the development plan, I conclude that the appeal should be dismissed.

M Aqbal

INSPECTOR

¹ Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990