The Planning Inspectorate

Appeal Decision

Site visit made on 19 October 2021

by Diane Cragg DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 November 2021

Appeal Ref: APP/X5210/W/21/3271338
16 Powlett Place, London NW1 8DR

- 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 James Cristofoli against the Council of the London Borough of Camden.
- The application ref 2020/3918/P dated 27 August 2020.
- The development proposed described as 'build new two storey rear extension'.

Decision

1. The appeal is dismissed and planning permission to build a new two storey rear extension is refused.

Procedural Matters

2. During the course of the appeal, the revised National Planning Policy Framework (the Framework) was published on 20 July 2021 and The London Plan, March 2021 has been adopted. Both parties have had the opportunity to comment on the relevance of these documents to their case and no party would be prejudiced by my taking them into account.

3. The Council did not determine the application within the prescribed time period. However, an officer report sets out the reasons why the Council considers the proposal to be unacceptable. I have had regard to this and other parties' submissions in determining the main issues set out below.

4. The appeal site is within Harmood Street Conservation Area (HSCA) wherein I have a statutory duty under Section 72(1) of the Town and Country Planning Act (the Act) to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.

Main Issues

5. The main issues are (i) whether the proposal would preserve or enhance the character or appearance of the HSCA and (ii) the effect of the development on the living conditions of No 14 Powlett Place with particular regard to light and dominance.

Reasons

Character or appearance

6. The appeal property is a two-storey, mid-terraced house located in the eastern section of Powlett Place, a pedestrian width street of mostly similar designed terraced houses set back behind enclosed and landscaped front gardens.

7. The HSCA derives its overall significance from the area's development between 1840 and 1870, a relatively short period. Dwellings are well detailed terraced houses over two storeys that remain largely unaltered with a distinct cottage character. The Harmood Street Conservation Area Statement (HSCA Statement) identifies that most of the buildings make a positive contribution to the character and appearance of the HSCA and many have a traditional butterfly roof profile.

8. No 18 and No 20 Powlett Place are deeper properties which the appellant indicates are later additions to the street. No 14 has been extended at two storeys to the rear although the first floor covers only part of the width of the rear elevation. The appeal property has not been extended to the rear but in principle extending out at the rear would not appear out of place in the rear garden environment.

9. The proposed extension's design maintains the characteristic butterfly roof of the main house by having a lower flat roof with parapet detail. Although the exterior walls would be constructed in matching brick work the design introduces large crittall style glazing, powder coated windows and insulated panels to the main rear elevation. These details would unduly contrast with the modestly sized, vertically proportioned windows present on both the host property and the rear elevations of many nearby properties and would accentuate the width of the structure.

10. The extension would be visible from adjacent properties and due to the elevation treatment, it would appear prominent and incongruous with the design of the terrace row. As a result, there would be some limited harm to the area's character and appearance which would reduce the positive impact that the property has within the surrounding area. The proposal would neither preserve nor enhance the character or appearance of the HSCA, although the harm would be less than substantial.

11. Paragraph 202 of the Framework states that less than substantial harm to the significance of a designated heritage asset should be weighed against the public benefits of the proposed development. In this case, no public benefits of the scheme have been identified. Furthermore, the Framework indicates that great weight should be given to the asset's conservation.

12. Moreover, the proposal would conflict with Policies D1 and D2 of the London Borough of Camden Local Plan 2017 which requires development to respect local context and character and ensure development in the conservation area preserves, and where possible, enhances the character or appearance of the area. It would also conflict with Camden Planning Guidance 'Home Improvements' January 2021 where it seeks to ensure that rear extensions respect and preserve the original design and proportions of the building, including its architectural period and style. In addition, the development would conflict with the Framework and the Act.

Living conditions

13. The full width ground floor extension at No 14 Powlett Place has a part glazed roof which slopes down towards the joint side boundary wall with the appeal site. At first floor No 14's extension has a landing area and first floor bathroom with windows for these spaces facing the joint boundary.

14. The proposed two storey extension would project for the full width of the property and its depth would be slightly more than the rear extension of No 14. By virtue of its height and depth, the first floor of the proposed extension would dominate the ground floor glazed roof area and the side windows of the upper floor extension at No 14 reducing light into the kitchen, landing and bathroom areas. It would also create a sense of enclosure and would be oppressive to the occupiers of No 14 when using their kitchen.

15. Consequently, the proposal would harm the living conditions of No 14 Powlett Place with particular regard to light and dominance in conflict with Policy A1 of the London Borough of Camden Local Plan 2017 where it seeks to protect the quality of life of neighbours by ensuring their amenity is protected.

Other Matters

16. I acknowledge that there has been a previous approval for a two-storey extension to the appeal property[1]. This earlier permission has expired and the evidence before me suggests the adjoining context was somewhat different at the time of the approval. Further, the permission was for an extension of a different design, with a broadly half width extension at first floor. Therefore, the previous scheme does not represent a credible fallback or lead me to a different conclusion on the main issues in this appeal.

Conclusion

17. For the reasons given above, I conclude that the proposal would conflict with the development plan and there are no material considerations that would outweigh that conflict. Therefore, the appeal is dismissed.

Diane Cragg

INSPECTOR

[1] Local Planning Authority reference 2006/2988/P