



Appeal Decision

Site Visit made on 26 October 2021

by K Savage BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 November 2021

Appeal Ref: APP/X5210/W/21/3273816

128 Camden Road, London NW1 9EE

- 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 Shah against the decision of the Council of the London Borough of Camden.
 - The application Ref 2020/4709/P, dated 13 October 2020, was refused by notice dated 17 December 2020.
 - The development proposed is erection of a two storey upward extension to form new residential unit (1x3bed) and alterations to shopfront and installation of front entrance door to residential unit.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Since determination of the application, the new London Plan was adopted on 2 March 2021 and the revised National Planning Policy Framework (the Framework) was published on 20 July 2021. The main parties have had the opportunity during the appeal process to comment on the relevance to their respective cases of these revisions to local and national policy.

Main Issues

3. The main issues are:
 - The effect of the proposal on the heritage significance of the Camden Broadway Conservation Area (the CBCA);
 - Whether it is necessary for the development to be car-free;
 - Whether it is necessary for contributions to be paid in respect of affordable housing and to mitigate the effects of construction on the highway and living conditions of nearby residents, and if so, whether there are appropriate mechanisms in place to secure such contributions.

Reasons

Conservation Area

4. The appeal relates to a two storey building located on Camden Road, set between a terrace of five three storey buildings from Nos 118-126, some with an additional mansard storey, and No 128B, which forms the end building of a shallow crescent of three storey dwellings on St Pancras Way. The appeal building contains a commercial unit at ground floor level which projects forward of the building line of the adjacent terrace. The proposal seeks to add two

storeys to the appeal building, in effect matching the scale of the adjacent terrace from Nos 118-126, with other external alterations to the existing facades.

5. The site lies within the CBCA, a compact conservation area focused around a number of busy thoroughfares with quieter residential streets in between. Camden Road is one such thoroughfare, with various retail and food outlets on both sides of the street. The townscape reflects the 19th century development of the area, with the two railway bridges to the south of the appeal site forming a major feature. The significance of the conservation area stems from its surviving historic townscape and the vibrant mix of commercial and residential uses which exist within a tight urban grain that reflects the area's origins.
6. The appeal building's origins are a matter of disagreement between the main parties. The Council states that the building is most likely to have been an infill of the rear garden of the end property on Brecknock Crescent (now St Pancras Way), and not originally intended to form part of the Camden Way frontage. Reference is made to an historic map showing a gap between the two terraces where the appeal building now sits, and from this it would appear that the site, at least originally, formed part of the garden of the end-of-terrace dwelling. The Council points to the unusual situation of the side return of the St Pancras Way property running along the major road as an element of interest in this case. The appeal building is also noted as an example of a one-storey shop that makes a positive contribution to the character of the conservation area.
7. The appellant, however, argues that the building could have been a separate infill unrelated to any other property, and indicates that its scale is attributed to its secondary status as a shop. The appellant also suggests the present scale of the building is the result of bomb damage. However, this appears to be somewhat speculative, as the bomb damage map gives no indication as to the height of the building before it was damaged, and it would appear illogical for the adjoining terrace to be rebuilt but the appeal building left at a lower height.
8. Whatever its original purpose, my reading of the evidence suggests that the building was a later infill which was constructed at a subordinate scale relative to the adjacent terraces. There remains a physical and visual separation of the terraces at the upper levels, which allows the original form and layout of both terraces to be understood, and this is an element of interest within the conservation area. I do not agree with the appellant that the lower height of the appeal building is harmful to the appearance of the terrace on Camden Road. The building is clearly different in its composition, with a more diminutive first floor level and simpler architectural details that identify it as a secondary element of the street scene. I am not persuaded that it is an unrestored part of the Camden Road terrace, and I share the Council's doubts that it ever exceeded its present height. Moreover, I find that the surviving gap in the built form is not detrimental to an otherwise consistent scale of development, but is a surviving element of a traditional means of spacing and ordering of the terraces at the street corner which contributes positively to the townscape.
9. The proposed upward extension would close this townscape gap, obscuring the historic pattern of development and legibility of the terraces as separate entities. Instead, a continuous block of development would be created that would be anomalous to the historic separation of the terraces which is evident on the 1826 map. The interest of the current building as a later, subordinate

infill within this gap would also be lost. Despite commendable effort by the appellant to recreate the appearance of the adjacent terrace, there would be elements that would still differ, including the absence of the brick arches around the first floor windows and the awkward junction of the proposed mansard roof with that of No 128B. Tellingly, the appeal building is visibly wider in footprint than the adjacent buildings in the terrace, because of which the windows would sit wider apart on the front elevation than on adjacent properties, not matching the otherwise consistent rhythm of fenestration to the terrace.

10. Given these factors, the proposed building would neither fully harmonise with the adjacent terrace, nor appear as a distinct building in its own right, but would be a jarring addition that would fail to have regard to the surrounding physical and historic context. Furthermore, it would erode the positive contributions made by the existing infill building and the surviving gap between the two discrete terraces. The proposal would therefore harm the pattern and appearance of the historic townscape of Camden Road, diminishing its contribution to the character and appearance of the conservation area. This would result in harm to the significance of the designated heritage asset.
11. Consequently, there would be conflict with Policies D1 and D2 of the Camden Local Plan (2017), which together require development to be of the highest architectural and urban design quality, which complements and enhances the distinct local character and identity of the area, and to preserve and, where appropriate, enhance Camden's rich and diverse heritage assets and their settings, including conservation areas.
12. The harm to the designated heritage asset in this case would be less than substantial, in the language of the Framework. Paragraph 202 directs that this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. The provision of an additional dwelling to the District's housing stock, patronage of local services by future occupants and removal of graffitied walls would be public benefits, but these would be limited in scale given the size of the development. Taken cumulatively, they would not outweigh the less than substantial harm to the significance of the designated heritage asset, to which the Framework directs I must give great weight.

Car Free Housing

13. Policy T1 of the CLP promotes sustainable transport by prioritising walking, cycling and public transport. Policy T2 requires all new developments in the Borough to be car-free. This would be achieved by the use of legal agreements to ensure that future occupants are aware that they are not entitled to parking permits. The supporting text to the policy sets out that its purpose is to reduce air pollution, improve the area's attractiveness for walking and cycling, and use the Borough's limited land more efficiently.
14. The site is located in a Controlled Parking Zone, and is close to bus stops and Camden Road Overground Station, with a high PTAL rating of 6b. As such, there is excellent access to public transport and nothing I have seen or read indicates that the requirement for the development to be car-free should be set aside in this instance.
15. The Council's Transport Planning Guidance (March 2019) sets out that car-free developments are secured by Section 106 agreements combined with Section

16 of the Greater London Council (General Powers) Act 1974, Section 111 of the Local Government Act 1972 and Section 1(1) of the Localism Act 2011. When agreed, the obligation ties into existing Traffic Management Orders which are worded so that the power to refuse to issue parking permits is linked to whether a property has entered into a "Car-Free" legal obligation.

16. From the evidence before me, additional development would cause parking stress and congestion in the vicinity of the appeal site. Therefore, parking restrictions are necessary to make the proposal acceptable and to accord with development plan policy, and I am satisfied that this requirement meets the relevant tests for planning obligations set out in the Framework.
17. However, there is no legal agreement before me which would secure such restrictions on parking permit eligibility, nor is any evidence proffered by the appellant to justify an exception to the policy. The absence of a legal agreement therefore means that the development could lead to increased vehicular movements and parking stress around the site and surrounding streets. This would conflict with the aforementioned aims of Policies T1 and T2 of the CLP.

Affordable Housing

18. The appeal would create 104 sqm GIA of additional residential floorspace. Under Policy H4 of the CLP, where developments involve a total addition to residential floorspace of 100 sqm GIA, the Council will seek a contribution towards affordable housing in the Borough. Based on the Council's stated method of calculation, as set out in its Housing Planning Guidance (May 2016, amended March 2019), the contribution in this case would be £10,400.
19. I am satisfied that this contribution meets the tests for planning obligations at Paragraph 55 of the Framework. However, as already indicated, there is no completed planning obligation before me which would secure this contribution. In the absence of this, the proposal would fail to make adequate provision for affordable housing in the Borough, contrary to Policy H4 of the CLP.

Construction Management

20. The appeal site is located on a busy main road. As a result, the Council raises concern that construction works to implement the appeal scheme would lead to significant disruption. Policy A1 of the CLP seeks to protect quality of life for residents, and sets out that mitigation measures will be required where necessary, including in respect of the impacts of the construction phase, through the use of Construction Management Plans (CMPs).
21. The Council states that the use of a planning condition to secure a CMP would not be appropriate as much of the activity requiring control would fall outside of the site area and/or developer's direct control, such as works in the public highway and traffic generation. On the evidence before me, I am satisfied that the use of a planning obligation to secure the CMP in this case would be appropriate.
22. In addition, the Council seeks a CMP implementation support contribution of £3,136, to be used to fund ongoing monitoring of compliance with the CMP, and a CMP bond of £15,000 to be used in the event the contractor fails to abide by the CMP and direct remedial action is required by the Council. Again, I am satisfied that these contributions meet the test for planning obligations.

23. However, no completed obligation is before me to secure these contributions. Without this, there would be increased risk of significant disruption to highway safety and residents' living conditions from uncontrolled construction works at the appeal site. This would conflict with Policy A1 of the CLP.

Other Matters

24. The appellant refers to a planning permission granted in December 2020 at a property on Camden High Street as forming a precedent for the present appeal. However, I have limited details of this case beyond an excerpt from the plans and a brief summary by the appellant. In the absence of the Council's full reasons for granting permission, I cannot be certain that the two cases are comparable. Moreover, the other site is in a different location with inevitable differences in site circumstances. Consequently, I do not regard this decision as determinative, and I have considered this appeal on its own planning merits.
25. The Council did not oppose the application on the basis on harm to neighbour's living conditions, the standard of accommodation proposed, the reduction in retail floorspace or the proposed shopfront alterations. However, the absence of harm in these respects is a neutral factor weighing neither for nor against the proposal.

Conclusion

26. For the reasons set out, the proposal results in conflict with the development plan, taken as a whole, to which I afford significant weight. Material considerations in this case, including the provision of an additional dwelling to the Borough's housing stock, would not outweigh this conflict, and do not indicate that permission should be forthcoming in spite of the conflict with the development plan. Therefore, the appeal should be dismissed.

K. Savage

INSPECTOR