



Appeal Decision

Site visit made on 18 January 2022

by K Stephens BSc (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31st January 2022

Appeal Ref: APP/X5210/W/21/3283381

50-52 Eversholt Street, London NW1 1DA

- 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 Friedman of White Megalith Ltd against the decision of London Borough of Camden.
 - The application Ref 2021/0432/P, dated 31 January 2021, was refused by notice dated 29 June 2021.
 - The development proposed is described as 'Erection of part four storey and part two storey rear extension to two of the existing short-let units and four of the existing self-contained flats'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are (i) the effect of the proposed development on the character and appearance of the area, and (ii) the effect of the proposal on the living conditions of existing occupiers of 48 Eversholt Street (No.48) with particular regard to light and outlook.

Reasons

Character and appearance

3. The appeal site comprises a pair of early 19th Century three-storey properties (Nos. 50 & 52) that form part of a long terrace of similar properties, which are predominately commercial uses at street level with residential and other uses above. The two appeal properties are currently commercial on the ground floor, but have been converted into 9 self-contained short-term residential units on the lower and ground floors and 4 self-contained flats on the upper floors. At the rear the appeal properties have been extended in an 'L' shaped form with a two-storey extension across their width which then projects the entire depth of the rear garden from the rear of No.52. I saw that properties either side (Nos.48, 54 and 56) had taller rear extensions.
4. The whole terrace (Nos. 34-70 Eversholt Street) in which the appeal properties sit forms part of a group of locally listed buildings which are non-designated heritage assets. I saw on my visit that the terrace is an imposing and striking feature of the street scene, due to its length and uniformity of design in spite of some variances in fenestration and shopfront designs at street level. The submitted evidence indicates the terrace is an important part of the townscape with a collective identity, whose significance derives from its architectural and

historic interest. Whilst the frontage of the locally listed terrace retains much of its original uniformity, some of the rears have been extended. Nonetheless, the rears of the properties form part of the collective group, some of which can be seen from Drummond Crescent, and contribute to the integrity and setting of the terrace as a whole.

5. The proposal would involve making the two-storey rear extension bigger by extending it outwards a modest amount to be flush with the rear of the three-storey extension at No.48. On top of this widened area another two-storey extension would be added. The result would be a four-storey flat roof extension across the rear elevation of both properties. It would project some 600mm beyond the rear of the four-storey extension at No.54 and some 6 metres beyond the original rear elevation of No.48. The extension would be faced in second-hand London Stock bricks and the current variety of windows would be replaced by a uniform design. The proposal would facilitate the enlargement of the 4 flats on the first and second floors and a slight enlargement of 3 of the short-term let units.
6. The appellant intends to replicate the similar sized extensions at adjoining properties Nos.54-56, which each have a four-storey extension. I also saw that Nos.46 and 48 had a three-storey flat roof extension across their rear elevations. The Council cannot verify if all of these extensions have planning permission, but the extension at No.56 was granted in about 1999 before the current development plan.
7. From the appellant's aerial image, and what I observed on site, the various existing 3-4 storey extensions have obscured and eroded the simple original form of the rear elevations of the properties in the terrace. The proposed extension would further erode this. Moreover, the proposed extension would fill in the gap between the blocks of tall extensions either side and create a substantial length, bulk and massing of flat-roof 3-4 storey built form. This would detract from the traditional character and appearance of these period properties and the unity of the terrace. Seeing the extensions either side of the appeal site reinforces my view that the appeal proposal would be unduly harmful to the character and appearance of the host properties and the area.
8. Public views of the rear of the terrace from Drummond Crescent are limited. There is an intervening row of houses that are gated at each end preventing public access. Nonetheless, the proposed large extension would be visible from the rear of these nearby properties and would be likely to reduce the appreciation nearby occupiers have about the quality of the environment within which they live. Whilst views of the extensions would be limited from the public realm, this does not reduce the harm that would be caused to the character and appearance of the host properties and the locally listed terrace of which they form part.
9. Paragraph 203 of the National Planning Policy Framework (the 'Framework') requires the effect of an application on the significance of a non-designated heritage asset to be taken into account when determining the application. A balanced judgement is required regarding the scale of any harm and the significance of the heritage asset. The proposal would enlarge and improve the standard of internal accommodation of four existing flats, which would in turn improve the local housing stock in a sustainable location in the heart of London. However, as the flats already exist there is no net gain in the number

of residential units. There would also be some visual improvement from the use of a unified fenestration style. I find these factors, alone and in combination, amount to a moderate public benefit, but they do not outweigh the harm that would be caused.

10. For the reasons above, I conclude that the proposal would be harmful to the character and appearance of the host properties, which form part of a locally listed terrace, and the surrounding area. I have not been presented with any other considerations that would outweigh this finding. Accordingly, the proposal would be contrary to Policies D1 and D2 of the Camden Local Plan. These collectively seek, amongst other things, to ensure that development respects the local context and character including prevailing pattern and scale of development. They also seek to preserve Camden's rich and diverse heritage assets, including those which are locally listed. Development that causes harm that is less than substantial will not be permitted unless substantial public benefits outweigh the harm.

Living conditions

11. The fourth storey of the proposed extension would project some 6 metres beyond the original rear elevation of No.48 at second floor. The nearest window to the blank side elevation of the extension serves a small bathroom. As bathrooms are not 'habitable' rooms, I am satisfied there would be no significant harm to the outlook or light levels from this window that would harm the living conditions of its occupiers.
12. The other rear window at No.48 serves a bedroom. According to the submitted evidence this would be about 4.5 metres away from the proposed extension. Views from the window towards and beyond the extension would no doubt be reduced to some degree. However, there would be unobstructed views in other directions. Consequently, I find the outlook from this window would be reduced but not to an unacceptable degree as to be unduly overbearing, oppressive or enclosing. Whilst I have no doubt there will also be some reduction in light to this room, due to the orientation of the property I am satisfied there would not be a significant or unacceptable reduction in daylight or sunlight levels.
13. Overall, in the absence of substantive evidence to the contrary, I am satisfied there would be no unacceptable harm to the living conditions of the existing occupiers of No.48. Accordingly the proposal would not conflict with Policy A1 of the Camden Local Plan which seeks, amongst other things, to ensure that the amenity of occupiers and neighbours is protected.

Conclusion

14. Whilst I find no harm to the living conditions of existing occupiers of No.48, I do find harm to the character and appearance of the host properties, the locally listed terrace and the surrounding area. The proposed development would not accord with the development plan and there are no other considerations which outweigh this finding. For the reasons given above, the appeal should be dismissed.

K Stephens
INSPECTOR