



Appeal Decision

Site visit made on 29 March 2022

by Stuart Willis BA Hons MSc PGCE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 April 2022

Appeal Ref: APP/X5210/W/20/3262101

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 London Borough of Camden.
 - The application Ref 2019/5693/P, dated 11 November 2019, was refused by notice dated 20 October 2020.
 - The development proposed is minor alterations to the existing roof including the installation of a glazed balustrade at roof level to provide communal roof garden external amenity space for the existing residential flats together with the extension of the existing side dormer and installation of glazed access rooflight to provide access to the new roof garden.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of development from the application form. Although different to that on the decision notice, no confirmation that the change was agreed has been provided.
3. Since the refusal of the application, the Redington Frognal Neighbourhood Plan (the NP) has been made, the Camden Planning Guidance (CPG) for Design and for Amenity updated, and the Altering and Extending Your Home CPG has been replaced by the Home Improvements CPG. The main parties have had the opportunity to comment on them and therefore would not be prejudice by my taking these into account.

Main Issue

4. The main issue of the appeal is whether the proposed development would preserve or enhance the character or appearance of the Redington/Frognal Conservation Area (CA).

Reasons

5. The appeal site is located within the CA. As such I have had regard to the duty to pay special attention to the desirability of preserving or enhancing its character or appearance.
6. The significance of the CA lies, in part, in its development as a late 19th century and Edwardian residential suburb of large detached and semi-detached properties with frequent street trees giving a verdant feel to the area.

7. The appeal site is located in the "Triangle" sub area of the CA with the Appraisal¹ stating that the southern end of Frognal Lane has a wide mix of quality and styles. The row of properties beyond the appeal site are of a different design to the group that includes the appeal building. The row of properties that the appeal property forms part of are an attractive group with a largely cohesive appearance. This includes similar scale dormers and roof shapes with distinctive style gables. As with many properties in the area it has a well-preserved façade. The appeal property currently contributes positively to the significance of the CA.
8. The clear frameless balustrade would be a contemporary feature, set back from ridge of the roof and lower than the height of 10 Frognal Lane. Although more so to the rear, there is also some variety to the roofscape in the area, including plant and paraphernalia visible in some views from the street at 6 Frognal Lane.
9. However, unlike these, the balustrade would extend across much of the width of the roof and would require considerable alterations to the existing roof form. The works would not be overly apparent from ground level in front of the property. Nonetheless, the distinctive existing roofscape gable and detailing draws the eye to roof level. The reflection and discolouring of the balustrade mean it would be an obvious and jarring feature in views of this row above the ridge of the existing mostly consistent roofscape. Furthermore, there would be angled views along Frognal Lane and Bracknell Gardens where the roofscape of the appeal site is seen together with the other similar properties in the row.
10. Dormers of various sizes are not uncommon in the CA. The scheme would retain the rectangular shape and materials of the existing dormer that would be set down from the ridge and back from the front building line. However, the enlargement of it would be incongruous with the clear consistent dormer pattern in the row. Although not overly visible due to the proximity of the buildings to each other and features on the buildings themselves, the side dormers are another element that add to the consistency of this row of properties. The gap between 8 and 10 Frognal Lane would also mean the enlarged dormer would be obvious on the approach to that side of the building.
11. The adjacent row of buildings starting at 10 Frognal Lane steps up from the appeal site. But, given the presence of a street tree to the front of the site, the scheme would be more readily viewed with the properties the other side that are of the same design.
12. Rather than adding structures to the roof, the alterations above ridge height and across much of the roof would require considerable alterations to the proportions and shape of the roof. These would be distracting and detract from the consistency of the roofs in the row.
13. The rooflight would be mostly hidden from public views being set behind and lower than the main roof level. Were the appeal to be allowed, conditions could be imposed regarding the style of this opening.
14. Within the overall context, it is considered that the proposal would lead to less than substantial harm to the significance of the CA. The Framework indicates

¹ Conservation Area Statement Redington/Frognal

that such harm is to be weighed against the public benefits of a proposal. However, great weight should be given to an asset's conservation.

15. Even if I were to agree that additional outdoor space was a public rather than private benefit, given the nature of the proposal this would be small. As such, the public benefits do not outweigh the identified material harm to the designated heritage asset. The proposal is therefore contrary to the historic environmental policies contained within the Framework.
16. Consequently, the scheme would fail to preserve or enhance the character or appearance of the CA. It would be contrary to the design and heritage protection aims of Policies D1 and D2 of the Camden Local Plan and Policy SD5 of the NP.

Other Matters

17. I note permissions for roof level development at 10 and 12 Frogna Lane. Notwithstanding this, these form part of a different group of semi-detached properties. From the evidence before me and my observations on site, these are hidden behind the main roof and not clearly seen in the same views as the proposed development would be. Therefore, they are materially different to the scheme before me.
18. I am aware that during the course of this appeal, a different appeal for a roof extension at the site has been dismissed². Nevertheless, I have dealt with the proposal on its own individual merits on the basis of the evidence presented.

Conclusion

19. The proposed development conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweighs the identified harm and associated development plan conflict.
20. Therefore, for the reason given above, I conclude that the appeal should be dismissed.

Stuart Willis

INSPECTOR

² APP/X5210/W/20/3255631