



Appeal Decision

Site visit made on 19 April 2023

by M Clowes BA (Hons) MCD PG CERT (Arch Con) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd May 2023

Appeal Ref: APP/X5210/W/22/3308838

148 Gloucester Avenue, London NW1 8JA

- 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 S Neave against the decision of the London Borough of Camden.
 - The application Ref 2022/0014/P, dated 25 April 2022, was refused by notice dated 29 April 2022.
 - The development proposed is described as 'replacement of roof canopy and roof garden/terrace (conversion of existing roof structure to provide covered roof access and roof garden/terrace). Replacement of 3rd floor roof canopy.'
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Decision

1. The appeal is dismissed.

Procedural Matters

2. There is no drawing before me showing the side elevation of the proposed extension. This appears to have been omitted from the plans considered by the Council. Having had regard to the overall scale and position of the proposed extension, I am satisfied that there is sufficient detail on the floorplans, front and rear elevations and concept image within Appendix 2 of the Design and Access Statement, to properly assess the impact of the proposal on the character or appearance of the Primrose Hill Conservation Area (CA).

Main Issue

3. In considering this appeal, any impact upon the character and appearance of the area would be interlinked with any associated impact upon the historic environment. The main issue is therefore whether the proposal would preserve or enhance the character or appearance of the CA.

Reasons

4. The appeal site is located within the Primrose Hill CA. In accordance with the duty imposed by section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 (the Act), I am required to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA.
5. The CA is characterised by high density development in its series of well laid out Victorian terraces, typically ranging between 3-4 storeys in height. It is a predominantly residential area but there are shopping frontages along Gloucester Avenue and the northern part of Regent's Park Road, which add a degree of activity to the area. Roads are on the whole, straight and wide, such

that long views are afforded of the building frontages. Although the terrace layout adds uniformity to the CA, there are a variety of architectural styles with distinctive detailing, including but not limited to, painted stucco features, railings and timber windows and doors with moulded surrounds. It is this spatial composition and architectural quality of the built form that shapes the significance of the CA.

6. The contribution of the appeal building is one such terraced property comprising residential accommodation above a commercial premises, in a prominent position close to the intersection of Gloucester Avenue with Regent's Park Road and King Henry's Road. It has a diminishing scale of fenestration from ground level, culminating in a small-scale mansard style roof set behind a horizontal parapet. Due to its age and architectural design, the appeal building makes an important and positive contribution to the character and appearance of the CA, as acknowledged in the Primrose Hill Conservation Area Statement 2001 (CAS).
7. The proposed roof extension would replace an existing rudimentary structure and trellis fencing delimiting a roof terrace, which although erected without planning permission, appears to be immune from enforcement action.¹ These structures already serve to clutter and detract from the appearance of the building at roof level. Nevertheless, they are of lightweight construction including timber fencing or panelling that is matt and dark in appearance, which assists in softening its impact.
8. The proposal would result in the erection of a taller extension² above and to one side of the existing mansard style roof. Presenting as a roof extension on a roof extension, it would break the consistent roofline of the wider terrace to a greater degree than the existing structures. It would further fail to respect the change in scale and step-up in height between the terrace and the Pembroke Castle Public House, an important landmark building within the CA. Given that the proposed extension would be taller than the chimney pots to the right-hand side of the host building, it would compete for attention with and reduce their silhouette on the skyline.
9. As a flat roofed box-like structure with a high proportion of full height glazing, the proposed extension would further appear discordant and contrived in contrast to the refined, symmetrical and balanced composition of the front elevation. It would not integrate successfully with the character or appearance of the host building as described above, or the wider terrace of which it is part.
10. Although set back from the horizontal parapet, due to the height, form and materials, the proposed extension and glass balustrades would be visible from street level, as is the case with the existing structure and trellis fencing. It would be particularly prominent in views within the CA from Regent's Park Road and King Henry's Road. Due to the oblique angle of views within Gloucester Road, it would only be partially visible from this vantage point. Nonetheless, it would also be visible in private views from nearby buildings.
11. Rather than appearing transparent and minimising the visual impact, the glazing would be reflective and, if the proposed extension were to be internally lit, light spillage during hours of darkness and inclement weather would

¹ As advised within the Council's officer report and the appellant's final comments.

² As shown in drawing numbers 1909AL01-P; 1909AL02-P Rev A; 1909AL03-P and 1909AL04-P Rev A.

accentuate its visual prominence. Even if this were not the case, the obviously contemporary appearance of the proposal and its height above existing roof lines within the terrace, would emphasise its incongruous presence, such that it would appear more prominent than the existing roof structures.

12. Glass balustrades to either side of the roof terrace would exacerbate the impact of the proposal, further drawing the eye to a negative degree. Fronting the balustrades with trellising would still enable the glazing to be seen behind, such that it would not wholly mitigate its impact. The balustrades in any event, would not screen the larger extension behind.
13. Although the proposed materials could be considered to represent an upgrade to that of the existing structures in isolation, it is the way in which they would be used and their location that is the issue here. Roof top terraces can add visual interest to the roofscapes of a city as well as greening the urban environment. However, the proposal goes beyond the provision of a roof terrace with a sizeable extension that in this case would disrupt the considered design of the host building, irreversibly harming its architectural composition and visual relationship with other properties within the terrace.
14. For the reasons set out above, the proposed development would not preserve or enhance the character or appearance of the CA. It would therefore conflict with Policies D1 and D2 of the Camden Local Plan 2017 (CLP). In combination and amongst other things, these policies require that development is of a high-quality design that preserves or, where possible, enhances the character or appearance of the CA.
15. Furthermore, it would conflict with the guidance contained within the Camden Planning Guidance (CPG) Design (2021) and Home Improvements CPG (2021) which advise that alterations and extensions to roofs should be architecturally sympathetic to the age and character of the building, retaining the overall integrity of the roof form, particularly in key views. It would also be contrary to the CAS which identifies the host building as one where extensions and alterations to the shape and form of the roof are likely to be unacceptable.
16. In the language of the National Planning Policy Framework (the Framework), the harm to the significance of the CA would be less than substantial, but nevertheless important given the negative effect on the character and appearance of the CA. Paragraph 202 of the Framework therefore directs me to weigh the identified harm against the public benefits of the proposal.

Heritage Balance

17. The development would result in improvements and extension to an existing roof terrace. This would primarily be a private benefit for the appellant. Any public benefit accruing from improving a dwelling within the housing stock would be of very limited weight, given the small size of the proposed development. No further tangible public benefits of the scheme have been advanced.
18. Consequently, when giving considerable importance and weight to the special regard I must have to the desirability of preserving or enhancing the character or appearance of the CA, I find that the harm that would arise from the proposal, would not be outweighed by public benefits. Conflict would occur with

Paragraph 200 of the Framework, as harm to the significance of the designated heritage asset would not have clear and convincing justification.

Other Matters

19. The retention of the existing roof structures provides a fallback position were the appeal scheme to be dismissed. Although this is a realistic prospect, for the reasons given above, the degree of harm arising from the fallback position would be considerably less, than the proposal before me.
20. The proposal has been subject to pre-application advice. However, this appears from the evidence to date from 2006, some considerable time ago, and before the adoption of the CLP, Design and Home Improvement CPG's. Irrespective of this, the Planning Practice Guide is clear that such advice cannot pre-empt the democratic decision-making process, or a particular outcome in respect of a formal planning application.³ Although the design has evolved with a view to finding a solution, and there has been a lack of objections to the existing roof top structures, these matters do not outweigh the concerns in respect of the specific proposal before me.
21. Whether the proposal is less intrusive than nearby roof extensions is a matter of judgement. I observed a number of roof terraces and/or extensions within the CA as directed by the appellant, including but not limited to, those in Gloucester Avenue, King Henry's Road, Ainger Road and Regent's Park Road. There is no clear evidence before me as to which of the suggested examples if any, have planning permission, such that I can be certain they are comparable.
22. Furthermore, none of the suggested examples were identical in terms of the design, materials and position of the proposed development on the roof, the specific context of the host building and its visibility within the CA. In any event, a number of the examples observed included roof terraces that were set well back from the parapet edge limiting their visibility from street level or additions that appeared as part and parcel of the existing building, rather than an appendage on top of the roof. This is contrary to the circumstances at the appeal site. Furthermore, some of the examples observed confirm that some types of rooftop development can be detrimental to the character and appearance of the CA. They should not be used as a reason to allow further harmful development within the CA. The examples viewed do not provide support for the proposed development.
23. I note the letter of support from an interested party. However, based on my observations and the evidence before me, I have reached a different view regarding the visibility of the host building and the impact on the CA.
24. There is nothing before me to indicate that the Council has provided new information beyond the appropriate timescales for the appeal.

Conclusion

25. For the reasons set out above, the development would conflict with the aims of the Act, the development plan and the Framework read as a whole. This is not outweighed by other considerations. Accordingly, the appeal is dismissed.

M Clowes - INSPECTOR

³ Paragraph: 011 Reference ID: 20-011-20140306.