



Appeal Decision

Site visit made on 1 February 2024

by M J Francis BA (Hons) MA MSc MCIfA

an Inspector appointed by the Secretary of State

Decision date: 29 February 2024

Appeal Ref: APP/X5210/W/23/3323789

29 Flat B, Doynton Street, Camden, London N19 5BX

- 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 Dan Stranescu against the decision of the Council of the London Borough of Camden.
 - The application Ref 2022/4331/P, dated 7 October 2022, was refused by notice dated 20 December 2022.
 - The development proposed is loft conversion into storage space/study and roof terrace at rear of existing upper maisonette.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The decision notice refers to the proposal being retrospective, however, as that is not an act of development, I have dealt with the appeal on the basis of the description on the application form. Nevertheless, the internal works to create the loft conversion, the installation of rooflights and the construction of the balcony had been done at the time of my visit, although temporary railings were in place.
3. Written confirmation has been received that the appeal is in the name of the agent, Mr Dan Stranescu, who was listed as the original applicant.
4. Whilst a revised version of the National Planning Policy Framework (the Framework) was published in December 2023, the sections relevant to this appeal remain unchanged, apart from paragraph numbering. Therefore, the principles that apply to this decision remain the same. Consequently, it has not been necessary to request observations from the main parties upon any implications of the revised Framework's publication.

Main Issue

5. The main issues are:
 - the effect of the proposed development on the character and appearance of the area and whether it would preserve or enhance the character or appearance of the Dartmouth Park Conservation Area; and
 - the personal circumstances of the appellant and their requirement for external space.

Reasons

Character and appearance and conservation area

6. The appeal site is a three storey, plus basement, terraced house, in a row of similarly designed houses on the southern side of Doynton Street. No 29 Doynton Street has been divided into two flats. Flat B, the subject of this appeal, occupies the 1st and 2nd floors and has a small external terrace to the rear of the 1st floor.
7. The southern side of Doynton Street backs onto a terrace of houses on Balmore Street. A children's play area is located at one end of these two rows of houses. On the northern side of Doynton Street is a triangular area of public open space, surrounded on two sides by modern housing.
8. The site is within the Dartmouth Park Conservation Area (CA). The significance of the CA, as it relates to this case, derives from its architectural and historic interest resulting from the development of housing in the area between the late 18th century to the present day. This includes groups of similarly designed houses built as a result of speculative development, mostly between 1840-1890, but also includes social housing from the 1920s to the 1970s. Greenery within the area stems from gardens and street trees which creates a semi-rural character.
9. The side of Doynton Street in which No 29 is located, is reputed to have been built in the late 1860s as working-class housing. The terrace provides an elegant composition constructed of brick and stucco, and with railings to the front. This combined with the adjacent 20th century housing provides a strong residential character to the area.
10. The roof terrace has been created and the rooflights have been inserted. The development extends from just above the eaves level to just below the apex of the roof. The rooflights, whilst projecting less than 100mm, result in an extensive area of glazing on the roof, combined with the vertical glazing forming windows and a door to access the balcony. The development proposal includes obscure glazed panels to the front and side, set within a slender steel frame in black or grey which has been confirmed as being 1.1 metres in height.
11. The terraced row consists of tall narrow properties, especially when viewed from the rear. The roofscapes in this block of terraced housing are largely unaltered, apart from occasional roof lights, as seen in the aerial photograph submitted by the appellant. The proposal covers a considerable area of the rear roof slope. Although high quality materials have been used, it has introduced modern chunky rooflights and a balcony which are unsympathetic to the character and age of the building and wider terrace. The proposed obscure glazed screens to the balcony would not improve the overall appearance of the development. It is visually intrusive on this prominent and visible roof slope, which can be seen from the children's playground at the end of the street and is visible from the rear of properties on Balmore Street, and some rear gardens along Doynton Street.
12. The Dartmouth Park Conservation Area Appraisal and Management Statement, (CAAMS), 2009, highlights that because of the topography of the area, rear roof slopes are often as important as the front, as they are highly visible from neighbouring streets and buildings. Despite any alterations that have already

affected the roofs in this terrace, the roofscape and the traditional, original materials make a significant contribution. Furthermore, the CAAMS advises that inappropriate roof terraces have harmed the CA and that roof alterations are unlikely to be acceptable where a building is within a complete terrace where the roof line is largely unimpaired by alterations, or where its architectural style would be undermined.

13. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. Paragraph 205 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, in this case the CA, great weight should be given to the asset's conservation.
14. For the above reasons, I consider that the proposal would harm and thus fail to preserve or enhance the character or appearance of the CA. It would therefore conflict with section 72(1) of the Act. Furthermore, the proposed development would harm the character and appearance of the area.
15. With regard to the proposal and the impact on the significance of the CA, the harm would be less than substantial in the terms of the Framework. In such circumstances, paragraph 208 requires this harm to be weighed against the public benefits of the proposal which I discuss later in my decision.
16. The proposal would not accord with Policies D1 and D2 of Camden Local Plan, 2017, which together requires development within conservation areas to preserve or enhance the character and appearance of the area. It would also not accord with Policy DC2 of the Dartmouth Park Neighbourhood Plan (NP), adopted 2020, amended 2022, which seeks to preserve or enhance the CA. Furthermore, it would not accord with Policy DC3 of the NP which requires good quality design, responding to and integrating with local surroundings, and Policy DC4 of the NP, where roof extensions are required to respect the existing roof form in terms of design, scale, materials and detail.

Personal circumstances

17. The appellant has set out their personal circumstances and medical conditions, including details of their medical history. This has provided compelling evidence as to how this has impacted on the life of the appellant and provides the reasoning for wanting a private external area in which to sit and lie.
18. To assist the appellant's recovery, they have formed a charity to help children and young people, run by volunteers within the community, which has received recognition by getting financial support. Third party support has also testified to what the appellant and the charity have achieved in the local community.
19. I have had due regard to the Public Sector Equality Duty (PSED) set out in s149 of the Equality Act 2010. The development is required to meet the needs of a person who has protected characteristics due to their disability.
20. I have also taken into consideration the Human Rights Act (HRA), 1998, and recognise that the dismissal of the appeal would interfere with some of the appellants' rights under Article 8 of the First Protocol. Article 8(1) states that everyone has a right to respect for their private and family life, their home and their correspondence.

21. I appreciate the needs of the appellant and the benefits that the roof terrace has created, which has been highlighted in letters of support. Therefore, in the context of the HRA and the PSED, the personal circumstances of the appellant are a substantial consideration in favour of the appeal.

Other Matters

22. Whilst there are concerns from the appellant that the Council has not considered their application correctly, and there has been a lack of communication, this is a matter between the parties and does not affect my findings on the appeal.

Balance and Conclusion

23. I have identified that the development proposal would cause less than substantial harm to the significance of the CA. The Framework identifies that where less than substantial harm to a designated heritage asset is identified, this harm should be weighed against the public benefits of the proposal. The Framework also sets out that great weight should be given to the conservation of designated heritage assets, irrespective of whether the level of harm, as in this case, is less than substantial.
24. The proposal would create additional space within the property and a secluded outdoor terrace to assist with the appellant's health and wellbeing. However, this is a personal benefit to the appellant who does have some access to external space, with a 1st floor terrace which they are able to utilise. Whilst this does not provide the same degree of privacy as the roof terrace, it has not been demonstrated that adjustments to this could not achieve a similar level of advantages.
25. Whilst I am sympathetic to the appellant's position, I must have regard to the special attention that must be paid to the desirability of preserving or enhancing the character or appearance of a conservation area under the Act. The proposal would cause permanent harm to the significance of the CA in this location, and I consider that this harm would not be overcome by imposing conditions.
26. Therefore, I find in this instance that the harm that the development would cause to the CA and the character and appearance of the area outweigh its benefits in terms of eliminating discrimination against persons with the protected characteristics of disability, advancing equality of opportunity for those persons and fostering good relations between them and others as well as the need to eliminate harassment and victimisation.
27. Consequently, I consider that it is in the wider public interest to interfere with the qualified rights under Article 8 in order to remedy the harm to the significance of the CA. In making this decision, I consider that any interference with those rights is necessary and proportionate and in accordance with the law.
28. The proposed development conflicts with the development plan when considered as a whole and there are no material considerations that outweigh the identified harm and that warrant a decision other than in accordance with the development plan.

29. For the reasons given above, I conclude that the appeal is dismissed.

M J Francis

INSPECTOR