

Appeal Decision

Site visit made on 16 August 2024

by Alison Scott (BA Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 September 2024

Appeal Ref: APP/X5210/W/24/3343919

The Penthouse, 23 Prince Albert Road, Camden, London NW1 7ST

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs N Leslau against the decision of the Council of the London Borough of Camden.
 - The application Ref is 2023/2589/P dated 22 June 2023 was refused by notice dated 28 February 2024.
 - The development proposed is Erection of a glazed extension to existing stair enclosure at roof top level, enclosure of 2 no. existing balconies to form habitable internal space, formation of a new insert balcony, and alterations to 4 no. existing balconies to replace brick balustrade with glazed or railed balustrades.
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Decision

1. The appeal is dismissed.

Procedural and Preliminary Matters

2. The appeal concerns development at 23 Prince Albert Road within the setting of 17-22 Prince Albert Road a Grade II listed building (List Entry Number:1329907) listed on 13 May 1974. No works or development is proposed to the listed asset although the appeal site is within its setting. In addition, the site is located within the Primrose Hill Conservation Area (CA).
3. Therefore, as the proposal relates to the setting of a listed building and development within the CA, I have had special regard to section 66 (1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act (the Act).
4. The appellant has suggested an alternative form of enclosure to the balustrade using metal railings, and I have considered this as part of my assessment.

Main Issues

5. The main issues are the effect of the proposed development on the setting of the heritage asset of the Grade II listed buildings of 17-22 Prince Albert Road; and whether the character and appearance of Primrose Hill Conservation Area would be preserved or enhanced.

Reasons

Special interest and significance

6. Numbers 17-22 Prince Albert Road are statutorily Grade II listed as a group. Their significance and special interest derives from their historic and architectural interests. The heritage assets are three pairs of mid-19th Century semi-detached villas linked by side porticos, stuccoed and three storeys with attics, over a basement. They have symmetrical facades with side porticos with half round columns carrying a modified entablature continuing across the fronts at first floor level. Segmented arched doorways with fanlights and panelled doors, and timber architraved segmental-headed sash windows, central ground floor windows, centred bays with modillions in friezes creates definition and a grand appearance to the group.
7. The appeal site is also of significance as it is located within the Primrose Hill Conservation Area that evolved from the mid-19th Century where extensive development of the area began. This part of the CA is characterised by low density development, encapsulating grand Italianate style villas that dominate these principal streets. Their fine decorated detail reinforces their intended significance as grand residential properties. The CA is also of significance due to the Regent's Canal and the great open space of Primrose Hill.

Appeal Proposal and effects

8. The appeal site is located in very close quarters to the group listed asset, within their setting. The National Planning Policy Framework (the Framework) defines the setting of a heritage asset as the surroundings in which a heritage asset is experienced. The Framework explains that its extent is not fixed and may change as the asset and its surroundings evolve. Given the close physical relationship between these buildings, the appeal site is clearly seen in the context of this heritage asset.
9. From my inspection of the appeal site, as a large-scale mass of modern architectural design, together with the use of red brick to its finish, and prominent corner location, is somewhat an anomaly within the streetscape of stucco fronted and highly decorated mid-19th Century villas. However, as a 20th century development, it is a standalone block that although may be of limited architectural merit, it has its own individual characteristics that represents development of its time.
10. As a set piece, it is very ordered in design and should be appreciated and respected for this, most notably to the front elevation facing Prince Albert Road. To the front elevation a projecting centrally positioned ground floor entrance and recessed glazed core runs vertically and centrally through the building. The building takes on a strong horizontal emphasis but given its height and regular design consistency, also has a vertical emphasis to it. There is recognisable symmetry to the building.
11. Roof paraphernalia is visible from street level from Prince Albert Road and has the ability of adding further bulk to the building, despite the fact much structural roof effects are of a glazed material. Currently, the rooftop glazed stair enclosure is visible from street level along Prince Albert Road even

though it is set well back towards the rear of the building. From the plans before me, it is of reasonably modest proportions and further to my inspection on site, it can be seen to align with the glazed core below.

12. This proposal would comprise of a significantly larger glazed enclosure at roof level set further forward towards the front edge of the roof. It would be seen from both short and longer range views along Prince Albert Road and as a bulky addition to the roofscape, would dominate it. In addition, it would encompass part of the characteristic void through the centre of the block. The proposed terrace that would be created below would also adversely affect the integrity of the original design aesthetics of the building where this recessed element with void has been an integral design component. To substitute the brick balustrades to the existing balconies with solid Corten steel panels would add a new and alien material to the development where brick is a distinctive characteristic of the building and the predominant finished material. Even if it weathers to the colour of the existing brickwork, I am not convinced it would respect the finish of the building. Nor do I find the proposed use of railings to be any more appropriate in this context.
13. I am aware that the appellant has made concerted and commendable efforts to demonstrate how the new proposal would be experienced from different aspects across the CA. From my own inspection on site, I agree that in some perspectives, the proposal would be barely perceptible. Nevertheless, the effect of the scheme should be considered as a whole. My findings are that it would add further uncharacteristic visual clutter to the rooftop, harm the symmetry of the block and overall, detrimentally affect the design aesthetic of this set piece. As a consequence, it would jar with the historic interest of the listed asset and result in an adverse effect upon how the setting of the listed asset adjacent is experienced, contributing to a degree of erosion to their special interest. In addition, the backcloth of this part of the CA is one of very fine and grand Italianate Villas. The proposal would lead to a weakening of the historic integrity of the CA. Therefore, it would not preserve or enhance the character or appearance of the CA as a whole.
14. Paragraph 205 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the conservation of designated heritage asset's (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 206 goes on to say that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
15. With reference to Paragraphs 205 and 206 of the Framework, in finding harm to the significance of designated heritage assets, the magnitude of that harm should be assessed. Given the type and scale of the proposed development, and the degree to which it impacts on the setting of the designated heritage asset, I find the category of harm in this instance to be 'less than substantial'. Paragraph 208 of the Framework advises that this harm should be weighed against the public benefits of the proposal including, where appropriate, securing the asset's optimum viable use.

Public benefits

16. The Planning Practice Guidance entitled Historic Environment, advises that public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives as described in the Framework. Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and not just be a private benefit.
17. I appreciate the value of the roof terrace that it brings to the appellant and their family. The benefits of the proposal are private benefits to the appellant and do not amount to public benefits. I am not persuaded there is clear and convincing justification for the identified harm to the setting of the heritage asset and the CA.
18. Therefore, to conclude on this main issue, the proposal would not safeguard the heritage assets and would therefore not comply with the design and heritage protection aims of policies D1 and D2 of the London Borough of Camden Local Plan.

Other Matters

19. I note the comments of support to the scheme. However, this does not convince me in favour of the proposal.

Conclusion

20. For these reasons and having regard to the development plan when read as a whole, the appeal is dismissed.

Alison Scott

INSPECTOR

