

Appeal Decision

Site visit made on 2 July 2024

by C Livingstone MA(SocSci) (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 October 2024

Appeal Ref: APP/X5210/W/24/3338959

95 Castlehaven Road, Camden, London NW1 8SJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Kang Lin against the Council of the London Borough of Camden.
 - The application Ref is 2023/3379/P.
 - The development proposed is mansard roof extension, first floor rear extension, replacement of ground floor rear infill with solid roof and new UPVC double doors. Replacement of original windows with double glazed UPVC sash windows.
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Decision

1. The appeal is allowed and planning permission is granted for first floor rear extension, replacement of ground floor rear infill with solid roof and new timber double doors. Replacement of original windows with double glazed timber sash windows at 95 Castlehaven Road, Camden, London NW1 8SJ in accordance with the terms of the application, Ref 2023/3379/P, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with drawing Nos PL 06 Rev A, PL 07 Rev A, PL 08 Rev A, PL 09 Rev A, PL 10 Rev A, PL 11 Rev A, PL 12 Rev A.
 - 3) No development above ground level shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Preliminary Matters

2. The appeal relates to a planning application that was not determined by the Council within the prescribed period. I have had regard to the information submitted in relation to the appeal in framing the main issue below.

3. Amended plans were submitted to the Council which included the removal of the mansard roof extension, enlargement of the first floor rear extension, metal railings around the roof terrace and timber windows and doors. Interested parties have had an opportunity to review and make comments on evidence submitted as part of the appeal. Therefore, I do not consider that the Council or any interested parties would be prejudiced by me accepting this report.
4. The description of development in the heading above has been taken from the planning application form. However, in the interests of clarity, I have used the wording from the appeal form as this reflects the amended plans submitted to the Council.

Main Issue

5. The main issue is the effect of the proposed development on the character and appearance of the host property, including whether it would preserve or enhance the character or appearance of the Kelly Street Conservation Area (KSCA).

Reasons

Significance and setting

6. The KSCA includes the properties on Kelly Street and also those on the northern end of Castlehaven Road. The flat fronted terraces are a rare example of Victorian architecture in the area, following post-war rebuilding. The width of Castlehaven Road relative to the building height gives the street an open, spacious quality.
7. The appeal relates to 95 Castlehaven Road (No 95) which is a traditional three storey mid terrace property, and is a well preserved example of high quality Victorian architecture. The front elevation is relatively unaltered, to the rear there is a ground floor extension with a roof terrace bound by a timber balustrade.
8. The significance of the KSCA is derived in part by the terraces which are a well preserved example of high quality traditional architecture. The principal elevations remain relatively unaltered and a consistent design and palate of materials maintains a uniformity within the street scene. The relationship between the width of the street and the height of the properties instils a sense of openness which is a positive contribution to the setting of the properties. The KSCA derives much of its character and appearance from these features, which all make important contributions to its historical and architectural significance.

Effect of the proposal

9. The proposal is for the erection of extensions on the rear elevation, this would include alterations to infill an extension at ground floor level and the erection of a first floor rear extension. The proposal also includes the extension of an existing roof terrace bound with a metal railing above the ground floor rear extension and replacement of the timber sash and case windows and doors.

10. The majority of properties on the street have been extended to the rear. The proposed extensions would be relatively modest and would be subservient to the host property. Further, the replacement windows and doors would reflect existing in terms of design and materials. The metal railings around the roof terrace would be similar to those around the neighbouring property. The existing boundary treatments and pattern of development is such that the extension would not be visible from the public realm. Views of the extension would be limited to the immediate neighbours, and would be obscured by existing development, and mature planting on the boundary. As such the extensions and alterations would have a neutral effect and therefore preserves the character and appearance of the KSCA.
11. In conclusion I find that the proposed development would respect the character and appearance of the host property to the extent that it would preserve the character and appearance of the KSCA. Hence, there would be no conflict with s72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policies D1 and D2 of the Camden Local Plan 2017. When read together, these policies seek to ensure the development respects local context and character and development within conservation areas preserves or, where possible, enhances the character or appearance of the area. There would also be respect for the National Planning Policy Framework insofar as it relates to achieving well-designed places and conserving and enhancing the historic environment.

Other Matters

12. My attention has been drawn to a recent appeal for a mansard roof extension at Grafton Crescent¹ that was dismissed. A mansard roof was included as part of the initial planning application, which was subsequently amended and this element was removed from the proposal. As such, this appeal does not form a direct parallel to the proposal before me.

Conditions

13. I have attached conditions specifying the timescale for the initiation of the development and specifying the approved plans in the interests of certainty. Conditions regarding proposed external materials has also been attached to protect the character and appearance of the KSCA.
14. Although the appellant has raised concerns that Condition 3 may lead to an unacceptable delay, deemed discharge provisions under s74A of the Act exist to prevent this scenario. Overall, I am satisfied that this condition is necessary in order to protect the character and appearance of the KSCA.

Conclusion

15. For the reasons given above the appeal should be allowed.

C Livingstone

INSPECTOR

¹ APP/X5210/D/24/3341315