



Appeal Decision

Site visit made on 3 September 2024

by H Senior BA (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th October 2024

Appeal Ref: APP/X5210/W/24/3343553

5 Hargrave Place, LONDON N7 0BP

- 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 Hargrave Development Ltd against the decision of the Council of the London Borough of Camden.
 - The application Ref is 2023/2627/P.
 - The development proposed is roof top extension.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposal on the character and appearance of the area and the adjacent locally listed public house;
 - the effect of the proposal on the living conditions of neighbouring occupiers;
 - whether the proposal would promote sustainable means of transport and the availability of on-street parking; and
 - whether the proposal would secure an affordable housing contribution.

Reasons

Character and appearance

3. The host property is a contemporary detached part two-storey and part four-storey building in mixed use with light industry on the ground floor and six residential units on the upper floors. It lies in a mixed-use area with commercial units on the nearby Brecknock Road and residential uses on Hargrave Place. The surrounding buildings are predominantly three or four storeys with a mansard extension on the building on the opposite side of Hargrave Place.
4. The adjacent building, the former Admiral Mann Public House is locally listed. It is a three-storey building and has been included for its architectural, historical, townscape and social significance. The guidance in the National Planning Policy Framework (the Framework) requires that the significance of a non-designated heritage asset (NDHA) should be taken into account.
5. The proposed additional storey would add additional height to the building which is currently higher than the adjacent former Public House. It would appear dominant and overbearing in the street scene due to the additional

massing. It would emphasise the height difference between the host and adjacent buildings and harm the significance of the NDHA.

6. Even though the centre of the additional floor would be set back from the front elevation, the side flank wall, due to the depth of the building and limited window openings would be dominant in the streetscene, when viewed from Brecknock Road. Whilst there are examples of blank flank walls in the vicinity of the proposal, these are not as high and would not be prominent in views from Brecknock Street.
7. I conclude that the proposal would harm the character and appearance of the area and the adjacent locally listed public house. It would conflict with Policies D1 and D2 of the Camden Local Plan (2017) (CLP) and Policy D3 of the Kentish Town Neighbourhood Plan (2016) which together amongst other matters seek to ensure that development is well integrated into its surroundings, respects local context and protects heritage assets.

Living conditions

8. The Daylight and Sunlight Study concludes that the impacts of the proposed development on neighbouring properties would be within recommended levels and that amenity would therefore be sufficiently safeguarded. There is no reason to disagree with these technical findings. However, the Council is concerned that the proposal would have an overbearing impact on the dwellings in Brecon Mews.
9. I appreciate that there are already windows and balconies on the rear elevation that face towards Brecon Mews. Nevertheless, the introduction of additional balconies and doors at a higher level would lead to a greater prospect of occupants of the property standing or sitting for long periods and looking out, than one would reasonably expect from windows. This would give the occupiers of Brecon Mews the perception of being overlooked and associated loss of privacy.
10. I conclude that the proposal would harm the living conditions of neighbouring occupiers. It would conflict with Policy A1 of the CLP which seeks to ensure that development protects the quality of life of occupiers and neighbours.

Parking and sustainable transport

11. The proposed development makes no provision for on-site parking and there is the potential for it to generate demand for additional on-street parking. The appellant has submitted a Unilateral Undertaking (UU) to ensure that potential occupiers are informed that they would not be entitled to a Residents Parking Permit or buy a contract for parking in any Council owned car park.
12. The Council is concerned that the UU does not include provisions for the monitoring of the obligation or for payment of the Council's reasonable costs. I am therefore not convinced that the UU would have the necessary provisions to allow it to be enforced.
13. In the absence of an appropriate and lawful mechanism to secure such, the proposal would not promote sustainable means of transport and the availability of on-street parking. It would therefore be contrary to Policies T2 and DM1 of the CLP which, together amongst other matters, limits the availability of parking and requires all new developments to be car free.

Affordable Housing

14. Policy H4 of the CLP requires a contribution to affordable housing from all developments that provide one or more additional homes. An affordable housing contribution of £10,200 would be required in this instance as a payment in-lieu of on-site provision of affordable housing. The appellant has submitted a UU planning obligation as part of his appeal which specified that this payment would be made prior to the implementation date of the proposal. Whilst the Council have comments on the drafting of the UU, they do not have fundamental objections to it.
15. I conclude that the proposal would secure an affordable housing contribution. It would comply with Policies H4 and DM1 of the CLP which together amongst other matters seek to ensure that development maximises the supply of affordable housing.

Other Matters

16. Paragraph 124 of the Framework supports the use of airspace above existing residential premises for new homes. It clarifies that upward extensions should be allowed where the development would be consistent with the prevailing height and form of neighbouring properties and the overall street scene. In this case I have found that the proposal would not meet these criteria and would harm the character and appearance of the area.
17. I note the appellant's concerns regarding the Council's handling of the case. However, this is a matter that would need to be taken up with the Council in the first instance. In determining this appeal, I am only able to have regard to the planning merits of the case.

Planning Balance

18. The appeal scheme would not accord with the development plan in relation to character and appearance, living conditions of neighbouring occupiers and sustainable transport and the availability of on street parking. It would however provide new self-contained residential accommodation in a sustainable location, contribute to the mix and supply of homes in the area and in addition would support the Council's delivery of affordable housing through an off-site contribution. In addition, the proposal would provide dwellings of an adequate size to meet current standards and provide an economic benefit to the area in terms of employment during the construction phases and spending by the future occupiers. These benefits would attract moderate weight in favour of the proposal.
19. This leads me to an overall conclusion that the appeal scheme would not accord with the development plan, when considered as a whole, and I find that the adverse impacts of the proposal are matters of significant weight against the grant of planning permission that outweigh the stated benefits.

Conclusion

20. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above the appeal should be dismissed.

H Senior

INSPECTOR