



Appeal Decision

Site visit made on 12 December 2024

by David Wyborn BSc(Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th January 2025

Appeal Ref: APP/X5210/W/24/3350350

65-69 Holmes Road, Camden, London NW5 3AN

- 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 Chi Tang of Hallmark Property Group against the decision of the Council of the London Borough of Camden.
 - The application Ref is 2023/5391/P.
 - The development proposed is the erection of roof extension to facilitate the creation of 11 student accommodation rooms.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. In December 2024, a revised version of the National Planning Policy Framework (the Framework) was issued. The main parties have been given the opportunity to comment on any implications of the revised Framework and I have taken these comments into account as part of my assessment of the scheme.

Main Issues

3. The main issues are:
 - the effect of the development on the character and appearance of the area,
 - whether or not the development would maintain acceptable living conditions for the occupants of 55-57 Holmes Road having regard to any loss of outlook, overbearing impact and/or any increased sense of enclosure, and
 - whether or not the development would make suitable provision for cycle parking spaces in the interests of sustainable transport and reduced car use.

Reasons

Character and appearance

4. 65-69 Holmes Road is a 7-storey building, predominantly used for student accommodation. In addition to the student accommodation, on the ground floor adjoining Holmes Road, there is presently an empty space in one corner of the building and a café in the other. This fairly substantial building is finished in white render with recessed aluminium mesh panels that provides some visual variation to the building.

5. The immediate surroundings are characterised by a range of substantial buildings, often 5 to 6 storeys in height, and with a mix of designs and appearances. To the very broadly west lies the Inkerman Conservation Area with a more modest scale of development and a different character reflecting its generally Victorian origins.
6. No 65-69 is one of the largest buildings in the vicinity and was constructed after permissions granted for the redevelopment of the site in 2011 and 2014. The proposal seeks approval for a further floor to the building in the form of a linear extension, the width of a single student room and corridor, along the centre line of much of the roof. The addition would be mainly clad in aluminium mesh, with a regular pattern of windows to each side.
7. A previous Inspector when he considered a scheme for the site at an appeal in 2013 (APP/X5210/A/13/2197192) indicated that 7 storeys was probably the maximum height that would be acceptable. However, subsequently other development has taken place of a similar height and storeys. Consequently, the situation on the ground has changed since the appeal in 2013 and, therefore, the views of that Inspector, at that time, are not so relevant to the present considerations.
8. There have been two more recent appeal decisions in 2019 and 2021 both of which sought to add student accommodation to the roof of the building. The 2019 appeal (APP/X5210/W/19/3229042) was a proposal for 42 student accommodation rooms and the 2021 appeal (APP/X5210/W/20/3263246) proposed 27 rooms. Both schemes were dismissed at appeal and the present scheme, for 11 student rooms, is of a reduced scale of development compared with those proposals.
9. The present appeal scheme would be set back further from three of the sides of the roof of No 65-69 compared with the previous schemes. The proposed roof extension would not be especially conspicuous from many public locations in the wider area because of the set back and the angles of view. With the mix and height of development in the general area, the proposal would not draw the eye or be unduly dominant in visual terms. Consequently, the roof extension with the generous set back from the three sides of the present roof, and the materials and bulk of the addition, would not be out of character with the form and appearance of the present structure in the general surroundings.
10. The Inspector in the 2021 appeal considered that the scheme as then proposed would be unduly harmful when viewed from the area around the junction with Cathcart Street. From this location, the end of the building has a balanced composition with the upper mesh floor providing a clear architectural finish to the elevation. The present scheme materially differs from that previously dismissed in 2021. The set back of the roof addition is now much more pronounced. Public views from around Cathcart Street and further back along Holmes Road, because of the position and width of the end of the extension, would be such that any angled views of the proposed roof extension would be very limited. The balanced composition of the end of the building would be maintained and the harmful double stepping appearance of the 2021 scheme would not take place. I am satisfied that the concerns of the previous Inspector have been overcome and the scheme would be an acceptable design solution when viewed from public locations.

11. The extension would be visible from some of the adjoining flats in the vicinity. However, with its design, position and set back from the edges of the three sides of the roof, the scheme would be an acceptable architectural response when seen from these private locations.
12. I am also conscious of the location of the Inkerman Conservation Area (the Conservation Area) and its significance includes the Victorian character of this largely residential area. I agree with the previous Inspector, in his 2021 decision, that the significance of this Conservation Area is largely derived from its intrinsic characteristics within its defined area and that the surroundings beyond in Holmes Road contributes very little to its heritage significance.
13. With the design and set back of the proposed roof extension from the end of the building adjoining Cathcart Street, the appeal scheme would not adversely affect the setting or significance of the Conservation Area. This designated heritage asset would be preserved by the scheme.
14. Drawing these matters together, I am satisfied that the scheme has overcome the harm to the character and appearance of the area that the Inspectors in their decisions in 2019 and 2021 had identified. The present appeal scheme would have an acceptable effect on the character and appearance of the host building and area. It follows that the scheme would accord with Policy D1 of the Camden Local Plan 2017 (the Local Plan) and Policy D3 of the Kentish Town Neighbourhood Plan which seeks, amongst other things, to ensure that development respects local context and character.

Living conditions

15. The Inspector in the 2021 appeal decision found that the proposed extension would not harm the living conditions of the occupants of 74 Holmes Road, which is located on the other side of the road from the appeal site. Furthermore, it was concluded that the proposed extension would be offset from the main orientation of the south-west facing flats at 55-57 Holmes Road. Most of the windows and balconies on those upper floors would be separated from and angled away from the extension and the addition to the roof of 65-69 Holmes Road would not, in the main, be a dominant feature for those elements of those flats. Subject to the concerns which I outline below, I have found no reason to disagree with these general conclusions of that Inspector in relation to the present proposal.
16. Nevertheless, the Inspector in the 2021 appeal found that adjoining windows of some of the flats at 55-57 Holmes Road would face directly towards the northern end of the extension and be positioned at fairly close quarters. It was determined that this would lead to occupiers experiencing an adverse visual impact which would be detrimental to their outlook.
17. The present scheme has reduced the floorspace and, therefore, the bulk of the additions at this broadly north eastern end section of the roof space. It would be set in further from the side of the roof. Nevertheless, the roof top addition would still extend up to the edge of the end section of the roof and would add bulk and height to the roof in this position.
18. At my site visit, I visited some of the flats at No 55-57, including the combined flat 23/24 on the fourth floor. This unit has balconies all the way round the accommodation. However, there is a balcony and sitting out area, adjoining

the reasonably nearby kitchen space, which appeared to be used for outside eating because of the table and chairs. This sitting out area is in proximity to the north eastern end of the proposed extension, although it has views and generally faces to the broadly south west. This apartment also has a balcony on the side with adjoining rooms and windows facing towards the end of the roof of No 65-69. The proposed extension would be a fairly dominant addition from these locations especially when within parts of these rooms and the adjoining balconies, and to a lesser extent to the balcony used for sitting out adjoining the kitchen area. From these locations the proposed end section of the roof addition, because of its position, height and bulk, would have an overbearing impact and create an unacceptable sense of enclosure, adversely affecting outlook. It would be such that this end section of the proposed extension would be a noticeable and intrusive addition for these occupants.

19. That there may be views from other windows and from other balconies of this accommodation that may not be affected does not overcome the harm that would result. I also accept that daylight and sunlight would also not be unacceptably affected, nevertheless, I find the scheme harmful for the reasons explained.
20. There are other flats with windows and spaces along this side of No 55-57 which would also be adversely impacted, albeit to a lesser extent.
21. Consequently, I am not satisfied that the revised proposal would overcome the harm that the previous Inspector identified. Although less than before, the scheme would still lead to an unacceptable impact to the living conditions of those residents of some of the higher level flats with balconies and windows that generally face towards or are in proximity to the end of the roof extension.
22. It follows that I conclude that the development would not maintain acceptable living conditions for some of the occupants of 55-57 Holmes Road having regard to the loss of outlook, overbearing impact and increased sense of enclosure. The scheme, in this respect, would fail Policy A1 of the Local Plan which seeks to protect the quality of life of occupants and neighbours.

Cycle parking spaces

23. The existing development has a total of about 280 cycle parking spaces provided for students, employees and visitors. The proposed student accommodation leads to a need for a further 8 spaces. While these spaces have not been clearly identified on a plan, I am satisfied that they could be accommodated within the site and would be a modest addition in number to existing cycle spaces. This requirement could be made the subject of a condition in any approval.
24. In the light of this analysis, I conclude that subject to a suitably worded condition in any approval, the additional bicycle spaces could be provided. This would ensure that the development would make suitable provision for cycle parking spaces in the interests of sustainable transport and reduced car use. In turn this would ensure compliance with Policies T1, CC1 and CC2 of the Local Plan, which seek to promote sustainable transport by prioritising walking, cycling and public transport in the Borough.

Other Matters

25. The appellant has submitted a unilateral undertaking to seek to address the other reasons for refusal. It contains provisions including a student management plan, a contribution to pedestrian, cycling and environmental improvements, contributions to affordable student housing, a student travel plan, prevention of occupants applying for an on-street car parking permit, contribution to open space and a construction management plan. However, the Council has a range of concerns with the detailed content of the obligations and is not satisfied that the various clauses and wording would deliver or satisfy the various policy and other requirements.
26. The obligations are intended to overcome objections or policy requirements and thereby would help to mitigate the impact of the proposal. Consequently, they would not generally be matters that would weigh in favour of the scheme, although I accept that some of the obligations, such as those improving open space may benefit the wider population as well as offsetting the impacts from the development. In particular, I consider that the contribution to affordable student housing would be a benefit. There is disagreement over the financial sum that is required, and even if I was to accept the appellant's figure in the unilateral undertaking, while a meaningful contribution, it merits limited weight in favour of approval. Overall, the combined benefits that would result from the obligations, while generally necessary to address these identified issues, having regard to the concerns of the Council, would merit limited weight in support of the scheme.
27. However, as I conclude that the appeal should be dismissed because of its unacceptable impacts on the living conditions of some of the adjoining occupants of 55-57 Holmes Road, I have not needed to examine the obligations and the concerns of the Council in detail.
28. I have taken into account the support for the proposal as well as those against the scheme, including from local residents, the Kentish Town Neighbourhood Forum and the Inkerman Area Residents Association.
29. There are objections to the scheme from local residents concerned with the present and proposed additional impacts of students occupying the buildings and that this is a source of anti-social and unneighbourly behaviour. However, the scheme was not refused on this ground and I am content that this could be resolved by a student management plan.
30. The proposal would provide additional student rooms on this site and in a situation where in London there is an established need for such accommodation. The Framework requires that student housing is one accommodation type that should be addressed where there is a need. The additional accommodation would make a small but valuable contribution in that respect. Furthermore, the scheme would provide economic and social benefits during construction and in subsequent occupation. The development would be accommodated in the airspace above this existing building and would make effective use of the land, which is previously developed. Occupants would have very sustainable transport options. These benefits would all be supported by the Framework. However, the Framework also stresses the importance of development creating places with a high standard of amenity for existing users.

Conclusion

31. The scheme has evolved and is not the same as that considered at the appeals in 2019 and 2021. In particular, I have found that it would have a satisfactory impact on the character and appearance of the area. This is, however, neutral in the overall analysis as this is expected of all development, the same as that with the provision of suitable bicycle storage.
32. The scheme would provide benefits, which I have summarised above. However, I have found that the proposal would adversely affect the living conditions of some occupiers of 55-57 Holmes Road. I consider that this would cause a level of unacceptable and demonstrable harm that would not be outweighed by the benefits. It is such that the scheme would conflict with the development plan when considered as a whole. There are no considerations that outweigh the harm and related development plan conflict, and therefore I conclude that the appeal should be dismissed.

David Wyborn

INSPECTOR