

Date: 29/03/2023
Your Ref: APP/X5210/W/22/3313964, 3314134 & 3312937
Our Refs: 2022/1872/P, 2022/2177/P & 2022/0760/P
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The Planning Inspectorate
Room 3/23
Temple Quay House
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Bristol BS1 6PN

Dear Planning Inspector,

Appeal/ planning reference	Site at:	Development description
3313964 (2022/1872/P)	2 Hillfield Road London NW6 1QE	Erection of part single part two storey rear extension and roof extension.
3314134 (2022/2177/P)	2 Hillfield Road London NW6 1QE	Erection of part single part two storey rear extension and roof extension.
3312937 (2022/0760/P)	2 Hillfield Road London NW6 1QE	Erection of a full-width rear dormer roof extension

Appeals on behalf of Mr Alexander Sebba

The Council refused planning permission under delegated powers on 13/10/2022, under Ref. 2022/1872/P (your reference: 3313964).

The description of development for the planning application was as follows:

Erection of part single part two-storey rear extension and roof extension.

Permission was refused for the following reasons:

- 1. The proposed rear and roof extension, by reason of its height, bulk and design, would fail to be a subordinate addition to the host building and would disrupt the overall pattern of development to the rear, to the detriment of the character and appearance of the host building, adjoining terrace of buildings and wider streetscene, contrary to policy D1 (Design) of the Camden Local Plan 2017 and Policy 2 (Design and Character) of the Fortune Green and West Hampstead Neighbourhood Plan 2015.*
- 2. The proposed external terraces, by virtue of their proximity to neighbouring habitable windows, would create overlooking to adjoining neighbours to the detriment of their residential amenities, contrary to*

policy A1 (Managing the Impact of Development) of the Camden Local Plan 2017.

The Council refused planning permission under delegated powers on 13/10/2022, under Ref. 2022/2177/P (your reference 3314134)

The description of development for the planning application was as follows:

Erection of part single part two storey rear extension and roof extension.

Reason for refusal:

- 1. The proposed rear and roof extension, by reason of its height, bulk and design, would fail to be a subordinate addition to the host building and would disrupt the overall pattern of development at the rear, to the detriment of the character and appearance of the host building, adjoining terrace of buildings and wider streetscene, contrary to policy D1 (Design) of the Camden Local Plan 2017 and Policy 2 (Design and Character) of the Fortune Green and West Hampstead Neighbourhood Plan 2015.*

The Council refused planning permission under delegated powers on 13/10/2022, under Ref. 2022/0760/P (your reference 3312937)

The description of development for the planning application was as follows:

Erection of a full-width rear dormer roof extension

Reason for refusal:

- 1. The proposed roof extension, by reason of its height, size, location and design, would be excessively bulky and incongruous and would harm the overall pattern of development at the rear, to the detriment of the character and appearance of the host building, adjoining terrace of buildings and wider streetscene, contrary to policy D1 (Design) of the Camden Local Plan 2017 and Policy 2 (Design and Character) of the Fortune Green and West Hampstead Neighbourhood Plan 2015.*

The Council's case for these appeals is largely set out in the officer's delegated report dated 14th July 2022 which was sent with the Questionnaire. In addition to the information sent with the questionnaire I would be pleased if the Inspector could take into account the following information and comments before deciding the appeal.

1. COMMENTS ON THE APPELLANT'S GROUNDS OF APPEAL

- 1.1. The remainder of this document will discuss the appellant's statement of case for each appeal point by point, so is best read in conjunction with it. Unfortunately, the statement of case contains neither paragraph numbers nor page numbers, so points will be located by the page numbers of the PDF.

1.2. 2022/1872/P 3313964



Refused rear elevation

- 1.3. In relation to appeal Ref 2022/1872/P the appellant makes the following points. On p2, the appellant notes that rules relating to roof extensions have been “relaxed”. Our most recent CPG Home Improvements 2021 has “relaxed” the approach to preserving unimpaired roofscapes. This relates to mansard roof extensions to terraced properties. It does not relax our approach to the level of bulk and mass proposed at the appeal site.
- 1.4. The appellant notes that the proposed roof extension is no taller than what already has consent. However, the height of the new proposal when considered alongside its bulk and design in aggregate is excessive. Whereas the rear wings of the consented scheme are subordinate to the host building, the new proposal imposes the same ridge height across the entire building, which is clearly inappropriate.
- 1.5. The appellant notes that there is no pattern of development to break. However, the absence of a pattern itself tells a story. The flat roof to the front part and the side of the building is particularly intriguing, suggesting that the pitched-roofed structure originally had a large front garden and stood alone. This might reasonably be taken to suggest that it is a grander, and therefore older, building than those surrounding it. This means that the pattern of development could be said to be more interesting than it would be were it to exhibit mere consistency. But be that as it may, the apparent absence of a “pattern” to the rear of the buildings does

not justify the proposed harm, which is clearly visible from Gondar Gardens.

- 1.6. On p3, the appellant notes that the site is not listed or within a conservation area. This is true. However, even buildings that are not so protected are subject to general rules to maintain quality, as outlined in the guidance quoted in the refusal, relating to subordinacy, etc. The fact that a building is not in a conservation area does not confer a *carte blanche* ~~for upon~~ [inappropriate development.](#) ~~developers.~~
- 1.7. The appellant goes on to assert what he believes a neighbour will do. Speculation about the possible future actions of neighbouring homeowners cannot form part of the decision process for this application.
- 1.8. On p4, the appellant states that the Council wishes to reduce variations in roof typology. This is not the case. It is no part of the Council's goal to impose consistency on the built environment. And if it were, the type of insubordinate, shallow-pitched, glass-ended forms proposed are entirely atypical and would not be the chosen means to do so. In fact, Council guidance states that such extensions should be subordinate in height to the host building.
- 1.9. On p5, the appellant indicates the changed relationship between the rear wings and the host building. Here it is clear that the overall form would change from a pair of linked subordinate volumes attached to an obvious host, to a slab like block with a full-width pair of pavilions on top. This would significantly harm the character of the rear elevation, as visible from Gondar Gardens.
- 1.10. On p6, the appellant quotes Camden's roof guidance. However, where the guidance says "roof alterations are likely to be acceptable where there is an established form of roof addition", the appellant claims to be obeying this by saying "we are creating an established pattern to the front". This guidance is not applicable in this case. In fact, there is not an established form of roof addition, and the proposed form at the back is frankly alien, as well as being excessively bulky.
- 1.11. As stated above, "reuniting" buildings is not an aim of the Council's, especially where no such original unity existed. As pointed out, the host building appears to be part of an earlier phase of development than its neighbours.
- 1.12. The glazing of the gables will merely serve to exaggerate their excessively bulky presence.
- 1.13. On p7, the appellant quotes more guidance, but ignores the paragraph about differing heights adding visual interest. The

appellant suggest that, because the roof will be a new one, it does not need to conform to the rules about dormers. However, a different interpretation of this section is that, wherever dormers are proposed, in new roofs or old ones, they should obey the general principles outlined.

- 1.14. On page 8, it is difficult to see how the appellant can argue that the proposed rear extension is secondary to the host building in the ways specified, particularly in the matter of termination a storey below eaves.
- 1.15. The fact that the neighbourhood forum has not commented is neither here nor there. It is not unusual for voluntary bodies, such as CAACs, etc, not to make representations about every case and their rationale presumably varies. The decision is for Camden alone to make, applying relevant policies and guidance and, where appropriate, taking external commentary into account.
- 1.16. On page 9, the appellant argues about whether the height of the rear elevation is three storeys or four. Since the basement is part of the building, obviously the extension is four storeys high. In any case, the operative point is that, whether or not one includes the basement, the top of the proposed rear extension is the same height as the host building, making it excessively bulky and insubordinate, contrary to guidance.
- 1.17. On p10, the appellant shows an image of a new build structure in a different street. It need hardly be pointed out that this has no relevance to an excessively large rear extension on an existing historic building.
- 1.18. On p11, it should be noted that the alleged busy-ness of the rear of Hillfield Road is not a matter of concern, and therefore not something the Council seeks to remedy. The Council's concern is that the side elevation of the proposed rear extension would present a monolithic and massive form.
- 1.19. On p12, the appellant argues that the rear extension will not be widely visible. However, that is not a justification for inappropriate design.
- 1.20. On p14, the appellant states that the roof terraces will not be a "main terrace". It is literally impossible for the appellant to know how the terraces will be used, and for the neighbours' sake it must be assumed that they will be used reasonably intensively. The appellant has already argued that the back garden of the site is small. Comparing the field of vision from a terrace to that from a window is inaccurate. Anyone standing on the terrace is quite likely to be leaning on the rail. ~~They wS/he~~ will also have a wider field of vision. What's more, for better or worse, people are more

subjectively aware of being observed from a terrace than from inside a window, leading to greater discomfort. The terraces are therefore clearly more likely to pose an overlooking risk than equivalent windows.

- 1.21. On p15, the appellant explains the history of negotiations. The reasons for the refusal have been outlined in the refusal letter. Clearly, some change is considered acceptable to the rear of this site, as the history indicates, but what is now proposed is excessive for the reasons given. The Council has behaved reasonably and consistently, in allowing a more modest rear extension.
- 1.22. On p16, the appellant discusses the ridge height. This is not the point. The point at issue is the relationship between the frontage building and the massive scale of the rear extension.
- 1.23. 2022/2177/P 3314134



Refused rear elevation not showing the basement

- 1.24. In relation to comments on page 4, a dormer has already been approved which does not comply with CPG guidance under ref. 2008/1472/P dated 07/10/2008. The applicant has had 9 applications either refused or withdrawn since 2007. The Council considers what has already been approved represents the maximum bulk and mass achievable whilst maintaining subordination to the host building.
- 1.25. The development would not create a unified pattern at the rear and the formation or preservation of a 'pattern' is not the objective of the

Council. The bulk and mass of the extensions are insubordinate at excessive in scale. This is the basis for refusal.

1.26. The appeal proposal does not create a more 'harmonious roof' compared with the dormers approved under ref. 2008/1472/P dated 07/10/2008.

1.27. 2022/0760/P 3312937



Approved (left) and refused (right)

1.28. In relation to the appellants comment on page 4, the council is not trying to reduce the number of variations and create a homogenous form or character. The visual on page 4 of the appellants statement clearly shows how excessively scaled the rear and roof would be. This mass would be visible from Gondar Gardens which harms the visual quality of the area.

1.29. The volumetric calculations shown in the appendix show how a small reduction in total area can reduce the appearance of bulk and mass. The approved dormers are set away from the ridge, eaves and party walls (by a small amount) which helps the dormers to be read as subservient additions.

1.30. Appeal decision 2007/4125/P APP/X5210/A/08/2073222



Refused rear elevation which was dismissed at appeal

1.31. The extensions proposed under this application had considerably less bulk than the appeals proposals. In dismissing the appeal, the Inspector made the following comments:

6. Whilst it is acknowledged that the principle of a roof extension is acceptable I find myself in agreement with the Council that the proposed mansard would be out of keeping with the design and appearance of the existing roof on the property and with the predominant form of pitched roofs on properties in Hillfield Road. I consider this incongruity would be harmful to the character and appearance of the host building and that the proposed mansard roof would not harmonise with the area generally. For these reasons although the proposal would add height to the building I do not believe this would be an acceptable way to do so.
7. I do not accept the appellant's argument with regard to the transitional nature of the proposed roof design which I consider would introduce an unacceptably dominant and uncharacteristic feature in to the street scene. Despite the presence of trees which would reduce its prominence to some extent in longer distance views, I am satisfied that nearer to the front of the host property the bulky appearance of the proposed mansard roof projecting above the parapet would harm the street scene of Hillfield Road. The proposed roof would be clearly visible both to the front and rear from Gondar Gardens which would also draw attention to its anomalous appearance. In my opinion the set-back would not significantly lessen its harmful visual impact from either of these streets.

2. Conclusion

- 2.1. Based on the above the Council respectfully request the Inspector to dismiss this appeal

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- 2.2. Should the Inspector be minded to allow the appeal the Council suggest the following conditions set out below.

2022/1872/P 3313964 Conditions:

1. The development hereby permitted shall be carried out in accordance with the following approved plans [PP-PA-051-B, PP-PA-103-C, PP-PA-050, PP-PA-020-D.]

Reason: For the avoidance of doubt and in the interest of proper planning.

2. Prior to first occupation the first floor window of the rear extension hereby approved should be obscure glazed and permanently maintained as such.

Reason: To preserve the privacy of neighbouring occupiers in accordance with Camden Local Plan Policy A1.

3. The development hereby permitted must be begun not later than the end of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

4. All new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the existing building unless otherwise specified in the approved application.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy D1 D2 of the London Borough of Camden Local Plan 2017.

2022/2177/P 3314134 Conditions:

1. The development hereby permitted shall be carried out in accordance with the following approved plans [PP-PA-020-G, PP-PA-010-A.]

Reason: For the avoidance of doubt and in the interest of proper planning.

2. Prior to first occupation the first floor window of the rear extension hereby approved should be obscure glazed and permanently maintained as such.

Reason: To preserve the privacy of neighbouring occupiers in accordance with Camden Local Plan Policy A1.

3. The development hereby permitted must be begun not later than the end of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

4. All new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the existing building unless otherwise specified in the approved application.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy D1 D2 of the London Borough of Camden Local Plan 2017.

2022/0760/P 3312937 Conditions:

1. The development hereby permitted shall be carried out in accordance with the following approved plans [PP-PA-020-C and PP-PA-010-A]

Reason: For the avoidance of doubt and in the interest of proper planning.

2. Prior to first occupation the first-floor window of the rear extension hereby approved should be obscure glazed and permanently maintained as such.

Reason: To preserve the privacy of neighbouring occupiers in accordance with Camden Local Plan Policy A1.

3. The development hereby permitted must be begun not later than the end of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

4. All new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the existing building unless otherwise specified in the approved application.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy D1 D2 of the London Borough of Camden Local Plan 2017.

If any further clarification of the appeal submissions is required, please do not hesitate to contact Josh Lawlor on the above direct dial number or email address.

Yours sincerely,

Josh Lawlor
Planning Officer