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Our ref: **2021/4677/P**
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The Planning Inspectorate
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Temple Quay House
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Dear Terry Scott,

Appeal by Mr Philip Roys.
Site: 87 Constantine Road, London, NW3 2LP.

Appeal against refusal of planning permission dated 06 September 2022 for:

Proposal: Erection of second floor rear extension with roof terrace, installation of doors at rear first floor and doors and Juliet balcony at second floor level, erection of dormer to rear roof slope with photovoltaic cell panels above and installation of photovoltaic cell panels to front roof slope.

Permission was refused on the following grounds:

1. Impact on the host building and the character and appearance of the conservation area
2. Amenity harm resulting from overlooking opportunities into neighbouring windows

1.0 Summary

Site and designations

1.1 The application site is located on the north side of Constantine Road. It is a three-storey terraced Victorian property that has been divided into two flats, this application relates to the top floor flat set over the first and second floor. The building was constructed in red brick with a slate roof.

1.2 The site lies within the Mansfield Conservation Area and Hampstead Neighbourhood Plan Area. The building is not listed.

1.3 Planning Permission was refused on 06 September 2022 for the reasons below:

The proposed rear dormer, roof terrace and fenestration changes as well as the photovoltaic cells on the front roofslope, by reason of their location, size, design and materials would result in unsympathetic and bulky additions creating visual clutter that would be detrimental to the character and appearance of the host building, the streetscene and the Mansfield Conservation Area, contrary to policies D1 (Design) and D2 (Heritage) of the London Borough of Camden Local Plan 2017 and policies DH1 and DH2 of the Hampstead Neighbourhood Plan 2018.

The proposed roof terrace at second floor level, by virtue of its location, layout and relationship to neighbouring properties, would allow for direct overlooking into windows of 85 Constantine Road to the detriment of the amenity of its occupiers, contrary to policy A1 (Managing the impact of development) of the London Borough of Camden Local Plan 2017 and policy DH1 (design) of the Hampstead Neighbourhood Plan 2018.

1.5 The Council's case is set out in detail in the attached Officer's Delegated Report and it will be relied on as the principal Statement of Case. The report details the application site and surroundings, the site history and an assessment of the proposal. A copy of the report was sent with the questionnaire. In addition to the information sent with the questionnaire, I would be pleased if the Inspector could also take into account the following information and comments before deciding the appeal.

2.0 Status of Policies and Guidance

2.1 The London Borough of Camden Local Plan 2017 (the Local Plan) was formally adopted on the 3 July 2017 as the basis for planning decisions and future development in the borough. The relevant Local Plan policies as they relate to the reason for refusal are:

*D1 – Design
D2 – Heritage
A1 – Amenity*

2.2 The Council also refers to supporting guidance documents. The Camden Planning Guidance (CPG) was adopted following the adoption of the Camden Local Plan in 2017. There have been no changes to the relevant policies since the application was refused.

3. Comments on grounds of appeal

3.1 The appellant's statement is set out in 2 main points, and these are addressed below:

1. The Appellant disputes reason for refusal one and makes reference to other properties along the terrace that have full width dormers and PV cells on two other properties along Constantine Road. The Appellant states that the dormer does not go against the policies in the Mansfield Conservation Area Management Strategy. The Appellant also

refers to pre-application advice that was provided stating the PV cells on the front roof slope are acceptable.

Response to point 1: There is a well-established line of rear dormers along the rear roof slope on this part of the terrace. Although it is noted that a minority of these are full width, they all largely project to the same depth and maintain a very similar distance between the roof eaves. It should also be noted that the scheme was revised so the dormer was no longer full-width and the Council's concern was the depth of the dormer and the distance to the eaves. The proposed dormer would not be setback from the eaves and thus would interrupt this pattern of development on rear roof slopes. Camden Planning Guidance Home Improvements 2021 states that proposals for dormers should ensure that the position of the dormer would maintain even distances to the roof margin, including to the eaves. This would not be the case and the dormer is thus contrary to Camden Planning Guidance. In addition, the proposed sliding doors and surrounds on the dormer, by virtue of their height (2m) and width (3m), would not respond to the hierarchy of windows at lower floors. Camden Planning Guidance states that the design of dormers would consider the hierarchy of window openings in terms of size and proportion, which generally result in smaller dormer windows than the ones at lower levels. The proposed dormer window/door would be significantly larger than those at lower levels contrary to Camden Planning Guidance. The dormer would therefore be unsympathetic to the host building and to the character and appearance of surrounding properties within the conservation area.

The two existing examples of PV cells on the front roof slope are located a significant distance away from the appeal site. No properties surrounding the appeal site have PV cells on front roof slopes, and consequently, the proposed PV cells would have an impact on the streetscene and wider area contrary to Camden Planning Guidance. CPG Home Improvements states that solar panels should be evenly spaced on the roof slope. The PV cells on the front roof slope would extend to the eaves and would therefore not be evenly spaced on the roof slope, contrary to Camden Planning Guidance. In addition, pre-application advice is without prejudice to further consideration of matters when a full planning application is submitted and assessed.

2. The Appellant submits that the proposed rear terrace has angled safety glass guarding around the perimeter preventing persons from standing on the perimeter and looking into the rear dormer at no. 85. A letter was submitted from the occupier of no. 85 stating that no overlooking would occur.

Response to point 2: The proposed safety glass guarding would measure 0.9m high and as such would not be high enough to act as a privacy screen which are recommend to be at least 1.8m high according to Camden Planning Guidance. The terrace would extend to the depth of the rear projection and as such, persons standing on the terrace would have an uninterrupted direct view over the safety glass and into the rear dormer of no. 85. A letter received from a neighbour in support of the appellant does not change the assessment of amenity harm as laid in the officer delegated report and appeal statement.

4. Conclusion

4.1 Based on the information set out above and having taken account of all the additional evidence and arguments made, it is considered that the proposal remains unacceptable for reasons set out within the original decision notice. The information submitted by the appellant in support of the appeal does not overcome or address the Council's concerns.

4.2 The proposed dormer and PV cells, by reason of their location, size, design and visibility would have a detrimental impact on the character and appearance of the conservation area. The proposed roof terrace, by reasons of its location and design, would cause undue amenity harm to neighbouring occupiers.

5. Suggested conditions should the appeal be allowed.

5.1 The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan, E40 rev 1 (Ground Floor Layout), E40 rev 1 (Ground Floor Site Layout), E41 rev 1, E42 rev 1, E43 rev 1, E44 rev 1, E45 rev 1, E46 rev 1, P35 rev 1, P36 rev 1, P37 rev 1, P30 rev 3, P31 rev 3, P32 rev 3, P33 rev 3, P34 rev 3, Design and Access Statement PMRCA/87CR-DA 02 Rev 03.

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

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

Yours sincerely

Edward Hodgson
Planning Officer