

Date: 12/09/2023  
Your ref: APP/X5210/W/23/3319662  
Our ref: 2022/2975/P  
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Dear Ms Tina Gozra,

Planning Appeal by **Ms Ann Jones**

Site: Lower Ground and Ground Floor Maisonette, 15 Nassington Road, NW3 2TX

**Appeal against refusal of planning permission dated 12/1/23 for ‘Erection of a single storey rear extension at lower ground floor level, removal of window and lowering cill at lower ground floor level’.**

The planning application was refused on the grounds that:

1. The proposed extension, by virtue of detailed design and materials would harm the appearance the building and the conservation area, contrary to policies D1 (Design), D2 (Heritage) of the Local Borough of Camden Local Plan 2017 and policies DH1, DH2 of the Hampstead Neighbourhood Plan 2018.
2. The proposed extension, by reason of its location, height, and design, would cause unacceptable harm to the amenity of the neighbouring residential occupiers by way of loss of privacy, contrary to policy A1 of the London Borough of Camden Local Plan 2017

## **Update**

A revised scheme was submitted. Following consideration of the planning statement and revisions showing obscured glazing replacing clear glazing, permission was subsequently granted on 24/4/23, ref 2023/0856/P. The decision notice is attached in appendix 1.

The Council's case for this appeal is largely set out in the officer's delegated report. This details the site and surroundings, the site history and a consideration of the main issues: design and amenity. A copy of the report was sent with the questionnaire. The delegated report however does not take in to account the subsequent revised scheme.

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.

## **Summary of issues**

The application site is a large semi-detached property in use as flats. This application relates to the ground floor flat. The property is not listed but is located within the South Hill Park Conservation Area and the Hampstead Neighbourhood Plan Area. No.15 is noted as being a positive contributor to the surrounding Conservation Area

Planning permission is sought to construct a single storey full width rear. The rear extension would measure 3m in depth, 3m in height and 6.6m in width. The extension would be clear glazed and partially constructed in brick.

The council acknowledges that permission has now been granted for a similar design. However due its location, height, and design, the proposed clear glazing would cause unacceptable harm to the amenity of the neighbouring residential occupiers by way of loss of privacy.

## **Status of Policies and Guidance**

The London Borough of Camden Local Plan was formally adopted on the 3<sup>rd</sup> July 2017. The policies cited below are of relevance to the applications.

### **Camden Local Plan 2017**

Policy A1 – Managing the impact of development

Policy D1 – Design

Policy D2 – Heritage

### **Hampstead Neighbourhood Plan**

Policy DH1 Design

Policy DH2 Conservation areas and listed buildings

### **Camden Planning Guidance**

In refusing the application, the Council also refers to supporting documentation in Camden Planning Guidance. The specific clauses most relevant to the proposal are as follows:

PG Amenity (2021)

Section 2

CPG Design (2021)

Section 5.16- 5.19

CPG Home Improvements (2021)

Section 2.2.3

### **South Hill Park Conservation Area Statement (2001)**

### **Comment on the Appellant's Ground of Appeal**

The appellant grounds of appeal can be summarised as follows:

1. The appellant states the proposed extension due to its use of glazing creates a smooth uncluttered appearance preserving the architectural and fenestration details of the host dwelling.
2. The appellant highlights that due to the rear location of the extension that the public realm remains undisturbed. The appellant outlines that rear extensions are a part of the established character of the conservation area and that the use of glazing materials *'ensures that the presence of the proposed extension would not predominate the setting of the locality'*
3. Regarding the amenity concern and the loss of privacy to no 13 Nassington Road, appellant states they would accept a pre commencement conditions to install obscure glazing to the side elevation to provide mutual privacy.

### **The Council's comments on the grounds of appeal**

The Council has now granted permission for similar development but with obscure glazing. The council considers that clear glazing is unacceptable in terms of loss of privacy to neighbours. Without the use of obscure glazing, the proposal should be refused. Should the inspector be minded to grant consent, a condition ensuring that the side elevation door would be obscure glazing could overcome privacy concerns.

### **Other Matters**

On the basis of information available and having regard to the entirety of the Council's submissions, including the content of this letter, the Inspector is respectfully requested to dismiss the appeal. In the event of the appeal being allowed the conditions provided below.

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

Yours sincerely

Enya Fogarty  
Planning officer  
Regeneration and Planning

### **Proposed Conditions**

1. 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).

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

EX LA\_01; EX\_01; EX\_03; EX\_04; EX\_05; EX\_06; EX\_07; EX\_08; EX\_09;  
V\_01; V\_02; PR\_01; PR\_02; PR\_03; PR\_04; PR\_05; PR\_06; PR\_07; PR\_08; Design  
and Access Statement dated 08/07/22 prepared by Llowarch Llowarch Architects

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

3. 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 policies D1 and D2 of the London Borough of Camden Local Plan 2017.

4. Prior to the commencement of the use hereby permitted, details of the obscure glazing of the side door and window to prevent unacceptable overlooking into neighbouring properties shall be submitted to and approved in writing with the Local Planning Authority.

Reason: In order to prevent overlooking of the neighbouring occupiers in accordance with the requirements of Policy A1 of the London Borough of Camden Local Plan 2017.