



Appeal Decision

Site visit made on 10 October 2023

by **F Wilkinson BSc (Hons), MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12th October 2023

Appeal Ref: APP/X5210/W/23/3319662

Maisonette, Lower Ground and Ground Floor, 15 Nassington Road, Camden, London NW3 2TX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Ms Ann Jones against the decision of the Council of the London Borough of Camden.
 - The application Ref 2022/2975/P, dated 8 July 2022, was refused by notice dated 12 January 2023.
 - The development proposed is erection of a single storey rear extension at lower ground floor level including removing window and lowering cill of 1 lower ground floor window.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effects of the proposal on:
 - the living conditions of residents of 13 Nassington Road with regard to privacy; and
 - the character and appearance of the host building and the South Hill Park Conservation Area.

Reasons

Living Conditions

3. The appeal building is a four-storey semi-detached property comprising a number of apartments. The proposal would comprise a single storey rear extension. The rear garden gradually slopes downwards from the rear elevation of the building. The proposed extension would sit on a raised plinth and would comprise a brick and glazed structure. It would therefore sit at an elevated position above the garden.
4. The property at 13 Nassington Road has a window in its rear elevation close to the boundary with no. 15 which appears to serve a habitable room. It has a relatively generous rear garden, with the area nearest the house appearing to be actively used as such, with a seating area apparent at the time of my site visit.
5. There is already some scope for a degree of overlooking of the rear garden and window of no. 13 from the rear door of the appeal property. However, such views are at an oblique angle.

6. In contrast, the glazed door of the proposed extension would face directly towards the rear garden. Views when exiting through the door would be transitory. Nevertheless, the extensive glazing that is proposed on this elevation, comprising the glazed door and a full-length window, would enable views into the rear garden and the room served by the window in the rear elevation of the neighbouring property at a relatively close distance when in the extension. The glazing proposed, together with the elevated position of the proposed extension, would enable overlooking of the rear garden and the room served by the rear window of no. 13 to an unacceptable degree.
7. A brick wall with a trellis on top along the length where the extension would sit separates the two properties. However, given its height in relation to the position of the proposed extension, the boundary features would not adequately mitigate the loss of privacy that would result for residents of no. 13.
8. In my judgement, this harm could be addressed through a condition requiring that the glass used on the west elevation is obscured glazing. In their appeal statement, the appellant sets out that they would be willing to accept a pre commencement condition that requires obscured glazing on the elevation facing towards no. 13. Since the appeal was lodged, the Council has granted planning permission¹ for a rear extension to the appeal property. The design of that extension is similar to this appeal proposal other than obscured glazing is shown on the west elevation. In correspondence submitted during the course of the appeal, the appellant states that they would no longer accept a condition relating to the need for obscured glazing.
9. For the reasons given above, without the use of obscured glazing on the west elevation, I conclude that the proposal would result in unacceptable harm to the living conditions of residents of 13 Nassington Road due to a loss of privacy. The proposal would therefore conflict with the residential amenity requirements of Policy A1 of the 2017 adopted London Borough of Camden Local Plan (the Local Plan).

Character and Appearance

10. The South Hill Conservation Area (the Conservation Area) comprises an area that was laid out as a residential estate in the Victorian period. There is a strong consistency in the built form within the Conservation Area, in terms of the scale, layout and architectural detailing of the predominantly Victorian red brick semi-detached villas. The green spaces associated with the gardens, street trees and allotments give the Conservation Area a pleasant verdant character and appearance. The significance of the Conservation Area is in part derived from these characteristics. The appeal building, being a semi-detached Victorian villa with good sized rear garden, contributes positively to the character and appearance of the Conservation Area.
11. The front of the properties in the vicinity are relatively consistent in their form. The rear of the properties has been subject to more change, including a number with extensions.
12. The proposed extension would be visible from neighbouring properties although not from Nassington Road due to the screening effect of the built form. The

¹ Reference 2023/0856/P

scale of the proposed extension would be subordinate to the host building. The extent of glazing proposed means that the proposed extension would sit comfortably on the rear elevation of the building, with its legibility remaining discernible. Its scale and materials would be comparable to other rear extensions in the vicinity.

13. For these reasons, I conclude that the proposal would not harm the character and appearance of the host building and it would preserve, and so not harm, the character and appearance of the Conservation Area. Accordingly, the proposal would accord with the design and heritage requirements of Policies D1 and D2 of the Local Plan and Policies DH1 and DH2 of the 2018 Hampstead Neighbourhood Plan.

Conclusion

14. I have found that the proposal would be acceptable in terms of its effect on the character and appearance of the host building and the Conservation Area. However, it would result in an unacceptable loss of privacy for neighbouring residents. To this extent, there would be conflict with the development plan when considered as a whole. Therefore, I conclude that the appeal should be dismissed.

F Wilkinson

INSPECTOR