

Date: **23/10/2023**  
Your ref: **APP/X5210/W/23/3323475**  
Our ref: **2023/1142/P**  
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Dear Vicky Williams,

**Appeal by Mrs Mina Dragojevic.**  
**Site: First Floor Flat, 12 Aldred Road, London, NW6 1AN**

**Appeal against refusal of planning permission dated 17 May 2023 for:** the erection of 1<sup>st</sup> floor rear extension with rooflight and attached roof terrace with privacy screens.

I write in connection with the above appeal.

The Council's case is set out primarily in the delegated officers report (ref: 2023/1142/P) that has already been sent with the questionnaire and is to be relied on as the principal Statement of Case. Copies of relevant policies from the Camden Local Plan (adopted July 2017) and accompanying guidance were also sent with the appeal questionnaire.

In addition, Council would be grateful if the Inspector would consider the contents of this letter which includes confirmation of the status of policy and guidance, comments on the Appellant's grounds of appeal and further matters that the Council respectfully requests be considered without prejudice if the inspector is minded to grant permission.

## **1. Summary of the Case**

1.1. The appeal relates to a two storey (plus dormer and basement) dwelling located on the southwestern side of Aldred Road. The application relates to the first floor flat.

1.2. The appeal site is not located within a conservation area, nor is the building listed.

1.3. Planning Permission was refused on 17 May 2023 for the reason below:

***1) The proposed roof terrace with privacy screens, by reason of its location and design and associated removal of hipped roof, would harm the character and appearance of the host building and area, contrary to policy D1 (Design) of the London Borough of Camden Local Plan 2017 and policy 2 (Design and character) of the Fortune Green & West Hampstead Neighbourhood Plan 2015.***

1.4. The Council's Case is largely set out in the officer's report, a copy of which was sent with the questionnaire. In addition to this information, I would ask the inspector to take into account the following comments.

## **2. Relevant History**

The history of the site is set out fully in the delegated report. The following decisions are particularly relevant.

**2012/1216/P** - Erection of single storey rear extension at first floor level and creation of roof terrace with glazed balustrade above and alterations to rear dormer window to include doors all in connection with existing flat (Class C3). **Refused, 02/05/2012** as the proposed rear extension and associated terrace, by reason of its scale, bulk and sitting at first floor level would harm the appearance of the host building and the terrace.

**2022/5370/PRE** – Pre application advice was given for erection of rear extension at first floor level & associated roof terrace. prior to submission of the application.

Our advice given was as follows:

- *The principle of creating an additional storey on the rear projection is considered acceptable.*
- *The additional storey should project to the same depth and height as the neighbouring first floor addition at No.11.*
- *The loss of the hipped roof on the existing rear projection is not encouraged.*
- *The flat roof on the proposed first floor extension should not be used as a terrace.*

The site history has demonstrated that proposals such as this one are unacceptable in this location.

## **3. Status of Policies and Guidance**

**3.1.** *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 policy that relates to the reason for refusal is:*

*D1 – Design*

*3.2. The relevant policy from the Fortune Green & West Hampstead Neighbourhood Plan (2015) as it relates to the reason for refusal is:  
Policy 2 – Design and character*

*3.3. 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.*

#### **4. Comments on grounds of appeal**

4.1 The appellant's statement focuses on the reason for refusal, notably, whether the proposed roof terrace with privacy screens would harm the character and appearance of the host building and area, with the main consideration relating to design. The main points of the appellants statement are outlined and addressed below, with the appellant stating the following:

1. The proposal would not result in the complete removal of the hipped roof, retaining the lower section. A section of the host buildings outrigger hipped roof has already been removed. Due to existing extensions and alterations across the host terrace, the original symmetry and rhythm has already been reduced.
2. The proposed roof terrace with privacy screens would enhance the character of the existing house reducing the visual clutter created by the existing open railings and household paraphernalia.
3. The development would complement the wider pattern of development as the roof terrace would be seen in context with similar development it would assimilate within the locale without compromising its character. The site is not in a sensitive area that couldn't accommodate the changes proposed. The development would not harm the character of the host building and area.
4. The NPFF states that development should promote health and well-being, with a high standard of amenity for existing and future uses. The proposal would provide outdoor area for the appellant who suffers from a progressive personal disability.

**4.2 Response to point 1:** While a portion of the hipped roof would be retained, the issue that the Council has relates to the fact that by removing 50% of the hipped roof, there would no longer be any symmetry with the pair (No.13) and the hipped roof would no longer look like a hipped roof at all. There is still symmetry in terms of the hipped roofs in this particular area of the terrace. The full extent of the hipped roof should be retained to preserve the symmetry of the pair. While a section of the existing roof has been removed, this is separate to the area of the hipped roof, which is the area in question. The Camden CPG – Home Improvements states that balconies and terraces should be subordinate to the roof slope being altered and preserve the roof form, which the proposal would not.

**4.3 Response to point 2:** The Council has not expressed any issues with the existing metal railings, or the presence of household paraphernalia on the existing terraced area (should it be present). In fact, Section 2.2.3 of the Camden CPG – Home Improvements, states that for traditional buildings, metal railings are preferred, as they integrate well with the buildings character. Council refutes the claim that the proposal would reduce visual clutter.

**4.4 Response to point 3:** There is no similar development within the immediate context. As detailed within Section 3.7 of the refusal report, while there is an existing roof terrace within this terraced row of houses, located at 3 Aldred Road, this was a different situation whereby this pair of houses had already been altered, and did not read as a pair. Further the roof on No.2 is mono pitched as opposed to hipped. To support their claim that the development would complement the wider pattern of development, the appellant's statement refers to the rear elevations of properties on Berridge Mews (specifically the existing balcony screens located here). This is a separate terrace located on a separate street, and the balcony screens referenced are completely different in location, design and character to those proposed through this application and should therefore not be used as precedent. The Council also refute the appellant's claim that the development would not harm the character of the host building and area for the reasons set out in the refusal report.

**4.5 Response to point 4:** This matter is addressed within Section 5.1 of the officers report, and will be addressed in further detail in Sections 4.6 and 4.7 below.

**4.6** An addendum to the appeal statement has also been provided which focuses on and provides evidence in relation to the applicant's health conditions. The appellant states that their life would be improved by the new bedroom with direct access to outdoor space.

**4.7 Response to Addendum:** As detailed within 5.1 of the refusal report, while some weight should be given to this situation, on balance it is not considered that this is outweighed by the proposal's harmful impact on a permanent basis on the character and appearance of the host building and area. Further, it is noted that the flat already has some outdoor area available, in the form of the existing terraced area which is accessible via the existing door.

## **5. Conclusion**

**5.1** 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.

**5.2** The proposed roof terrace with privacy screens, by reason of its location and design and associated removal of hipped roof, would harm the character and appearance of the host building and area.

## **6. Suggested conditions should the appeal be allowed.**

6.1 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).

6.2 The development hereby permitted shall be carried out in accordance with the following approved plans: Design & Access Statement, 12AR-PL-00, 12AR-PL-01, 12AR-PL-02, 12AR-PL-03, 12AR-PL-04, 12AR-PL-05, 12AR-PL-06, 12AR-PL-07, 12AR-PL-08, 12AR-PI-09, 12AR-PL-10, 12AR-PL-11, 12AR-PL-12, 12AR-PL-13, 12AR-PI-14, 12AR-PL-15.

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

6.3 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 policy D1 of the London Borough of Camden Local Plan 2017.

6.4 Prior to commencement of the relevant works, full details in respect of the privacy screens in the area indicated on the approved Existing and Proposed Rear Elevation (12AR-PL-08) and Existing & Proposed Section C-C (12AR-PL-15) plans shall be submitted to and approved by the local planning authority. The details shall include:

- i. Detailed drawings at a scale of 1:20.

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

Yours sincerely,

Lauren Ford  
Planning Officer