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# Appeal Decision

Site visit made on 12 December 2023

**by L Clark BA(HONS) DIPTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 6<sup>th</sup> February 2024**

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**Appeal Ref: APP/X5210/W/23/3323475**

**12 First Floor Flat, Aldred Road, Camden, London NW6 1AN**

- 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 Mrs Mina Dragojevic against the decision of the Council of the London Borough of Camden.
  - The application Ref 2023/1142/P, dated 16 March 2023, was refused by notice dated 17 May 2023.
  - The development proposed is erection of rear extension and roof terrace at first-floor level.
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## Decision

1. The appeal is dismissed.

## Background and Main Issue

2. The Council considered the proposed first-floor rear extension to be acceptable. Given its location, size, design, and materials I am satisfied that this element of the proposal would not be harmful so see no reason to reach a different view.
3. The main issue is therefore the effect of the proposed roof terrace on the character and appearance of the area.

## Reasons

4. No 12 is a mid-terraced property situated in a group of similarly designed two-storey dwellings with basements fronting Aldred Road, a residential street in Camden. To the front, the properties are set back behind a basement lightwell and share an overall consistency in materials, roofs, and architectural details. Two-storey extensions project from the rear and are attached in pairs creating a symmetrical design with hipped roofs reflecting one another. No 12 is located towards the end of Aldred Road with the junction of Hillfield Road, with the rear elevation visible from the public realm.
5. No 12 has been converted into three flats and has been subject to various alterations and extensions, including the insertion of a dormer within the roof and a roof terrace that is set back, retaining a large proportion of the hipped roof detail.
6. Despite properties within Aldred Road having had works undertaken to the principal rear elevation, alterations appear predominantly to be related to the roof through the insertion of dormers. The roof of the two-storey outriggers of those properties visible from Hillfield Road remains largely unaltered. The design of the symmetrical extensions and their slate hipped roofs are therefore a distinctive feature which adds to the character and appearance of the area.

7. The proposed development seeks to replace the existing first-floor roof terrace with a rear extension and rooflight and a new roof terrace including a privacy screen. The roof terrace would provide direct access to outdoor space from the proposed bedroom for the appellant, who I have been told, is registered disabled and suffers from progressive health conditions which severely limit her mobility.
8. The roof terrace would project beyond the rear elevation of the proposed extension resulting in the loss of a significant portion of the hipped roof. Whilst the proposed development would not result in a complete loss, the loss would disrupt and unbalance the simplistic rhythm of the roofscape. Furthermore, the privacy screens would add additional verticality within the rear beyond the proposed extension. This would be discordant to the prevailing character of the rear elevation and thus fail to respect the character and appearance of the area.
9. I acknowledge that there are existing roof terraces to the rear of Aldred Road. Whilst the roof terrace associated with No 11 is visible from No 12 and this does form part of the established character. It is set above the roof of the outrigger and does not project beyond its overall depth, thus retaining a significant portion of the original hipped roof. As such the circumstances are not directly comparable with the appeal proposal. I have been provided with imagery that demonstrates the presence of a roof terrace at No 3 Aldred Road. This was not visible from No 12, and I have not been provided with the circumstances regarding its presence. As such I have determined the appeal on its own merits, based on the evidence before me.
10. Aerial imagery has been provided of similar examples within Hillfield Road in respect of roof terraces. I do not however, have full details in respect of such works so I cannot be sure of the circumstances of such cases. Whilst those properties are set to the rear of No 12, the rear elevations are not viewed alongside each other. Furthermore, whilst properties on Berridge Mews have Juliet balconies and are visible from Hillfield Road, these features appear to have been designed as part of the overall scheme. As such their presence is sufficiently different as to the case before me so that they only carry limited weight in my determination of this appeal.
11. I conclude that the proposed roof terrace with privacy screens would cause harm to the character and appearance of the surrounding area, contrary to Policy D1 of the Camden Local Plan (2017), which seeks, amongst other matters, to secure high-quality design in all developments, which respects local context and character. There would also be conflict with Policy 2 of the Fortune Green & West Hampstead Neighbourhood Plan (2015), which seeks, amongst other matters, for development to maintain the positive contributions to the character of existing buildings and structures.

## **Other Matters**

12. I have been told that advice was sought through the submission of a pre-application<sup>1</sup>. The response discouraged the loss of the hipped roof on the existing rear projection. Notwithstanding this, at appeal, the proposal is considered afresh, and I have determined this appeal on its individual planning merits.

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<sup>1</sup> 2022/5370/PRE

13. I do not dispute that the screens would be of high quality, the extension would be constructed in materials to match No 12, or that the roof terrace would go towards screening domestic paraphernalia. However, the benefits of these do not outweigh the harm identified above.

### **Planning Balance and Conclusion**

14. As part of determining this appeal proposal, I have had due regard to the Public Sector Equality Duty contained in section 149 of the Equality Act 2010, which requires me to consider the need to eliminate unlawful discrimination, to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. Protected characteristics include a person's disability. The proposed development would provide additional accommodation and a roof terrace with direct access to the outdoors and natural light. The appellant has explained that such a provision would offer an improvement to their quality of life.
15. However, a grant of permission for the proposed development would give rise to an unacceptable harm to the character and appearance of the surrounding area. I attach substantial weight to this finding against the appeal. I am also mindful that the personal circumstances of the appellant could change. On balance, as the harm I have identified would be permanent, I consider that safeguarding the character and appearance of the surrounding area is in the wider public interest. I therefore conclude that it is proportionate and necessary to dismiss the appeal.

*L Clark*

INSPECTOR