

Date: 23/07/2024
Your Ref: APP/X5210/W/24/3342883
Our Ref: 2023/3277/P
Contact: Josh Lawlor
Direct Line: 020 7974 2337
Josh.lawlor@camden.gov.uk



**Regeneration and Planning
Supporting Communities**
London Borough of Camden
Town Hall
Judd Street
London
WC1H 9JE
Phone: 020 7974 3236
camden.gov.uk

The Planning Inspectorate
Room 3/23
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

Dear Planning Inspector,

131 King Henry's Road, London, NW3 3RB

Appellant Nimisha Agarwal

The Council refused planning permission under delegated powers on 20/10/2023 under Ref. 2023/3277/P

The description of development for the planning application was as follows:

Variation of Condition 3 (Approved Plans) of planning reference 2020/5917/P dated 20/08/21 for the erection of a double-storey side extension, single-storey rear extension with terrace above, installation of a bin store enclosure in the front garden area, namely to enlarge the roof terrace at ground floor level.

Reasons for refusal:

The proposed roof terrace, due to its proximity to the rear upper ground floor bay window of no.133 King Henry's Road, would result in the loss of privacy of the neighbouring occupiers, contrary to Camden Local Plan Policy A1.

1. COMMENTS ON APPELLANT'S GROUNDS OF APPEAL

- 1.1. The Officer report sets out the council's full assessment, and the Council does not wish to repeat points already made. This statement focuses on the points made in the Appellants Statement of Case which should be read first.
- 1.2. Officers wish to make a clarification about the size of the existing terrace. It would be 14.04 sqm, and the proposed would be 25.74 sqm. The

existing terrace is not the 12 sqm quoted in paragraph 1.2 of the Officer Report.

The following refers to the points in the Appellants Statement of Case

- 1.3. Contrary to paragraph 3.7 of the Statement of Case, CPG Amenity (2021) recommends minimum separation distances that apply to alterations to existing buildings, such as the formation of terraces and windows, as well as to the design of new buildings. The recommended distance is intended because there can be a loss of privacy under these distances. The angle or orientation of potential overlooking is captured within the 18m, and it is not only relevant for new properties directly facing habitable rooms
- 1.4. Adopting the appellant's figure under paragraph 3.8, the distance between the window would be 6m, which is still very close.
- 1.5. The figures quoted by the appellant under paragraphs 3.9 to 3.10 are not relevant. Planning permission has been approved for a large terrace. This variation of approval appeal would make it even larger and create a greater and more direct overlooking of the neighbouring window at 133 King Henry's Road (neighbouring window). The percentage figures quoted by the Appellant are misleading. The existing terrace would be 14.04 sqm, and the proposed would be 25.74 sqm s Road. It brings the terrace closer to the most affected window, thereby materially reducing neighbouring occupants' privacy and, hence, the quality of accommodation. Policy A1 seeks to preserve and safeguard the privacy of residents' homes.
- 1.6. The diagrams referenced under paragraph 3.11 do not clearly show anything other than that the enlarged terrace creates opportunities for more direct overlooking of the neighbouring window. The speculation about where someone will stand and if there are blinds ignores the simple fact that the appeal proposal creates new terrace space directly next to a habitable window, creating more opportunity for overlooking.
- 1.7. Unfortunately, the photographs taken during the Council's site visit, which informed the refusal, cannot be located. Still, they show a clear line of signs and a close relationship between the terrace and the window.
- 1.8. The planning applications (Refs. 2023/5117/P and 2009/2298/P) referenced under paragraphs 3.13 and 3.17 are not relevant to the reason for refusal. The recent approval of a lower ground floor rear extension at 133 King Henry's Ref. 2023/5117/P does not in any way affect the degree of overlooking to the upper ground floor bay window. The approved and built terrace at 137a King Henry's Road Ref. 2009/2298/P is similar to the approved and built terrace at the appeal site (Ref. 2020/5917/P dated 20/08/21). It does not cover the full width of the rear elevation, as this minor material amendment appeal proposal

seeks to. See the photo below of the existing terrace at 137a King Henry's Road.



Figure 1. The rear of 137a King Henry's Road with a terrace in the middle from Google Aerial view

- 1.9. The terrace at 135 King Henry's Road is very small and not comparable to the appeal scheme regarding privacy impacts.



Figure 2. the rear of 135 King Henry's Road has a very small terrace from Appellant Statement of Case

- 1.10. The detailed design of the terrace is not relevant to the reason for refusal, and the Officer Report notes that the proposal is acceptable in terms of design and character.

2. Conclusion

- 2.1. Based on the above, the Council respectfully requests the Inspector to dismiss this appeal
- 2.2. Should the Inspector be minded to allow the appeal, the Council suggest the following conditions set out below.

Conditions:

1. The development hereby permitted shall be carried out in accordance with the following approved plans [259-EL-302-00, 259-EL-101-00, 644-00-010, 644-00-011, 644-00-099, 644-00-101 Ground Floor Plan, 644-00-101 Roof Plan, 644-00-201, 644-00-202, 644-00-301, 644-00-303, 644-PL-099, 644-PL-201, 644-PL-202, 644-PL-301 (Received 21/12/2020), 644-PL-303 rev A, 644-PL-304 Rev A]

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

2. 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 D2 of the London Borough of Camden Local Plan 2017.

If you need any further clarification of the appeal submissions, please do not hesitate to contact Josh Lawlor at the above direct dial number or email address.

Yours sincerely,

Josh Lawlor
Planning Officer