

Date: **27/03/2025**
Your ref: **APP/X5210/W/25/3360469**
Our ref: **2024/4207/P**
Contact: Matthew Kitchener
Direct line: 020 7974 2416
Email: Matthew.Kitchener@camden.gov.uk

Planning Solutions Team
Regeneration and planning
Culture & environment directorate

London Borough of Camden

Town Hall

Argyle Street

London

WC1H 8EQ

The Planning Inspectorate
3/B Eagle Wing
Temple Quay House
2 The Square
Bristol
BS1 6PN

Dear Sean Ernsting,

Appeal by Mr Richard Jenkins

Site: 48 Mazenod Avenue, 2nd Floor Flat, London, Camden, NW6 4LR

Appeal against refusal of planning application 2024/4207/P dated 30.10.2024 for:

Proposal: Addition of two dormer windows and a roof terrace to the rear.

1.0 Summary

Site and designations

1.1 The application site comprises a brick built Victorian style three-storey terraced property located on the western side of Mazenod Avenue. This application relates to a flat comprising part of the first and second floor of the building. The building is subdivided into three flats.

1.2 The building is not listed or within a Conservation Area.

1.3 Planning Permission was refused on 17th January 2025 for the reasons below:

1) The proposed development, by virtue of its bulk, mass, scale, and design, would result in an addition that fails to preserve the character and appearance of the host property and surrounding area, contrary to policy D1 of the Camden Local Plan 2017.

2) The proposed development, due to its location, scale and relationship to neighbouring properties would result in harm to neighbouring amenity by way of overlooking and privacy effects, contrary to policy A1 of the Camden Local Plan 2017.

1.4 The Council's case is set out in detail in the attached Officer's Delegated Report, and it will be relied on as the principal Statement of Case. The report details the application site and surroundings, the site history and an assessment of the proposal. A copy of the report was sent with the questionnaire. In addition to the information sent with the questionnaire, I would be pleased if the Inspector could also take into account the following information and comments before deciding the appeal.

2.0 Status of Policies and Guidance

2.1 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 policies as they relate to the reason for refusal are:

D1 – Design

A1 – Managing the Impact of Development

2.2 The 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. It should however be noted that a new version of the National Planning Policy Framework was published in December 2024. It is however considered that these changes to the NPPF do not impact on the assessment of this application. Other relevant documents are:

CPG – 'Home Improvements'

2.3 Status of council's policies

The council's local plan policies are in process of being updated. The Council has published a new Draft Camden Local Plan (incorporating Site Allocations) for consultation (DCLP). The DCLP is a material consideration and can be taken into account in the determination of planning applications which has limited weight at this stage. The weight that can be given to it will increase as it progresses towards adoption (anticipated 2026). It is not envisaged that there would be any material differences in relation to this appeal

There are no material differences between the NPPF and the Council's adopted policies in relation to this appeal.

3. Comments on grounds of appeal

3.1 The appellant's statement is set out in 2 main points in response to the two reasons for refusal and these are addressed below:

1) The proposed development, by virtue of its bulk, mass, scale, and design, would result in an addition that fails to preserve the character and appearance of the host property and surrounding area, contrary to policy D1 of the Camden Local Plan 2017.

1. Character and Appearance, Bulk and Mass and Materials: The Appellant states that the proposed dormer windows and roof terrace do not introduce any significant impacts on the design of the property. The scale and mass of the proposal are comparable to those in the immediate context. The minor deviations from the CPG guidance, along with the inaccurate assessment of the visibility of the proposals from Smyrna Road, highlight that the refusal lacks substantive justification.

The design of the terrace and dormers reflects the prevailing urban form in the area and is no more significant than similar features in nearby properties. The design has been made with considerable attention to detail to ensure that the visual impact is minimised while still being congruous with the local context.

We contend that the Case Officer's assessment of the materials is inconsistent. While the Case Officer acknowledges that the choice of materials for the dormer is consistent with the host property, they claim that these materials would contribute to the perceived bulk and mass, detracting from the character and appearance of both the host property and the surrounding area.

Response to point 1: It is considered that the combined bulk and massing of the two large dormer windows would result in the roof extension appearing dominant within the roofscape. This impact would be increased due to their relative lack of glazing and large amount of grey zinc cladding that would be unduly prominent. This would lead to a top-heavy, dominant and overbearing appearance to this currently unaltered roofslope.

The proposed design which consists of two large individual dormers at different heights within the rear roofslope and above the existing outrigger fails to be subordinate to the host property, is not sensitive to the existing roof slope or surrounding context, would not integrate with the existing scale, form and proportions of the host property, does not comprise materials when combined with the design that complement the local character. It is considered that the large amount of proposed cladding material and lack of glazing result in a combined large and obtrusive extension that due to its resultant bulk dominates the character of the existing outrigger and rear roof. The CPG states that the design of a dormer should emphasise the glazing element and the solid structure should complement this in a form and scale appropriate to the roof being extended. The proportion of glazing should be greater than the solid areas. It is considered that the large amount of solid structure of both of the dormers would result in a large and dominant bulky appearance to the resultant roof at the rear of the property. The combined proposal does not respect the character or appearance of the terraced property and its setting within this section of Mazenod Road.

The appellant notes other examples of similar proposals within the local area however it is considered that this stretch of rear roofscape on Mazenod Road between 2 & 58 (even) only contains one directly comparable extension at No. 32. This contains a rear dormer that contains more glazing than cladding which results in it appearing more permeable and less dominant, whilst reducing the feeling of bulk. The rear extension over the existing outrigger is also not combined with a roof terrace and therefore more of the sloping outrigger roof was retained resulting in the character of the existing roofslope being preserved. This current appeal proposal would result in the majority of the rear outrigger sloping roof being altered to the detriment of its character and appearance. The combined rear dormer and terrace extension would appear as an

incongruous addition to the rear roof slope. Its scale and position within the roof slope is overly dominant and it would not appear subservient to the host dwelling

It is acknowledged that there are an array of dormers to the rear roofslopes along Mazenod Road between Nos. 34-6 (even), however these are solely to the rear roofslope and do not result in a combined roof extension incorporating the roof above the rear outriggers.

2. The proposed development, due to its location, scale and relationship to neighbouring properties would result in harm to neighbouring amenity by way of overlooking and privacy effects, contrary to policy A1 of the Camden Local Plan 2017.

2. Design and Character: The Appellant states that The Case Officer ignores the fact that the existing windows, at the second floor level, already overlook the terrace at No. 50. There is an established relationship of mutual overlooking between properties along the terrace and this is an inherent feature of buildings of this kind, with outriggers which extend out beyond the principal rear elevation and face in towards one another.

Furthermore, the proposed dormers are both designed with a westerly outlook. The dormer on the main rear roof slope, accommodates windows of an appropriate size (i.e. no full length, and respect the hierarchy along the rear elevation), which face down the rear garden of the Site. There would be some oblique, and downward view across towards no.50 Mazenod Avenue, however this would be relatively limited, and would be reflective of the established context. It is wholly commonplace for rear facing windows to look out onto neighbouring external amenity spaces.

With regard to the dormer on the outrigger, the proposal does not introduce any new privacy impacts. The proposed dormer on the outrigger does not include any new openings on its northern elevation towards no.50. The dormer is served by only one west facing opening, leading to the proposed terrace with its aspect facing down and along the rear garden, not directly towards No. 50. The design has been carefully designed to minimise impact, with no substantial change to the overlooking scenario and so, does not materially affect privacy.

It is our view that the inset terrace, and the provision of 1.8m high balustrade, in line with CPG guidance, will avoid overlooking, and appropriately mitigates privacy concerns. Notwithstanding this, the terraces are external amenity areas, and it not uncommon for residents to have external amenity spaces adjacent to neighbour external amenity spaces, e.g. most flatted developments accommodate balconies which serve respective flats but happily sit along or above and below each other, without adverse harm or adverse overlooking. The proposed terrace would have no greater impact than the neighbouring property and would not introduce any additional privacy concerns.

- 3.1 **Response to point 2:** The Council considers that the introduction of the rear dormer on the roofslope would result in the potential for additional overlooking of neighbouring properties, albeit it would not introduce overlooking at the rear where none exists already. With regards to the proposed roof terrace to the outrigger, this includes 1.8m high balustrades. The height and glazed nature of the balustrade reduces concerns surrounding potential direct overlooking, there would be a sense of indirect overlooking caused by the location and use of the terrace and therefore there would be privacy

related impacts on windows along the southern façade of 50 Mazenod Avenue caused by use of the terrace.

It is recognised that the proposal would not introduce any additional direct overlooking beyond what is possible from the rear facing windows of the existing property. Nevertheless, the proposal would exacerbate the level of overlooking and sense of overlooking and would impact negatively on privacy.

It is noted that the appellant has now submitted a daylight assessment with the appeal and it is considered that the proposal would not unduly impact on the daylight provision of the neighbours.

4. Surrounding permissions

4.1 The appellant refers to other sites regarded as comparable:

34 Mazenod Ave - 2006/4980/P: Erection of dormer window and rooflight in rear roofslope, 3 rooflights in front roofslope and creation of terrace at rear second floor level to provide additional residential accommodation to existing second floor flat,

16 Mazenod Ave - 2010/2117/P: Installation of three rooflights to the front roofslope, and a dormer extension to the rear roofslope of top floor flat,

28 Mazenod Ave - 2011/6134/P: Installation of two rooflights to the front roofslope, and a dormer extension with julliet balcony to the rear roofslope of top floor flat,

36 Mazenod Ave - 2011/0752/P: Conversion to five self-contained units (1 x studio, 3 x 1-bedroom and 1 x 3-bedroom), including ground floor rear extension, rear dormer roof extension with inset terrace and 3 x rooflights each in front and rear roofslopes,

32 Mazenod Ave - 2013/8240/P: Erection of a rear dormer and a roof extension over back-addition and installation of 3x rooflights to front roofslope,

4 and 6 Mazenod Ave - 2016/0716/P and 2016/4066/P: Erection of side infill extension and rear extension to both properties, with roof lights and erection of rear dormer window to 6 Mazenod Avenue. Erection of a first floor rear roof terrace to 6 Mazenod Avenue.

These approvals are historic in nature dating from 2006-2016 and were approved prior to the adoption of the CPG relating to 'Home Improvements'. They were also approved prior to the adoption of the current Camden Local Plan and its updated design policy.

4.2 The surrounding properties are addressed in the officer's report. This states that the rear roof slope of properties along this area and side of Mazenod Avenue are free from dormers and other roof extensions. The exception to this is properties further to the south of the application site in Mazenod Road (between 4 – 36 even) which have alterations at roof level. Some of these either were granted prior to current policy or guidance or have no planning history and are therefore not considered as precedent. The fact that some of these extensions have no planning history indicates that they

were likely established some time ago, with out planning permission, or when the relevant policies and guidance were different. It is also noted that these existing extensions do not appear to be in accordance with current guidance. Further to this, the only existing dormer extension present within the immediately surrounding environment to the outrigger roof is the roof terrace at No. 50 as outlined above in the response to Point 1.

4.3 The majority of the applications referenced above are for a single dormer located on the rear roof slope. It is considered that a single dormer window would likely be acceptable in this location dependent upon design and materials, however in this instance a roof extension comprising two large dormers and a roof terrace are proposed and this differs materially from the majority of the previously approved planning permissions in Mazenod Road.

4. Conclusion

4.1 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. Suggested conditions should the appeal be allowed.

5.1 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).

5.2 The development hereby permitted shall be carried out in accordance with the following approved plans: Design & Access Statement, 739 00 001 Rev P2, 739 00 002 Rev P2, 739 00 010 Rev P2, 739 00 011 Rev P2, 739 00 012 Rev P2, 739 00 013 Rev P2, 739 00 020 Rev P2, 739 00 021 Rev P2, 739 00 022 Rev P2, 739 00 023 Rev P2, 739 00 030 Rev P1, 739 00 031 Rev P2, 739 00 002 Rev P2, 739 20 000 Rev P2, 739 20 001 Rev P2, 739 20 002 Rev P2, 739 20 003 Rev P2, 739 20 004 Rev P2, 739 21 000 Rev P2, 739 21 001 Rev P2, 739 21 002 Rev P2, 739 21 003 Rev P2, 739 22 000 Rev P2, 739 22 001 Rev P2.

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

5.3 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 and D2 of the London Borough of Camden Local Plan 2017.

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

Yours sincerely,

Matthew Kitchener
Planning Officer