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## Appeal Decision

Site visit made on 24 April 2025

by **D Cleary MTCP MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 13 May 2025**

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**Appeal Ref: APP/X5210W/25/3358364**

**12 Modbury Gardens, Camden, London NW5 3QE**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Mr & Mrs Baker against the decision of the London Borough of Camden Council.
  - The application Ref is 2024/4446/P.
  - The development proposed is described as a lowered floor level and replacement of existing doors at lower ground floor, erection of rear extension with rooflight and green roof at upper ground level, formation of terrace with privacy screens at first floor level to the rear, mansard roof extension with rooflight, replacement of existing doors and windows to front elevation, replace railings to front steps, bin and bike storage to front of property, raise party walls and chimney stacks, associated landscaping works and conversion from 2 flats to a single family dwelling.
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### Decision

1. The appeal is allowed and planning permission is granted for a lowered floor level and replacement of existing doors at lower ground floor, erection of rear extension with rooflight and green roof at upper ground level, formation of terrace with privacy screens at first floor level to the rear, mansard roof extension with rooflight, replacement of existing doors and windows to front elevation, replace railings to front steps, bin and bike storage to front of property, raise party walls and chimney stacks, associated landscaping works and conversion from 2 flats to a single family dwelling at 12 Modbury Gardens, Camden, London NW5 3QE in accordance with the terms of the application, Ref 2024/4446/P, and subject to the following conditions:

1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

2) The development hereby permitted shall be carried out in accordance with the following approved plans referenced:

Stanfords Location Plan dated August 25th, 2024

333/020 Revision A – Existing Plans

333/021 Revision B – Existing Plans

333/023 – Existing Elevations

333/024 – Existing Sections

333/025 Revision C – Proposed Plans

333/026 Revision C – Proposed Plan

333/028 Revision C – Proposed Elevations

333/029 Revision C – Proposed Elevations

333/030 Revision B – Proposed Plan

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.

4) Prior to the construction of the raised terrace hereby approved, as detailed on the approved plans, full details of the proposed privacy screens shall be submitted to, and approved by, the local planning authority. The details shall include detailed drawings, at a scale of 1:20, and details of materials. The terrace shall not be used until such time that the approved details have been installed, and the privacy screen shall thereafter be retained.

### **Preliminary Matters**

2. In the banner above, and in my formal decision, I have used the description of development as detailed on the decision notice of the Council rather than that which is on the application form. This is because it more accurately describes the development proposed.

### **Background and Main Issue**

3. The appeal scheme relates to various alterations to the property. These include, amongst other things, a mansard roof extension, alterations to the front elevation, and works within the front yard. The Council do not raise any specific concerns with regard to these elements of the scheme. Given that there are examples of mansard roof extensions in the surrounding streetscene, and that the other elements are low key and/or sympathetic to the character and appearance of the existing building, I have no reason to disagree with the Council. The Council's concerns primarily relate to the extensions and alterations to the rear.
4. Therefore, the main issue is the effect of the rear extensions and alterations on the character and appearance of the host building and surrounding area.

### **Reasons**

5. The appeal dwelling is a two-storey mid-terraced property. While described as two-storey it has accommodation over three levels, with lower and upper ground floor levels. To the rear, the dwelling has a full width projection at lower ground floor level, and an upper ground floor rear projection, with a roof which is in part flat, and in part sloping. This projection is off set from the side boundary with No.11 Modbury Gardens (No.11). The dwelling is located within a predominantly residential area. The terraced rows on both sides of Modbury Gardens have a strong sense of visual uniformity and retain much of the original architectural detailing on their front facades. The rear façade of the row in which the appeal building sits is much altered. This includes rear extensions, predominantly at lower ground and upper ground floor levels. These are of varying width, depth and overall design. In addition, there are a variety of window openings across the rear façade. While

some traditional openings remain, I am of the opinion that the rear façade of this row of terrace has lost much of its original character.

6. The scale of the lower ground floor projection would be similar to existing and would not add additional bulk to the building. The proposed upper ground floor extension would be reduced in depth and, as such, would not project as far as the existing built form at that level. The overall depth of the extensions would be similar to others found in the terrace. Therefore, in this context, I do not consider that the degree of projection of the extensions to be excessive.
7. The extension would not project from first floor level, and would be set well below the height of the original parapet roof. This set down below first floor level, provides subservience to the extensions, and would ensure that the scale and form of the original building can be understood. This is consistent across the terraced row. The extension would be full width, filling the existing gap with the rear projection of No.11. I note that this would result in some legibility of the original building being lost. However, it would essentially result in a consolidation of space rather than result in an extension which would appear bulky, unsympathetic or incongruous to the original building. In this regard I am particularly mindful of the much altered rear façade of the terrace row which, as altered, lacks visual rhythm. This would ensure that the proposed extensions would not appear out of place. Taken together I find that the proportions and scale of the extensions would not dominate the building and would appear as visually subservient additions.
8. I acknowledge that the extensions would result in the loss of an original sash window. However, as noted above, the rear façade is one which has lost much of its original character and form. Therefore, I do not consider the loss of one window to be particularly harmful.
9. I note that the windows to both the lower and upper ground floor elements would be large, full width, openings. However, the windows would appear well proportioned and balanced. This would create a sense of symmetry and vertical alignment to openings in the rear elevation. While these may not reflect openings traditionally found in the terrace, again, there is much variety in window shape and design in the terrace, particularly on later additions, meaning that the windows would not appear out of context.
10. The privacy screens and railings on the first floor terrace would be set some distance below the parapet roof and, due to their modest scale and design, would not appear as visually prominent additions. Therefore, I am not persuaded that these elements would result in significant additional bulk. I note the concern raised by the Council with regard to the appearance and materials of the proposed privacy screens. However, this is a matter of detail which can be satisfactorily dealt with by way of condition.
11. The rear siting and modest scale of the extensions would ensure that they would not be visually prominent from public vantage points. However, views of the extensions would be available from surrounding private spaces and properties. Nonetheless, as I have outlined above, the extension would appear subservient to the existing dwelling and would be viewed in the context of other rearward extensions along this varied row. Therefore, from private spaces, I do not consider

that the scale or design of the extensions would appear as unsympathetic or prominent additions.

12. I acknowledge that some developments along Modbury Gardens pre-date the existing development plan and publication of supplementary design guidance. Therefore, they were considered as acceptable under a different policy climate. Nonetheless, those developments, which are within the same row as the appeal building, form the established built and visual context in which the development would be sited and, in this regard, are relevant to my consideration of this appeal.
13. For the above reasons, the rear extensions and alterations would not have a harmful effect on the character and appearance of the host building or surrounding area. Therefore, the development complies with Policy D1 Camden Local Plan 2017. This seeks to deliver high quality design in development which respects local context and character.
14. I find that the development also accords with the advice contained within the Camden Planning Guidance – Home Improvements (2021). This indicates that rear extensions should be subordinate to the building being extended, in relation to its location, form, footprint, scale, proportions, dimensions and detailing.

### **Other Matters**

15. I acknowledge the concerns raised by third parties regarding the impact on living conditions due to loss of privacy. The effect of the development on neighbouring properties was considered by the Council as being acceptable. Given the modest scale of the development, along with the resultant spacing and relationships, I have no reason to disagree with the findings of the Council on this matter. This would be subject to the imposition of a condition to ensure that privacy screens are provided.

### **Conditions**

16. I have imposed standard conditions relating to the commencement of development, and to require compliance with the submitted plans for certainty. A condition ensuring that the development is carried out in materials which reflect the existing building is necessary in the interest of the character and appearance of the building and area. A condition to require details of the privacy to be submitted for approval, and to be installed in accordance with the approved details, is necessary both in the interest of the character and appearance of the building and to protect the living conditions of the occupants of neighbouring properties.

### **Conclusion**

17. For the reasons given above the appeal should be allowed.

*D Cleary*

INSPECTOR