

Appeal Decision

Site visit made on 17 December 2013

by G J Rollings BA(Hons) MAUD MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 31 December 2013

Appeal Ref: APP/X5210/D/13/2209534

51 Princess Road, Primrose Hill, London, NW1 8JS

- 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 Mr N Beard against the decision of the Council of the London Borough of Camden.
 - The application Ref 2013/5756/P, dated 3 September 2013, was refused by notice dated 18 October 2013.
 - The development proposed is the erection of an additional floor to rear closet wing of dwelling house, plus roof terrace.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposed development on the character and appearance of the host dwelling and Conservation Area; and
 - The effect of the proposed development on the living conditions of surrounding occupiers, with particular reference to sunlight and daylight, and loss of privacy.

Reasons

Character and appearance

3. The mid-terrace property incorporates a house with a small patio garden. The house has previously been extended. Similar properties surround the terrace, which is in a conservation area, and many have been altered at the rear to incorporate extensions similar to that proposed on the appeal property.
4. The first floor extension would provide an infill of the void area adjacent to the existing first floor rear projecting element of the building, and a roof terrace with access from the second floor of the house. It would replicate a form which has been provided on several of the surrounding homes, and the appeal proposal would not have dimensions identical to these earlier examples. Some of these do not extend to the full depth or height of the proposed extension, although others in the area do. Although I do not consider that these have established a precedent for this form of extension, I do consider that they are common enough to have become part of the character of the rear elevations of

the surrounding area. The occurrence of these previous extensions would mean that the appeal proposal would not be so different as to appear out of character.

5. The scale of the extension would be appropriate with regard to the proportions of the house and the surrounding area. Additionally, its design and appearance, including the materials and roof terrace railings, would blend with the appearance of the house and not detract from the period features or detailing of its rear elevation. Given the proportions of the extension in relation to the existing house and its extensions, it would not appear overbearing. I was able to view the nearby properties from scaffolding in the location of the proposed roof terrace, and noted nearby railed roof terraces at a similar level. For these reasons, I consider that the proposed development would preserve the character and appearance of the dwelling and of the surrounding area by providing an appropriate response to its context.
6. I therefore conclude that the development would preserve both the character and the appearance of the host dwelling and the Conservation Area, and sustain the significance of the heritage asset in accordance with the *National Planning Policy Framework*. This requires development to preserve or enhance the character or appearance of the area. There would be no conflict with the *Camden Core Strategy 2010-2025* (2010) Policy CS14, which requires development of the highest standard of design that respects local context and character, amongst other factors. There would also be no conflict with *Camden Development Policies 2010-2025* (2010) Policies DP24 and DP25, which together require development to consider the character of the neighbouring buildings and existing building, as well as the context of the surrounding area, including conservation areas, where development must preserve and enhance the character and appearance of the area.

Living conditions

7. The extension would be set at the level of the landing between the upper ground and first floor, and would therefore be lower than the first floor level of the adjacent dwelling. The houses in the terrace are relatively narrow and the various existing projecting elements limit the levels of sunlight and daylight reaching the various windows in the houses' rear elevations.
8. There would be some loss of daylight to rooms in 49 Princess Road. There would be no loss of sunlight. The appellant's sunlight and daylight assessment shows that there would be some loss of daylight to habitable rooms, in some cases greater than the suggested tolerances set out within BRE good practice guidance¹. Although the most affected windows generally serve dual-aspect rooms, the orientation of the rear elevation and the proximity of the proposed extension to the habitable room windows lead me to consider that the loss of daylight would be substantial. As such, the living conditions of the occupiers of No. 49 would be detrimentally affected.
9. I was able to observe the views towards No. 49 from the position of the proposed roof terrace. From this location, it was apparent that there would be overlooking from the terrace into the windows of No. 49. Although these would generally be oblique views, there would be new overlooking of the balcony of

¹ Building Research Establishment: *Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice* (2011).

this property. I appreciate that this area is already overlooked by other properties, but in this case, the proximity of the new roof terrace is a significant factor in my decision.

10. Although there are similar extensions in the terrace, I have based my decision in this case on the specific impacts of the proposed development, on the basis of the information available to me. I therefore conclude that the proposed development would have a detrimental impact on the living conditions of surrounding occupiers, with particular reference to daylight, and loss of privacy. The proposed development would not comply with the Council's Core Strategy Policy CS5, or Development Policy DP26, which together seek to limit the impact of development by considering factors that might affect the quality of life of occupiers and neighbours.

Other matters

11. I have considered the other concerns raised by neighbours, such as the amount of development on the property. However in this case, my concerns regarding the impact of the proposal on neighbours' living conditions are such, that these additional considerations would not have affected the outcome of the appeal.

Conclusion

12. The proposed development would be acceptable in terms of its effect on character and appearance, including its impact on the Conservation Area. However, this does not outweigh my significant concerns around its impact on neighbours' living conditions. Therefore, for the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

G J Rollings

INSPECTOR