
Appeal Decision

Site visit made on 22nd October 2013

by Jonathan G King BA(Hons) DipTP MRTPI

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

Decision date: 13 November 2013

Appeal Ref: APP/X5210/A/13/2200706

7 Modbury Gardens, London NW5 3QE

- 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 Venja Janicijevic against the decision of the Council of the London Borough of Camden.
 - The application Ref 2013/0355/P, dated 17th January 2013, was refused by notice dated 12th April 2013.
 - The development proposed is described as the addition of a first floor back extension made of a timber stud construction and clad with untreated, vertical cedar (softwood) cladding to add one more bedroom to the 3 bedroom flat that occupies the upper ground floor, the first floor and second floor of this dwelling
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Decision

1. The appeal is dismissed.

Procedural matter

2. An accompanied site visit had been arranged for this appeal. However, on the day, a representative of the Council was unavailable. With its agreement and that of the appellant, the visit was therefore undertaken unaccompanied. I also viewed the site from the rear of the adjoining property, No 6 Modbury Gardens. During the visit, there was no discussion regarding the case with the appellant or the neighbouring occupier.

Main Issue

3. The main issues in this case are the effect of the proposed development on:
 - (a) the character and appearance of the dwelling and its surroundings; and
 - (b) the living conditions of adjoining occupier.

Reasons

Character & appearance

4. The building which is the subject of the appeal is an end of terrace house on the south side of Modbury Gardens, a short cul-de-sac of Victorian houses. On its western, exposed flank it adjoins an area of grass and mature trees that separates it from Maitland Park Road, from which fairly open views of the side and rear of the terrace may be gained. The building has 4 floors: at lower

ground level is a self-contained flat; and the upper ground, first and second floors – the last being within a mansard roof – comprises No 7.

5. To the rear is a flat-roofed projection. The dimensions quoted by the parties do not tally precisely with those shown on the submitted plans, but the small differences are not critical to my decision. Scaling from the plans, I estimate that it extends some 3.6 metres over the full width of the property, with about half of the width extending a further 4.2 metres along the western flank – a so-called “closet wing projection”. It is in the region of 5.5 metres high, equating to the floor level of the first floor. Part of the roof closest to the building forms a terrace, while there is also a large roof light serving the room below. On the exposed side the terrace is mainly bounded by a brick parapet about 1.2 metres in height, but partly with some timber railing above a dwarf parapet. This continues around the back of the terrace. Between No 7 and a similar terrace to No 6 is a 1.8 metre high privacy screen of obscured glass.
6. The proposal is to construct an additional storey over the terrace and part of the closet wing projection, raising the roof by about 2.7 metres for a distance of some 6 metres. All of the elevations would be finished in vertical cedar cladding, with a large, square window to the rear; a small square high level window on the western side; and a small vertical window facing east, towards the privacy screen.
7. At present, the blank side wall of the rearward projection, nearly 2-storeys high, does not appear particularly attractive when viewed across the open landscaped area. But it is built of brick which is becoming weathered to match the remainder of the gable which it stands alongside; and so is viewed as an established, if rather plain feature, moderately well integrated into the fabric of the house. In contrast, the proposed additional storey would appear as little more than an awkwardly and conspicuously placed large timber box. Its width would reflect that of the structure beneath, but its length seems to have been determined partly by the internal space requirements and partly by an attempt to limit its external bulk. Pragmatic as that may be, the result is a structure which both in terms of its proportions and materials would fail to integrate satisfactorily with the existing house. The timber finish would be incongruous on a building of this age and construction and would serve only to draw attention to the high-level addition. Similarly, the large square window would reinforce its box-like character and emphasise the distinctions with the host property. In short, the design of what is proposed would be incompatible with the host dwelling. That would, in my view, harm its character and appearance and diminish the visual quality of the locality.
8. I acknowledge that, once the height of the present flank parapets are taken into account, the effective increase in height of the proposed extension would appear less than the actual 2.7 metres above present roof level. But the higher parapet projects less than half of the length of the proposed extension, so this argument applies only partially. I also accept that the use of timber cladding would provide relief from what is already a large expanse of brickwork on the flank wall. It could either be treated or allowed to weather naturally, thereby reducing the contrast with the brick over time. But I doubt that it would ever integrate successfully into the remainder of the building in visual terms. Moreover, and fundamentally, the bulk and proportions of the extension would not be disguised. Though less than a metre higher than the existing glazed privacy screens, the proposed development cannot realistically

be regarded as comparable in terms of scale, mass or visual impact. The screens, while clearly being modern in appearance, are lightweight & translucent features having negligible mass, in contrast to the considerable bulk of what is proposed. I recognise the considerable emphasis placed on these screens by the appellant, but their presence provides little support for the proposal.

9. The accompanying text to the Council's Development Policy DP24 says that, where the townscape is particularly uniform, attention should be paid to responding to the prevailing scale, form, proportions and materials. In areas of low quality or where no pattern prevails, development should improve the quality of an area and give a stronger identity. In this case, notwithstanding that it does not lie in a conservation area and that a number of modifications have already been made to the buildings, Modbury Gardens retains a strong character. However, when considering the rear of the properties and their setting, including the nearby modern flats and houses of no great architectural merit, the wider townscape cannot be regarded as uniform or homogenous. But that is not to say that the area is of low quality or that it is devoid of pattern. The objective to improve the quality of the area, in line with Policy DP24 and the National Planning Policy Framework (NPPF) remains, irrespective of whether the area is uniform or homogenous. Design should respond creatively to its site and context; and the NPPF states that planning policies should not stifle innovation, originality or initiative. I agree that, in some circumstances, the introduction of contrast can add interest and vitality to a building and its setting. But the present proposal would not do so. For the reasons I have given, I am in little doubt that the proposed extension would not represent high quality contemporary design. The contrast with the present house would not lead to an enhancement. Rather it would detract from it and from its surroundings.
10. The Council's Supplementary Planning Document *Design* (SPD), was not referenced in the reasons for refusal, but it is material. It says that in most cases, extensions that are higher than one full storey below eaves / parapet level, or that rise above the general height of neighbouring projections and nearby extensions will be strongly discouraged. The proposed extension would fail on both counts. Although the SPD does not impose a strict prohibition on such designs, it is sensible guidance which I believe should be followed here, particularly in view of the nature of the design and its exposure to wider view.
11. Against that background, I agree with the Council that the proposed extension would be contrary to the objectives of its Development Policy DP24.
12. I am aware that the appellant has offered to reduce the height and length of the extension, and to set it in behind the existing parapet in order to limit its impact. He is prepared to accept conditions to cover these matters. But the changes suggested would not overcome the fundamental objections to the development on design grounds. In any case, my role is to determine the appeal on the basis of the application which has been refused. It would not be appropriate to impose conditions which would bring about substantial alterations to the development. I also note the other developments in Camden which have been drawn to my attention. However, I do not know the full background to these or the circumstances in which they may have been permitted. I have therefore treated the present proposal on its individual merits. I do not feel bound by any perceived precedent.

Living conditions

13. The effect of the development on the living conditions of the neighbouring occupiers was not a reason given for refusal, the Council having concluded that there would be no harm to amenity in relation to the residents of No 6, to the east, or of the flat below No 7. Nonetheless, representations have been made by the occupier of No 6; and I consider that they are material to this decision.
14. I do not believe that the proposed extension would give rise to any significant loss of privacy. However I take the view that, by reason of the increased height and bulk of the rear projection, it would be perceived as oppressive and visually dominant when seen from the rear of No 6 and its garden. Though not directly adjoining the boundary, it would add to the sense of enclosure experienced by the occupier, contrary to the guidance of the SPD and the objectives of Policy DP26 to protect the quality of life of neighbours. Though, taken alone, this might not be sufficient to justify dismissing the appeal, it adds weight to my conclusion on the first issue that the extension is insensitive to its setting.
15. Finally, I am aware of the appellant's wish to extend the house to provide additional accommodation for his growing family. While I may have some sympathy with this natural desire, neither this nor any other matter raised is sufficient to outweigh my conclusions on the main issues. Consequently, the appeal fails.

Jonathan G King

Inspector