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## Appeal Decision

Site visit made on 12 August 2013

by **C Thorby MRTPI IHBC**

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

Decision date: 4 September 2013

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**Appeal Ref: APP/X5210/A/13/2192844**  
**11-12 Tottenham Mews, London W1T 4AG**

- 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 Scott Levy against the decision of the Council of the London Borough of Camden.
  - The application Ref 2012/6312/P, dated 19 November 2012, was refused by notice dated 24 January 2013.
  - The development proposed is amendments to planning permission granted 25/06/12 (change of use from offices to 7 self contained flats, erection of extension at rear third floor level, alteration to rear light well to create terraces at lower ground level, alterations to replace/create new windows/doors on front and rear elevations and replacement roof), for a roof extension to provide an additional 3 bedroom flat.
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### Decision

1. The appeal is allowed and planning permission is granted for amendments to planning permission granted 25/06/12 (change of use from offices to 7 self contained flats, erection of extension at rear third floor level, alteration to rear light well to create terraces at lower ground level, alterations to replace/create new windows/doors on front and rear elevations and replacement roof), for a roof extension to provide an additional 3 bedroom flat at 11-12 Tottenham Mews in accordance with the terms of the application, Ref 2012/6312/P, dated 19 November 2012, subject to the conditions set out in Annex A.

### Procedural Matters

2. Amended plans were received during the course of the appeal. The amendments included a set back from the front elevation and omission of the fourth floor balcony. They made little difference to the matters at issue and the Council raised no objection to their submission. As no party would be prejudiced I intend to deal with the appeal on the basis of the amended plans.

### Main Issues

3. The main issues in this case are the effect of the additional floor and associated alterations on:
  - i) The character and appearance of the Charlotte Street Conservation Area.
  - ii) The living conditions of neighbours in terms of outlook, light and privacy.

## Reasons

4. *Conservation area*: The small mews are an important and integral part of the character of the Charlotte Street Conservation Area, reflecting the historic and social development of the area.
5. Although Tottenham Mews would once have contained the stables serving the principle Charlotte Street buildings, the mews buildings have been altered considerably and are very mixed in nature. There are a number of buildings of poor appearance including those opposite the site, a variety of roof extensions are visible and the mews has lost much of its original architectural interest.
6. The proposal would add a fourth floor (fifth storey), which would be set back from the front elevation. Although it would be visible in long views from the southern end of the mews, the additional storey and the associated third floor windows, would make little difference to the mixed street scene, merely adding to the variety of features visible along the mews.
7. The extension would be almost as high as the principle Charlotte Street buildings which would not be typical of mews development. However, this relationship is not easy to discern as the existing mews buildings are quite substantial and include the adjacent five storey block at No 10. Moreover, I note that planning permission has been granted for five storey buildings (including attics) on the opposite side of the mews and the historic relationship between the principle and subordinate mews buildings is no longer part of the overriding character of Tottenham Mews. In these circumstances, I consider that the proposed roof extension would not erode or detract from any features of significance to the Conservation Area and its character and appearance would be preserved. It would accord with Core Strategy (CS) policy CS5 d) which seeks to protect the historic environment.
8. *Living conditions*: The roof extension would be around 5 metres away from the rear windows at Nos 89 – 93 Charlotte Street. This would be similar to the relationship between the existing properties on Tottenham Mews and Charlotte Street. While there would be some loss of outlook to the occupiers of the upper floor, Charlotte Street flats, it would not significantly erode their living conditions, as it would remain a typical and not unexpected outlook in this dense, central London location.
9. There would be no loss of privacy to occupiers of the flats at Charlotte Street, as windows would be high level with the lower section obscure glazed. A privacy screen between the terraces of No 10 Tottenham Mews and the proposed extension would ensure that there would be no loss of privacy to the occupiers. The results of the daylight and sunlight study indicate that there would be no significant loss of light to adjacent properties and living conditions would not be harmed in this respect. The proposal would therefore accord with CS policy CS5 e) which seeks to protect neighbours' living conditions.
10. *Other matters*. The Council indicate that that a deed of variation to the existing legal agreement for the property relating to open space, education and car free housing will be sought if planning permission is granted, as a separate matter. In any event, it seems that under other legislation no-one at the appeal address can gain a parking permit. These issues have not, therefore, influenced my decision.

11. *Conditions.* Details of materials, including external features and materials would be important to the appearance of the Charlotte Street Conservation Area. Otherwise than as set out in this decision and conditions, it is necessary that works shall be carried out in accordance with the approved plans for the avoidance of doubt and in the interests of proper planning. It is not clear from the submitted plans where the cycle storage and refuse facilities will be located; however, both are necessary to ensure sustainable transport provision or living conditions would be satisfactory. I have amended the suggested conditions to request this information and for provision before occupation. Similarly, I have amended the condition for the privacy screen requiring details to be submitted as this would be important to provide privacy to the neighbours. Part obscure and non-opening windows would be important for the same reason. Maintenance clauses would be onerous and I have excluded these.
12. It would be reasonable to secure lifetime homes standards in the interests of providing accessible housing. A retention clause would be unreasonable as internal alterations would not appear to require planning permission. Appropriately worded conditions are attached with regard to these matters.

*Christine Thorby*

INSPECTOR

ANNEX A

Schedule of conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) Prior to commencement on the relevant part of the development hereby approved, the following details shall be submitted to and approved in writing by the local planning authority: a) Plan, elevation and section drawings of all new external windows and doors; b) details and samples of all facing materials with sample boards to be retained on site until the work is completed. The work shall be carried out in accordance with the approved details.
- 3) The development hereby permitted shall be carried out in accordance with Site Location Plan; 311-EX00; 311-EX01; 311-EX02; 311-EX03; 311-EX04; 311-EX05 REV A; 311-EX06; 311-EX07; 311-EX08; 311/P52 REV A; 311/P53 REV A; 311/P54 REV A; 311/P55 REV A; 311/P56 REV A; 311/P57 REV A; 311/P58 REV A.
- 4) The development shall not be occupied until a) details of the cycle storage and the refuse and recycling facilities have been submitted to and approved in writing by the local planning authority, and b) the approved cycle storage and refuse and recycling facilities are in place. The approved cycle storage and the recycling and refuse facilities shall be retained thereafter.
- 5) The third and fourth floor flats shall not be occupied until: a) details of privacy screens have been submitted to and approved in writing by the local planning authority; b) the screens are in place. The approved screens shall be retained thereafter.

- 6) The fourth floor windows on the rear elevation shall be obscure glazed and non-opening up to a height of 1.7 metres above floor level. The windows shall be retained as such thereafter.
- 7) The lifetime homes features and facilities set out in the lifetime home statement and on the approved plans shall be in place prior to occupation of the flats.