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# Appeal Decision

Site visit made on 26 September 2012

by **W D Munday BTP MRICS MRTPI**

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

Decision date: 5 November 2012

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**Appeal Ref: APP/X5210/D/12/2179256**  
**38 Woodsome Road, LONDON NW5 1RZ**

- 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 Mrs Emily Banks against the decision of the London Borough of Camden Council.
  - The application ref. 2012/0588/P was refused by notice dated 13 April 2012.
  - The development proposed is amendments and alterations to rear extension (variation to plans approved under reference 2010/3338/P involving amendments to the height, width, roof form and fenestration of the first floor rear extension).
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## Decision

1. The appeal is allowed and planning permission is granted for amendments and alterations to rear extension (variation to plans approved under reference 2010/3338/P involving amendments to the height, width, roof form and fenestration of the first floor rear extension) at 38 Woodsome Road, LONDON NW5 1RZ, in accordance with the terms of the application, ref. 2012/0588/P, dated 29 January 2012, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 400-102-D, 400-104-E, 400-105-E, 400-107-A, 400-109-A, 440-110, 400-111, 400-114, 400-115, 400-116.
  - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
  - 4) Before the first occupation of the development hereby permitted the first floor study window on the south-west elevation shall be fitted with obscured glass and shall be permanently retained in that condition.

## Preliminary Matters

2. Planning permission was granted in 2010 under ref. no. 2010/3338/P for alterations to the appeal property, including the erection of a rear dormer roof extension and the reconfiguration of the existing first floor rear extension. At the time of my site inspection, a rear dormer window had been installed and both the Council and the appellant have confirmed that the dormer was constructed in accordance with this permission.
3. The appeal proposal relates to an alternative design for the alterations to the existing rear extension to those approved under ref. no. 2010/3338/P.

However, the proposal is described differently in the application form, the Council's decision notice and the appeal form. The Council and the appellant have subsequently agreed that the description which I have used in the formal decision above accurately reflects the proposal.

### **Main Issues**

4. I consider the main issues to be, firstly, the impact of the proposal on the character and appearance of the host building and the terrace of which it forms part, having regard to its location within the Dartmouth Park Conservation Area; and secondly, the impact on the living conditions of adjoining residential properties, with particular regard to any loss of privacy, daylight or outlook.

### **Reasons**

#### *Character and Appearance*

5. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a requirement in relation to the consideration and determination of planning applications which affect conservation areas, that special attention should be paid to the desirability that the character or appearance of the conservation area should be preserved or enhanced.
6. Policy CS14 of the Camden Core Strategy 2010-2025 indicates that the Council will require development to be of the highest standard of design that respects local context and character, and will seek to preserve and enhance the borough's heritage assets, including conservation areas, and their settings. Policy DP24 of the Camden Development Policies 2010-2025 reiterates the requirement for a high standard of design, which should take into consideration character, setting and context and the scale and form of neighbouring buildings; and where extensions are proposed, the character and proportions of the existing building. Development Policy DP25 states that the Council will only permit development within conservation areas that preserves *and* enhances the character *and* appearance of the area. This is a more demanding requirement than that set out in Section 72(1) of the Act, to which I have referred above.
7. The appeal property is within a terrace of three-storey houses, which, as far as I could see during my site visit, all had some form of rear projection and/or extension. The Council's Delegated Report refers to "two-storey, original and remodelled, closet wings" within the terrace, and I noted that whilst there were some similarities in the form of the rear projections, there were also appreciable variations. The appeal property, as proposed to be altered, would be of generally similar height to other existing two-storey projections, although slightly lower than that at no. 36. It would however contain design elements including the sloping section of roof and rear wall and relatively wide glazed sections at first floor level, which were not evident in other properties in the immediate vicinity. Whilst the proposed extension would be visible from adjacent gardens, from the rear of properties fronting Croftdown Road, and in oblique views from Boscastle Road, it would be seen against the background of the somewhat varied characteristics of the rear parts of other neighbouring properties.
8. As mentioned above, planning permission ref. no. 2010/3338/P included proposals for the reconfiguration of the existing first floor rear extension at the appeal property, and it seems to me this part of the approved development remains capable of implementation. The approved plans show increased areas

of glazing, relative to the existing dwelling, on the rear elevation at ground floor level, at first floor level together with a "Juliette" balcony, and on the south-west side elevation. Compared to the approved plans, I consider the present proposal to be no more of a contrast in relation to the historic character and appearance of the existing terrace. It would have a different roof form to the approved scheme, with a flat roof behind a parapet, which is a feature of some neighbouring properties, but it would be of a similar overall height. The width of glazing on the first floor rear elevation would not greatly exceed that in the approved scheme, whilst in my view achieving a better visual balance. I do not find the planting box to be an unattractive or inappropriate feature in this domestic setting. The sloping section of the roof and rear wall is not apparent in other nearby properties, but in the context of the somewhat varied nature of neighbouring properties I do not find this aspect of the proposal to be unduly discordant. In the light of these considerations, I consider the proposal would relate satisfactorily to the character and proportions of the existing property and the terrace of houses of which it forms part.

9. In relation to the policies cited in the reason for refusal, I consider that the proposal would achieve a satisfactory standard of design. Given the design variations within neighbouring properties, I consider the proposed alterations would not detract from their setting and there would be no conflict with Policy DP24 in this respect. In relation to the requirement of Section 72(1) of the Act as mentioned above, I consider the design is sufficiently respectful of its context to ensure that the character and appearance of the wider conservation area would be preserved. Having regard to the more demanding test of Policy DP25 (to preserve and enhance), I consider the proposal would at least achieve a standard of design which would be a modest improvement in relation to the previously approved alterations.

#### *Living Conditions*

10. The occupiers of nos. 36 and 40 Woodsome Road have raised objections on matters relating to their living conditions. The relatively confined rear garden of no. 36 is already capable of being overlooked from the upper floors of neighbouring properties, including existing window positions within the appeal property. In these circumstances, I consider the proposal would not be likely to reduce significantly the level of privacy presently experienced in the rear garden of no. 36, or in relation to the scheme approved under reference 2010/3338/P. The proposal also involves the formation of a window in the sloping roof on the side of the addition. It is stated in the Design and Access Statement accompanying the application that this could be provided with obscured glazing. Although the position of this window relative to window positions at no. 36 are such that views into neighbouring rooms would be restricted, I consider the use of obscured glazing would be appropriate to ensure that privacy within rooms at the rear of no. 36 would not be compromised. Other proposed glazed openings (rooflight, glazed light well and circular side window) would not be likely to result in any significant impact on neighbours' privacy.
11. In my view the proposed sloping profile of the extended first floor accommodation would be such that daylight reaching windows in the rear elevation and the lantern light above the ground floor addition of no. 36 would not be significantly reduced, relative to existing conditions, or in relation to the

approved scheme. I also consider this altered profile would not intrude unacceptably on the outlook from no. 36.

12. The existing two-storey rear projection on the appeal property adjoins the boundary with no. 40. The appeal proposal involves replacing the existing shallow-sloping roof with a flat roof behind a low parapet. I consider this would not significantly reduce the levels of daylight reaching the neighbouring windows at no. 40, or the present outlook from them. As with no. 36, the rear garden of no. 40 is already potentially overlooked from the windows of neighbouring properties, including the appeal property. The proposed balcony feature would not readily permit external access and would not in my view significantly detract from neighbours' amenities within their rear gardens relative to existing conditions. In the circumstances I have described, I consider the proposal would not impact unacceptably on neighbours' living conditions and there is no conflict in this respect with Core Strategy Policy CS5 or Development Policy DP26.
13. I have taken all other matters which have been raised into account. For the reasons given above, I conclude that the appeal should be allowed. I consider conditions are required to ensure compliance with the approved plans, for the avoidance of doubt and in the interests of proper planning; to ensure the use of external materials which match the existing building, in the interest of the maintaining the character and appearance of the area; and to ensure the use of obscured glazing in the sloping, first floor side window, for the reason explained above.

*W D Munday*

INSPECTOR