



Appeal Decision

Site visit made on 12 June 2012

by Bern Hellier BA (Hons) MRTPI

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

Decision date: 11 July 2012

Appeal Ref: APP/X5210/A/12/2171573
32 Shirlock Road, Flat 2, London, NW3 2HS

- 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 Dennis Gray against the decision of the Council of the London Borough of Camden.
 - The application Ref 2011/3131/P, dated 7 July 2011, was refused by notice dated 6 September 2011.
 - The development proposed is replacement of existing window with timber framed doors and installation of metal balustrade in association with the creation of a roof terrace at first floor level to rear elevation of existing first floor flat.
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Decision

1. The appeal is allowed and planning permission is granted for replacement of existing window with timber framed doors and installation of metal balustrade in association with the creation of a roof terrace at first floor level to rear elevation of existing first floor flat at 32 Shirlock Road, Flat 2, London, NW3 2HS in accordance with the terms of the application, Ref 2011/3131/P, dated 7 July 2011, 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: drawing numbers 1-6 submitted with the application.
 - 3) Before development commences details of a 1.8m high privacy screen to each side of the roof terrace shall be submitted to and approved in writing by the local planning authority. The screens shall be provided in accordance with the approved details before the terrace is brought into use and shall be retained thereafter.

Main issues

2. I consider there are two main issues. They are the effect of the roof terrace, firstly, on the character and appearance of the Mansfield Conservation Area and, secondly, on the privacy of neighbouring occupiers.

Reasons

Character and appearance

3. Shirlock Road is fronted by substantial three-storey terraced houses, many converted to flats. To the rear there are paired two-storey flat roofed

extensions, many of which are in use as roof terraces. This is the case with the appeal property. The proposed roof terrace would be a storey below this at first floor level, on the flat roof of a recently constructed single storey extension for the ground floor flat, which projects out from the two-storey wing. It would be small, about 3m² in area (1.1m deep x 2.7m wide), with 1.1m high mild steel railings forming a simple balustrade. Its visual impact would be limited. There are no public views of the backs but it would be visible from other gardens and from the rear of properties on Courthope Road which it faces. From here, even with the addition of privacy screens to the sides, it would appear as a subordinate feature on the rear elevation.

4. In the immediate vicinity there are already two first floor roof terraces on Shirlock Road and one opposite on Courthope Road where there are also second floor roof terraces. The proposal would not be out of place in this context. This was also the view of the Mansfield Conservation Area Advisory Committee which has not objected.
5. I conclude that the proposed development would satisfactorily preserve the character and appearance of the Mansfield Conservation Area and would meet the requirement of Core Strategy (CS)¹ Policy CS14 that development should respect local context and character.

Overlooking

6. There would be a considerable degree of overlooking of the gardens of the ground floor flats in 30,32 and 34 Shirlock Road and, potentially, side windows in the rear extension to No.34. However this overlooking could be substantially reduced by the provision of privacy screens to the sides of the terrace.
7. At present the first floor flat has no exterior amenity space. In such a case local planning guidance² refers to the need to balance the benefits of providing some limited amenity space against any nuisance to neighbours. In this appeal, with the provision of privacy screens, the balance would be in favour of the proposed roof terrace which I find would not result in a significant increase in overlooking or loss of privacy for neighbouring occupiers. In these circumstances the development would satisfy CS Policies CS5 and DP26 which seek to protect the amenity of residents.

Conditions

8. The Council has suggested conditions which appear to relate to a different application. I shall impose standard conditions on commencement and compliance with the approved plans together with one to secure the provision of side privacy screens as referred to above.

Conclusion

9. For the reasons given above I conclude that the appeal should be allowed.

Bern Hellier

INSPECTOR

¹ Camden Core Strategy 2010-2025

² Camden Planning Guidance *Design* (CPG1). Paragraph 5.23