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# Appeal Decision

Site visit made on 16 May 2012

**by D J Barnes MBA BSc(Hons) DipTP MRTPI**

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

**Decision date: 29 June 2012**

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**Appeal Ref: APP/X5210/A/12/2169476**

**Flat 3, 137 Gray's Inn Road, London WC1X 8TU**

- 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 Ms Alexandra Jose against the decision of the Council of the London Borough of Camden.
  - The application Ref 2011/5197/P, dated 11 October 2011, was refused by notice dated 9 December 2011.
  - The development proposed is the erection of a rear roof extension with 1 x dormer window and 1 x rooflight, alterations to windows and doors at rear third floor level and installation of a glass balustrade to existing third floor flat roof in connection with an existing flat (Class C3).
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## Decision

1. The appeal is dismissed.

## Procedural Matters

2. Since the determination of the application by the Council and the submission of the appeal the National Planning Policy Framework (the Framework) has been published and is a material consideration upon which the parties have been able to comment. For reasons of clarity, the description of development provided on the appeal form has been adopted.

## Main Issues

3. It is considered that the main issues are (a) whether the proposed development would preserve or enhance the character or appearance of the Bloomsbury Conservation Area and (b) the effect of the proposed development on the living conditions of the occupiers of neighbouring properties.

## Reasons

### *Character and Appearance*

4. The appeal property comprises a third floor flat of a building situated within a mixed area of residential and commercial uses. The property is within the Bloomsbury Conservation Area and there is a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. This duty is echoed in Policy DP25 of the Camden
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Development Policies 2010-2025 (CDP) and some of the design aims of Policies CS14 and CS5 of the Camden Core Strategy 2010 (CS). Guidance on alterations to roofs is provided in the *Bloomsbury Conservation Area Appraisal and Management Strategy* and the *Camden Planning Guidance 1: Design* (CPG1).

5. The Conservation Area is extensive and, as noted in the *Conservation Area Appraisal*, its character and appearance varies. The character of this part of the Conservation Area is largely made-up of 3 and 4 storey terraces, with similar plot widths and materials, and with areas of open space. The buildings generally abut or are sited close to the back edge of the footway which creates a sense of enclosure along the roads and continuity in the character and appearance of the streetscene. However, there are variations including roof forms, alterations at ground floor level, infill development within the terraces and significant alterations to the rear of the properties.
6. The appeal building's mansard roof form is asymmetrical with different pitches to the front and rear and the proposed development would neither increase the height nor width of the roof. The building's contribution to the streetscene along Gray's Inn Road would remain unaltered. When viewed from Brownlow Mews to the rear, the building does not contribute to a terrace of properties with uniform roof forms. By reason of additions, inconsistent fenestration details and other alterations, there is only a limited degree of uniformity between the character and appearance of the building and its neighbouring properties.
7. The appeal scheme includes the proposed erection of a glass balustrade above the existing parapet wall, the re-siting of part of the rear elevation to increase the width of the terrace and a steeper pitch for the mansard roof which would obscure part of the chimney. At the rear some of the views towards the building's roof are obscured by existing built forms of development and other views are distant. By reason of the building's appearance and those of the neighbouring buildings, whether individually or cumulatively, none of the alterations identified would appear so conspicuous as to cause material harm to the character and appearance of the area. This judgement applies equally to the proposed sliding doors which would be set back from the parapet wall and overhung by part of the roof.
8. The proposed windows within the rear slope of the building's mansard roof would not be an incongruous form of development but would reflect dormer windows and other openings at roof level within the Conservation Area. When viewed from the rear, the siting of the proposed dormer window and rooflight would not unacceptably disrupt the appearance of the altered mansard roof and would not cause material harm to the already generally inconsistent fenestration details of the building and its neighbouring properties. As required by CPG1, the size of the proposed dormer window would not be disproportionate to the scale of the mansard roof. The proposed rooflight would retain the appearance and form of the altered mansard roof and would not be an unduly prominent addition.
9. Overall, the general character, appearance and proportions of the existing building would be retained and the high quality design aspirations of CPG1, CS Policies CS14 and CS5 and CDP Policy DP24 would be met. These policies are

consistent with the good design requirements of the Framework. It is therefore concluded that the proposed development would preserve the character and appearance of the Bloomsbury Conservation Area and, as such, would accord with CS Policies CS5 and CS14, CDP Policies DP24 and DP25 and CPG1.

#### *Living Conditions*

10. During the site visit there was evidence that the existing terrace is used by the appellant but its usable area is limited in extent. Although the curtains were closed during the site visit, there are views from the terrace directly into 2 windows which, based on the available evidence, appear to serve habitable rooms of neighbouring flats. It is acknowledged that some degree of overlooking does occur within urban areas because of the relationship between properties.
11. By reason of their siting and oblique angles of view, it is judged that the proposed dormer window and rooflight would not materially change the existing relationship with the windows adjacent to the terrace and cause unacceptable harm to the privacy of the occupiers of these neighbouring properties.
12. The appeal scheme would increase the extent of the terrace adjacent to the neighbouring windows and provide sufficient space to accommodate a table and chairs as illustrated on the drawings. The Design and Access Statement refers to this as an external dining area. Although the physical relationship between the terrace and the neighbouring windows would be unaltered, there would be the potential for a material change in the intensity of the use of the terrace that could lead to greater instances of overlooking. If this occurred, then there would be an unacceptable affect on the privacy of the occupiers of these neighbouring properties.
13. The appellant has referred to the potential for the proposed glass balustrade to be obscure glazed and this could be the subject of a condition. However, based on the site visit, the proposed height of the glazed balustrade would not be such that it alone would address the adverse harm by reason of overlooking and loss of privacy.
14. It is concluded that the proposed development would cause unacceptable harm to the living conditions of the occupiers of the neighbouring properties by reason of overlooking and loss of privacy and, as such, would be contrary to CS Policy CS5 and CDP Policy DP26. Amongst other matters, these policies require full consideration to be given to the impact of developments on occupiers and neighbours and the protection of their quality of life, including from harm by reason of visual privacy and overlooking. The aim of these policies is consistent with the Framework's core planning principle concerning securing a good standard of amenity for all existing and future occupants of land and buildings.

#### *Other Matters*

15. The claims by the appellant concerning the level of accommodation have been noted but this matter does not affect the main issues in the determination of this appeal.

## **Conclusion**

16. Although it has been concluded that the proposed development would conserve the character and appearance of the Bloomsbury Conservation Area it is judged that this matter is outweighed by the unacceptable harm caused to the living conditions of the occupiers of the neighbouring properties. Accordingly, and taking into account all other matters and the presumption in favour of sustainable development, it is concluded that this appeal should fail.

*D J Barnes*

INSPECTOR