



Appeal Decision

Site visit made on 22 November 2010

by F M Cherington DipURP MRTPI MRICS MBEng

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

Decision date: 6 December 2010

Appeal A Ref: APP/X5210/C/10/2126587

Flat 1, 213 Goldhurst Terrace, London, NW6 3ER

- The appeal is made under Section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Brendan Cunningham against an enforcement notice issued by the Council of the London Borough of Camden.
 - The Council's reference is EN08/0442.
 - The notice was issued on 8 March 2010.
 - The breach of planning control as alleged in the notice is, without planning permission, the unauthorised erection of a full width brick extension to the rear of the property.
 - The requirements of the notice are EITHER to completely and permanently remove the unauthorised extension OR to replace it with the extension approved under planning permission 2007/3067/P.
 - The period for compliance with the requirements is six months.
 - The appeal is proceeding on the grounds set out in Section 174(2) (a) of the Town and Country Planning Act 1990 as amended.
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Appeal B Ref: APP/X5210/A/10/2129477

Flat 1, 213 Goldhurst Terrace, London, NW6 3ER

- 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 Brendan Cunningham against the decision of the Council of the London Borough of Camden.
 - The application Ref 2009/3681/P, dated 31 July 2009, was refused by notice dated 1 February 2010.
 - The development proposed is amendments to an approved extension to a ground floor flat (Ref: 2007/3067/P).
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Decision

1. I dismiss Appeal A and uphold the enforcement notice. I refuse to grant planning permission on the application deemed to have been made under Section 177(5) of the 1990 Act as amended and I dismiss Appeal B.

Preliminary Matters

2. Flat 1 is on the ground floor of No 213, a three storey terraced dwelling in the Swiss Cottage Conservation Area. Flats 2 and 3 are on the first and second floors respectively. Planning permission was granted for a rear extension in November 2006 to replace an existing rear extension and conservatory. A revised scheme was approved in August 2007 but the scheme as built differs from that approved. The reason for refusal in Appeal B to retain the scheme as built is the same as the reason given for issuing the enforcement notice in Appeal A. I therefore consider both appeals together.

Main Issue

3. The main issue is the impact of this rear extension upon the character and appearance of the dwelling itself and the Swiss Cottage Conservation Area.

Reasons

4. The Swiss Cottage Conservation Area is predominantly residential in character and its attractiveness derives from the finely detailed Victorian houses here. In this respect No 213 is typical and UDP Policy B7 indicates that permission will only be granted to schemes which preserve or enhance the special character or appearance of the Conservation Area. This is consistent with Government guidance in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. In addition, UDP Policy B3 and the Conservation Area Guidelines SPG set out design criteria to be considered.
5. The original rear extensions comprised two separate elements, a brick built bedroom with a flat roof and a conservatory with a mono-pitch roof. The 2006 scheme continued this form with a flat roofed, brick built structure and a glazed garden room with a mono-pitch roof. Although the brick built structure was to be higher because it was to be two storeys, its visual impact was to be reduced because part was to be a basement and part against the boundary with No 215 was to be recessed. The 2007 scheme was similar but the recessed part of the brick built extension was to be brought forward. These extensions would occupy the full width of the site but their visual impact would still be reduced because they would still be seen as two separate elements.
6. The scheme as built now incorporates a brick wall to the garden room with a flat roof across both extensions. This increases the height of the garden room and gives the appearance of one large extension which adds significantly to the visual bulk of the property contrary to policy guidance which also states that full width rear extensions will normally be unacceptable. This extension is larger than those to the dwellings to either side and its visual impact is greater because its flat roof comes above the floor level in Flat 2 due to it containing two floors of accommodation. In addition, the windows have been changed from those previously permitted and no longer reflect those in the flat above.
7. The Appellant considers these changes to have little impact and the extension as a whole to still be subordinate to the original building in terms of scale and situation but I do not agree. He also considers that the solid flat roof provides better privacy for occupants of the garden room than the glazed roof previously approved but domed roof lights have now been installed which allow direct views into it from a window in Flat 2 above. This extension is seen from the rear of other dwellings on this road and also from the rear of those in Belsize Road. These incremental changes in scale, bulk and design have resulted in an over dominant full width extension which does not preserve or enhance the character or appearance of No 213 or the Swiss Cottage Conservation Area but causes harm to them in conflict with local and national policy guidance for the protection of such matters. This harmful impact is so serious that planning permission should not be granted to retain this scheme. I have considered all other matters raised, including possible conditions, but I find nothing to lead me to a different conclusion. Both Appeals A and B must therefore fail.

F M Cherington

INSPECTOR