



Appeal Decision

Site visit made on 15 September 2010

by **Bill Munday BTP MRTPI MRICS**

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

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email: enquiries@pins.gsi.gov.uk

Decision date:
23 September 2010

Appeal Ref: APP/X5210/D/10/2133195/WF **49 Alma Street, Kentish Town, London NW5 3DH**

- 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 Vincent Reed against the decision of the London Borough of Camden Council.
- The application Ref. 2010/0734/P, dated 26 January 2010, was refused by notice dated 5 May 2010.
- The development proposed is demolition of the existing single storey rear addition and the construction of new single and two storey rear extensions full width of plot to incorporate the sideway yard area. Construction of new en-suite shower room and family shower room to original rear bedroom at first floor.

Decision

1. I allow the appeal, and grant planning permission for demolition of the existing single storey rear addition and the construction of new single and two storey rear extensions full width of plot to incorporate the sideway yard area, and construction of new en-suite shower room and family shower room to original rear bedroom at first floor at 49 Alma Street, Kentish Town, London NW5 3DH in accordance with the terms of the application, Ref. 2010/0734/P, dated 26 January 2010, 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: 720/05 and 720/06.

Main Issues

2. I consider the main issues to be firstly, the effect of the proposal on the character and appearance of the host building, neighbouring properties and the locality generally, having regard to the location of the site within the Inkerman Conservation Area; and secondly, the impact of the proposal on the living conditions of the occupiers of neighbouring residential properties.

Reasons

Character and Appearance

3. A previous appeal decision in respect of the appeal property, which was allowed in part, enables the construction of a rear addition over two storeys. The principal differences between the previously approved addition and the current proposal are, firstly, that the approved first floor addition occupied only part of

the width of the property, whereas in the current proposal it would occupy its full width; and secondly, the current proposal has a mono-pitched roof over the first floor addition, compared to the approved flat roof. The ground floor addition now proposed covers the same area as the approved ground floor addition, and is otherwise broadly similar. The Council has not opposed this element of the proposal.

4. 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. Even though, in my judgement, the proposed development would be open to no more than glimpsed views from neighbouring streets, it would be visible from some neighbouring properties and as such, its design and appearance are important considerations. However, in the enclave of buildings enclosed by Anglers Lane and the southern sections of Alma Street and Raglan Street, a variety of rear additions have taken place. Several of these have had the effect of replacing the original roof form with bulky additions at roof level. In the context of the assortment of structures which has resulted, I consider that the appeal proposal would not be unduly out of place. I further consider that the pitched roof over the proposed first floor addition would be more in keeping in relation to the traditional form of the original terraced houses than the flat roof in the approved scheme.
5. I note that the Inspector concerned with the previous appeal considered that the "butterfly" form of roof of properties in Alma Street are a distinct feature of the area. In dismissing the appeal in so far as it related to roof level additions, he made the point that this distinctive roof form would have been extinguished by that proposal. However, the current proposal indicates that the proposed mono-pitched roof would be set below the level of the butterfly roof and so this feature would be retained.
6. In summary on the first main issue, I consider the proposal would not be harmful to the character or appearance of the host building or building group. In my view it would preserve the character and appearance of the conservation area. As such, in these respects, I consider it would not conflict with the policies of the London Borough of Camden Replacement Unitary Development Plan (UDP) to which the Council's first reason for refusal refers.

Living Conditions

7. The second reason for refusal relates specifically to the impact of the proposal on the levels of sunlight and daylight received through the first floor window on the rear elevation of no. 50 Alma Street, and the outlook from it. The first floor extension would be to the north of this first floor window and as such it would not be likely to affect the level of direct sunlight reaching it.
8. As mentioned above, the previous appeal decision permits the construction of a first floor addition along the boundary between the two properties. I consider it likely that the approved addition would be implemented should this appeal fail, and I have therefore taken this previous decision to be a material consideration in this case. The rearward extent of the current proposal at first

floor level would be similar to the approved addition. However, the form of construction now proposed involves a sloping roof enclosed on each side by a raised parapet, which would slope in parallel with the roof. Thus, in relation to the level of daylight which would be received at the adjacent window, this rising parapet is the principal difference between the approved addition and the present proposal. At its furthest extent rearwards, the parapet would be at approximately the same level as the approved flat roof, but as it slopes up towards the existing rear wall, it would rise above the height of the approved addition. However, the angle of slope is quite shallow, and the window at no. 50 is fairly large and positioned high up on the wall. In these circumstances, in my judgement, adequate daylight would reach the window from both around and over the proposed parapet. As such, I consider the impact in terms of any loss of daylight would be only marginally greater than would be the case if the approved extension should be carried out. I further consider that the proposal would not intrude in the outlook from this window to a significantly greater extent than the approved extension. In my assessment therefore, the marginal effect of the proposal on the neighbour's first floor window, relative to the approved first floor addition, would not be sufficient to render the current proposal unacceptable.

9. I have taken careful note of the comments raised by the owners and/or occupiers of other neighbouring properties. The grouping of houses in the vicinity of the appeal site is fairly close-knit, and a number of other properties have been extended at various levels. The proposal involves the removal of an existing single-storey addition which extends further down the rear garden than would the appeal proposal. Given this context, in my judgement the distances separating the appeal proposal from neighbouring properties would not be so close as to result in significant worsening of living conditions through any loss of privacy, sunlight or daylight. I conclude on the second main issue that the proposal would not unacceptably detract from the living conditions of any neighbouring property, and that the proposal accords with Policy SD6 of the UDP in this respect.
10. On the basis of my findings in relation to the main issues, and having taken all other matters raised into account, I conclude that the appeal should succeed. Regarding conditions, I consider it is not necessary to impose a condition relating to the use of matching materials, as the proposed external materials are specified in the application form and drawings. However, for the avoidance of doubt and in the interests of proper planning, a condition is necessary to ensure compliance with the approved plans.

W D Munday

INSPECTOR