



Appeal Decision

Site visit made on 17 August 2010

by Roland Punshon BSc (Hons) MRTPI

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

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**Decision date:
1 September 2010**

Appeal Ref: APP/X5210/D/10/2132350

44 York Rise, London NW5 1SB

- 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 Dr Paul Banks against the decision of the Council of the London Borough of Camden.
- The application Ref 2010/1711/P, dated 29 March 2010, was refused by notice dated 9 June 2010.
- The development proposed is rear roof terrace.

Decision

1. I dismiss the appeal.

Procedural matters

2. As originally submitted the planning application was for raising the ridge of the main roof, the insertion of rooflights and a rear roof terrace. However, the grounds of appeal make clear that this appeal is only in respect of the rear roof terrace. I have considered the appeal on this basis and this is reflected in the description of development set out in the headings above.
3. At the time of my site visit the roof terrace had been installed.

Main issues

4. I consider that the main issues in this case are:
 - The effect of the works on the character and appearance of the host property, the terrace of which it is part and the wider Conservation Area; and,
 - The effect on the living conditions of neighbours by reason of loss of privacy.

Reasons

Effect on character and appearance

5. The appeal premises comprise a 3 storey terraced house with a rear projecting 2 storey wing, the sloping roof of which combines with that of the adjacent house to form a ridge. Although the rear wing of the end property in the terrace has been modified, the others have been largely retained in their original form and their rhythmical pattern is part and parcel of the character of the terrace.

6. The appeal works have removed the part of the sloping roof of the rear wing nearest the main house and replaced it by a flat roof. From public vantage points it is screened by the retained part of the sloping roof and a low parapet wall. The alteration is therefore relatively unobtrusive and, in my view, it does not, in itself, cause unacceptable harm to the character and appearance of the house, the terrace or the Conservation Area.
7. However, access to the roof terrace has been created by the removal of a window in the rear elevation of the house and its replacement by a glazed door. In my opinion, the shape and proportions of this door appear clumsy and incongruous in the pattern of original openings in the terrace. I consider that this change has harmed the character and appearance of the house and terrace and, therefore, harms the character and appearance of the wider Conservation Area.
8. In these circumstances I conclude on the first main issue that the works have an unacceptable effect on the character and appearance of the host property, the terrace of which it is part and the wider Conservation Area. They are therefore contrary to Policies B1, B3 and B7 of the London Borough of Camden Replacement Unitary Development Plan 2006.

Effect on privacy

9. Users of the roof terrace are able to look down into first floor windows in the rear elevation and projecting wing of no. 46 York Rise. I accept that the available views into the room would be at an angle but the effect is exacerbated by the ability to look down into the room from a higher level. Whilst privacy in the rooms which these windows serve is already compromised by the ability to look into them from windows in the appeal property, I consider that use of the roof terrace would make this situation much worse. Whilst screens could be erected to reduce these effects, their presence is likely to have an adverse effect in terms of character and appearance.
10. In these circumstances I conclude on the second main issue that the works have an unacceptable effect on the living conditions of neighbours by reason of loss of privacy. They are therefore contrary to Policy SD6 of the Unitary Development Plan.

Conclusion

11. For the reasons given above I conclude that the appeal should be dismissed.

Roland Punshon

INSPECTOR