



# Appeal Decision

Site visit made on 4 February 2010

by **Lynne Evans BA MA MRTPI MRICS**

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

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**Decision date:  
2 March 2010**

## **Appeal Ref: APP/X5210/A/09/2112426**

### **65 Spencer Rise, London NW5 1AR**

- 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 Nick Weiss against the decision of the Council of the London Borough of Camden.
- The application Ref: 2009/1315/P dated 20 March 2009 was refused by notice dated 4 June 2009.
- The development proposed is mansard roof extension and extension to the rear from 1 storey to 2 storey to add a bedroom and to move ground floor bathroom in a terraced late Victorian residential house.

## **Decision**

1. I dismiss the appeal in so far as it relates to a mansard roof extension. I allow the appeal insofar as it relates to ground floor rear infill extension and first floor rear extension and I grant permission for ground floor rear infill extension and first floor rear extension at 65 Spencer Rise London NW5 1AR in accordance with the terms of the application Ref 2009/1315/P dated 20 March 2009 and subject to the following conditions:
  1. The development hereby permitted shall begin no later than three years from the date of this decision.
  2. The materials to be used in the construction of the external surfaces of the extensions hereby permitted shall match those used in the existing building.
  3. Notwithstanding the window and door details shown on the approved plans, revised window and door details which reflect the original openings in the existing building shall be submitted to and approved in writing by the Local Planning Authority before the development hereby permitted is commenced. The development shall be carried out in accordance with the revised approved details.
  4. Subject to the requirements of Condition 3, the development hereby permitted shall be carried out in accordance with the following approved plans: site location plan and Plans 1,2,3,4,5 and 7 all dated 08/04/09.

## **Preliminary Matters**

2. I have modified the description of development to refer to its component parts, namely, a mansard roof extension; ground floor rear infill extension and first floor rear extension.

3. The Appellant submitted plans at the appeal stage showing a modified form of roof mansard. However as these plans have not been the subject of consultation, I am unable to take them in to account in my decision.

### **Main issues**

4. I consider that the main issue raised in this appeal relates to the effect of the proposal on the appearance and character of the Dartmouth Park Conservation Area.

### **Reasons**

5. The appeal property is a two storey mid terraced, Victorian house on the north side of Spencer Rise within a predominantly residential area and within the Dartmouth Park Conservation Area. The property is one of three which, despite some alterations, read as a group with an unbroken parapet line being a key and attractive feature. Beyond this group of three, the dwellings in the terrace increase in scale, with a slightly higher parapet line, but the contribution that this feature makes to the street scene has been interrupted by a number of roof mansards.
6. The introduction of a mansard roof extension to the appeal property would in my view detract from the integrity of this group of three properties. It would interrupt the dominance of the parapet line and upset the balance of the group. Furthermore, it would be readily visible from Spencer Rise, including when approaching from Dartmouth Park Hill. I consider that in these views it would appear visually discordant against the adjoining property at the end of the terrace (No 67) which has a different, pitched roof form and acts as a 'book end' to the terrace. At the rear, the mansard roof extension would in my view appear bulky and out of scale with the proportions and form of the rest of the building.
7. I therefore conclude that the mansard roof extension would harm the appearance and character of the property as well as the terrace within which it is situated. This part of the proposal would not therefore preserve or enhance the appearance and character of the Dartmouth Park Conservation Area, and would conflict with Policies B1, B3 and B7 of the adopted London Borough of Camden Replacement Unitary Development Plan 2006 (UDP) as well as guidance in the Council's Supplementary Planning Guidance (SPG): *Camden Planning Guidance (2006)*.
8. The Council, in its decision notice and information submitted with the appeal, as well as local residents and Associations have all referred to a recently adopted Dartmouth Park Conservation Area Appraisal & Management Statement. I have been provided with an untitled copy of a document which would appear to be the Statement but in a draft form. Moreover, I have been provided with very little information about its status, and this necessarily limits the weight that I can give it.
9. The Appellant has drawn my attention to roof extensions that have been permitted and constructed further along the terrace, including at No 57 Spencer Rise. It is my view that each application must be considered on its merits but I have nonetheless taken these in to account. However, the uninterrupted parapet line remains in my view a strong and attractive feature

of this group of three dwellings, and the existence of other mansard roof extensions does not lead me to the view that more should be permitted, particularly given the harm I have concluded from this proposal to the street scene and Conservation Area.

10. At the rear of the terrace there appear to be a variety of extensions at ground and first floor level. The proposed extensions would not increase the overall length of the property and I consider that both extensions would remain in scale and proportion to the original dwelling and would also respect the appearance and character of the local area. I also note the Council's informative on the decision notice which indicates that it raises no objections to the rear extensions. However, I am of the view that the proportions and form of the windows and doors shown in the extensions would not be in the Victorian tradition, and would not therefore complement the existing openings in the property. Nonetheless I consider that these are matters which can be addressed through the imposition of appropriate conditions.
11. I therefore conclude that the proposed ground floor rear infill extension and first floor rear extension would preserve the appearance and character of the Dartmouth Park Conservation Area. This part of the proposal would therefore accord with Policies B1, B3 and B7 of the Council's adopted UDP and guidance in the Council's SPG.
12. I am also satisfied that these proposals would not adversely affect the living conditions of adjoining residents, including at the rear in Chetwynd Road, with particular regard to overlooking and loss of privacy, or effect on light. I have noted the concerns of the adjoining neighbours in relation to noise and construction issues, but these matters would be dealt with by other legislation.
13. In terms of conditions, I agree with the Council that a condition should be imposed to require the materials to match the existing building in the interests of protecting the appearance and character of the building and the wider Conservation Area. As indicated earlier, I also propose to impose a condition to require revised details of the windows and doors, which in order to protect the appearance and character of the building and wider area, should follow more closely the form and proportions of the original openings. Although this was not listed as a condition by the Council, I do not consider that it would come as a surprise to the Appellant as he has made reference in his appeal submission to his understanding that no objection is raised to the rear extensions, subject to the installation of sash windows. Similarly, I am satisfied that no other party would be prejudiced through the imposition of this condition.

## **Conclusions**

14. For the reasons given above and having regard to all other matters raised, including in letters of representation from local residents, I conclude that that part of the proposal relating to the mansard roof extension should be dismissed but those parts of the proposal relating to the ground floor rear infill extension and first floor rear extension should be allowed.

*L J Evans*

INSPECTOR