



# Appeal Decision

Site visit made on 23 April 2009

by **Les Greenwood BA(Hons) DipTP MRTPI**

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](mailto:enquiries@pins.gsi.gov.uk)

**Decision date:**  
**20 May 2009**

## **Appeal Ref: APP/X5210/A/09/2096475** **47 Regent's Park Road, London NW1 7SY**

- 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 David Thomas against the decision of the Council of the London Borough of Camden.
- The application Ref 2008/4701/P, dated 2 October 2008, was refused by notice dated 27 November 2008.
- The development proposed is the formation of a terrace on part of the existing side addition roof and access to it.

### **Decision**

1. I dismiss the appeal.

### **Main issue**

2. The main issue is the effect of the proposal on the living conditions of occupiers at Flat 4, 47 Regent's Park Road, in terms of the effect on privacy.

### **Reasons**

3. No 47 sits on a corner plot and includes a flat roofed section set one and a half storeys below the main roof of the building. The proposal would provide access from the top floor apartment, Flat 6, to this lower roof area for use as a roof terrace. An existing window would be replaced with a door, with steps leading down to the roof and crossing immediately in front of the bathroom window of Flat 4.
4. Although the bathroom window is glazed with reeded glass, this might well be insufficient to fully obscure views from such an extremely close range. More importantly, this is an opening window and when open it would appear to be possible to gain angled views into the bathroom from the proposed steps and terrace. Due to the proposed positioning of the stairs, it might be necessary to bend down in order to gain such views, but even so the possibility would be intrusive and would severely affect the privacy of occupiers of Flat 4.
5. Policy SD6 of the Camden Replacement Unitary Development Plan aims to protect neighbours from loss of privacy. I recognise that the supporting text to the policy, and the *Camden Planning Guidance*, specifically refer to the protection of privacy in relation to habitable rooms. Although the bathroom is not a habitable room, it nevertheless merits a degree of protection and I note that the main policy wording is not restricted to protection of habitable rooms

only. In the unusual circumstances of this case, I find that the proposal would unacceptably affect the privacy of occupiers of Flat 4 and would therefore conflict with policy SD6.

6. I have considered all other matters raised and find nothing to alter my conclusion. In particular, I note the appellant's statement that Flat 4 is used as a second home and is often vacant. It remains a residential property, however, and its existing and future residents should not be deprived of adequate levels of privacy by the proposal. I also note the existence of a clause in the lease of Flat 6 allowing for the use of the roof for recreational purposes. This is a private legal matter and cannot be taken into account in making my decision.
7. Finally, No 47 is located within the Primrose Hill Conservation Area. I find that the design of the proposal would harmonise with the building and its surroundings and would therefore not harm the character or appearance of the conservation area.
8. Notwithstanding my favourable finding in regard to the effect on the conservation area, my adverse conclusion in relation to the issue of privacy means that the proposal is unacceptable. I therefore conclude that the appeal should be dismissed.

*Les Greenwood*

INSPECTOR