



# Appeal Decision

Inquiry held on 19 March 2009  
Site visit made on 19 March 2009

by **Mark Dakeyne BA (Hons) MRTPI**

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

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Decision date:  
31 March 2009

**Appeal Ref: APP/X5210/A/08/2089251**

**40A Shoot-Up Hill, London, NW2 3QB**

- 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 Miss Avital Mediony against the decision of the Council of the London Borough of Camden.
- The application Ref 2007/5759/P, dated 6 November 2007, was refused by notice dated 5 August 2008.
- The development proposed is erection of ground floor single-storey rear extension and erection of first floor extension with terrace at first floor level to existing dwellinghouse, together with addition of pitched roof above existing flat roof including rooflights.

## Decision

1. I dismiss the appeal.

## Procedural Matters

2. I have used the site address and description of development from the decision notice for accuracy and clarity. At the start of the inquiry the appellant submitted a location plan showing revised appeal site boundaries. My decision is based on this plan in addition to those submitted with the original application.
3. The appellant clarified that the pitched roof would not continue to either side of the roof terrace. Therefore, the proposed elevations (Drawing Nos PL/06 and PL/07) more accurately reflect the external appearance of the proposal rather than the proposed first floor and roof plans (Drawing No PL/03).

## Main Issues

4. I consider that the main issues are:
  - (1) the effect of the proposal on the character and appearance of the building and its surroundings; and,
  - (2) the effect of the proposal on the living conditions of neighbouring residents with particular reference to privacy and outlook.

## Reasons

### *Character and Appearance*

5. 40A Shoot-Up Hill is a flat-roofed single-storey structure which is attached to the rear outrigger of 40 Shoot-Up Hill, a large semi-detached Victorian property. Due to its height compared to No 40, the relative narrowness of the

space alongside No 40 and its set-back from the frontage, it appears from the road as a modest addition to the main property. However, from surrounding properties its large flat-roofed area, which extends a significant depth into the back garden area, represents an incongruous element at the rear.

6. The proposed single-storey rear extension would be within the enclosed garden and would have a lightweight conservatory appearance. I regard it as an appropriate addition. However, the first floor elements, comprising a mix of mansard roof to the front, parapet walls and pitched roof to the rear, would, in my view, result in an overcomplicated and confused design with jarring components. Although I accept that there would be limited public views of the roof alterations, the front to the mansard roof would be seen from the street and the combination of treatments over the large expanse of roof would be visible from surrounding properties. As the roof terrace would require privacy screens to either side, this would introduce another element to the appearance, adding to the disjointed design.
7. I have had regard to the scale of the proposal compared to surrounding buildings and the limited impact on the skyline. These factors do not persuade me that the scheme is acceptable. I have also taken into account the design of No 36 Shoot-Up Hill which sits to the rear of No 38 and includes a mansard roof. However, as an established detached building it has a different character to the appeal property. Moreover, its somewhat awkward appearance does not, in my view, justify the poor design of the appeal proposal. I have also had regard to the extant planning permission at the appeal site but the roof in that scheme would be low-slung and of consistent form.
8. I recognise that a mansard roof can be used to reduce the apparent height when adding a further floor of accommodation. However, as explained in the Council's adopted *Camden Planning Guidance* (CPG), such roofs are most effective when added to taller Victorian and Edwardian buildings, behind a parapet. In such situations they produce a softer roofscape, may be part of an established form of roof addition to a terrace and are often not readily visible from ground level. In contrast I find that the mansard proposed in this case would appear to be out of proportion with the low flat roofed structure, would not be a historically accurate solution as part of a pattern of development and would be clearly visible from ground level.
9. I conclude that the proposal would unacceptably detract from the character and appearance of the building and its surroundings. I find conflict with Policies B1 and B3 of the *Camden Replacement Unitary Development Plan* (UDP) in that the proposal would not respect its site and setting and would harm the appearance of the building and surrounding area. In addition I find that the proposal would not follow the advice within CPG on roof extensions as there would be an adverse affect on the appearance of the building.

#### *Living Conditions*

10. At the inquiry it was agreed that the provision of obscure glazing to the bedroom window to the front elevation would overcome the Council's concerns about loss of privacy to the flats to the rear of No 40 facing the front elevation of the appeal proposal. Although I do not regard such an arrangement to the only window to the bedroom to be ideal, the Council confirmed that it was a common approach to preventing overlooking in tight-knit areas of housing.

11. I have also considered the impact of the proposals on other rear facing flats in the main building and other neighbouring properties. The outlook from the ground floor flats is already affected by the siting of the appeal property and other nearby buildings. I do not consider that the proposal would make the outlook significantly worse or lead to undue loss of light. Similarly, the outlook from the other neighbouring properties would not be materially affected due to the separation and direction which their main elevations face.
12. Apart from the front bedroom window there would be no windows to habitable rooms at first floor level. The small terrace area could be flanked by privacy screens such that overlooking into adjacent gardens would not occur, albeit adding a further design conundrum.
13. I conclude that the proposal would be acceptable in relation to the living conditions of neighbouring residents with particular reference to privacy and outlook, subject to conditions requiring obscure glazing to the bedroom window and privacy screening to the roof terrace. As such I find compliance with Policy SD6 of the UDP and the advice within CPG on overlooking and privacy, including from terraces.

#### *Other Matters*

14. The appeal property comprises a self-contained dwelling. Although it is not a matter before me I have seen no evidence that would indicate that it should not be occupied in such a way. I can understand the wishes of the appellant to extend the accommodation to provide more living space but these personal circumstances do not outweigh the harm that I have identified. Moreover, there may be alternative design solutions to provide upper floor living space which would be more acceptable.
15. As the proposals would not result in the creation of an additional dwelling I do not consider that issues about parking and refuse disposal are material to my decision. The extent of ownership and arrangements for drainage and other services are private matters between the respective owners. Any disruption during building work would be temporary.

#### **Conclusion**

16. Although I conclude that the impact on the living conditions of neighbouring occupiers would be acceptable, I find that design to be unacceptable. For the reasons given above and having considered all other matters raised I conclude that the appeal should be dismissed.

*Mark Dakeyne*

INSPECTOR

## APPEARANCES

### FOR THE LOCAL PLANNING AUTHORITY:

Emmaline Lambeth of Counsel      Instructed by the Head of Legal Services of the  
London Borough of Camden

She called

Tania Skelli-Yaoz BSc (Hons)      Planning Officer  
Dip MSc

### FOR THE APPELLANT:

E M Pick BSc (Hons) MRICS BTP      30 Golders Manor Drive, London, NW11 9HT  
MRTPI

He called

Himself

### INTERESTED PERSONS:

Esther Wakely      The Old Boathouse, Church Street, Sutton  
Courtenay, Abingdon, Oxfordshire, OX14 4NJ  
(owner of No 40 Shoot-Up Hill)

### DOCUMENTS SUBMITTED AT THE INQUIRY

- 1      Statement of Common Ground dated 18 March 2009
- 2      Delegated report on previous planning application (Ref: 2007/5761/P)  
submitted by the appellant

### PLANS SUBMITTED AT THE INQUIRY

- A      Amended site plan showing correct extent of appeal site submitted by the  
appellant
- B      A3 plans for previous planning application (Ref: 2007/5761/P) submitted by  
the appellant