



Planning Inspectorate

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File 4/7/890503 [2982] Recd 20/8/90

D/11/HB/P

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DISMISSED

FILE COPY
REF: NW

Mr N Ward
2A Achilles Road
LONDON
NW6 1EA

Your reference:

Our reference:

T/APP/X5210/A/90/150569/P8

Date

29 AUG 90

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPLICATION NO:- PL/8905013

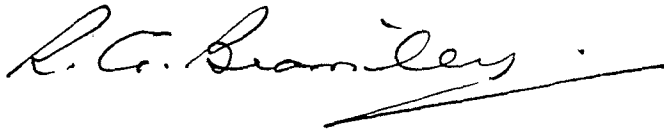
1. I have been appointed by the Secretary of State for the Environment to determine this appeal against the decision of the Camden London Borough Council to refuse planning permission for the formation of a roof terrace at the rear of 2A Achilles Road. I have considered the written representations made by you and by the Council and I inspected the site on 23 July 1990.
2. Although the development has been described as a rear first floor terrace it is clearly your intention to form the terrace by removing the pitched roof over the 2-storey rear extension of the property to form a flat roofed patio with railings around; the development proposed would be at second floor level.
3. The Council's reasons for refusal of planning permission refer to the alleged adverse effects resulting from the design of the development on the character of the building itself, the visual amenity of the surrounding area, and the overlooking of adjoining properties; and the Council's policies in relation to developments are set out in the Local Plan adopted in May 1987.
4. However, I have been unable to find in that Plan generally, the chapter on Urban Design, Conservation and the Environment or the Environmental Code in particular, any policies or specific references to the character of individual buildings or to the factors which should be taken into account in assessing the visual amenity of areas. The building is not listed, nor is there any suggestion that it should be. The area is not a Conservation Area, nor has any other guidance been given as to the adverse impact that removing the pitched roof and replacing it with a flat roof with railings would have on the area as a whole. The existing roof is unremarkable; its replacement in the manner proposed would neither enhance nor detract from the building itself or from the visual amenity of the area.
5. Accordingly, the only guidance I can find in support of the Councils' case is that contained in Local Plan Paragraph 19.1, which states that careful consideration should be given in design and landscaping to protecting the privacy of neighbouring residents. It seems to me, then, that the sole issue to be resolved in this case relates to the effect that forming a roof terrace would be likely to have on the privacy of the neighbours.
6. In my opinion, forming a terrace at this level could not fail to intrude substantially into the privacy of the leaseholder of the ground floor of this property, and of the occupants of Nos 4, 6 and 8 Achilles Road also, all of whose rear gardens would be much more closely and frequently overlooked from the sitting

space provided by the terrace than is presently possible from the first floor rear extension window. I have noted, but do not accept, your submission that the extended property next door (No 4) past the area of the proposed terrace would prevent such overlooking. On the contrary, from the back passageway which separates 4-14 Achilles Road from 1-7 Ulysses Road it is evident that the privacy of the back gardens of 4, 6 and 8 Achilles Road would be significantly - and in my opinion unacceptably - reduced. Although partly shielded by intervening garages and a high fence, there would be some intrusion into the privacy of properties in Ulysses Road also. On those grounds I consider that your appeal must fail.

7. I have had regard to all other matters arising out of the representations made - including your references to other terraces in the area, which I have seen but which do not warrant setting aside the overriding objection to the development you propose. I have taken account also of the lack of written representations from your neighbours; but those matters are not sufficient to outweigh the considerations that have led to my decision.

8. For the above reasons, and in exercise of the powers transferred to me, I hereby dismiss this appeal.

I am Sir
Your obedient Servant



R G BROMILEY MCD BArch MRTPI RIBA
Inspector