



# Appeal Decision

Site visit made on 20 February 2008

by **C J HOILE** MA(Oxon) MRTPI

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

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Decision date:  
**3 March 2008**

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**Appeal Ref: APP/X5210/A/07/2060067**  
**24 Hilltop Road, London NW6 2PY**

- 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 M Maag against the decision of the Council of the London Borough of Camden.
- The application Ref: 2007/0413/P, dated 25 January 2007, was refused by notice dated 4 May 2007.
- The development proposed is described in the decision notice as "demolition of single-storey garage structure and erection of a 3-storey building to provide a two-bedroom dwellinghouse with rear 2<sup>nd</sup> floor roof terrace, plus an additional car space in the forecourt".

## Decision

1. I allow the appeal, and grant planning permission for the demolition of the single-storey garage structure and the erection of a 3-storey building to provide a two-bedroom dwellinghouse with rear 2<sup>nd</sup> floor roof terrace, plus an additional car space in the forecourt at 24 Hilltop Road, London NW6 2PY, in accordance with the terms of the application, Ref: 2007/0413/P, dated 25 January 2007, and the plans submitted with it, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
  - 3) No development shall take place until details of a privacy screen to the second floor terrace have been submitted to and approved in writing by the local planning authority, and the screen so approved shall be put in place prior to commencement of use of that terrace, and shall be permanently retained and maintained thereafter.

## Main issue

2. From what I have seen and read, I consider that the main issue in this appeal is whether the proposed building would amount to an over-development of the overall site, or need seriously affect the existing domestic amenities of residents close by.

## Reasons

3. I have read the policies mentioned in the Council's decisions, from the adopted 2006 Replacement Unitary Development Plan and find the intentions of all of them relevant and worthy of support. I have also read and taken into account Supplementary Planning Guidance about extensions and residential development standards, and other background documentation in the evidence.
4. This is a gap site at the northern end of the garden of No. 24, between the ends of terraces on Hemstal and Hilltop Roads. It is close to, but not within, the boundary of the Swiss Cottage Conservation Area which runs down the centre of Hemstal Road. I do not consider that the size or design of the new house, well set back from the street frontage, would have any real adverse effect on the setting of that Conservation Area.
5. There is another infill building at the northern end of Hilltop Road, in the gap between No. 2 Hilltop Road and No. 10 Sheriff Road, but it was built in the earlier C20th, and is so far away that it would not be seen in the same context as the appeal proposal. I agree with the Council that it cannot be considered as a meaningful or positive precedent, or any kind of balance, in the context of this new dwelling.
6. I saw that in this locality within West Hampstead, where the terraced streets between Hemstal Road and Sherriff Road intersect, the original developers created noticeable gaps between their respective end properties. However, over time there have been various extensions to end properties which have diminished certain gaps. Furthermore, I do not consider that the architectural and townscape quality of the buildings in the locality is sufficient to preclude further change, if the merits of a particular scheme are high, and any drawbacks are very minor.
7. I saw that No. 24 has been extended some time ago along its flank elevation facing Hilltop Road, a street that ascends steadily along its course to Sherriff Road. Though builderly rather than positively attractive, the extension displays architectural good manners in terms of scale and the use of matching pale gault brickwork. Then comes the appeal site gap, occupied by a small but unpleasing garage building. The terrace running north from No. 22 Hilltop Road is different in the colour of its brickwork and its design. The site is sufficiently idiosyncratic for there to be no "obvious" form of infill development.
8. The appellant lays much stress on the fact that this new building would not be physically attached to the northern end wall of the later three-bay extension to No. 24. However to those specifically looking at the new building, or simply passing by, the gap of about 50 mm would appear minimal. Thus, this very distinct new structure would appear directly to continue the building line of No. 24. The form chosen is contemporary, using no elevation details from its neighbours or the same facing materials. Despite those differences, I find that the new house would combine a distinct and not unpleasing architectural character with good street manners. The Council is concerned that the new building would not appear subordinate in its physical relationship with No. 24, which it regards as the "host building". However, I believe that the passer-by or local resident would not see the appeal scheme as being an extension to No. 24, but as a new entity. As a new entity, its roofline can be perceived to relate

subtly to the original No. 24: being on the general level of the latter's roof eaves, not competing with it in height, yet rising appreciably above the intervening two-storey extension.

9. The development would result in a substantial diminution of the existing gap south of No. 22 Hilltop Road, now occupied only by the garage. Nevertheless, an appreciable gap would still remain, its narrowest point nearest the road but widening out significantly along No. 22's flank wall. I consider that the merits of gaining a good new building next to the already altered No. 24 outweigh those of retaining the existing gap, and that there would be no over-development.
10. I have paid careful attention to the representations of nearby residents opposed to this scheme at the application and appeal stages. I turn first to the question of a loss of privacy to windows in the rear elevations of No. 24 Hilltop and No. 4 Hemstal Road from the second floor level roof terrace. I do consider that the possibilities for overlooking, however little it might occur, and the perceptions about being overlooked from above by neighbours, make the installation of translucent, obscurely glazed screens unavoidable, and I am including a condition suggested by the Council to address the matter. Well designed screens need not in any way be unsightly additions to the submitted scheme.
11. Concerning the loss of outlook from those same windows, the Officers' report on the application confirms that there would be no appreciable loss of daylight or sunlight, or significant over-shadowing affecting the windows of rooms in neighbouring properties. I appreciate that some existing valued views through the present gap would disappear, but this factor is not so significant as to alter my thinking on the overall merits of the appeal proposals. I consider that none of the principal intentions of the UDP policies mentioned in the Council's decisions would be breached if the scheme were built. Thus, for the reasons given above I conclude that the appeal should be allowed.

*C J HOILE*

INSPECTOR