



# Appeal Decision

Site visit made on 5 March 2007

**by Philippa Jarvis BSc (Hons) DipTP MRTPI**

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

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Date: 18 April 2007

**Appeal Ref: APP/X5210/A/06/2020481**

**3 St. Georges Mews, London NW1 8XE.**

- 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 and Mrs Day against the decision of the Council of the London Borough of Camden.
- The application, Ref 2005/5332/P, dated 7 December 2005, was refused by notice dated 2 March 2006.
- The development proposed is use of part of the existing flat roof as a roof terrace.

## Decision

1. The appeal is dismissed.

## Reasons

2. The appeal property is a two-storey, flat-roofed building located in a mews courtyard of similar properties. The central courtyard area is shared by all the properties in the mews with pedestrian and vehicular access through an archway off Regent's Park Road to the east. Adjacent to the appeal site, to the south, is St. Georges Terrace, a substantial Victorian terrace of three / four storey properties which appear to be mainly occupied as flats. These properties have relatively modest rear gardens with a distance of about 8 metres from the rear of the dwelling on the appeal site to the windows in the rear elevation of the terrace. The appeal site and neighbouring properties lie within the Primrose Hill Conservation Area. The area is predominantly of nineteenth century origin with many grand Victorian villas and terraces. The mews developments, in contrast, provide smaller scale, more intimate settings. Regent's Park Road is mainly commercial with many and varied local shops, cafés and pubs.
3. The proposal would involve the installation of a 1.1 metre railing to the front part of the roof, set back about 1.1 metre from the front edge of the roof. Due to its height and set-back, I consider that this railing would not be readily visible from the courtyard area of the mews. A pergola with trellis underneath would be located towards the rear part of the roof, the majority of which would be about 2 metres from the rear roof edge with a small section set back about 1 metre. This enclosure would be visible from the properties in St. Georges Terrace. The main roof terrace area would be restricted to the central part of the roof, set away from the roof edges.

4. I note that an existing adjoining property has similar railings and a small roof terrace, and given that the proposed enclosing structures would be set away from the roof edges, I consider that the character and appearance of the conservation area would be preserved.
5. In relation to the effect on the properties in St. Georges Terrace to the south, I consider that the set-back from the roof edge and open nature of the pergola and trellis would be sufficient to prevent any significant sense of enclosure. However, whilst the pergola and trellis would offer some screening, and I note that there is a degree of mutual overlooking, it would not, in my opinion, prevent persons using the roof terrace being able to obtain views towards the windows and into the garden areas of these properties. Whilst in time planting along the trellis might provide some screening, this is unlikely to give the degree of permanence which would be necessary to ensure that no further significant loss of privacy would arise. Whilst I note that the existing property has no garden at present, and in some instances roof terraces can provide a useful amenity, in these circumstances for the reasons given above, it would not be acceptable as the proposal would result in an unacceptable level of overlooking and loss of privacy.
6. Therefore, I conclude overall that whilst the proposal would preserve the character and appearance of the Primrose Hill Conservation Area, it would nevertheless harm the living conditions of the occupiers of adjoining properties in terms of loss of privacy. Thus it would conflict with policy SD6 of the London Borough of Camden Replacement Unitary Development Plan, 2006, and fail to satisfy the guidance relating to roofs and terraces contained in Supplementary Planning Guidance entitled *Development*, dated July 2002 which aim to protect the neighbours' amenities.

**P. B. Jarvis**

INSPECTOR