



# Appeal Decision

Hearing held on 23 November 2006

**by Elaine Benson BA (Hons) Dip TP 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  
e-mail: [enquiries@planning-inspectorate.gsi.gov.uk](mailto:enquiries@planning-inspectorate.gsi.gov.uk)

Date: 17 January 2007

**Appeal Ref: APP/X5210/A/06/2011254**  
**201C Camden Road, London, NW1 9AA**

- 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 Violet Holdings Ltd against the decision of London Borough of Camden.
- The application Ref 2005/4852/P, dated 15 November 2005, was refused by notice dated 11 December 2006.
- The development proposed is the erection of an additional storey to provide one residential unit and the subdivision of existing maisonette into two residential units.

**Summary of Decision: The appeal is allowed, and planning permission granted subject to conditions set out below in the Formal Decision.**

## Preliminary Matters

1. Although the date on the decision notice is set out above, I have considered the appeal on the basis that the notice of refusal should have been dated 11 December 2005.
2. The development plan includes the London Borough of Camden Unitary Development Plan 2006 (UDP). This was adopted in June 2006 and supersedes the 2000 Unitary Development Plan against which the application was determined. Accordingly I have determined this appeal on the basis of the Council's policies within the 2006 UDP.

## Main Issues

3. The main issues are the effect of the proposed development on the character and appearance of the appeal property and surrounding area and its effect on the living conditions of neighbouring occupiers by reason of loss of privacy and overlooking.

## Reasons

4. The Council confirmed that there is no objection in principle to the use of the existing building as apartments as proposed. I note that despite a 1986 appeal decision refusing permission for the conversion of the building to 3 apartments, conversion works have been carried out which the Council considers to be lawful. The building is currently laid out as 1 flat and a maisonette. Internal changes to the maisonette at ground and first floor levels to form 2, two bedroom apartments have recently been granted planning permission. I see no reason to disagree with the Council and consider that the subdivision of the existing maisonette into two residential units is acceptable and should be allowed.
5. The appeal building is lower in height than the majority of the buildings in the surrounding area, including recently completed development opposite. It is of an entirely different style

to its neighbours, described appropriately by the appellant as Italianate. Although the appeal building was erected in the rear garden of 201 Camden Rd, its visual and design relationship with No 201 is weak, despite its historical relationship. There is no longer any functional link. It was agreed at the Hearing that it is now an independent structure that relates more strongly in visual terms to the large terraced properties on Torriano Avenue.

6. As the extended building would still be lower than its neighbours, the setback retained and its width would not be increased, I consider that its subservience would be maintained. In my view, the proposed increase in height would improve the proportions of the building and address the imbalance caused by the significant size of the entrance portico which appears to me to be overly large. I consider that the resulting design and proportions of the building would be acceptable in terms of the appearance of the building itself, its relationship with the adjacent terrace and within its wider street context.
7. I have noted that the Council considers that to comply with its supplementary planning guidance relating to extensions, the appeal structure should be 1 storey below the height of the adjacent terrace. Although the appeal building is attached to the terrace, it is an independent building. In my opinion the extension policy does not apply in this respect and I have given this little weight.
8. The proposed development therefore complies with UDP policies S1, S2 and B1 which require new development to be of a high standard, appropriate to its setting and cause no harm the appearance of the locality. Among other things, UDP policy B3 resists alterations and extensions that would harm the architectural quality of a building or the surrounding area and requires the use of matching materials and preservation of the architectural integrity of the existing building. As I consider that the alterations to the building itself would be acceptable, I conclude that the development complies with this policy.
9. Turning to effect on living conditions, there is already a degree of overlooking of the rear windows of the hostel at 201-203 Camden Road. The proposed development would increase the number of windows on the opposing elevation and intensify this. However from an internal inspection, I found that although the 2 buildings are close, the arrangement of the existing windows on the opposing elevations does not result in direct overlooking into rooms opposite. In my opinion, if the lower part of the proposed windows facing on to No 201-203 at and below average eye level were to be obscurely glazed and fixed shut, this would overcome overlooking concerns and prevent harm to the living conditions of the hostel residents. These windows would not be the only light source for the rooms in this part of the proposed apartment and I consider that obscuring and fixing their lower part would not result in a loss of light or poor living conditions for future occupiers. Subject to such a condition, I consider that the proposal would not significantly conflict with the amenity protection aims of UDP policy SD6.
10. Because the appeal building is already there with the flank wall of a larger building immediately behind it, I consider that there would still be open and wide views of the adjacent garden areas and Torriano Avenue from the rear windows of the hostel. In my view the proposed increase in height of the building and the proximity of the extension would not increase any sense of enclosure to an unacceptable degree or have an overbearing effect on residents of the hostel such as to harm their living conditions.

11. A neighbouring occupier is concerned that the increased height of the building would result in a loss of sunlight to their garden. I have considered the orientation of the buildings but found little evidence that a loss of sunlight would result and note that the Council did not raise concerns about this aspect of the proposed development. I concur with this view.
12. As discussed at the Hearing, given the proximity of a tree to the appeal building and the trees on the site protected by a Tree Preservation Order, I have imposed a condition requiring details of tree protection during construction works to ensure their retention and continued health. A condition requiring the use of matching materials is required to protect the appearance of the appeal building and surrounding area.

### **Formal Decision**

13. I allow the appeal, and grant planning permission for the erection of an additional storey to provide one residential unit and the subdivision of existing maisonette into two residential units at 201C Camden Road, London, NW1 9AA in accordance with the terms of the application, Ref 2005/4852/P, dated 15 November 2005, and the plans submitted with it, subject to the following conditions:
  - 1) The development hereby permitted shall begin before the expiration of three years from the date of this decision.
  - 2) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.
  - 3) Design details of the new top floor windows on the elevation facing onto the rear of 201-203 Camden Road, to include details of how the lower part of the windows at and below average eye level shall be fixed shut and obscurely glazed, shall be submitted to the local planning authority for approval prior to the commencement of the development hereby approved. The approved details shall be carried out in accordance with the approval prior to the first occupation of the top floor apartment and shall thereafter be permanently retained as such.
  - 4) Details of a scheme of measures for the protection of the tree located on the northern boundary of the site and protected trees within the site shall be submitted to the local planning authority for approval. The approved measures shall be carried out as approved before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site.

*Elaine Benson*  
INSPECTOR

## APPEARANCES

### FOR THE APPELLANT:

Martin Ledger MRICS  
Y J Themistocli  
BSc Dipl Arch (Hons) RIBA

96-98 High Street, Stevenage, Herts, SG1 3DW  
42 Forestdale, London, N14 7DX

### FOR THE LOCAL PLANNING AUTHORITY:

Hugh Miller BA (Hons)

Town Planner, London Borough of Camden

## DOCUMENTS

- 1 Policy References Adopted UDP to Replacement UDP
- 2 Letter from London Borough of Camden dated 21/11/2006 and policy attachments
- 3 Council's notification letters

## PLANS

- A Bundle of application drawings