



# Appeal Decision

Site visit made on 2 November 2006

by Mrs G R Stewart BSc DipTP 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 1/12/06

Appeal Ref: APP/X5210/A/06/2021771

78 Fortune Green Road, London NW6 1DS

- 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 Roger Nyman Esq against the decision of the London Borough of Camden Council.
- The application (Ref 2006/1160/P), dated 6 March 2006, was refused by notice dated 25 May 2006.
- The development proposed is "change of use to residential unit".

**Summary of Decision: The appeal is dismissed.**

## Procedural Matters

1. Notwithstanding the proposed development being described as a change of use on the planning application forms, it was more accurately described by the Council as the erection of a two storey, two bedroom dwellinghouse following demolition of the existing garage, and it is upon that basis that I have determined the appeal.

## Main Issues

2. The main issues relate to the effect of the development proposal on the appearance and character of the area, and upon the residential amenity of neighbouring occupiers.

## Planning Policy

3. The Replacement Unitary Development Plan (UDP) was adopted in June 2006 and the strategic thrust of the Plan is to secure sustainable development, protect the built environment and achieve development that promotes a high quality of life for all members of the community, contributes to sustainable land use patterns and does not harm local amenity. At a more detailed level, Policy B1 sets out general design principles which include (inter alia) a requirement that development should respect its site and setting, and Policy SD6 militates against development that would cause harm to the amenity of occupiers and neighbours, and the relevant factors include privacy and overlooking.

## Reasons

### *The character of the area*

4. The appeal site is occupied by a garage, which is at the end of a row of similar single storey outbuildings running along the rear access road from No. 94 southwards. However, I did not perceive the area generally to be characterised by development with a low profile. Immediately to the south of the appeal site, there is a rather ramshackle two storey building of indeterminate use, and beyond that a three storey building (No 68a) in residential use.

Moreover the opposite side of the access road is dominated by two-storey development, comprising 10 dwellings with basement parking. Furthermore, I understand that planning permission has been granted for two-storey development on sites at the rear of Nos. 94-96 and 98-100. If implemented, this would create an even greater sense of enclosure than already exists. Be that as it may, I do not regard the character of the area as so homogeneously single storey that two-storey development on the appeal site would look incongruous or harm the evolving character of the area. In principle I do not consider that the erection of a two-storey dwelling would conflict with UDP Policy B1, and its use of a currently under-used area would contribute towards the achievement of a sustainable pattern of development in line with the strategic aims of the UDP.

### ***Residential amenity***

5. The whole ground floor of 78 Fortune Green Road is in use for commercial purposes. The ground floor window in the main rear elevation of No.78, appears to be little used as a source of light or outlook, but that may not always be the case, and had I been minded to allow the appeal, it would have been necessary to consider the imposition of a condition requiring the blocking up of that window.
6. The upper floors of No 78 are in residential use with a window at first and second floor levels facing the appeal site at close quarters, (less than 5m according to Drawing 295/5 and slightly more than 5m according to Drawing 295/4). The projecting grilles proposed would not be effective in preventing intervisibility between the first floor rooms in the existing and proposed dwellings, owing to the fact that the facing windows would be at roughly the same level. There would therefore be a lack of privacy in the proposed master bedroom and in the rear facing room in the existing first floor flat. That relationship fails to satisfy the requirements of UDP Policy SD6, and causes me to conclude that planning permission should not be granted.

### **Conclusions**

7. I have taken into account all of the factors raised in the representations but found nothing that outweighs the harm to residential amenity that would be caused by the proposed development. For the reasons given above, I conclude that the appeal should be dismissed.

### **Formal Decision**

8. I dismiss the appeal.

*G R Stewart*

INSPECTOR