



Appeal Decision

Site visit made on 22 November 2006

by **P A Davies** BSc(Econ) MCD Dip.URS MRTPI

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

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Date **12 DEC 2006**

Appeal Ref: APP/X5210/A/06/2022247

46 Charlotte Street, London W1T 2GS

- 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 Salash Holdings Ltd against the decision of the Council of the London Borough of Camden.
- The application, Ref: 2006/1538/P, dated 24 March 2006, was refused by notice dated 3 July 2006.
- The development proposed is to change ground floor rear main windows to French doors. Replace pavement lights to ground floor rear yard to "walk on glass" structural waterproof glass floor. Small rear extension at first floor to form additional B1 office space. Top floor roof extension to form additional B1 office space. Rear extension from second to fourth floors to form additional B1 office space with new terrace.

Summary of Decision: The appeal is dismissed.

Procedural Matters

1. The appellants have stated that they wish to omit from the development the proposed terrace at fourth floor level. The Council has acknowledged this in their appeal statement and I consider that no parties' interests would be prejudiced by my taking this proposed amendment into account in my consideration of the appeal.

Main Issues

2. I consider the main issues in this case to be the effects of the proposed development on firstly, the living conditions of neighbouring residents, with particular regard to daylight and sunlight, outlook and privacy; and secondly, the character and appearance of the Charlotte Street Conservation Area.

Planning Policy

3. The development plan includes the Camden Replacement Unitary Development Plan (UDP), adopted in June 2006. Policy SD6 seeks to ensure that development does not cause harm to the amenity of occupiers and neighbours, having regard to factors such as visual privacy and overlooking, and levels of sunlight and daylight. Policy B1 sets out general design principles. Policy B3 deals with alterations and extensions to existing buildings, and contains a list of criteria to be used in considering development proposals. The supporting text refers to more detailed supplementary guidance published in 2002. Policy B7 reflects the statutory duty, when considering proposals for development in a conservation area, to have special regard to the desirability of preserving or enhancing the character or appearance of the area. The Conservation Area Statement for the Charlotte Street Conservation Area, approval by the Council in 1996, includes guidelines on development. I

have taken the Council's supplementary guidance into account in considering the appeal.

Reasons

Living Conditions of Neighbouring Residents

4. The appeal premises are a vacant office building situated within a terrace of commercial buildings, close to the junction with Goodge Street. The upper floors of the neighbouring properties in Goodge Street (nos. 38, 40 and 42) are in residential use, although no. 42 appeared to be vacant at the time of my site visit. The rear windows of these buildings look out onto the rear of the appeal property.
5. The appellants have undertaken a study to determine the effects of the proposed development on the levels of daylight and sunlight to the Goodge Street properties, based upon the Building Research Establishment's published guide to good practice (2001). The study shows that the skylight (as measured by the vertical sky component) reaching the majority of the rear windows in nos. 38, 40 and 42 would be unaffected by the development, and that in other cases the reduction in skylight would be within the BRE guidelines. The Council argues that the appellants should have carried out other exercises, such as calculating the average daylight factor, in order to achieve a more comprehensive assessment. However, I am satisfied that the appellants' study provides an accurate and reliable basis for assessing the effects of the development on daylight to the neighbouring residential properties. A separate assessment by the appellants indicates that the second floor roof terrace at no. 38 Goodge Street would experience some loss of afternoon sunlight in the months of April and August. In my view this level of reduction would not significantly affect residents' use of this space.
6. Some of the windows of the residential accommodation in no. 42 Goodge Street would look out directly onto the flank wall of the proposed extensions. The single storey extension at first floor level would be situated within 2 metres of the nearest window, and the proposed extension to the upper floors would be only about 4 metres from the windows in this property. I have taken into account that the second and third floor extension would only project about 1.5 metres from the existing rear wall of the appeal building. Nevertheless, because of its height and close proximity, I consider that it would significantly worsen the already limited outlook from the rear windows in no. 42. In my judgement, its overbearing impact would be materially harmful to the residents' living conditions. Although the outlook from the windows in nos. 38 and 40 Goodge would be less seriously affected, I consider that the residents of these properties would also experience an increased sense of enclosure.
7. The omission of the proposed roof terrace would remove the most likely source of potential overlooking of the neighbouring properties. Although the windows in the proposed rear extensions would be closer to 38, 40 and 42 Goodge Street than are the windows in the existing building, they would give only oblique angle views into the windows in these properties. The rear windows in the proposed additional storey would be in the same plane as the existing rear windows on the lower floors and, in my opinion, would not appreciably increase the extent to which neighbouring properties are overlooked. The second floor terrace at no. 38 is screened by a close-boarded fence and also has a roof. In my judgement, these features would ensure that the terrace would not be overlooked from the proposed extensions.

8. I conclude on this issue that daylight and sunlight to neighbouring residential properties would not be appreciably reduced by the proposed development and that, with the omission of the roof terrace, the development would not materially affect neighbours' privacy. Nonetheless, in my judgement, the proposed rear extensions would represent an overbearing form of development that would materially harm the outlook from no. 42 Goodge Street. As a result, I consider that the living conditions of the residents of this property would be unacceptably affected by the development. I therefore find the proposal to be contrary to the objectives of Policy SD6 of the UDP.

Character and Appearance of the Charlotte Street Conservation Area

9. The densely developed Charlotte Street Conservation Area contains a mix of shops, restaurants, business and residential uses. The central part of the Area, within which the appeal site is situated, is characterised by terraces of late 18th and 19th century buildings, many of which have been the subject of extensions and alterations over the years. In its design and materials, the proposed additional storey would match the existing front elevation of the building. Its roof line would be consistent with that of the adjoining building at no. 44, whilst remaining lower than the larger scale, more modern building at no. 48. I therefore consider that the additional storey would relate well to its context and would not detract from the street frontage. The proposed rear extensions would not be visible from the street or from other public vantage points. As such, they would, in my opinion, have no appreciable effect on the character or appearance of the conservation area.
10. For these reasons, I conclude that the proposed development would preserve the character and appearance of the Charlotte Street Conservation Area and accords with the provisions of Policies B1, B3 and B7 of the UDP.

Conclusions

11. In my opinion, the harmful impact of the proposed development on the living conditions of neighbouring residents outweighs my favourable assessment on the second main issue and all other considerations. I therefore conclude that the appeal should be dismissed.

Formal Decision

12. I dismiss the appeal.

P A Davies

INSPECTOR