



Appeal Decision

Site visit made on 25 September 2006

by Alison Roland BSc DipTP MRTPI

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

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Date: 2 October 2006

Appeal Ref: APP/X5210/A/06/2014350/NWF

27 Flask Walk, Hampstead, London, NW3

- 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 Simon Freeman against the decision of Camden London Borough Council.
- The application Ref : 2005/3349/P, dated 4 August 2005, was refused by notice dated 12 October 2005.
- The development proposed is first floor mezzanine level to provide small bedroom.

Decision

1. I allow the appeal and grant planning permission for first floor mezzanine level to provide small bedroom, at 27 Flask Walk, Hampstead, London, NW3, in accordance with the terms of the application Ref: 2005/3349/P, dated 4 August 2005 and the plans submitted therewith, subject to the following conditions:
 1. the development hereby permitted shall be begun before the expiration of three years from the date of this permission;
 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. the roof area of the extension hereby permitted shall not be used as a balcony, roof garden, or similar amenity area without the grant of further specific permission from the local planning authority.

Reasons

2. The proposed extension would not replicate the existing pattern in the terrace but I do not consider it would appear out of character for the following reasons. Firstly, it stands at a point where there is an abrupt change in design of the terrace, with the adjacent houses on Lakis Close and No 29 Flask Walk being of a markedly different design. I agree with the appellant that this poses the opportunity to adopt a different approach. Secondly, although the extension would not be a storey height below eaves level as advocated by the SPG, it would nonetheless stand significantly below the valley of the main roof and would thus appear subordinate to the house and wider terrace, including the substantial mass of No 29 adjacent. Thirdly, several other rear outshutts in this terrace have been squared off, although at a lower level and I therefore do not consider that the form of the extension is

inappropriate. Lastly, the extension would not be readily visible from the public realm and although it would be seen from Back Lane, it would only be glimpsed at some distance. When viewed from surrounding houses, it would in the main, be viewed against the backdrop of the terrace.

3. For these reasons, I consider that the proposal would preserve or enhance the character or appearance of the Hampstead Conservation Area and comply with the terms of Policies S1, S2, B1, B3, SD6 and B7 of the UDP dated June 2006, the Hampstead Conservation Area Statement and the advice in PPG15 and PPS1. Although it would not comply with the letter of the advice in the SPG, I nonetheless consider that it would not undermine its aims and objectives.
4. Several residents have objected on the basis of harm to living conditions. No 23 Flask Walk stands some distance away and whilst the view from their terrace and garden would change slightly, I consider that their open outlook would be maintained. I also consider that given the separation distance between the appeal site and the properties on Back Lane and perception of overlooking from existing windows, the proposal would not be unduly harmful in terms of a loss of privacy.
5. No 29 Flask Walk contains windows in its rear elevation including an office and bedroom window at second floor and I viewed the appeal site from them. However, there would in my view be sufficient separation distance to these windows, particularly since they are set back behind the rear wall of No 27 to the effect that the only views of the proposal would be at an oblique angle. In addition, the bedroom is served by other windows in the opposite elevation and with this in mind, I consider that the room would remain adequately lit. The concealed light well serving the ground floor reception room and roof light to utility room are enclosed by high walls and are slightly offset relative to the extension. As such, I consider that the proposal would have only a marginal effect on the light reaching them.
6. The proposal would stand to the south of the 2 roof lights serving No 2 Lakis Close and given its close proximity, I consider it would impinge to some extent on the light reaching them. However, as they are perpendicular to the sky, I consider that any reduction in light would be within tolerable limits.
7. In coming to these views, I am mindful of previous refusals for extensions on this terrace, but I do not have their full details in order to make any meaningful comparison with the appeal proposal, which I must consider on its merits.
8. The Council have requested conditions relating to matching materials and the prohibition of the use of the roof as a terrace. I consider these are necessary in the first instance, to secure a satisfactory finished appearance and in the second, to protect the privacy of nearby residents. I shall adopt the wording in the Circular.

ALISON ROLAND

INSPECTOR