



Appeal Decision

Site visit made on 23 April 2002

Allowed

by **Linda Wride** Dip TP MRTPI

an Inspector appointed by the Secretary of State for Transport,
Local Government and the Regions

The Planning Inspectorate
4/09 Kite Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
☎ 0117 372 6372
e-mail: enquiries@planning-inspectorate.gsi.gov.uk

Date **10 MAY 2002**

Appeal Ref: APP/X5210/A/01/1079446

28A Chalcot Road, London NW1

- 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 H Breach against the decision of Council of the London Borough of Camden.
- The application (Ref. PEX0100465), dated 11 June 2001, was refused by notice dated 31 July 2001.
- The development proposed is removal of existing conservatory and erection of replacement conservatory extension to rear garden.

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

Main Issues

1. From all that I have seen and read, I consider the main issues in this appeal to be
 - (a) The effect of the proposed development on the appearance of the building and the character and appearance of the Primrose Hill Conservation Area.
 - (b) The effect of the proposed development on the living conditions of the occupiers of 27 Chalcot Road in terms of impact on outlook, daylight and sunlight.

Planning Policy

2. The Development Plan is the London Borough of Camden Unitary Development Plan (UDP) adopted in 2000. UDP Policy EN19 concerns the impact of development on occupiers of neighbouring property, having regard to daylight, sunlight, privacy and visual intrusion. Policy EN22 requires extensions to be subordinate to the original building in terms of scale, situation and use of materials, and not dominate neighbouring buildings.
3. The appeal site is located in the Primrose Hill Conservation Area. Policy EN31 broadly reflects the requirement of section 72 of the Planning (Listed Buildings and Conservation Areas) Act (1990) for special consideration to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area. The policy also requires new development to have a high quality of design, materials and execution. The Primrose Hill Conservation Area Statement published in January 2001 following public consultation, incorporates guidelines for development, including advice in PH25 that conservatories and extensions should not alter the balance and harmony of the property by insensitive scale, design or inappropriate materials. PH30 advises that conservatories should be at ground floor level only, small in scale and subordinate to the original building, as well as sensitive to the special qualities of the building and its original features.

rued

4. Draft Supplementary Planning Guidance (SPG) issued for consultation in November 2000 advises that conservatories should respect the plan form, period, architectural characteristics and detailing of the original building. They should usually be half width, and set back behind the rear building line of any solid rear extension.

Reasons

Character and appearance of the Conservation Area

5. The appeal site is located in the central part of the Conservation Area, which is very urban in character with high density development dominated by long terraces of mid 19th century housing. 28 Chalcot Road is a substantial mid terrace building on four floors plus accommodation in the roofspace, which has been subdivided into two units. The façade of the terrace in which it is situated has retained its architectural integrity. However at the rear I noted that houses in this part of Chalcot Road and elsewhere in the block have been altered and extended in a various ways including new windows, two storey extensions and full and half width conservatories. These alterations have undermined the architectural integrity of individual buildings and the unity of the terraces as seen from the garden areas. The appeal building has itself been extended at the rear on two levels flush with the original two storey 'closet' wing, plus a single storey conservatory a little over half the width of the building. The proposed conservatory would occupy almost the full width of the site but would be no deeper than the conservatory it would replace.
6. The traditional building layout has already been subsumed by earlier extensions. There are windows of various designs on the rear elevation and I have no evidence that the arched window in the 'closet' wing which would be lost in the proposed development, is an original feature. The existing conservatory is a modern addition, and I consider its removal acceptable. Given the substantial size of the main building, I do not consider that the proposed conservatory would dominate the rear façade, be over large or bulky. Its eaves level would be below the first floor balcony, and I find this relationship acceptable. The proposed materials, confirmed on site as painted brick with hardwood joinery, would be in keeping with the adjacent elevation.
7. I acknowledge that the proposed development would not accord with the draft SPG advice on the size and siting of conservatories. However, this SPG is in draft form for consultation purposes and I do not give it significant weight, particularly in circumstances where the host building has already been significantly modified and where the proposed development would have no material impact on the public domain, as in this particular case.
8. I conclude that the proposed development would preserve the appearance of the building and the character and appearance of the Primrose Hill Conservation Area, and it would not conflict with Policies EN22, EN23 or EN31 in the UDP or the objectives of the supporting Conservation Area Statement.

Effect on neighbours

9. The rear of the appeal building and its neighbours face north east and enjoy the morning sun. The proposed conservatory would be to the north west of No 27 Chalcot Road and so would not overshadow the glazed doors at the rear of No 27 adjacent to the appeal site. There is a tree in the garden of No 27 overhanging the site of the proposed conservatory which currently reduces daylight and affects the outlook from these glazed doors. I have

had regard to the fact that a means of enclosure up to 2m high could be erected without planning permission. I consider that in terms of the effect on daylight and outlook, there would be little difference between the solid flank wall of the proposed conservatory and a solid means of enclosure on the common boundary which could be built as permitted development. While the flank walls of the conservatory would be solid, the roof would be glazed and allow the passage of light. A planning condition could be attached to ensure that the roof remains translucent.

10. For the reasons I have identified, I do not consider that sunlight, daylight and outlook at No 27 would be unduly affected by the proposed development. I conclude that the living conditions of the occupiers of 27 Chalcot Road would not be unduly harmed and that the proposed development would accord with the objectives of Policy EN19.

Other matters

11. Policy EN23 seeks to ensure that the amenity value of gardens is not reduced as a result of the siting, size or form of extensions. Given the overall size of the garden at the appeal site, in my view a reasonable size garden area would still be retained in the appeal development notwithstanding the earlier extensions. I do not consider that the loss of a further 5 sq. m or so would significantly reduce its amenity value for outdoor recreation purposes. In the circumstances, I do not consider that the proposal would conflict with Policy EN23.
12. I consider that the solid flank walls of the conservatory would prevent overlooking and maintain the privacy of adjoining occupiers. While the gap between the proposed conservatory and the conservatory at the rear of No 29 would be smaller than exists at present, maintenance is a private matter between the respective householders and in any event access to neighbouring land for maintenance is provided for by other legislation. I have already noted that the proposed conservatory would project no further into the garden than the conservatory it would replace. The fact that permission was granted retrospectively for the existing conservatory is not material to my consideration of the current appeal.
13. I note that permission was granted on appeal for the conservatory extension at the rear of No 29 which has a smaller footprint, however I do not have information about this decision and in any event proposals must be assessed on their individual merits. In terms of precedent, I do not consider that this decision would fetter the Council's consideration of similar proposals on other sites where the circumstances are likely to be different.

Conditions

14. Other than the standard condition on time limits, the Council has not suggested any other conditions. I consider it necessary in the interest of the appearance of the building to attach a condition that the materials to be used should be as specified on the submitted drawing. In order to protect neighbours' privacy and to ensure that light can always pass through the conservatory roof, I consider that a condition is necessary to prevent alterations to the conservatory in respect of inserting windows in the flank walls and cladding the roof in a solid material.

Conclusions

15. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

Formal Decision

16. In exercise of the powers transferred to me, I allow the appeal and grant planning permission for the removal of existing conservatory and erection of replacement conservatory extension to the rear garden at 28A Chalcot Road, London NW1 in accordance with the terms of the application Ref PEX0100465 dated 11 June 2001, and the plans submitted therewith, subject to the following conditions:

- 1) The development hereby permitted shall be begun before the expiration of five years from the date of this decision.
- 2) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no windows shall be inserted in the side elevations, and the glazed roof shall be retained.
- 3) The development hereby permitted shall be constructed entirely of the materials details of which are shown on plan No 80.2259.P2.

Linda White

Inspector