



# The Planning Inspectorate

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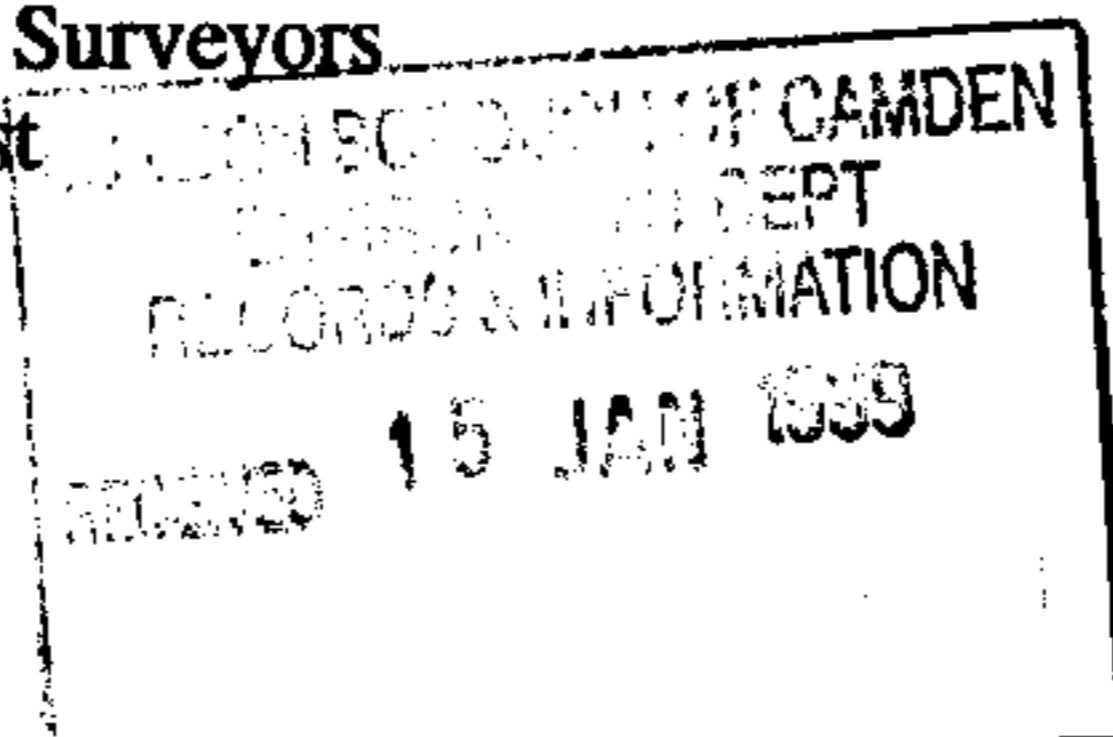
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APPEAL DISMISSED

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Your Ref:

DW/cf

Our Ref:

T/APP/X5210/A/98/1011259/P4

Date: 15 JAN 1999

Dear Sirs

**TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 & SCHEDULE 6  
APPEAL BY INDUSTRIAL & MERCANTILE INVESTMENTS LTD  
APPLICATION NO: PW9802076**

1. The Secretary of State for the Environment, Transport and the Regions has appointed me to determine your client's appeal against the decision of the Council of the London Borough of Camden to refuse planning permission for works of alteration and the erection of a rear extension and conservatory at first floor level at Flat 4, 100 Greencroft Gardens, London NW6. I have considered all the written representations together with all other material submitted to me. I inspected the site on 21st December 1998.
2. The appeal relates to a large detached house on the northern side of Greencroft Gardens that has been divided into six flats. Your client proposes to erect a single-storey extension at first-floor level above an existing flat-roofed, single-storey addition. The proposal would provide a further room measuring some 5.5 metres X four metres and also a rear conservatory for the flat, which is within the western part of the building adjoining the common boundary with 102 Greencroft Gardens. This is a similar property to the appeal premises which has also been divided into flats following a planning permission granted in 1986. The site is within the Swiss Cottage Conservation Area.
3. Section 54A of the 1990 Act requires that planning applications and appeals are determined in accordance with the provisions of the development plan, unless material considerations indicate otherwise. In this case the development plan comprises the Borough Plan (1987) and the Greater London Development Plan. The Council has drawn my attention to policies UD2, UD3, UD18 and UD32 of the Borough Plan. These policies seek to achieve a high standard of design in all developments, making sure that new developments are sensitive to and compatible with the surrounding environment.
4. In addition, the emerging Unitary Development Plan (UDP) must be given significant weight since it is at an advanced stage. The Council has referred me to policies EN1, EN16, EN33, EN50 and EN52 of the UDP. Policy EN1 seeks to ensure that developments will not adversely impact the amenity of the surrounding area and the quality of the wider environment. Policy EN16 states that the Council will seek to ensure a high standard of design in all developments, while policy EN33 emphasises that development within a conservation area should preserve or enhance its appearance. Policy EN50 requires that extensions should relate to the form, proportions and character of the building. Policy EN52

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makes clear extensions should be subordinate to the main building in terms of bulk and height.

5. I have also noted the Supplementary Planning Guidance accompanying the UDP, particularly Section 14 which deals with the design of rear extensions. This states that although these are generally the most appropriate way to extend a property, single-storey extensions are preferable. Where an extension above ground-floor level is appropriate, a shallow depth of extension will be preferable to compensate for any increase in visual bulk.

6. In addition the agent for residents within 102 Greencroft Gardens has referred me to policies in the UDP, such as RE1 and RE\*, which emphasise the need to protect residential amenities within Camden. I have noted that a specific Development Standard (DS5) deals with the protection of privacy.

7. From my consideration of the written representations and my visit to the site, it is my opinion that the principal issues in this case are:

(a) whether the proposal would unacceptably reduce the amenity of occupiers of 102 Greencroft Gardens.

(b) the impact of the proposal on the character and appearance of the Swiss Cottage Conservation Area.

8. With regard to the first issue, local residents suggest that the proposed extension would seriously overshadow ground and first-floor windows to habitable rooms on the flank wall of No. 102. They also argue that a loss of privacy would result from the insertion of a new bedroom window into the flank wall of the appeal premises and from the use of the proposed rear conservatory.

9. In response you state that the rear of No. 102 must already be overlooked by a number of adjoining properties. Moreover, your client would be prepared to include obscure glazing to the side of the conservatory to maintain privacy, and also to relocate the new bedroom window to ensure that it did not directly face windows on the flank wall of No. 102.

10. I consider that the two measures that you have suggested should deal with the understandable concerns of local residents about privacy. However, they would not address the impact of the proposal on light to rooms within No. 102. I observed at my visit to the site that, because of the narrow gap between Nos. 100 and 102, light to several of these rooms - particularly on the ground floor - is already limited. In my opinion the erection of a first-floor extension to the appeal premises would further reduce light and thereby cause a significant loss of amenity. In reaching this view I am aware that the present proposal to some extent replicates the development previously approved at No. 102. However, that decision was taken some years ago and cannot be regarded as setting a precedent for the present scheme, which must be considered in the light of current planning policies.

11. Turning to the second issue, the Council argues that the proposal would conflict with policy EN52 as it would not be subordinate to the main building in terms of bulk and height, and would also conflict with the Supplementary Planning Guidance. In the Council's view the proposed conservatory would disrupt the appearance of the rear elevation of the building

because of its first-floor location. Finally, the Council suggests that because of its size, location and design, the proposal would fail to preserve or enhance the Conservation Area and thereby not accord with policy EN33.

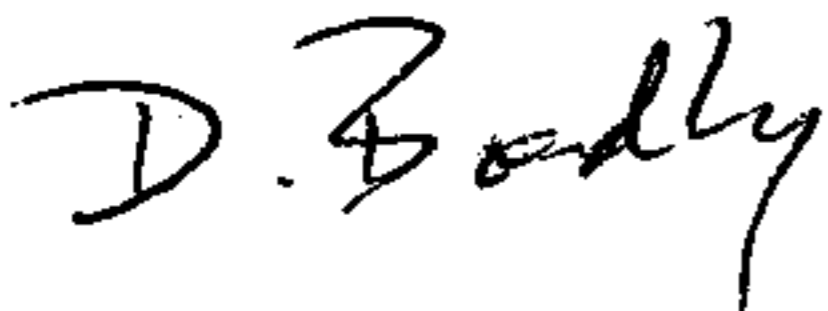
12. In your view the proposed extension would have a similar character to the original building. You emphasise that the development would not extend the footprint of the appeal premises and would be the same depth as existing extensions and back additions. You do not accept that a first-floor conservatory would be unusual and note that the extension would be smaller in scale than that allowed at No. 102.

13. I observed at my visit to the site that the proposed extension would not be visible from the road, and that views of it from adjoining properties would also be restricted by the depth of existing rear additions on these properties and on the appeal premises. Nevertheless, it would be seen from the rear gardens of adjoining dwellings. I share the Council's view that because of its first-floor location, the proposed extension would significantly alter the existing rear elevation of the property. Although a number of similar alterations to other nearby premises within the Conservation Area have been approved in the past, your proposal must be considered against the Council's current planning policies. I agree with the Council that approval of the scheme would not allow the existing character of the Conservation Area to be preserved, and would thereby conflict with the objectives of the UDP.

14. I have therefore concluded that the appeal should not be allowed. I have taken into account all the other matters raised in the representations. However, they do not outweigh the considerations that have led to my decision.

15. For the above reasons, and in exercise of the powers transferred to me, I hereby dismiss this appeal.

Yours faithfully



DENNIS BRADLEY BSc (Econ) DipTP MRTPI  
Inspector