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011/11/19 - 32500  
 Ref. No 1175. DISMISSED  
 CHIEF EXECUTIVE'S  
 DEPARTMENT  
 13 JUL 1982

J A Grinfeld Esq BArch(UBA)  
 51 Annandale Road  
 GREENWICH  
 London SE10

Your reference  
 811/AG  
 Our reference  
 T/APP/5008/A/82/02042/G5  
 Date  
 12 JUL 1982

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9  
 APPEAL BY MR R AGUIRRE  
 APPLICATION NO:- 32500

1. I refer to this appeal, which I have been appointed to determine, against the decision of the London Borough of Camden Council to refuse planning permission for the erection of a conservatory at ground floor level and the erection of an additional storey to the existing 2-storey rear addition at No 22 Alma Street, London NW5. I have considered the written representations made by you and by the council and also those made by other interested persons. I inspected the site on 5 May 1982.
2. From my inspection of the site and surroundings and from the representations made, I am of the opinion that the main issues in this case are (i) whether the proposed total floor space of the building would be excessive in relation to the site and the character of the area generally; and (ii) whether your client's proposal would prevent adequate natural light from reaching the adjoining premises.
3. On behalf of your client you argue that the proposed first floor extension and the temporary conservatory are quite different structures and it seems peculiar that the same grounds for refusal should be applicable to both; that the proposals would not result in any significant loss of daylight or sunlight to habitable rooms in neighbouring properties; that the proposed light weight structure at basement level would not affect the amenities of adjoining properties; that there are similar extensions existing at No 17 Alma Street and Nos 24 and 30 Willes Street; and that the occupier of the adjoining premises has written to say he has no objection to the alleged loss of daylight to his property.
4. In my opinion the 2 proposed extensions would both result in an increase in the floor space of the premises and the council are correct in treating the 2 extensions on the same basis, the different types of structure are irrelevant from a planning point of view. I note, however, that the council state they would have no objection to the proposed conservatory at basement level since it would be "inconspicuously sited between the existing rear extension and the flank wall of the adjoining property". I would endorse that statement because this structure would cause no harm to the adjoining property. In my opinion the proposed first floor extension would cause a severe loss of daylight to the adjoining property on the other side, and although the present occupier may have no objection to this loss of amenity a future occupier may well be aggrieved. I consider the council are right to refuse permission for this extension. The similar extensions which you describe on other properties in the vicinity may well be permitted development which did not require planning permission, and therefore cannot be accepted as valid precedents.

5. I have considered all the other matters raised in the representations but they are of insufficient weight to affect my decision.

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

I am Sir  
Your obedient Servant

*S. R. H. King*

S R H KING DipTP(London) ARIBA MRTPI  
Inspector