
Appeal Decision

Site visit made on 3 April 2014

by Timothy C King BA(Hons) MRTPI

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

Decision date: 22 April 2014

Appeal Ref: APP/X5210/A/13/2207107

29 Chalton Street, London, NW1 1JD

- 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 S Ansari against the decision of the Council of the London Borough of Camden.
 - The application Ref 2013/3876/P, dated 20 June 2013, was refused by notice dated 12 September 2013.
 - The development proposed is Erection of a part single storey part three storey rear extension to enlarge existing first, second and third floor flats with associated balcony and roof terraces with railing and fencing enclosures.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a part single storey, part three storey rear extension to enlarge existing first, second and third floor flats with associated balcony and roof terraces, including the erection of screening enclosures at 29 Chalton Street, London, NW1 1JD in accordance with the terms of the application Ref 2013/3876/P, dated 20 June 2013, subject to the following conditions:
 - 1) The development hereby permitted shall begin no later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Nos. 29CHA-01, 29CHA-02, 29CHA-03 (Rev 01), 29CHA-04, 29CHA-05, 29CHA-06, 29CHA-07 (Rev 01), 29CHA-08, 29CHA-09, 29CHA-10 and Site Location Plan.
 - 3) 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.
 - 4) Notwithstanding the details shown on Drawing Nos. 29CHA-07 (Rev 01), 29CHA-08 and 29CHA-09, no development shall take place until full details of 1.8m high screens, to be installed at first, second and third floor levels, have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in full accordance with the approved details.
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Procedural Matters

2. I have considered the appeal having regard to the Government's planning guidance which came into force on 6 March 2014. Also, in October 2013 the Mayor of London published Revised Early Minor Alterations (REMA) to the London Plan. I have had regard to the changes in determining this appeal.
3. In view of the requirements of Condition No 4 imposed I have changed the description of the development slightly, deleting the reference to railing and fencing enclosures, to allow for the appellant to provide details of appropriate screening.

Main Issues

4. The main issues involved are 1) the effect on the character and appearance of the area; and 2) the effect of the proposal on the living conditions of existing neighbouring occupier, with particular regard to overlooking.

Character and appearance

5. The appeal property, four storeys in height plus basement, comprises a commercial ground floor unit overlain by upper floor residential flats. The building is one of a terrace which, when viewed from Chalton Street, relates closely with Nos 31, 33 and 35 that are of similar height and form. However, from the rear, the building is significantly deeper than these neighbouring properties, having apparently been extended during the past decade. The basement and ground floor extend almost to the site's rear boundary with a deep roof terrace formed for the benefit of the existing first floor flat. It is proposed that the second floor be extended, building over the existing roof terrace to its full depth, with extensions also to the two floors above. These would be recessed from the rear building line below. The extensions would not be to the full width of the property, being set back from the common boundary with No 31.
6. The second floor flat would have access to the new elevated flat roof for use as a terrace and the top floor flat would be afforded a small balcony whilst the first floor flat's external amenity space would be restricted to the area between the extension's flank wall and the side boundary. Further, the proposal would have the benefit of enlarging and improving the existing accommodation in the building's three upper floor flats which would all become good sized two-bed units.
7. The appeal building's relationship with its immediate neighbours contrasts with its relationship to No 25, the adjoining building on the appeal property's opposite flank. Of modern construction, this building's flank wall rises above No 29's first floor roof terrace to a height of five storeys before stepping down towards its rear wall close to the common boundary with buildings immediately behind.
8. The recent three storey extension to the rear of the appeal building, constructed in a relatively modern style with brick and render has, in terms of appearance, effectively disassociated the building from Nos 31, 33 and 35 along the terrace. It has also significantly changed the building's rear profile. Whilst these three properties have maintained a close and cohesive relationship with each other in

terms of depth, elevational treatment and general appearance, No 29 is now somewhat anomalous, relating neither to the neighbouring buildings of its age nor the relative larger scale, bulk and massing of No 25.

9. I note the text in justification to Policy DP24 of the Camden Local Development Framework Core Strategy and Development Policies (CSDP) which indicates that development should not undermine any existing uniformity or ignore patterns or groupings of buildings and that extensions should generally be subordinate to the original building. However, in this instance, given the building's already extended form its original rear façade profile has been lost. The proposal would project the building's existing main flat-topped roof rearwards and, apart from the resultant full depth first floor addition, the upper floor step-back would reflect that of the current arrangement.
10. Due, therefore, to its current appearance, the contextual setting and its relationship to the neighbouring buildings, particularly the presence of No 25, I do not consider that the proposed additions would be to an excessive height, bulk or scale. As such, the building's character and appearance would not be compromised by the development. Neither do I consider that the proposal would be detrimental or prejudicial to the character and appearance of the neighbouring buildings and the immediate area because of the dense urban setting and the surrounding buildings' differing styles, age and form.
11. Accordingly, on the first main issue, I conclude that the proposal would not be harmful to the character and appearance of the area and there would be no conflict with the aims and objectives of CSDP Policies CS14 and DP24.

Living conditions

12. The Council considers that the development would have a limited impact on neighbouring properties in terms of both outlook, and any resultant restricted daylight or sunlight entry. In arriving at this assessment the Council cites the considerations for such being the building's existing projection, the extent and depth of No 25 beyond, and the intention to have the extensions' side walls set in from the main building's flank. I agree with this reasoning.
13. The common boundary with No 31's curtilage is currently marked with a wooden fence which runs full depth along the parapet edge of No 29's flat roof to its rear building line. This would be extended across to the boundary with No 25. As mentioned, the narrowed roof terrace proposed for the first floor flat would sit directly behind. However, from my site visit, when standing on the roof, I noted that the fence does not reach an adult's average shoulder height and, thereby, in terms of an effective privacy screen it has clear limitations. The submitted plans indicate that the open edges of the proposed second floor roof terrace and the third floor balcony would be enclosed by black, powder-coated railings. The Council has raised concerns regarding the adequacy of this boundary treatment for the prevention of overlooking of neighbouring properties which themselves have roof terraces and I share these concerns. Nonetheless, the issue of privacy could be addressed with the imposition of a planning condition requiring for the installation of suitable boundary screening.
14. On the second main issue, I conclude that, subject to such preventative measures, the living conditions of neighbouring occupiers would not be harmed and, thereby, there would be no conflict with CSDP Policies CS5 and DP26.

Other matters

15. Representations were made by an interested party, raising concerns as to the proposed first floor side bedroom windows in respect of potential overlooking of a neighbouring roof terrace. The objector makes a suggestion that the proposed near window, adjacent to the bathroom, should not be installed in order to minimise any overlooking. I have given regard to this suggestion but consider that the installation of new suitable screening, to a height of 1.8m and of a material acceptable to the Council, would serve as an adequate barrier to safeguard neighbours' privacies.

Conclusion and Conditions

16. For the above reasons, and having had regard to all matters raised, I conclude that the appeal should be allowed.
17. I have considered conditions in the light of advice in the government's recently published planning guidance. In addition to the statutory time limit condition, for the avoidance of doubt and in the interests of proper planning, I shall impose a condition requiring that the development be carried out in accordance with the approved plans. I shall also impose a condition requiring that matching materials for the external surfaces be used in the extension's construction. Finally, in accordance with the Council's suggestion I shall also impose a condition requiring that details of appropriate screening to the proposed roof terraces and balcony be provided and agreed by the Council. This would ensure that the roof terraces and balconies are adequately screened so as to prevent overlooking, protecting the privacies of neighbouring occupiers.

Timothy C King

INSPECTOR