
Appeal Decision

Site visit made on 24 October 2014

by Gary Deane BSc (Hons) DipTP MRTPI

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

Decision date: 30 October 2014

Appeal Ref: APP/X5210/D/14/2225038

46 Spencer Rise, London NW5 1AP

- 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 Patrick Halliday against the decision of the Council of the London Borough of Camden.
 - The application Ref 2014/2075/P, dated 20 March 2014, was refused by notice dated 16 June 2014.
 - The development proposed is the erection of a new single storey rear extension and new rear roof terrace at second floor.
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Decision

1. The appeal is dismissed insofar as it relates to the erection of a new rear roof terrace at second floor. The appeal is allowed and planning permission is granted for the erection of a new single storey rear extension at 46 Spencer Rise, London NW5 1AP in accordance with the terms of the application Ref 2014/2075/P, dated 20 March 2014, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) That part of the development hereby permitted shall be carried out in accordance with the following approved plan: Ref 72.01.
 - 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.

Main Issues

2. The main issues are the effect of the proposed development, firstly, on the character and appearance of the host building and the local area; and secondly, on the living conditions of the occupiers of nearby properties with particular regard to privacy.

Reasons

Character and appearance

3. The appeal property, 46 Spencer Rise, is a mid-terrace dwelling of traditional style and appearance with three levels at the rear. It lies within the Dartmouth Park Conservation Area (CA), which contains a wide variety of buildings and is
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predominantly residential in character. The Council's Appraisal and Management Statement of the CA (A&MS) identifies No 46, like a number of buildings along Spencer Rise, as a positive contributor to the character and appearance of this designated area, with which I would concur. I have paid special attention to the desirability of preserving or enhancing the character or appearance of the CA, as required by section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

4. The proposal includes the erection of a new dormer style extension on the rear roof slope opening onto a new terrace on the flat roof of the existing 3-storey back addition. The top of the new extension would be close to the ridge with its base near to the eaves of the main house, thus creating an elongated opening at high level on the appeal property. In my opinion, this feature would appear as a large 'box-like' addition that would visually dominate the rear roof slope of No 46. It would also detract from the architectural style of the terrace to which the appeal dwelling belongs as the roofscape in the immediate vicinity of the site is largely unimpaired by alterations or extensions. While the A&MS notes that there is some flexibility for additional storeys on the south side of Spencer Rise, which would include the site, the Camden Planning Guidance, *Design* (CPG1) states that dormers should not be introduced where they interrupt an unbroken roofscape.
5. A new balustrade with glazed panels would be placed around the perimeter of the proposed roof terrace, the top of which would extend well above the eaves level of the main building and thus visually break the profile of the pitched roof. In this high-level position, the railings and panels would be a prominent feature of the appeal property, noticeably adding to the height of the tall back addition. I consider that this arrangement would be obtrusive and that it would conflict unsatisfactorily with the traditional style of the property and those next to it.
6. Although not readily visible from most public vantage points, these elements of the appeal scheme would be glimpsed between buildings along Churchill Road and, in part, from some properties at the side and beyond the rear of the site. Given the tight knit relationship of No 46 to the nearby buildings and gardens, their visual effect, elevated well above the height of the boundary fences and walls, would detract from the character and appearance of the CA, which would fail to be preserved.
7. From what I saw, there are a number of alterations and additions at a high level on properties in the local area including a roof terrace with glass screens on a building facing Churchill Road, beyond the rear of the site. As I do not have the full details of this scheme it is difficult to draw any meaningful conclusions in relation to this appeal. The Council also states that the mansard addition to 38 Spencer Rise, predates current planning policies that apply restraint to alterations at roof level to safeguard the character and qualities of conservation areas. To my mind, these roof level features and other changes to buildings have not compromised the character or appearance of the individual properties, or the area generally, to a degree that justifies an unsatisfactory roof addition and terrace, as proposed. In any event, I am required to deal with the proposal on its own merits, which I have done.
8. The National Planning Policy Framework (the Framework) states that great weight should be given to the conservation of heritage assets, as they are

irreplaceable and that any harm should require clear and convincing justification. In this case, I find that the harm identified to the CA would, in the context of the significance of the heritage asset, be less than substantial. In those circumstances, the Framework requires that harm should be weighed against any public benefits of the proposal.

9. In this instance, the proposal would increase the external private amenity space available to the occupiers of No 46 and improve the living conditions of the appellant and his family. The changes also link with a remodelled internal layout that would more closely resemble the original form of the house. It would also make more efficient use of the property and better suit the needs of the appellant's family than the open plan layout and the spiral staircase that has been installed. I am sympathetic to these desires. However, these benefits do not outweigh the harm that I have identified.
10. Accordingly, these aspects of the proposal conflict with Policies CS5 and CS14 of the Council's Core Strategy 2010-2025 (CS) and Policies DP24 and DP25 of its Development Policies 2010-2025 (DP), both of which form part of the London Borough of Camden Local Development Framework. These policies aim to ensure that new development respects local character and context, achieves the highest standard of design and conserves Camden's heritage assets including conservation areas.

Living conditions

11. The use of the new roof terrace would lead to a greater level of overlooking of the rear gardens and some windows of nearby properties to the side and rear of the site than would be possible from the upper rear windows of No 46. In my experience, overlooking of this type is a common characteristic of the relationship between flats and houses in tightly knit built up areas such as this. From what I saw, established vegetation would also provide some screening of neighbouring properties in views from the new roof terrace. While a privacy screen around the perimeter of the terrace would overcome overlooking problems, its visual impact would also be unacceptable for the reasons given. This feature would also signal the presence of the roof terrace to others, and thus could heighten a perception of being overlooked.
12. On balance, it is my view that the loss of privacy through the additional overlooking possible and the sense of being overlooked would be harmful to the living conditions of the occupiers of neighbouring properties. Accordingly, this part of the appeal scheme conflicts with CS Policy CS5 and DP Policy DP26, which aim to safeguard residential amenity.

Other matters

13. No objection is raised to the erection of a single storey rear extension, which would infill the narrow and short recess at ground floor level. I, too, find this element of the development acceptable because it would be modest in scale and height, appropriate in design and include external materials that would match the main dwelling. It would be subordinate to the host building and respect its visual character. Because the new single storey extension would nestle into the space between the existing building and the site's side boundary at a low level it would be inconspicuous within the CA.

14. Similarly, the two new roof lights on the front roof slope would have little material effect on the character and appearance of the main house and the street scene to which it belongs, primarily given their modest size and appropriate position. Both aspects of the appeal scheme would have no discernable effect on the character and appearance of the CA, which would be preserved.
15. As the proposed single storey rear extension and roof lights would be consistent with the character and appearance of the host building and the local area, they would comply with the policies to which the Council refers. These elements of the proposal are clearly separable to the remainder of the development sought. Consequently, I am able to issue a split decision that grants planning permission solely for them. In doing so, I have attached a condition requiring that the development be carried out in accordance with the approved plan for the avoidance of doubt and in the interests of proper planning. To ensure the satisfactory appearance of the extension, a condition is required so that the external materials match those of the main building.

Conclusion

16. For the reasons set out above, and having regard to all other matters raised, including the absence of objections from others, I conclude that the appeal should be dismissed in part and allowed in part.

Gary Deane

INSPECTOR