
Appeal Decision

Site visit made on 18 November 2014

by David Murray BA (Hons) DMS MRTPI

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

Decision date: 27 November 2014

Appeal Ref: APP/X5210/D/14/2227571

4 Estelle Road, London, NW3 2JY.

- 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 M Huggett against the decision of Camden Council.
 - The application Ref. 2014/4208/P was refused by notice dated 22 August 2014.
 - The development proposed is the erection of a rear extension at second floor level.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed extension on the character and appearance of the host property and the surrounding area, including the Mansfield Conservation Area; and on the living conditions of the occupiers of neighbouring properties.

Reasons

Background

3. The appeal site comprises a three storey terraced property, with accommodation also in the roof space, and its rear garden, in an area of similar properties which also form part of the Mansfield Conservation Area. The proposal concerns the rear of the property where it is apparent that many of the houses have two storey flat roof extensions and these extensions are normally attached as a co-joined pair with one of the neighbouring houses.
4. In the case of the appeal site, at the time of my visit the roof of the first floor extension was used as a roof garden with a timber deck and it was enclosed by railings mounted on the top of two sides of the parapet wall whereas the third shared 'party' side was divided by a glazed screen containing obscure glass, together with a chimney breast in a sloping buttress wall in brickwork.
5. It is proposed to construct a flat roof extension at second floor level on top of part of the terrace and access would be obtained from a half-landing in the main house. The proposed extension would come out some 5.19m from the rear wall of the main house leaving about 1.75m of terrace remaining. Concertina French doors would open out onto this space.
6. At my site visit, I assessed the nature of the proposal from the rear garden of the appeal site and from the terrace on top of the existing first floor roof. The

appellant's agent draws my attention to other rear second floor extensions at No's 8 and 12 Estelle Road and I saw these at my visit. He says that these similar extensions and other work were approved under the same policies in the development plan as now referred to by the Council in the formal reasons for refusal, and queries the apparent inconsistencies in the Council's decisions. However, it appears to me that, generally, the policies seek to secure high quality design in new development and ensure that any development preserves or enhances the character and appearance and amenity of an area and protects the quality of life of neighbours. The policies therefore require a judgement to be made on the specific issues and circumstances of any case.

Effect on the host building

7. The rear elevation of the terrace is away from the public realm and therefore the views of the proposal will be from other properties and their private gardens.
8. In terms of the appeal site itself, the design of this has to take into account the paired existing extension of No.2. I have concerns that the further higher extension would be more prominent and appear at odds with the symmetry of the existing form of the adjoining houses. The further extension would appear as an obvious after-thought and, on balance, I do not consider that a further reduced 'box' would complement the character and appearance of the original building. As such, I find that it would not protect and enhance the local environment as generally required by policy CS5 of the Council's Core Strategy (2010).

Effect on the character and appearance of the conservation Area

9. Taking account of the wider setting of the site at the rear of the terrace, clearly the existing other second floor extensions have a bearing on the consideration of this one. It appeared to me at the site visit, that the two storey paired rear extensions maintain the rhythm of the rear elevations of the terrace, although this rhythm is slightly spoilt by the two other existing second floor extensions. Further, these higher extensions are different in character in that one is set back from the end of the original extension while the other is built up from the end wall. As far as I was able to judge from the garden level, the proposal would introduce a further different scale of projection. To my mind this would detract from the appearance of the terrace, albeit that views of the terrace are away from the public realm. Again as a matter of judgement, the effect is more of a negative one than a positive or neutral one and thus the work does not preserve or enhance either the character or appearance of the Conservation Area as required by policy CS14.

Effect on living conditions

10. In considering this issue I have taken into consideration the objection raised by the occupier of a flat within No. 2 Estelle Road. At my site visit, I noted that the roof of the paired extension at No.2 was also used as a roof terrace and had outdoor garden furniture.
11. At the time of my visit in late morning, the sun was reaching the terrace of No.2 and part of the terrace at No.4 was in shadow. It therefore appears to me that the orientation of the terrace is such that the proposed second floor extension would not restrict the sunlight reaching the terrace of No.2 or the

kitchen window. Nevertheless, even allowing for the presence of the chimney buttress that bisects the terraces, I consider that the user of the terrace at No.2 would feel enclosed and their aspect from this recreational area would be materially reduced by the close presence of the new extension so their enjoyment of this facility would be impaired. I therefore find that the proposal to improve the appellant's property would be at the material detriment of a neighbour's living conditions and amenity, contrary to the provisions of policy DP26 of the Campden Local Development Policies.

Planning Balance

12. Bringing together my conclusions on the main issues, I have found that, notwithstanding the two other examples of second floor additions that have been brought to my attention, the proposed further second floor rear extension would not enhance the character and appearance of the host property and would also upset the rhythm and wider character of the rear of the terrace. Although the proposed extension would be situated at the rear of the property this wider setting of buildings still contributes to the character and appearance of the Mansfield Conservation Area and I have found that the proposal would not preserve or enhance these attributes.
13. I have also found that the addition of an extension to the paired terrace would have a harmful effect on the enjoyment of the remaining terrace by its occupier.
14. These findings mean the proposal does not accord with the relevant provisions of the development plan that I have identified. These policies are generally consistent with the National Planning Policy Framework (2012) and should be given due weight
15. In terms of the Framework itself, I conclude that while the proposal will lead to less than substantial harm to the significance of this heritage asset of the Conservation Area, the harm caused would be a material one and it is not outweighed by any public benefits. The means that the proposal would not constitute 'sustainable development' and the presumption in favour of this in paragraph 14 of the Framework does not apply to the proposal.
16. Overall, I conclude that there are no other material considerations which outweigh the harm identified, or the conflict with development plan, and that planning permission should not be granted for the proposal.

Conclusions

17. For the reasons given above I conclude that the appeal should be dismissed.

David Murray

INSPECTOR