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## Appeal Decision

Site visit made on 10 November 2014

**by K R Seward Solicitor**

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

**Decision date: 11 December 2014**

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**Appeal Ref: APP/X5210/A/14/2224809**  
**7 Modbury Gardens, London NW5 3QE**

- 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 Venja Janicijevic against the decision of the Council of the London Borough of Camden.
  - The application Ref 2014/1994/P, dated 25 March 2014, was refused by notice dated 20 June 2014.
  - The development proposed is erection of rear single storey extension at first floor level.
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### Decision

1. The appeal is allowed and planning permission is granted for the erection of a rear single storey extension at first floor level at 7 Modbury Gardens, London NW5 3QE in accordance with the terms of the application, Ref 2014/1994/P, dated 25 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) The development hereby permitted shall be carried out in accordance with [the following approved plan Nos: OS000 (*ordnance survey map*); 001 (*existing ground floor plan*); E002 (*existing first floor plan*); E003 (*existing second floor plan*); 004 (*existing roof plan*); 010 (*existing long section A-A*); 011 (*existing cross section B-B*); 012 (*existing north and south elevations*); 013 (*existing east elevation*); 014 (*existing west elevation*); 101 (*raised ground floor plan*); 102 (*proposed first floor plan*); 103 (*proposed loft plan*); 104 (*proposed roof plan*); 110 (*proposed long section A-A*); 111 (*proposed cross section B-B*); 112 (*proposed north and south elevations*); 113 (*proposed east elevation*); 114 (*proposed west elevation*) and 115 (*proposed south-west view from common area*).
  - 3) Notwithstanding Condition 2), no development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

### Main Issue

2. The main issue raised is the effect of the proposed extension on the character and appearance of the host dwelling and surrounding area.

## Reasons

3. Modbury Gardens is a short cul-de-sac composed of a row of three storey Victorian terraced houses on both sides of the road, each property being colourfully painted. It is accessed off Queen's Crescent which has long, period terraced housing of three or more storeys in a variety of styles.
4. No 7 Modbury Gardens is at the far end of the terrace. It has been subdivided into a flat at lower ground level and a maisonette on the raised ground floor and upper floors, including accommodation within its mansard roof. The front of the terrace is very uniform whereas the rear has a variety of additions. No 7 has an existing full width two storey rear extension. A further half width flat roofed projection contains a roof terrace over part. This is enclosed to the outer side edge by a brick parapet and a wooden balustrade extends midway across the centre. Alongside the roof terrace is the glazed roof for a room below. A high metal framed privacy screen with obscured glazing separates the appeal property from a roof terrace above an extension at No 6.
5. The proposal is to extend above, and a short distance beyond, the roof terrace to create an additional bedroom and a study. The overall depth would be approximately 5.5m. A previous application for a similar sized timber clad extension was dismissed on appeal in 2013<sup>1</sup>. The current application seeks to overcome the reasons for dismissal. These concerned the effect of its bulk and proportions and timber box-like design on the character and appearance of the dwelling and its surroundings.
6. Immediately behind the flank wall of No 7 is an open grassed area with several mature trees separating the property from Maitland Park Road where there is a mix of residential properties. These include a four storey modern block of flats overlooking the landscaped area. The flank wall and existing extensions of No 7 create a large expanse of plain brick wall with a staggered profile. As part of the proposal the height of the roof terrace parapet would be raised by just under a metre with matching brick. The existing bricks are weathered, but with careful selection, this small section of wall should be capable of successfully integrating in the same way achieved by the existing extension. The remaining half of this side elevation would comprise frameless glazing which would continue to the rear and other side elevation facing No 6. A flat roof would be clad with grey coated aluminium.
7. The use and combination of these materials would visually break-up the scale and mass of the proposed extension when viewed from Maitland Park Road, thus avoiding the appearance of disproportionate bulk. The roof cladding and glazing would provide contrast with the traditional brick, adding interest and enlivening a monotonous expanse of solid wall lacking in any architectural merit. The clean lines would also provide a neater and more structured profile.
8. The distinction in design and materials would clearly identify the proposal as a modern addition, but one which given its simplicity and choice of materials would respect the period property without competing with it. Moreover, through the careful choice of design with different components to soften the size, height and scale, the proposed extension would not appear overly dominant. Thus, although the proportions are only marginally less than the previous proposal, I consider that the improved design, making better use of

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<sup>1</sup> Appeal Ref: APP/X5210/A/13/2200706 dated 13 November 2013

more sympathetic materials would enable the proposed extension to harmonise sufficiently with the existing property to preserve and enhance its character.

9. Combined with the previous additions, the appeal property would have increased notably in size. Notwithstanding this, the layered effect with the levels stepping down would enable the main elevation to remain the dominant part of the building and to retain its identity.
10. The height would not be one full storey below the original roof parapet, as recommended in the Council's adopted Supplementary Planning Document<sup>2</sup> (SPD); a point raised by the previous Inspector. However, the revised proposal is markedly different in terms of its architectural design, materials and wider impact which would be appreciably less than a timber boxy structure. It would be significantly lower than the parapet of the main roof providing a clear demarcation between the original building and extension. Overall, and taking into account that there is also accommodation within the mansard roof addition, the proposal would appear reasonably well proportioned in the context of the size and scale of the house. Whilst higher than the neighbouring extensions, given the simple but considered design and sympathetic use of materials, it would not appear out of keeping.
11. I conclude that the proposed extension would not adversely affect the character and appearance of the host dwelling and surrounding area. As such, I find no material conflict with Policy CS14 of the Camden Core Strategy, 2010-2025, Policy DP24 of the Camden Development Policies, 2010-2025 or Paragraph 56 of the National Planning Policy Framework. All of these documents, amongst other things, seek high quality design.

### **Other Matters**

12. The Council has raised concern that the proposed extension would set a precedent which would, over time, result in the loss of the building's identity. Clearly, each application must be considered on its individual merits. In this instance, I have found the proposal to be acceptable and I see no reason why it should lead to harmful developments.

### **Conditions**

13. Apart from the standard time limit condition, it is necessary for the development to be carried out in accordance with the approved plans for the avoidance of doubt and in the interests of proper planning. I have imposed a condition requiring approval of external materials to ensure a satisfactory appearance.

### **Conclusion**

14. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

*KR Seward*

INSPECTOR

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<sup>2</sup> Camden Planning Guidance *Design*, 2013