
Appeal Decision

Site visit made on 12 January 2016

by Philip Lewis BA (Hons) MA MRTPI

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

Decision date: 03 February 2016

Appeal Ref: APP/X5210/W/15/3134507

5 Hemstal Road, West Hampstead, London NW6 2AB

- 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 Landon Kulick against the decision of the Council of the London Borough of Camden.
 - The application Ref 2015/1380/P, dated 27 February 2015, was refused by notice dated 30 June 2015.
 - The development proposed is described as *rear extension and mono pitched roof at first storey level (2nd application following withdrawal of applic No, 2014/7602/P) 3 No. rooflights to be added to new flat roof.*
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Decision

1. The appeal is dismissed.

Procedural matter

2. Whilst the Council did not refuse the application on the grounds of the effects of the proposal on the living conditions of the occupiers of neighbouring properties in Dynham Road, it did refer to this issue in its delegated report and statement of case. The appellant commented on the issue in their statement of case and has had the opportunity to make final comments on the Council's and third party submissions in this regard. I have therefore included the effect of the proposal on the living conditions of the occupiers of neighbouring properties on Dynham Road with particular reference to privacy, as one of the main issues for the appeal.

Main Issues

3. The main issues raised by this appeal are:
 - The effect of the proposal upon the character and appearance of the existing building and the surrounding area; and
 - The effect of the proposal on the living conditions of the occupiers of neighbouring properties on Dynham Road with particular reference to privacy.

Reasons

Character and appearance

4. I saw at my site visit that there is some variety in the style and nature of alterations to the rear of buildings along Hemstal Road and the neighbouring
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Dynham Road. I also observed that the proposed development would be visible clearly from Dynham Road, where there is a gap in the otherwise developed frontage occupied by an electricity sub-station.

5. Whilst the rear of the host building has already had some alterations and the existing flat roof extension may not add positively to the character and appearance of it, the proposed extension, albeit using matching materials, would nevertheless appear bulky and out of character with the host building. In particular, the proposed flat roof terminating at eaves level, extending in width beyond the gable and accentuated by the proposed mono pitch roof above the existing ground floor, would give rise to an incongruous and obtrusive addition. This would be out of character with the host building and those surrounding on Hemstal Road. Whilst there are other tall, flat roofed extensions on the rear of properties on Dynham Road, they relate to buildings of a different design and are not necessarily indicative of what should be followed in this case. In any event, I have considered the proposal on its merits.
6. To conclude on this matter, the proposal would harm the character and appearance of the existing building and the surrounding area. It therefore does not accord with Policy CS14 of the Camden Local Development Framework Core Strategy 2010 – 2025 (Core Strategy) which includes that development is of the highest standard of design and respects local context and character. It also does not accord with Camden Local Development Framework Development Policies 2010 – 2025 (Development Policies) Policy DP24 which is concerned with securing high quality design including development considering character, setting, context, form, scale of neighbouring buildings and proportions of existing buildings. The proposal additionally does not accord with the guidance contained within Camden Planning Guidance 1 Design, which sets out that new extensions should be subordinate to the original building and respect the existing pattern of rear extensions.

Living conditions

7. At my site visit I saw the relative close proximity between the rear of properties on Hemstal Road and Dynham Road and noted the extent of overlooking between properties that currently exists. I took the opportunity to view the appeal site from No 11 Dynham Road during my site visit. No 11 has habitable rooms in its rear elevation with windows facing the appeal site. Whilst these rooms are already compromised to a degree in terms of privacy due to the proximity of windows in the rear of buildings on Hemstal Road, the proposed rear extension would bring windows of habitable rooms about 2.1m nearer to the rear habitable room windows of No 11. The additional effects upon the privacy of the occupiers of No 11 which would result are unacceptable. Although the proposed windows would be on a more oblique angle in respect of No 9 Dynham Road, the privacy of the occupiers of that dwelling would also be compromised by the proposed development.
8. The submitted plans indicate that the lower part of the windows of the proposed extension to 1700 mm above floor level would be fixed shut and obscure glazed. However, due to the difference in levels between windows on properties on Dynham Road and the proposed extension, this is unlikely to be entirely effective in safeguarding the living conditions of neighbours. In any

event, the resulting outlook for the occupiers of the host dwelling as so extended would consequently be poor.

9. The proposal would therefore give rise to unacceptable harm to the living conditions of the occupiers of neighbouring properties on Dynham Road in terms of loss of privacy and a poor outlook for the occupiers of the extended flat. The proposal does not accord with Core Strategy Policy CS5 which includes that the amenity of Camden's residents will be protected and Development Policies Policy DP26 which seeks to protect the quality of life of occupiers and neighbours, by only granting permission for development that does not cause harm to amenity, including in respect of visual privacy, overlooking and outlook. The proposal also does not accord with one of the core planning principles set out in paragraph 17 of the National Planning Policy Framework which states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

Other matters

10. I have considered the appellant's submissions that the existing flat is narrow, that the existing arrangement of rooms is less than ideal and that the appeal proposal would provide an additional bedroom and general improvement in layout. However, these matters do not change my overall conclusions.

Conclusion

11. For the reasons given above and having considered all matters raised, I consider that the appeal should be dismissed.

Philip Lewis

INSPECTOR