
Appeal Decision

Site visit made on 3 February 2016

by Graeme Robbie BA(Hons) BPI MRTPI

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

Decision date: 25 February 2016

Appeal Ref: APP/X5210/W/15/3137894

45 Pilgrim's Lane, Camden, London NW3 1SR

- 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 Ricardo Scaff against the decision of the Council of the London Borough of Camden.
 - The application Ref 2015/2769/P, dated 19 June 2015, was refused by notice dated 6 October 2015.
 - The development proposed is the conversion of an existing flat roof at the rear of the existing apartment block into an external terrace.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council's refusal notice set out a single reason for the refusal of planning permission. However, the Council have subsequently stated that a clerical error resulted in the omission from the refusal notice of a second refusal reason relating to the effect of the proposal on living conditions of occupiers of neighbouring properties.
3. It is clear however, having considered the submissions, that this matter was considered by the Council as part of their assessment of the proposal and, by inclusion in the delegated report, forms part of their submission. The appellant and third parties were fully aware of the issue of living conditions as set out in the Council's officer delegated report and have had the opportunity to consider this issue. As it is clear that this formed part of the Council's consideration of the matter and all parties have had the opportunity to make representations on this matter, I too shall consider the matter of living conditions in my determination of this appeal.

Main Issues

4. From all the representations submitted therefore, and from my inspection of the site, I find that the main issues are:-
 - The effect of the proposal on the living conditions of occupiers of Nos 12, 13 and 14 Willow Road, with particular regard to privacy; and
 - Whether the proposal would preserve or enhance the character or appearance of the Hampstead Conservation Area.
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Reasons

Living Conditions

5. The appeal proposal has clearly been designed in a manner that recognises the potential for privacy issues and potential overlooking of adjoining properties to be an issue. The obscure glazed privacy screens on each side of the proposed terrace would provide a level of privacy to occupiers of some, but crucially not all, of the neighbouring properties.
6. I accept that there is a degree of inter-visibility between the rears of properties on Pilgrim's Lane and those on Willow Road due to the orientation of, and angle between, the two streets. Whilst the screens would go some way to alleviating such concerns for certain properties, most notably numbers 8 to 10 and, to an extent, No 11 Willow Road, they would not, and indeed could not, address similar concerns in respect of those cited by the Council in their refusal.
7. The relationship between the rear of the appeal property and the rears of Nos 12, 13 and 14 Willow Road is such that glazed panels on the side elevations of the proposed roof terrace could not hope to provide screening of the rears of those properties. The orientation of the rear of the appeal building (and therefore the proposed terrace) and the rears of Nos 12 to 14 Willow Road is such that there would be direct overlooking towards the rears of those properties.
8. In the case of numbers 12 and 13 Willow Road, this would be at a distance less than that advocated by the Camden Planning Guidance: Amenity (CPG6) document which seeks a minimum distance of 18 metres between windows to habitable rooms, but which also includes balconies. Whilst the submitted plans indicate somewhere in the region of 19.5 metres to the nearest windows at No 14, the appeal property comprises the uppermost two floors of 45 Pilgrim's Lane, itself a substantial building. Access to the terrace would open out from the top floor, meaning that it would enjoy a significant outlook from, and over, all three properties.
9. For these reasons, I conclude that the proposal would cause an unacceptable degree of overlooking of, and loss of privacy to, occupiers of Nos 12, 13 and 14 Willow Road. As such, this would be contrary to policy CS5 of the Camden Core Strategy (CCS) and policy DP26 of the Camden Development Policies 2010 (CDP) which together seek to ensure that the impact of developments on their occupiers and neighbours is fully considered to protect the quality of life of occupiers and neighbours by only granting permission for development that does not cause harm to amenity.

Character and Appearance

10. No 45 Pilgrim's Lane is a building of substantial scale. Viewed from the rear it is a five storey block, and the proposed roof terrace would be sited atop the flat roof of an existing four storey element of the rear outrigger. In this context, the elements associated with the proposed roof terrace, namely the glass balustrade to the front, and the taller obscure glazed side panels would be clearly visible. However, I find that the clean and relatively simple lines of the glass balustrade and side panels reflect the clean, crisp lines of the host property.

11. I noted during my site visit that there are a number of other properties within the street scene at the rear that also feature balconies with glass balustrades and glazed side panels. I accept the point made by the Council that these tend to be at lower levels and therefore do not have a particularly obtrusive or incongruous appearance. Whilst that may be so, those examples are also significantly larger than the proposal before me, which would be sited on the flat roof of an existing and modestly proportioned flat roof outrigger.
12. Whilst it may well be in a more visible position on the rear of the building than other balconies present in the surrounding area, I find that its relatively modest proportions and simple clean lines would not harm the appearance of the host building. As I find no harm to the appearance of the host building, and as there are already a variety of both traditional and contemporary balconies at the rears of properties on Willow Road, Pilgrim's Lane and Denning Road, the proposal would have a neutral effect on the Hampstead Conservation Area. As such, I conclude that it would preserve the character and the appearance of the conservation area, and I therefore find no conflict with CDP Policy DP25.

Conclusion

13. I have found that the proposal would not harm the appearance of the host building, and that it would preserve the character and the appearance of the Hampstead Conservation Area. Whilst this weighs modestly in favour of the proposal, this is clearly and demonstrably outweighed by the harm to the living conditions of the occupiers of Nos 12, 13 and 14 Willow Road arising from the overlooking and loss of privacy that would arise from the proposed development.
14. For the reasons set out above therefore, and having regard to all matters raised, I conclude that the appeal should be dismissed.

Graeme Robbie

INSPECTOR