
Appeal Decision

Site visit made on 16 February 2016

by Kevin Gleeson BA MCD MRTPI

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

Decision date: 14th March 2016

Appeal Ref: APP/X5210/D/15/3137892
3 Hillfield Road, London NW6 1QD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 1, Paragraph A.4 of The Town and Country Planning (General Permitted Development) (England) Order 2015.
 - The appeal is made by Miss Natalia Nowak, Elevations Ltd against the decision of the Council of the London Borough of Camden.
 - The application Ref 2015/5336/P dated 18 September 2015, was refused by notice dated 26 October 2015.
 - The development proposed is described as "6m rear extension under the Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2 Part 1 A.1 (g). Ground at rear is raised so the new extension will be similar in height as the current fence with no loss of amenity".
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Decision

1. The appeal is allowed and approval granted under the provisions of Schedule 2, Part 1, Paragraph A.4 of The Town and Country Planning (General Permitted Development) (England) Order 2015 for 6m rear extension under the Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2 Part 1 A.1 (g) at 3 Hillfield Road, London NW6 1QD in accordance with the details submitted pursuant to Schedule 2, Part 1, Paragraph A.4 (2) of the GPDO.

Procedural Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) require the local planning authority to assess the proposed development solely on the basis of its impact on the amenity of any adjoining premises, taking into account any representations received. My determination of this appeal has been made in the same manner.
3. The reference to the 'ground at rear is raised so the new extension will be similar in height as the current fence with no loss of amenity' is not a description of development. Consequently I have not included this phrase in my decision.

Reasons

4. The appeal property comprises basement, ground and two upper storeys, incorporating a rear projection extending over half the width of the property. Prior approval has been sought for a single storey 6m long rear extension. This
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- would be of the same width as the existing projection and would have a height of 3.2m with a flat roof.
5. The proposed extension would be located on the boundary with no. 1 Hillfield Road which comprises three self-contained flats. On the boundary between the properties is a close boarded fence approximately 2m high which steps up away from the property reflecting the slope of the garden which rises from the rear of the dwelling.
 6. The character to the rear of the appeal property and neighbouring properties is of large gardens with extensive vegetation. This provides an attractive outlook for residents. Following the construction of the proposed extension there would still be an extensive area of garden beyond the rear wall. Therefore, in comparison with the size of the garden as a whole, the scale of the development would be small. Consequently I do not find that the proposal would result in a harmful impact on the outlook of neighbouring occupiers who would continue to experience the greenery of rear gardens locally.
 7. Whilst the proposed development would alter the form of the host property and the appearance of the rear elevations the construction of a 3m extension in accordance with a Certificate of Lawfulness (Proposed) which has been granted would also change the appearance and I need to take account of this position. Taking these matters together I do not find that the proposed development would be visually harmful to neighbours in the context of the wider area.
 8. The rise of the ground away from the existing dwelling would result in the proposed extension being cut into the slope. As the boundary fence steps up away from the properties much of the proposed extension would appear hidden behind the fence when viewed from the ground floor flat. I also recognise that on the external elevation of the neighbouring property is a metal staircase which affects the outlook from the upper flats. Nevertheless, closer to the original building the flank wall of the proposed extension would be higher than the existing fence but not significantly so. In addition, I also have to have regard to the fact that a Certificate of Lawfulness (Proposed) has been granted in respect of a 3m long rear extension at the appeal property which would allow the development of a taller flank wall.
 9. In this context I do not find that the proposed development would be dominant and overbearing to the extent that it would detract from the living conditions of occupants of the neighbouring properties at 1 Hillfield Road. As such, it would not conflict with Policy CS5 of the Camden Core Strategy, 2010 which aims to protect the amenity of residents by seeking to ensure that the impact of development on neighbours is fully considered and Policy DP26 which aims to manage the impact of development on neighbours.
 10. Neighbours have also raised a number of other matters of concern about the proposed development but as the GPDO requires an assessment of the proposed development to be made solely on the basis of its impact on the amenity of any adjoining premises I am unable to take other matters into account.

Conclusion

11. For the reasons given above, I conclude that the appeal should be allowed and approval granted. In granting approval the Appellant should note that the

GPDO requires at Paragraph A.4 (13), (14) and (15) that the development shall be completed on or before 30 May 2019 and that the developer shall notify the local planning authority in writing of the completion of the development as soon as reasonably practicable after completion. Such notification shall include the name of the developer, the address or location of the development, and the date of the completion.

Kevin Gleeson

INSPECTOR