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## Appeal Decision

Site visit made on 21 March 2016

**by Elizabeth Pleasant BSc(Hons)DipTP MRTPI**

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

**Decision date: 31 March 2016**

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**Appeal Ref: APP/X5210/D/16/3142960**

**93 Highgate West Hill, London, Camden N6 6EH**

- 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 Nicholas Phillips against the decision of the Council of the London Borough of Camden.
  - The application Ref 2015/5061/P, dated 7 September 2015, was refused by notice dated 26 November 2015.
  - The development proposed is installation of metal balustrade to rear first floor in connection with the use of the part rear extension roof as a terrace.
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### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue in this case is the effect on the living conditions of the occupiers of 94 Highgate West Hill, with particular regard to overlooking and privacy.

### Reasons

3. The balustrade would be located on the flat roof of the existing single storey extension at the rear of the property. This area is currently afforded access by French style doors, but is not enclosed. When standing on this roof area there are unrestricted views across the rear gardens of many properties on Highgate West Hill due to the elevated position of the property.
  4. The appeal proposal would enclose part of the roof area by a metal balustrade. It would extend across almost the whole width of the roof area and project to a depth of some 1.9m beyond the rear elevation. It is understood that prior to the construction of the extension a first floor balcony existed in this location, albeit smaller in area.
  5. The existing single storey rear extension lies adjacent to the boundary of 94 Highgate West Hill and is situated at a slightly higher level. The original rear elevation of the appeal property projects beyond the first floor rear elevation of No 94 and therefore the part of the flat roof area of the extension which would be enclosed, would have clear views into the first floor bedroom windows of No 94. The elevated position of the appeal site serves to enhance those views which would result in a loss of privacy to the occupiers of No 94. I accept that there was previously a first floor balcony in this location; however from the evidence I have before me this was smaller in area than the appeal proposal.
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In particular, the previous balcony did not extend as close to the boundary of No 94 and so the views of the rear bedroom windows would have been more restricted.

6. Furthermore, the roof terrace would directly overlook the patio area of No 94. I have taken into consideration that this patio area would have been overlooked by the previous balcony, however the overall size of the appeal proposal is greater and it would be positioned closer to their common boundary. The proposed roof terrace would afford a greater opportunity for a more intensive use and I consider that the existing patio area at No 94 would be significantly affected by direct overlooking, as well as some disturbance through noise.
7. I recognise that considerable thought has been given to the design and appearance of the balustrade to preserve the character and appearance of Holly Lodge Estate Conservation Area. I have also considered whether or not it would be possible to provide a privacy screen to the proposed roof terrace which could be secured by condition. However I am mindful of the elevated position of the proposed roof terrace and the inter-visibility between it and the first floor bedroom windows of No 94. No details have been provided of a privacy screen, and it would not be reasonable to attempt to deal with this matter by condition in these circumstances where there is a significant risk that the occupiers of No 94 would have their outlook impeded by such a screen, which would adversely affect the living conditions they currently enjoy.
8. I therefore conclude that the appeal proposal would cause demonstrable harm to the living conditions of the occupiers of 94 Highgate West Hill by reason of overlooking and loss of privacy to their rear bedroom windows. The appeal proposal would therefore conflict with Policy CS5 of Camden's Local Development Framework, Core Strategy, 2010 and Policy DP26 of Camden's Local Development Framework, Development Policies, 2010 which seek amongst other criteria to protect the amenity of Camden's residents, including visual privacy and overlooking.

### **Conclusion**

9. For the reasons set out above and taking into account all other matter raised, I conclude that the appeal should be dismissed.

*Elizabeth Pleasant*

INSPECTOR