

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

Appeal Ref: APP/X5210/D/15/3140238

6 Briardale Gardens, London, Camden NW3 7PP

- 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 Mrs Annabel Dumbell against the decision of the Council of the London Borough of Camden.
 - The application Ref 2015/3653/P, dated 26 June 2015, was refused by notice dated 1 October 2015.
 - The development proposed is alterations to existing rear garden detached outbuilding to include a new raised roof with dormer & rooflights with new landscaped rear garden and sliding access gates to replace existing hinged gates from Clorane Gardens.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are the effect on:
 - The character and appearance of the host property and Redington & Frognal Conservation Area; and
 - The living conditions of the occupiers of neighbouring properties with particular regard to noise, light spillage and sense of enclosure.

Reasons

Character and appearance of the host property and Redington & Frognal Conservation Area

3. The appeal property is situated within Redington & Frognal Conservation Area. It is located on the corner of Briardale and Clorane Gardens and forms one half of an attractive Arts & Crafts style semi-detached house fronting onto Briardale Gardens. The outbuilding, formerly a garage, is situated in the rear garden of the property and has double doors fronting towards Clorane Gardens.
 4. Briardale and Clorane Gardens are modest scale residential streets characterised by their street trees and mature gardens bounded by low walls and hedges which give the area an informal and domestic feel. The existing single storey outbuilding is set back from the street behind gates. Its shallow roof pitch, which is concealed by a distinct parapet, limits its visibility within
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- the overall street scene. Furthermore the vegetation growth on the building conceals and softens its appearance.
5. The scale of the proposed front gable, together with the proposed dormer to the roof, would alter the intrinsic simple form and character of the building and its existing appearance as a small scale and utilitarian outbuilding would be lost. The footprint of building would not be increased and I accept that its existing roof is likely to require attention in the future to remove the invasive ivy. However, the overall height of the resultant building would be such that it would dominate the garden area to No 6 Briardale Gardens. Its scale and form would appear as a stark and incongruous development in this residential garden and would detract from the visual qualities of the street scene and character of Redington & Froggnal Conservation Area as a whole.
 6. I have taken into consideration the examples of other outbuildings which have been drawn to my attention and which have been developed within the Conservation Area. I do not know the individual circumstances of these developments, but it appeared to me that in each of these cases the character of the host property or relationship to the street scene was different from this appeal and therefore not directly comparable. Each case must be considered on its own merits and in any event these examples do not justify the harm I have identified nor does the lack of objections from neighbouring residents.
 7. The appeal proposal would harm the character and appearance of the host property and would fail to preserve or enhance the character and appearance of Redington & Froggnal Conservation Area. It would cause less than substantial harm to the Conservation Area as a heritage asset. This harm is not outweighed by any public benefits. The proposal is therefore contrary to policies in the National Planning Policy Framework which seek to conserve and enhance the historic environment and conflicts with Policy CS14 of the London Borough of Camden's Local Development Framework, Core Strategy, 2010 (Core Strategy) and Policies DP24 and DP25 of the London Borough of Camden's Local Development Framework Development Policies, 2010 (Development Policies) which seek amongst other criteria, to achieve good design and preserve the character and appearance of Conservation Areas.

Living Conditions

8. The outbuilding abuts the common boundary of the appeal property with both 18 Clorane Gardens and 8 Briardale Gardens. There is an existing fence approximately 3 metres in height along the boundary with No 18 and it appeared to me that the facing gable wall of No 18 had number of small secondary or bathroom windows in its upper levels above the existing fence. In view of the nature of these windows, their location, and the hipped nature of the proposed roof that would be closest to them, I do not consider that there would be any significant harmful effect on the outlook from these windows or sense of enclosure to the occupants of this property. Similarly, the proposed hipped roof form to the building adjacent to its common boundary with No 8 would serve to reduce its overall scale and dominance and I do not consider that the rear garden of No 8 would be significantly enclosed by the appeal proposal.
9. The proposed development would enable the outbuilding to have a more habitable ancillary residential use than presently exists. However, the overall floor area of the building is not substantial and its robust brick structure would

provide some sound attenuation. Furthermore the building is located in a residential area where there is already light spillage from the windows, roof lights and conservatories of neighbouring properties. For these reasons I consider that any light spillage or noise from the use of this building would be unlikely to be significant.

10. I therefore conclude that the proposed development would not have a significantly harmful effect on the living conditions of neighbouring residents, with particular regard to noise, light spillage and sense of enclosure. There would therefore be no conflict with Policy CS5 of the Core Strategy or Policy DP26 of the Development Policies, which seek amongst other criteria, to protect the quality of life of occupiers and neighbours by only granting permission for development that does not cause harm to amenity, including consideration of noise, artificial light and outlook.

Conclusion

11. Although I have found that the proposal would not have a harmful effect on the living conditions of neighbouring occupiers, I have found that the development would not preserve or enhance the character or appearance of the host property or Redington & Frogal Conservation Area. Therefore, for the reasons set out above and taking into account all other matters raised, I conclude that the appeal should be dismissed.

Elizabeth Pleasant

INSPECTOR