
Appeal Decision

Site visit made on 4 May 2016

by Timothy C King (BA Hons) MRTPI

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

Decision date: 7 June 2016

Appeal Ref: APP/X5210/W/16/3145069

47 Burrard Road, London NW6 1DA

- 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 Russell Warren against the decision of the Council of the London Borough of Camden.
 - The application Ref 2015/5585/P, dated 2 October 2015, was refused by notice dated 24 November 2015.
 - The development proposed is '*replacing the existing roof with a new roof terrace.*'
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Decision

1. The appeal is allowed and planning permission is granted for the creation of a rear roof terrace with associated glass balustrades, planters and roof level changes at second floor level above the closet wing at 47 Burrard Road, London, NW6 1DA in accordance with the terms of the application Ref 2015/5585/P, dated 2 October 2015, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Nos. 644.000A, 644.001A, 644.011B, 644.012B, 644.013B, 644.018B, 644.019B, 644.024B, 644.025B, 644.026B, 644.411B, 644.412B, 644.413B, 644.418B, 644.419B, 644.424B, 644.425B and 644.426B.

Procedural Matter

2. I have altered the description of the proposal to accord with the Council's description on its decision notice, as I consider that this more closely focusses on the actual development involved.

Main Issues

3. The main issues in this appeal are:
 - i) the effect of the proposal on the character and appearance of the host building; and
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- ii) the effect of the proposal on the living conditions of neighbouring occupiers, with particular regard to No 49 Burrard Road and the protection of privacies thereto.

Reasons

Character and appearance

4. No 47 Burrard Road is a two-storey, early twentieth century, terraced dwelling. Already extended to the rear, a substantial extension from the roofslope has recently been constructed which partly facilitates a large bedroom accommodated within the roofspace. The proposal involves the creation of a small roof terrace which would be accessed from the second floor bedroom via a set of timber steps. A glass balustrade would surround the perimeter of terrace and a section would also stand immediately to the side of the staircase in order to preclude overlooking of No 45. The floor of the terrace would utilise the roof of the existing first floor rear extension which would be re-laid with its parapet raised slightly.
5. The Council, in its case report, considers that the glazed balustrade and planters would be an incongruous addition to the rear façade at high level adding bulk, creating visual clutter and harmful to the host building. I would consider that any adjudged bulk would be due to the existence of the roof extension erected, but this itself has been built under householder permitted development entitlement. The appeal proposal, involving the introduction of the glass balustrade and a planter to soften the development, might be a discordant feature in the context of the local dwellings as originally built, but there have been many changes to the local properties' rear elevations over time and roof extensions and also terraces are now common features. Such arrangements are particularly prominent amongst the dwellings to the rear along Ingham Road where terraces formalised by perimeter railings are commonplace, although at my site visit I also observed a nearby example along the Burrard Road terrace.
6. Policy DP24 of the Council's Local Development Framework Development Policies (LDFDP) requires for a high standard of design taking into account the character and proportions of the existing building where alterations and extensions are proposed. This aim is also reflected in Policy CS14 of the Council's Local Development Framework Core Strategy (LDFCS). Whilst the creation of the terrace would obviously involve a degree of visual change I consider that the proposed features, especially in the context of the new roof extension and the fact the existing flat roof arrangement is already accessible, would represent an acceptable and cogent form of development. As such, the proposal would not visually detract from its immediate setting.
7. I thereby conclude that the proposal would not be harmful to the character and appearance of the host building and there would be no material conflict with the aims and requirements of LDFDP Policy DP24 or LDFCS Policy CS14.

Living conditions

8. LDFDP Policy DP26 serves to guard against harm to amenity such as loss of privacy or overlooking. The Council's Supplementary Planning Document 'Camden Planning Guidance' (CPG 6) addresses this further, and advises that

to protect the privacy of existing dwellings to a reasonable degree, roof terraces, amongst other things, should be carefully designed to avoid overlooking, with screening used, as appropriate. In this particular instance, the Council considers that the proposal would result in a loss of privacy to the occupiers of No 49 due to the possibility of persons standing at the far end of the terrace and looking into the rear windows of No 49. At my site visit I found that the second floor rear window thereto, due to it being at a significantly higher level than the proposed terrace and also the angle involved, would not suffer undue intrusion by persons on the terrace. No 49 also has a rear facing window in the back wall of its rear extension. It is situated at a slightly lower level than the floor of the terrace but, due to oblique angles involved and the separation involved, I do not consider that any overlooking would be so significant as to constitute material harm to residential privacy.

9. I note the objections received from the occupiers of other neighbouring properties. I have already discussed the design concerns cited and also, in terms of potential loss of privacy, whilst I accept that some intrusion may result by views possible from the terrace into neighbouring gardens, this would not be significant due to the relative configurations and distances involved. Further, this is little more than is already the case due to the ready access to the flat roof.
10. I thereby conclude that the proposal would not be harmful to the living conditions of neighbouring occupiers, and the aims of LDFDP Policy DP26, LDFCS Policy CS5 and SPD CPG 6 would not be compromised.

Conclusion and Conditions

11. I have found that no significant harm would result on either of the two main issues and for the above reasons, and having had regard to all matters raised, I conclude that the appeal should succeed.
12. In terms of conditions, apart from the statutory time limit, I impose a condition requiring adherence to the approved plans. This is for the avoidance of doubt and in the interests of good planning. As regards the development's appearance, this is covered by the plans approved, the details of which I have found to be satisfactory.

Timothy C King

INSPECTOR