



Appeal Decision

Site visit made on 30 June 2016

by **G Powys Jones MSc FRTPI**

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

Decision date: 05 July 2016

Appeal Ref: APP/X5210/D/16/3148483

21 Boscastle Road, London, NW5 1EE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission for the development of land without complying with a condition subject to which a previous planning permission was granted.
 - The appeal is made by Mr. Mayamiko Kachingwe against the decision of the Council of the London Borough of Camden.
 - The application Ref 2016/0258/P, dated 12 February 2016, was refused by notice on 8 April 2016.
 - The application sought planning permission for the erection of a single storey full width rear extension without complying with a condition attached to planning permission Ref 2015/1434/P, dated 6 May 2015.
 - The condition in dispute is No 3, which provides: *The development hereby permitted shall be carried out in accordance with the following approved plans: (21BOS-) 000 P2; 001 P2; 002 P2; 003 P2; 020 P2; 030 P2; 100 P2; 101 P2; 200 P2; 300 P2.*
 - The reason given for the condition is: *For the avoidance of doubt and in the interest of proper planning.*
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a single storey full width rear extension at 21 Boscastle Road, London, NW5 1EE in accordance with application Ref 2016/0258/P, dated 12 February 2016, without compliance with condition 3 previously imposed on planning permission Ref 2015/1434/P, dated 6 May 2015 but subject to the other conditions imposed therein in so far as they remain capable of being complied with, and subject to the varied condition 3 set out below:

The development hereby permitted shall be carried out in accordance with the following approved plans: (21BOS-) 000 P2; 001 P2; 002 P2; 003 P2; 020 P2; 030 P2; 100 P3; 101 P3; 200 P3; 300 P3.

Preliminary matters

2. The appellant obtained planning permission last year to add a rear extension onto his dwelling. As I saw at the site visit, the works are proceeding. He now wishes to amend the permitted scheme and seeks to vary the condition in dispute so that the drawing reference numbers contained therein reflect those showing the revised proposals.
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3. The appellant proposes four main amendments to the originally approved scheme. Two of these elements are unobjectionable to the Council; these are the introduction of a parapet wall at second floor level, and the removal of a previously approved sky lantern to the rear of the permitted ground floor extension. I have no reason to disagree with the Council's stance on these aspects of the revised scheme.
4. The Council however, objects to the proposal to lower one of the windows set in the main wall of the rear elevation and to the proposed increase in size of another sky lantern.
5. The property is located within the Dartmouth Park Conservation Area (CA).

The main issues

6. Having regard to the above the main issues are: (a) the effect of the revised proposals on the host property and whether the character or appearance of the CA would be preserved or enhanced, and (b) the effect of the revised proposals on the living conditions of the residents of the neighbouring property at 23 Boscastle Road with particular reference to visual impact and light pollution.

Reasons

Character and appearance

7. The Council's CA Appraisal and Management Strategy (the Appraisal) encourages the retention of integral architectural features, such as windows, and provides that the original historic pattern of rear elevations within a group of buildings is an integral part of the character of the area. The Council relies on this guidance in objecting to the re-siting of a window in the rear elevation. To my mind, however, the rear elevation would be substantially modified as a consequence of the scheme granted permission last year, and the relatively minor repositioning of the window concerned in the manner proposed would be barely noticeable.
8. The redesigned sky lantern would be significantly larger than previously proposed, being set at first floor level above a sitting room and alongside, albeit lower in height than the extant first floor protrusion. The appellant says that it is similar in conception to the one granted permission by the Council at 20 Grafton Crescent (*Ref 2006/5890/P*). The Council explains that the circumstances there were different, in particular that the property was not located within a CA. I note however that the host property was comprised within a locally listed terrace, and was therefore a heritage asset.
9. Although not conclusive, judging from the submitted photograph the proposed sky lantern bears a striking similarity to one previously considered acceptable by the Council, in not wholly dissimilar circumstances. The sky lantern would sit alongside the extant rear protrusion, but its clear glazing would still enable the form and structure of the host property to be read and appreciated. In view of its transparency and the lightness of its construction, the lantern would not exude the impression of bulkiness feared by the Council.
10. The re-designed sky lantern proposed taken in combination with that already permitted will result in a development of a contemporary appearance contrasting sharply with that of the host and most surrounding property. But

the extensions proposed are tastefully designed, and care has been taken to ensure that the visual integrity of the host property would not be overwhelmed.

11. Moreover, the sky lantern's position is such that it would be well-sheltered by extant structures so that it would not be widely seen - it not not be noticeable in the public realm. Accordingly, the window's repositioning and the redesigned sky lantern would have a modest and not unacceptable impact on the wider surroundings, certainly not resulting in harm.
12. I conclude that the revisions to the scheme would not cause harm to either the host property or the CA. At worst, the effects would be neutral, so that the character and appearance of the CA would be preserved. Accordingly, I find no conflict with those provisions of Policy CS14 of the London Borough of Camden Local Development Framework Core Strategy (CS) or Policies DP24 & DP25 of the London Borough of Camden Local Development Framework Development Policies (DP), which in combination are directed to securing high quality design and to conserving Camden's heritage.

Living conditions

13. As already mentioned, the raised sky lantern would be of a light, glazed construction, and there is no compelling reason to share the Council's assertion that it would be perceived as overbearing when viewed from the next door property at No 23, inside or out.
14. With regards to potential light pollution, the appellant points out, as I saw, that the approved extension would replace an existing glazed conservatory; one of the previously approved sky lanterns would be omitted, and the redesigned sky lantern would have a smaller footprint or opening onto the room below than that previously approved.
15. Taking all these matters into account the proposed redesigned sky lantern, in my view, would not cause materially more light spillage than existed either before the works to the rear were first approved, or more than would be the case were the approved scheme built. I also note in this context that the Council has not produced any empirical evidence to support its stance on light spillage, and that none of the residents of No 23 objected to the scheme.
16. I conclude that the redesigned sky lantern would not materially affect the residents of 23 Boscastle Road by reason of visual impact or light pollution. Accordingly, no conflict arises with those provisions of CS policy CS5 or DP policy DP26 designed to protect neighbouring occupiers and residents from the adverse effects of development.
17. The appeal shall therefore succeed and the condition in dispute shall be varied accordingly. All other matters raised in the representations have been taken into account, but no other matter raised is of such strength or significance as to outweigh the considerations that led me to my conclusions.

G Powys Jones

INSPECTOR