



Appeal Decision

Site visit made on 27 July 2017

by **D Guiver LLB(Hons) Solicitor**

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

Decision date: 14 August 2017

Appeal Ref: **APP/X5210/W/17/3174596**

13C Healey Street, London NW1 8SR

- 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 J Reading against the decision of the Council of the London Borough of Camden.
 - The application Ref 2016/6350/P, dated 5 December 2016, was refused by notice dated 17 January 2017.
 - The development proposed is the erection of a mansard roof extension with dormer windows to front and rear elevations and the creation of a roof terrace.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a mansard roof extension with dormer windows to front and rear elevations and the creation of a roof terrace at 13C Healey Street, London NW1 8SR in accordance with the terms of the application, Ref 2016/6350/P, dated 5 December 2016, 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: 0083-001, 0083-002, 0083-003 and 0083-004.
 - 3) The external surfaces of the development hereby permitted shall be constructed in the materials shown on plan no. 0083-004.

Preliminary Matter

2. I have adopted the Council's description of the proposed development as this is more precise and the appellant also used this description in the appeal form.
3. Since the date of the decision the Council has adopted the Camden Local Plan 2017 (the Local Plan) and therefore this appeal is determined in accordance with that Plan. However, Policy D1 does not differ in any material way from Policy CS14 of the Local Development Framework Camden Core Strategy 2010 and Policy DP24 of the Local Development Framework Camden Development Policies 2010 that would have any effect on my decision.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the host building and the surrounding area.

Reasons

5. The appeal site comprises a three-storey, mid-terrace Victorian dwelling with a valley roof sitting behind a low parapet on the western side of Healey Street. To the rear the dwelling has a short garden that adjoins the rear garden of the property sitting opposite in Grafton Crescent. The rear of the building is partially visible from Grafton Crescent. The proposal is to construct a mansard roof extension and a rear roof terrace atop the existing two-storey rear extension.
6. Healey Street and the surrounding streets are residential in character and many of the buildings are of similar design to the appeal property, which results in a pleasant rhythm of development. There are a number of properties in the same terrace as the appeal site where a balcony has been constructed over an existing rear extension.
7. A number of these balconies, including one of the dwellings neighbouring the appeal site, are built across the whole width of the property, in contrast to the proposal which extends only halfway. The design of the proposed balcony is similar in size and materials to the majority of existing balcony extensions in Healey Street and the proposal will be in keeping with these other properties and the area as a whole.
8. Some houses on Healey Street have mansard roof extensions and there are in excess of 20 properties that incorporate a similar roof extension within 50 metres or so of the site. Because of the narrow aspect of Healey Street, the mansard extensions that have been constructed are hidden from view to a considerable extent behind the roof parapet, even when viewed from the opposite side of the road. In contrast, some of the similar developments in the surrounding area are highly visible from street level, especially those on the adjoining Prince of Wales Road.
9. The preponderance of similar roof extensions has altered the appearance of the area without causing significant harm. The proposed development would be largely unseen from the street and would be sympathetic to the host building and the area. The view of the roof from the upper floors of houses on the opposite side of the road would be of a modest and complimentary addition that would sit comfortably in the existing roof-scape.
10. I am aware that Nos 15 and 25 Healey Street have roof extensions that the Council states were constructed without the benefit of planning permission. However, I have no further information to show when these were constructed or if the Council has taken any enforcement action. I consider that these extensions do not cause any unacceptable harm to the existing roof-scape and insofar as they inform the appearance of the area I give the presence of these extensions significant weight.
11. I am also aware that the Council previously refused three permissions for similar roof extensions in Healey Street and that there are subsequent appeal decisions. The properties in question are Nos 14, 21 and 23 Healey Street. Nos 14 and 21 (appeal references APP/X5210/D/12/2168834 and APP/X5210/D/16/3147399) were given planning permission on appeal in 2012 and 2016 respectively, whereas in 2016 the appeal for a roof extension at No 23 was refused. However, the Council has not provided a copy of the decision or its reference.
12. The Council's precis of the Inspector's decision in respect of the appeal for the extension to No 23 suggests the Inspector reached a different conclusion on facts broadly similar to the appeals for Nos 14 and 21. However, in the absence of the

plans and any details relating to design and materials I cannot be certain that the Inspector's decision is inconsistent with the decisions relating to Nos 14 and 21.

13. I do note that the rear of No 23 sits close to the end of the terrace in Grafton Crescent so would be more visible, and perhaps have a greater impact, from that street than those at Nos 14, 21 and the proposal at the appeal site. In any event I must determine this appeal on its merits and I consider that the proposal would not have any unacceptable detrimental impact on the character and appearance of the area or the host building.
14. Therefore I conclude that the proposed development would be in accordance with Policy D1 of the Local Plan, which seeks to ensure that developments provide a high standard of design that respects the character and proportions of host buildings and the surrounding area.

Other Matters

15. I have taken account of an objection that the proposed development would lead to a loss of light and privacy for the occupiers of properties on Grafton Crescent. The roof terrace would sit too low behind the host building to have any significant impact on the amount of daylight properties on Grafton Crescent receive.
16. Healey Street runs approximately north to south, whereas Grafton Crescent curves away to the northeast. Consequently, late afternoon shadow from the properties on Healey Street would have little if any impact on the rear of dwellings on Grafton Crescent north of the appeal site. I consider it unlikely that the proposed roof extension would cause any unacceptable loss of daylight to the occupiers of properties on Grafton Crescent.
17. At the appeal site, and at the adjacent properties in Healey Street and Grafton Crescent, rear gardens are only a few metres long and the proximity of the respective dwellings means that overlooking is inevitable. Coupled with the numerous roof terraces already constructed, I consider that the proposed development would have no additional unacceptable harmful impact on the privacy of the occupiers of neighbouring properties.

Conditions

18. I have imposed conditions based on those suggested by the Council. Where necessary I have amended the wording of these in the interests of precision and clarity in order to comply with the advice in the Planning Practice Guidance.
19. In the interests of proper planning I have imposed the standard condition in respect of time limits. For certainty I have imposed a condition requiring compliance with the plans. The character and appearance of the area should be protected and I have therefore also imposed a condition in relation to the materials shown on drawing 0083-004.

Conclusion

20. For the reasons given above, and taking into account all other matters, I therefore conclude that the appeal should succeed.

D Guiver

INSPECTOR