



**TOWN AND COUNTRY
PLANNING ACT 1990**

**Installation of dormer roof
extension to rear with
associated roof terrace at
second floor level and 3x roof-
lights to front**

**36 Mackeson Road
Camden
London NW3 2LT**

July 2017

**Appeal Statement on behalf of
the appellant**

**by
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**LPA Reference
2017/2172/P**

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CONTENTS

	Page No
1. Introduction and Background	3
2. Site Description and Surroundings	3
3. Planning Policy	4
4. Relevant Planning History	12
5. Appeal Proposal	14
6. The Case on Behalf of the Appellant	15
7. Conclusions	18

Appendices

1. Camden Planning Guidance CPG1 – Design
2. Camden Planning Guidance CPG6 – Amenity
3. 86 Constantine Road (2015/6381/P and APP/X5210/D/16/3148697)
4. 19 Mackeson Road (2014/1958/P)
5. 31 Mackeson Road (2016/0451/P)
6. 84 Constantine Road (2011/0130/P)
7. 102 Constantine Road (2011/4306/P)
8. 123 Constantine Road (2015/4244/P)
9. 145 Constantine Road (2011/1068/P)

1. INTRODUCTION AND BACKGROUND

- 1.1 My name is Jonathan Weekes and I am an Associate Director at Aitchison Raffety, Chartered Town Planning Consultants. I have an Honours Degree in Physical Geography, a Masters in Town Planning and am a Member of the Royal Town Planning Institute. I am instructed by the appellant in respect of this appeal.
- 1.2 This appeal relates to the refusal of a dormer roof extension to the rear with associated roof terrace at second floor level and 3x roof-lights to the front at 36 Mackeson Road, Camden, London.
- 1.3 The planning application was validated on 5 May 2017 (2017/2172/P) and refused on 3 July 2017 for the following reasons:-
1. *“The proposed rear dormer roof extension and roof terrace by reason of their size, scale, bulk and design would undermine the architectural integrity of the host property, harming its appearance and the uniformity of the neighbouring roofscapes and would be detrimental to the character and appearance of the surrounding conservation area contrary to policy CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy and policies DP24 (Securing High Quality Design) and DP25 (Conserving Camden's Heritage) of the London Borough of Camden Local Development Framework and Policies D1 and D2 of the Emerging Camden Local Plan”.*
 2. *“The proposed rear roof terrace, by reason of its siting and design would provide an increased opportunity to overlook the occupiers of Nos. 34 and 38 Mackeson Road to the detriment of their privacy, contrary to Policy CS5 (Managing the impact of growth and development) of the London Borough of Camden Local Development Framework Core Strategy and Policy DP26 (Managing the impact of development on occupiers and neighbours) of the London Borough of Camden Local Development Framework Development Policies and Policy A1 of the Emerging Camden Local Plan”.*
- 1.4 Camden Council adopted its Local Plan on 3 July 2017, leaving the policies referred to within the Local Development Framework superseded when the decision notice was issued.

2. SITE DESCRIPTION AND SURROUNDINGS

- 2.1 The appeal site is located in a suburban area of Camden, London. The appellant's property is located on the north-eastern side of Mackeson Road, close to its junction with Constantine Road, and relates to a three storey mid-terraced property that remains a single dwelling house.
- 2.2 The street consists of Victorian terraced properties which are characterised by ground floor and first floor bay windows and decorative entrance arches to the front, with three storey closet wing structures to the rear. Properties along the street are constructed in red brick with grey roof tiles, with windows featuring stone heads and cills.
- 2.3 The site is located within the Mansfield Conservation Area; it is not a Listed Building.

- 2.4 In the wider area there are a number of instances where extensions have been carried out, which include dormer windows and roof terraces to the rear elevation.

3. PLANNING POLICY

- 3.1 As this proposal relates to an extension, it is principally policies formulated by the Development Plan that are relevant. Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 3.2 It is important that the Inspector acknowledges that the Council's decision notice was issued the same day the Local Plan was adopted (3 July 2017), yet the reasons for refusal include policies contained within the now superseded Local Development Framework. These out-of-date policies are provided within this section for completeness.
- 3.3 Additionally, the National Planning Policy Framework (NPPF) must be taken into account and is a material consideration in planning applications and appeals.

National Planning Policy Framework

- 3.4 The Framework sets out a number of requirements in respect of the design of the built environment as contained within Chapter Seven.
- 3.5 Amenity forms a core planning principle as set out within paragraph 17, which states that planning should *'always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings'*.
- 3.6 Paragraph 56 states that *"Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people"*.
- 3.7 Paragraph 60 states that *"Planning policies and decisions should not attempt to impose architectural styles or particular tastes and should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development styles or forms. However, it is proper to seek to promote or reinforce local distinctiveness"*.

Camden Local Plan (Adopted 3 July 2017)

- 3.8 There are three policies from the Local Plan, within the Council's reasons for refusal which are set out below.

Policy D1: Design

- 3.9 The Council will seek to secure high quality design in development. The Council requires development that:-
- a) *"respects local context and character"*
 - b) *preserves or enhances the historic environment and heritage assets in accordance with "Policy D2 Heritage"*

- c) *is sustainable in design and construction, incorporating best practice in resource management and climate change mitigation and adaptation*
- d) *is of sustainable and durable construction and adaptable to different activities and land uses*
- e) *comprises details and materials that are of high quality and complement the local character*
- f) *integrates well with the surrounding streets and open spaces, improving movement through the site and wider area with direct, accessible and easily recognisable routes and contributes positively to the street frontage*
- g) *is inclusive and accessible for all*
- h) *promotes health*
- i) *is secure and designed to minimise crime and antisocial behaviour*
- j) *responds to natural features and preserves gardens and other open space*
- k) *incorporates high quality landscape design (including public art, where appropriate) and maximises opportunities for greening for example through planting of trees and other soft landscaping*
- l) *incorporates outdoor amenity space*
- m) *preserves strategic and local views*
- n) *for housing, provides a high standard of accommodation*
- o) *carefully integrates building services equipment*

The Council will resist development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions”.

Policy D2: Heritage

- 3.10 This policy relates to preserving and where appropriate, enhancing Camden’s heritage assets and their settings, including Conservation Areas. There are two relevant parts to the policy set out below.

Designated heritage assets

“Designed heritage assets include conservation areas and listed buildings. The Council will not permit the loss of or substantial harm to a designated heritage asset, including conservation areas and Listed Buildings, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) *the nature of the heritage asset prevents all reasonable uses of the site*

- b) *no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation*
- c) *conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible*
- d) *the harm or loss is outweighed by the benefit of bringing the site back into use”.*

“The Council will not permit development that results in harm that is less than substantial to the significance of a designated heritage asset unless the public benefits of the proposal convincingly outweigh that harm”.

Conservation Areas

“Conservation areas are designated heritage assets and this section should be read in conjunction with the section above headed ‘designated heritage assets’. In order to maintain the character of Camden’s conservation areas, the Council will take account of conservation area statements, appraisals and management strategies when assessing applications within conservation areas”.

The Council will:

- e) *“require that development within conservation areas preserves or, where possible, enhances the character or appearance of the area*
- f) *resist the total or substantial demolition of an unlisted building that makes a positive contribution to the character or appearance of a conservation area*
- g) *resist development outside of a conservation area that causes harm to the character or appearance of that conservation area*
- h) *preserve trees and garden spaces which contribute to the character and appearance of a conservation area or which provide a setting for Camden’s architectural heritage”.*

Policy A1: Managing the impact of development

3.11 The policy is considered relevant with regard to levels of amenity to surrounding neighbours.

“The Council will seek to protect the quality of life of occupiers and neighbours. We will grant permission for development unless this causes unacceptable harm to amenity. We will:

- a) *seek to ensure that the amenity of communities, occupiers and neighbours is protected*
- b) *seek to ensure development contributes towards strong and successful communities by balancing the needs of development with the needs and characteristics of local areas and communities*
- c) *resist development that fails to adequately assess and address transport impacts affecting communities, occupiers, neighbours and the existing transport network*
- d) *require mitigation measures where necessary.*

The factors we will consider include:

- e) visual privacy, outlook*
- f) sunlight, daylight and overshadowing*
- g) artificial lighting levels*
- h) transport impacts, including the use of Transport Assessments, Travel Plans and Delivery and Servicing Management Plans*
- i) impacts of the construction phase, including the use of Construction Management Plans*
- j) noise and vibration levels*
- k) odour, fumes and dust*
- l) microclimate*
- m) contaminated land*
- n) impact upon water and wastewater infrastructure”*

Camden Planning Guidance CPG1 - Design (adopted July 2015)

3.12 Whilst not referred to within the Council’s reasons for refusal, the Camden Planning Guidance includes advice on design (CPG1).

3.13 The Planning Guidance provides general principles on roof alterations and extensions. They are considered acceptable where:-

- *“There is an established form of roof addition or alteration to a terrace or group of similar buildings and where continuing the pattern of development would help to re-unite a group of buildings and townscape*
- *Alterations are architecturally sympathetic to the age and character of the building and retain the overall integrity of the roof form*
- *There are a variety of additions or alterations to roofs which create an established pattern and where further development of a similar form would not cause additional harm” (paragraph 5.7)*

3.14 With regard to the installation of roof dormers the report states that proposals will generally be considered acceptable where the following circumstances are met:-

- a) “The pitch of the existing roof is sufficient to allow adequate habitable space without the creation of disproportionately large dormers or raising the roof ridge. Dormers should not be introduced to shallow pitched roofs.*
- b) Dormers should not be introduced where they cut through the roof ridge or the sloped edge of a hipped roof. They should also be sufficiently below the ridge of the roof in*

order to avoid projecting into the roofline when viewed from a distance. Usually a 500mm gap is required between the dormer and the ridge or hip to maintain this separation. Full-length dormers, on both the front and rear of the property, will be discouraged to minimise the prominence of these structures.

- c) *Dormers should not be introduced where they interrupt an unbroken roofscape.*
- d) *In number, form, scale and pane size, the dormer and window should relate to the façade below and the surface area of the roof. They should appear as separate small projections on the roof surface. They should generally be aligned with windows on the lower floors and be of a size that is clearly subordinate to the windows below. In some very narrow frontage houses, a single dormer placed centrally may be preferable. It is important to ensure the dormer sides (“cheeks”) are no wider than the structure requires as this can give an overly dominant appearance. Deep fascia’s and eaves gutters should be avoided.*
- e) *Where buildings have a parapet the lower edge of the dormer should be located below the parapet line.*
- f) *Materials should complement the main building and the wider townscape and the use of traditional materials such as timber, lead and hanging tiles are preferred” (paragraph 5.11)*

3.15 The guidance also provides advice on balconies and terraces. This states that consideration should be given to the following:-

- *“detailed design to reduce the impact on the existing elevation*
- *careful choice of materials and colour to match the existing elevation*
- *possible use of setbacks to minimise overlooking*
- *possible use of screens or planting to prevent overlooking of habitable rooms or nearby gardens, without reducing daylight and sunlight or outlook*
- *need to avoid creating climbing opportunities for burglars” (paragraph 5.24)*

3.16 Extracts from this document are provided at **Appendix 1**.

Camden Planning Guidance CPG6 – Amenity (adopted 2011)

3.17 Whilst not referred to within the Council’s reasons for refusal, the Camden Planning Guidance includes advice on amenity (CPG6). Section 7 refers to overlooking, privacy and outlook. This states that *“development should be designed to protect the privacy of both new and existing dwellings to a reasonable degree...new buildings, extensions, roof terraces, balconies and the location of new windows should be carefully designed to avoid overlooking.”* (paragraph 7.4).

3.18 Extracts from this document are provided at **Appendix 2**.

Mansfield Conservation Area Appraisal and Management Plan (adopted December 2008)

- 3.19 The Mansfield Conservation Area Appraisal and Management Strategy defines and analyses what makes the Mansfield Conservation Area 'special'.
- 3.20 The appeal site falls within 'sub area 2; late Victorian core', which is described as being:-
- *“predominantly residential in character and laid out on a loose grid pattern with short roads running north to south. The majority of residential properties within this sub-area conform to one basic plan form and period of development. The main building type is the three storey house, without basements, which generally forms part of a terrace.*
 - *The buildings are flat fronted with a projecting bay window over two storeys, recessed paired entrance doors, visible pitched roofs and prominent chimney stacks and party walls, and original two or three storey part width rear extensions. The quality and variety of materials and level of detailing applied to each terrace gives an indication of its original status within the hierarchy of the estate.*
 - *Without exception, all houses within this part of the Conservation Area have small front garden areas. These are generally planted and are typically bounded by low brick walls with hedges behind and medium height gate piers.*
 - *At the rear of each terrace are long gardens that are bounded by high brick walls, giving a clear separation between each terrace and affording views of mature trees in rear gardens and rear elevations of buildings”.*
- 3.21 There are a series of key views and approaches listed within the report. The view northward along Mackeson Road is defined as being a 'townscape view'.

Superseded Local Development Framework Core Strategy 2010-25 (adopted 2010)

- 3.22 The Council referred to two policies from its now superseded Core Strategy on the decision notice. These are provided for reference below.

Policy CS5: Managing the impact of growth and development

- 3.23 This policy sets out how the Council will manage the impact of growth and development in Camden, by giving consideration to:-
- a) *“providing uses that meet the needs of Camden’s population and contribute to the borough’s London-wide role*
 - b) *providing the infrastructure and facilities needed to support Camden’s population and those who work in and visit the borough*
 - c) *providing sustainable buildings and spaces of the highest quality*
 - d) *protecting and enhancing our environment and heritage and the amenity and quality of life of local communities.*

The Council will protect the amenity of residents by:

- e) *making sure that the impact of developments on their occupiers and neighbours is fully considered*
- f) *seeking to ensure development contributes towards strong and successful communities by balancing the needs of development with the needs and characteristics of local areas and communities*
- g) *requiring mitigation measures where necessary”*

3.24 Policy CS5 has now been replaced by Policies H2 and A1 of the Local Plan.

Policy CS14: Promoting high quality places and conserving our heritage

3.25 This policy requires development to be of high standard, which reflects local context and character and any heritage asset or setting. Development should promote high quality landscaping and works to streets and public spaces, whilst buildings should be designed to be inclusive and accessible.

3.26 Policy CS14 has now been replaced by Policy D2 of the Local Plan.

Superseded Local Development Framework Development Policies 2010-2025

Policy DP24: Securing high-quality design

3.27 The Council require alterations and extensions to be of the highest standard of design, and expect developments to consider:-

- a) *“character, setting, context and the form and scale of neighbouring buildings*
- b) *the character and proportions of the existing building, where alterations and extensions are proposed*
- c) *the quality of materials to be used*
- d) *the provision of visually interesting frontages at street level*
- e) *the appropriate location for building services equipment*
- f) *existing natural features, such as topography and trees*
- g) *the provision of appropriate hard and soft landscaping including boundary treatments*
- h) *the provision of appropriate amenity space*
- i) *accessibility”*

3.28 Policy DP24 has now been replaced by Policy D1 of the Local Plan.

Policy DP25: Conserving Camden's heritage

- 3.29 In order to maintain the character of Camden's Conservation Areas, the Council will:-
- a) *“take account of conservation area statements, appraisals and management plans when assessing applications within conservation areas*
 - b) *only permit development within conservation areas that preserves and enhances the character and appearance of the area*
 - c) *prevent the total or substantial demolition of an unlisted building that makes a positive contribution to the character or appearance of a conservation area where this harms the character or appearance of the conservation area, unless exceptional circumstances are shown that outweigh the case for retention*
 - d) *not permit development outside of a conservation area that causes harm to the character and appearance of that conservation area*
 - e) *preserve trees and garden spaces which contribute to the character of a conservation area and which provide a setting for Camden's architectural heritage”*
- 3.30 Policy DP25 has now been replaced by Policy D1 of the Local Plan.

Policy DP26: Managing the impact of development on occupiers and neighbours

- 3.31 The Council will protect the quality of life of occupiers and neighbours by considering:-
- a) *“visual privacy and overlooking*
 - b) *overshadowing and outlook*
 - c) *sunlight, daylight and artificial light levels*
 - d) *noise and vibration levels*
 - e) *odour, fumes and dust*
 - f) *microclimate*
 - g) *the inclusion of appropriate attenuation measures*

The Council also require:-

- h) *an acceptable standard of accommodation in terms of internal arrangements, dwelling and room sizes and amenity space*
 - i) *facilities for the storage, recycling and disposal of waste*
 - j) *facilities for bicycle storage*
 - k) *outdoor space for private or communal amenity space, wherever practical”*
- 3.32 Policy DP26 has now been replaced by Policy A1 of the Local Plan.

4. RELEVANT PLANNING HISTORY

Appeal Site

- 4.1 Consent was granted in September 2011 (2011/4018/P) for the installation of 8 solar panels to the rear roof-slope and 2 angled solar panels to the flat roof of the rear extension of the dwelling. The panels were considered appropriate in size, form and location and not harmful to the appearance of the house, the character of the Conservation Area and that they would not negatively affect the amenity of adjoining occupiers. The scheme was approved and has been implemented.

Other relevant applications

- 4.2 There is an extensive history of rear extensions and roof terraces along Mackeson Road and the immediate area. These extensions provide a variety of designs. Information is set out below for a select number of the closest properties where such consents have been granted. Full details, as appropriate are contained within the attached appendices.

86 Constantine Road (2015/6381/P and APP/X5210/D/16/3148697)

- 4.3 This proposal incorporated a loft conversion, including a rear dormer (measuring 4.2 metres wide, 1.8 metres deep and 1.4 metres high or 2.9 metres high where the doorway accesses the terrace), three conservation roof-lights to the front elevation; a door providing access to a roof terrace (5 metres long x 3.5 metres wide) and installation of a balustrade (0.8 metres high) to enclose the terrace. The property is a three storey mid-terraced Victorian dwelling, located on the southern side of Constantine Road, near to the junction of Mackeson Road.
- 4.4 The Council had opposed the development, with concern on the effect on the character and appearance of the Mansfield Conservation Area, with the development approved on appeal.
- 4.5 In reviewing the case the Inspector found that the proposal was largely concealed from street level, and would appear subordinate to the host property. The Inspector stated *“it would appear neither intrusive nor insensitive and would allow for adequate habitable space without appearing disproportionate, or raising the roof ridge”*. The appeal was allowed on 20 July 2016.
- 4.6 Details are provided at [Appendix 3](#).

18A Mackeson Road (PE9800464R1)

- 4.7 This application was granted in 1998 for the formation of a roof terrace and railings on top of the rear addition, together with the provision of a dormer window with French doors giving access to the roof terrace.

19 Mackeson Road (2014/1958/P)

- 4.8 The above application was approved for a rear dormer access door, creation of second floor rear roof terrace, installation of sliding doors and replacement door and roof-light exiting onto the side extension on the rear elevation.

- 4.9 The new rear glass dormer window cut through a section of the eaves of the existing property. The case officer's report found that the principle of providing a roof addition to be acceptable in the location, acknowledging *"there are a variety of rear roof alterations in the vicinity of the application site and rear dormer extensions exist at no. 17, 15, 11, 9, 5, 3 and 1"*.
- 4.10 The case officer's report also found the proposal to be acceptable with regard to amenity and considered the roof terrace would not exacerbate the potential for overlooking, given the host property already contained side elevation windows. In addition the case officer recognised that *"due to the height of the terrace, if any overlooking into no. 17 did occur, it would be at an oblique angle and as such, is not considered sufficient enough to warrant a reason for refusal."* Permission was granted on 1 July 2014.
- 4.11 Details are provided at **Appendix 4**.

26 Mackeson Road (PL/9101031/R1)

- 4.12 The above application was granted permission in January 1992, for an attic extension incorporating dormer window to the rear, with provision of a balcony over the flat roof of the existing rear extension with access door leading to it.

31 Mackeson Road (2016/0451/P)

- 4.13 This application was for the construction of a single storey side/rear infill extension and a rear dormer window with associated roof terrace. Works also included the removal of both rear chimney stacks and chimney breasts to increase the internal area.
- 4.14 In approving the scheme, the officer's Informative on the decision notice states that it was *"acceptable in principle as the neighbouring properties along Mackeson Road, Constantine Road and Cressy Road have several roof extensions of varying sizes already which have impaired the roofline and which set a precedent for future extensions"*.
- 4.15 The application was considered compliant with Policies CS5, CS14, DP24, DP25, and DP26 of the Development Plan. It was also considered to accord with Policies 7.4, 7.6 and 7.8 of the London Plan, and paragraphs 14, 17, 56-66 and 126-141 of the NPPF. Permission was thereby granted in March 2016.
- 4.16 Details are provided at **Appendix 5**.

84 Constantine Road (2011/0130/P)

- 4.17 This application was for a rear dormer with a Juliet balcony, installation of railings to create a roof terrace over the flat roof rear return and the erection of a ground floor single storey extension.
- 4.18 In approving this application, the officer's report makes the following comment in respect of the rear terrace:-

"Roof terraces have ceased to be an uncommon feature in the area and are welcome in the sense that they provide valuable outdoor amenity space for flats and houses with small rear gardens. Within this section of Constantine Road (nos. 74 to 88) two rear roof terraces are

visible from both Mackeson Road and Cressy Road... they are not considered to have a detrimental impact on the character and appearance of the building or the Mansfield Conservation Area."

- 4.19 Details relating to this approval are included at **Appendix 6**.

102 Constantine Road (2011/4306/P)

- 4.20 The application was for alterations which included replacement of an existing rear dormer with new rear dormer, French doors and roof-light replacement of existing balustrade, raising the rear parapet, enlargement of two side facing windows, new walk-on roof-light and new roof-lights to front roof slope.

- 4.21 This application involved the addition of a central rear dormer featuring double doors providing access to the rear roof terrace. The setting of the floor levels also results in the door to the roof terrace breaking the roof-slope and eaves line as we propose and the officer's report states:-

"the dormer would comply with CPG with the exception of the proposed French doors which would cut through the lower eaves to provide new access to the existing terrace. The arrangement is considered acceptable given the need to provide access to the terrace".

- 4.22 Permission was granted 7 November 2011.

- 4.23 Details are provided at **Appendix 7** for reference.

123 Constantine Road (2015/4244/P)

- 4.24 Consent was granted on 29 September 2015 for a loft conversion with rear dormer extension and new door onto the existing roof terrace at second floor level, with new black iron balustrade around roof terrace and 2x roof lights to the front roof slope. The rear terrace covered 16 square metres in area and the rear dormer doorway broke through the eaves level of the roof.

- 4.25 Details are provided at **Appendix 8**.

145 Constantine Road (2011/1068/P)

- 4.26 This application was granted consent in May 2011 for a single storey ground floor rear extension, a new rear dormer (extending beyond the existing dormer in width) and a new roof terrace enclosure to 145 Constantine Road. The proposal was not considered to result in the loss of any significant levels of amenity.

- 4.27 Details are provided at **Appendix 9**.

5. APPEAL PROPOSAL

- 5.1 The proposal seeks to provide a dormer roof extension to the rear roof slope of the host property, resulting in additional habitable space (one further bedroom) for the occupants of the dwelling.

- 5.2 The proposed dormer would have a width of 4.6 metres, a depth of 2.6 metres, a maximum height of 3.8 metres, and have a lead cladding finish. A 1.5 metre section of the dormer structure would extend down onto the flat roof of the existing closet wing below to create a new roof terrace area.
- 5.3 Permission is also sought for the erection of metal railings (0.9 metres in height) around the proposed roof terrace area (3.5 metres wide x 6 metres length) and the installation of three flush fitting roof lights to the front of the property.
- 5.4 The scheme has been designed to reflect the recently consented dormer and roof terrace at 86 Constantine Road.

6. THE CASE ON BEHALF OF THE APPELLANT

- 6.1 The appeal seeks to provide a loft conversion including roof lights to the front elevation and a dormer to the rear, along with access onto a new roof terrace over the rear return. In refusing the planning application, the Council cited concern with the scale, bulk and design of the rear dormer and the impact of the roof terrace upon the privacy of the adjacent properties. No concern was raised in respect of the inclusion of roof lights to the front elevation.
- 6.2 Justification in respect of the two reasons for refusal is provided below.

Reason for refusal 1: Proposed size, scale, bulk and design undermining the architectural integrity of the host property, and its relationship with neighbouring roofscapes in respect of the surrounding Conservation Area

- 6.3 The appellant's proposal is for a rear (east-facing) dormer extension (width 4.6 metres x 2.6 metres depth x 3.8 metres height maximum) and roof terrace (3.5 metres wide x 6 metres length) with balustrading (0.9 metres height).
- 6.4 The dormer has been designed to sit wholly within the existing rear roof slope, allowing it to be viewed as a roof extension rather than a full additional storey. The inset of the dormer by 0.5 metres from both flank elevations allows unbroken sections of tile along both sides of the structure, as well as the retention of the chimneystack that straddles the boundary with number 38. The set-back position of the dormer from the eaves and its position clearly below the main ridgeline, ensures it is read as a subservient structure within the roof space.
- 6.5 The dormer itself offers a simple appearance, so that it does not become a focal point on the building. However, this approach does not mean that the projection does not offer an attractive appearance. A number of equally sized windows are incorporated, providing a lightweight structure with horizontal rhythm. This also maximises light penetration into the loft level accommodation. The width of each aperture matches that of the windows below, but with a simplified glazing arrangement to assist in demonstrating the dormer as a more modern addition. The windows are then wrapped around by lead cladding, a lightweight, traditional material for dormers, which given the grey colour of the roof slates, allows appropriate assimilation visually.
- 6.6 As part of the dormer, the access door onto the terrace has been integrated into it. This provides a vertical link through the existing eaves. This element of the proposal is contrary to the policy guidance, but offers the only option available to access the terrace. The solution

proposed minimises disturbance to the eaves, and incorporates it in a position which will not be easily visible, due to the length of the rear return and close proximity of surrounding properties. The access arrangement as drawn is also no different to that at 102 Constantine Road, where the officer's report noted the following view on this matter:-

'the dormer would comply with CPG with the exception of the proposed French doors which would cut through the lower eaves to provide new access to the existing terrace. The arrangement is considered acceptable given the need to provide access to the terrace'.

- 6.7 This solution should therefore be considered acceptable on the appeal site.
- 6.8 In terms of the rear roof terrace, the space is intended to be enclosed by traditionally designed metal railings. At a height of 0.9 metres above the existing parapet brickwork, the railing represents the minimum height acceptable from a Building Regulations perspective for a safety rail around an amenity space. The design offers a lightweight structure which does not appear intrusive in its context, particularly as it is recessed slightly from the edge of the building behind the low parapet wall.
- 6.9 The design of the proposed extension and alterations to the rear elevation should therefore be considered to offer sympathetic additions to this property, which appear subservient in scale and design. It therefore protects the host property in terms of its overall character, and should be considered to accord with the good design ethos incorporated in the various Development Plan policies, as well as the NPPF.
- 6.10 In terms of the impact upon the Conservation Area, the appeal site is a mid-terrace property located on a row of parallel terrace streets. No views are therefore possible of the rear of the property from any public location. The influence that any rear extension or alterations to the appeal property can have on the Conservation Area is therefore significantly reduced due to the lack of any public visibility. However, it will be visible from a select number of private gardens and the rear windows of nearby properties on Lisburne Road. Any ground level views will be obliquely towards the sky, and given the relatively short distance between the parallel rows (approximately 15 metres between the returns) and the established garden vegetation, the roof extension and terrace will be at least partially filtered. Where it is visible, it will be seen as additions to the upper section of the building, in a form as noted above, such that it assimilates itself appropriately. The proposed works should therefore be considered to protect the character and appearance of the Conservation Area.
- 6.11 Augmenting the acceptability of the proposal to the character and appearance of the host dwelling and Conservation Area, consideration of its context is also important. Where views are possible it will be seen as part of a rear street scape where alterations, including roof terraces and dormers are commonplace. This statement has in effect been previously indicated by the Council, with the Case Officer at 31 Mackeson Road for example stating that the works proposed (which in essence are directly comparable to the appeal before you) were:-

"acceptable in principle as the neighbouring properties along Mackeson Road, Constantine Road and Cressy Road have several roof extensions of varying sizes already which have impaired the roofline and which set a precedent for future extensions".

- 6.12 There is no reason why such a statement does not equally apply to number 36, as it is within the same street and same Conservation Area.

- 6.13 The proposal itself has been designed to mimic the size, scale, bulk and design approved at 86 Constantine Road on appeal. At number 86 concern was raised only with the rear dormer by the Council. The Inspector found that the proposal would conserve the character and appearance of the Mansfield Conservation Area and would not be contrary to the NPPF, Core Strategy policy CS14, LDF Policies DP24 and DP25, the Camden Planning Guidance CPG1 (2015), or the Mansfield Conservation Area Appraisal and Management Plan (2008) which protects local character. The same approach of setting the dormer in 0.5 metres from both flank party walls, down from the ridge and up from the eaves, offers a directly comparable extension, whilst the roof terrace and railings are identical. Number 86 however, has a greater potential to impact upon the appearance of the Conservation Area, with the rear elevation seen obliquely from the side road (Mackeson Road). If number 86 was considered acceptable by the Planning Inspectorate, it strongly infers that this appeal should also be considered to protect the character and appearance of the Conservation Area.
- 6.14 The raft of other decisions referred to in Section 4 also offer comparable examples where the Local Planning Authority have considered rear dormers and roof terraces to be acceptable. Combined, the number of approvals, including many under the same planning regime as that of the current proposal when determined as an application, indicates that it should be acceptable and that continuity should be provided in the determination of planning applications and appeals.
- 6.15 Even though some of the policy documents have been recently replaced, the essence of these policies has not been altered, and the detailed design guides have not changed. The raft of approvals in the area are therefore still relevant to the determination of this appeal. The proposed size, scale, bulk and design, in both its relationship to the host dwelling and surrounding roof-scape of the Conservation Area, should therefore be considered acceptable.

Reason for refusal 2: Potential overlooking to neighbouring properties (numbers 34 and 38), detrimental to their privacy

- 6.16 Loss of privacy has been noted as an issue in respect of the terrace by the Council. No concern has been raised in relation to the proposed dormer windows.
- 6.17 The arrangement of the properties along Mackeson Road and Lisburne Road provides a number of narrow, relatively small rear gardens to properties that face directly towards each other on the parallel roads. Consequently, there is a degree of overlooking that occurs to each rear amenity space, creating semi-private spaces at best. In is within this context that any potential views from the terrace over neighbouring gardens need to be considered.
- 6.18 The existing dwelling already contains a number of rear facing windows at first and second floor levels, offering clear views over the adjoining properties gardens. There are also side facing windows, albeit to bathrooms. Due to the additional height of any new views from the terrace level, any views possible would be much more oblique and thus less intrusive than those which already occur. The slight recess of the railings reduces the potential visibility. The impact upon the privacy of neighbouring properties should therefore be considered to be adequately protected. Supporting this fact is that no neighbour objections were received to this proposal. It is a concern raised only by the Council's Planning Officer.

- 6.19 In direct contrast to the perceived loss of amenity due to overlooking by the proposed terrace at 36 Mackeson Road, the relationship to the adjoining properties is very similar if not identical to the approvals noted in section 4 above. Many of these have been approved in the last few years, and the Council has not objected to these on the grounds of loss of amenity to adjoining properties, with the officer's report for 19 Mackeson Road providing a concise statement of the Council's view for all these other approvals:-

"due to the height of the terrace, if any overlooking into no. 17 did occur, it would be at an oblique angle and as such, is not considered sufficient enough to warrant a reason for refusal."

- 6.20 This emphasises the need to protect the privacy of dwellings to 'a reasonable degree' as stated in the Camden Planning Guidance CPG6. The existing windows and any overlooking that is possible illustrates that any views possible from the terraces would not materially alter this arrangement or harm the amenity of the adjoining properties.
- 6.21 Indeed, furthering this acceptable arrangement in the area, the recent appeal at 86 Constantine Road (2015/631/P and APP/X5210/D/16/3148697) was considered acceptable with the Council, raising no issue in respect of the roof terrace or potential for overlooking. Comparatively the appellant's proposal is considered to result in a lower level of potential overlooking to neighbouring properties, given it is positioned in a direct back-to-back relationship, rather than the foreshortened distance number 86 has onto the rear of 33 Mackeson Road, where the opportunity for overlooking is greater. This arrangement was still considered acceptable.
- 6.22 The degree and level of overlooking which would result from development would not be materially different than that consented by the Council or Planning Inspector in the wider area, and should therefore be considered acceptable and in accordance with policy.

7. CONCLUSIONS

- 7.1 This appeal relates to the refusal for a dormer roof extension to the rear of 36 Mackeson Road in Camden, with an associated roof terrace at second floor level and 3x roof-lights to the front. The proposal was refused for two reasons; the size, scale, bulk and design of the dormer on the character and appearance of the host property and the Conservation Area and the loss of amenity to neighbouring properties from the terrace.
- 7.2 The extension has been designed to assimilate itself within the roof profile of the appeal property. Set-in from both sides, up from the eaves and down from the ridge, it forms a subservient element, constructed principally from windows and lead cladding to provide a lightweight appearance. This approach should be considered acceptable, particularly as it reflects the overall form, scale and design of other rear dormers in the immediate vicinity. This includes a recent appeal approval at 86 Constantine Road, where the Inspector stated that the proposal '*would conserve the character and appearance of the Conservation Area*'.
- 7.3 The appeal property's rear elevation is not visible from any public vantage points and thus its impact on the setting of the Conservation Area is restrained to private views from the surrounding properties and associated gardens. These offer filtered views, typically at an oblique angle, such that the extension elements appear as part of the existing urban fabric. The presence of dormers has been acknowledged by the Council through other approvals to

be commonplace in this particular area. Consequently, the proposal would not introduce an alien feature to harm even the filtered private views towards the appeal dwelling.

- 7.4 In respect of loss of amenity from the proposed terrace, the tight-knit arrangement of dwellings ensures that there is already a degree of overlooking between buildings. Higher level views provide less clear or intrusive visibility than those closer to ground level, and thus the proposed terrace will not materially affect the amenity of any surrounding properties. This stance has been stated by the Council on numerous other approvals in the immediate vicinity and is equally applicable to the appeal site.
- 7.5 The proposal should be considered to accord with the good design ethos of the Framework and relevant policies and documents contained within the Development Plan. The appeal should therefore be allowed.