



Appeal Decision

Site visit made on 4 September 2017

by Beverley Wilders BA (Hons) PgDurb MRTPI

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

Decision date: 4 October 2017

Appeal Ref: APP/X5210/W/17/3177307

45 Mill Lane, London NW6 1NB

- 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 & Mrs Anthony Landau against the decision of the Council of the London Borough of Camden.
 - The application Ref 2016/7004/P, dated 20 December 2016, was refused by notice dated 21 March 2017.
 - The development proposed is described as extension to the rear of the terraced building. The ground floor total living area will be 24m² (incorporating an extension of 11m²). The first floor rear will be 13m² (incorporating an extension of 4m²). The second floor rear will be approximately 5 m² of new area.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Camden Local Plan (CLP) was adopted on 3 July 2017 and replaces the Camden Core Strategy 2010 – 2025 and the Camden Development Policies 2010-2025. The CLP was adopted after the application was determined and the appeal was submitted. Policies A1 and D1 of the emerging Local Plan were referred to in the Council's reason for refusal and in reaching my decision I have had regard to these now adopted policies. As the relevant CLP policies were referred to in the Council's decision notice, I am satisfied that the appellants have had the opportunity to comment on the relevance of them to their case.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the host building and the surrounding area.

Reasons

4. The appeal site comprises a three storey mid terraced building located towards the end of a row of similar buildings. The host building has an existing two storey outrigger at the rear which has a lean-to roof containing a chimney and a flat roofed section at ground floor level. From my observations on site other properties within the terrace appear to have two storey pitched roof outriggers to the rear. The appeal site has a modest sized rear yard enclosed by solid timber fencing with the rear elevations and rear gardens of properties on

- Hillfield Road positioned to the rear of the site. Views of the rear elevation of the host building are limited to from nearby properties on Mill Lane and Hillfield Road.
5. The proposal includes extensions to the rear of the host building at ground, first and second floor level. The Council has raised no objections to the extension at ground floor level and I have no reason to disagree with them on this issue. The Council is however concerned about the proposed extensions at first and second floor level.
 6. Whilst I acknowledge that it appears that the rear outrigger on the host building is of a different form to other outriggers within the terrace, it is nevertheless of a traditional form which is subservient to and which does not detract from the character and appearance of the host building and the terrace. By contrast the proposed flat roofed extensions at first and second floor level would be incongruous both in terms of the host building and surrounding buildings, none of which appear to incorporate such extensions or wooden cladding as is proposed for the second floor extension. In particular the second floor extension would project above and harmfully alter the existing simple lean-to roof and would partially obscure the existing chimney. Though it would remain at a lower height than the main roof of the host building and whilst the materials to be used would be sustainable and would distinguish it from the original building, these factors would not mitigate the harm that would result from the proposal.
 7. My attention has been drawn by the appellants to an extant permission for extensions to the rear of the host building granted in May 2015 (Ref 2015/0092/P). I am not aware of the details or particular circumstances relating to this previous proposal but note that it does not appear to include a second floor extension as is proposed and as such does not appear to be directly comparable to the proposal. I therefore give it limited weight.
 8. I have also had regard to the examples provided by the appellants of other developments in the vicinity of the appeal site including modern developments on Mill Lane and Orestes Mews and to third floor rear extensions to properties on Hillfield Road. However none of these examples are comparable to the proposal in that they are different forms of development in a different context. In any event I must determine the proposal before me on its own merits.
 9. I also acknowledge that the proposal would enable a bathroom to be provided near to bedrooms on the second floor and that this would improve the living conditions of future occupiers. However this benefit would not outweigh the harm that I have identified. In addition I note that the appellants have sought to address concerns previously raised by the Council, that no objections were raised by the Council in respect of living conditions, that no objections have been raised by occupiers of neighbouring properties and that the appeal site is not in a Conservation Area.
 10. Taking the above matters into consideration, I conclude that the proposal would have a significant adverse effect on the character and appearance of the host building and the surrounding area. It is therefore contrary to Policy D1 of the CLP and to Policy 2 of the Fortune Green & West Hampstead Neighbourhood Plan. These policies seek, amongst other things, to secure high quality design in development and development that respects local context and character. Though Policy A1 of the CLP was also referred to in the Council's

decision notice, this relates to amenity and is not therefore relevant to the Council's concerns regarding character and appearance.

Conclusion

11. For the above reasons and having regard to all matters raised, I conclude that the appeal should be dismissed.

Beverley Wilders

INSPECTOR