



Appeal Decision

Site visit made on 8 January 2018

by Graham Chamberlain BA (Hons) MSc MRTPI

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

Decision date: 19th January 2018

Appeal Ref: APP/X5210/D/17/3190724
26 Richborough Road, London NW2 3LX

- 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 S. Amlani against the decision of the Council of the London Borough of Camden.
 - The application Ref 2017/4358/P, dated 8 September 2017, was refused by notice dated 23 November 2017.
 - The development proposed is a single storey rear wrap around extension to provide for a larger kitchen and dining area.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey rear wrap around extension to provide for a larger kitchen and dining area at 26 Richborough Road, London NW2 3LX, in accordance with the terms of the application, Ref: 2017/4358/P, dated 8 September 2017, subject to the conditions in the attached schedule.

Preliminary Matters and Main Issue

2. The appeal scheme drawings do not clearly demonstrate whether or not the gutters proposed on the extension in the side return would overhang the neighbouring property. Following a request for clarification the appellant has confirmed that the gutters would not and are content for this to be a condition of any planning permission. I also note that the Council accepted the application as valid without a Certificate B having been signed. Thus, I have considered the proposal on the basis that the appeal scheme would be contained within the appeal site.
3. The main issue in this appeal is the effect of the proposed development on the character and appearance of the area.

Reasons

4. The appeal site encompasses an ornately detailed semi-detached period property in an attractive residential street in which the house type is repeated. The properties in the road are arranged in a discernible building line behind small front gardens. As such, Richborough Road has a strong and pleasing character and the appeal site contributes positively to this.
5. The appeal property, like the other houses in the street, benefits from a rear garden and a side return formed by a two storey rear off-shoot closet wing. The boundary of the rear garden is marked by high walls and mature planting.

- The consequence of this is that the garden has a surprising degree of privacy and seclusion when viewed from the gardens and ground floor areas of nearby properties. Hence, the proposed single storey wraparound rear extension would not be unduly prominent from these vantage points.
6. It is not possible to clearly see into the residential gardens of the properties in Richborough Road and Ebbsfleet Road from public vantage points and therefore the proposal would have no impact on the public realm. However, inter overlooking does occur from the upper floor rear windows of the properties in the respective streets. From the upper floor of the appeal property I was able to see into neighbouring gardens and the occupants of these properties would be able to see into the appeal site. As a consequence, I share the view of the Council that the design of rear extension is a matter of public interest in considering the proposal's effect on the character and appearance of the area.
 7. The extension would infill the side return and project out into the rear garden by around two metres. Thus, the extension would be positioned broadly level with the rear elevation of the conservatory added to 25 Richborough Road (No 25). The proposed extension would be larger than that at No 25, as it would subsume the side return, but it would nevertheless leave a useable area of garden undeveloped and in this respect the appeal property, once enlarged in the way proposed, would not appear overly large in its plot.
 8. Thus, the appeal scheme would not harm the balance between the extent of open rear garden and the amount of built form that comprises the dwelling house. As a consequence, the extension would therefore appear as a proportionate and subordinate addition to the appeal property. In this respect, the proposal would adhere to the Camden Planning Guidance CPG1, which states extensions should be secondary to the building being extended.
 9. The appeal scheme would be a wraparound extension which would erode the definition of the corner of the rear off-shoot. Nevertheless, the use of a glazed roof would add a light weight appearance to the extension, which would soften its overall impact, particularly where the roof would join the main house. This join would be comfortably below the first floor windows. Moreover, I was able to observe an ensemble of rear extensions and additions added to the rear of other properties in Richborough Road and Ebbsfleet Road. Some of these have infilled the side returns and others have extended the rear off-shoots. In this respect, the appeal scheme would not appear as a stark addition and the use of a matching brick finish would help to blend old and new.
 10. The Council have suggested that the extensions referred to by the appellant have not be regularised through the submission and approval of Lawful Development Certificates. However, this would not be necessary if they have been erected by enacting permitted development rights. I have nothing of substance to suggest the nearby extensions are currently subject to enforcement action by the Council. As such, their presence is a matter of some moderate weight in favour of the appeal scheme as they have altered the character and appearance of the gardens around the appeal site in a way similar to that now proposed.
 11. The Council has described the proposed roof design as 'clumsy' and I tend to agree that it would have an awkward form, particularly the junction between the extension in the side return and that of the rear extension. A hip may have been a better solution if technically possible. However, the joint as proposed

would not be prominent in wider views and therefore the visual impact of it would be very limited. Most of the neighbours would only be able to observe the simple mono pitch form of the rear part of the extension and this would not appear incongruous.

12. The rear extension would be stepped in from the north eastern boundary in order to retain the rear access gate. This would result in a slightly contrived appearance to the addition, which would appear off centre from, and mis-aligned with, the rear off-shoot. However, like the awkward join in the roof, this would not be a prominent design compromise and therefore it would not harm the visual amenity of the area in isolation, on when considered cumulatively with the other minor drawbacks I have identified.
13. Taking the forgoing points together, I conclude that the appeal scheme would preserve the character and appearance of the area. Consequently, it would adhere to Policy D1 of the Camden Local Plan and Policy 2 of the Fortune Green and West Hampstead Neighbourhood Plan 2015, which seek to secure development that respects local character and context and integrates well with its surroundings.

Conditions

14. I have had regard to the advice in the Planning Practice Guide and the conditions suggested by the Council in its appeal form. It is necessary in the interests of safeguarding the character and appearance of the area, and the living conditions of neighbours, to ensure that the development is undertaken in accordance with the approved drawings, that matching brickwork is used and that the location and design of gutters, and the final design of the roof¹, is submitted to and approved in writing by the Council.

Conclusion

15. The appeal scheme would adhere to the development plan taken as a whole. Accordingly, the proposal is sustainable development and for this reason, the reasons given above, and having regard to all other matters raised, I conclude the appeal should be allowed.

Graham Chamberlain
INSPECTOR

¹ The drawings suggest that the style, finish and colour of the glazed roof is yet to be finalised.

Schedule of Conditions

1. The development hereby permitted shall commence not later than the expiration of three years beginning with the date of this permission.
2. Subject to Condition 3 below, the hereby approved extension shall not be occupied until the development hereby permitted has been carried out in complete accordance with the following plans and documents (or any approved non material amendment to these plans or any plans required by other conditions imposed on this planning permission).
 - Site Plan to a scale of 1:1250
 - AD_26_NW2_3LX_06 – Existing and proposed side elevations/sections
 - AD_26_NW23LX_03_Rev A – Existing and proposed rear elevations
 - AD_26_NW2_3LX_01 – Existing floor plans – ground and first floor
 - AD_26_NW2_3LX_02_Rev C – Proposed floor plans
 - AD_26_NW23LX_04_Rev A – Sections
3. Notwithstanding the approved drawings, the construction of the extension shall not proceed beyond slab level until the following details have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.
 - The style, finish and colour of the roof and the design and location of guttering.
 - The brick to be used in the external finish of the approved extension.