



Appeal Decisions

Site visit made on 20 February 2018

by Jonathan Price BA(Hons) DMS DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd March 2018

Appeal A Ref: APP/X5210/W/17/3187829 48 Shoot-Up Hill, London NW2 3QB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Nick Grant (48 Shoot-Up Hill Limited) against the Council of the London Borough of Camden.
 - The application Ref 2017/4547/P is dated 10 August 2017.
 - The development proposed is additional residential unit above existing back addition together with rear dormer window in main roof.
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Appeal B Ref: APP/X5210/W/17/3187844 48 Shoot-Up Hill, London NW2 3QB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Nick Grant (48 Shoot-Up Hill Limited) against the Council of the London Borough of Camden.
 - The application Ref 2017/3856/P is dated 6 July 2017.
 - The development proposed is rear dormer window in main roof.
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Decisions

1. Appeal A is dismissed and planning permission refused.
2. Appeal B is allowed and planning permission is granted for rear dormer window in main roof at 48 Shoot-Up Hill, London NW2 3QB in accordance with the terms of the application, Ref 2017/3856/P, dated 6 July 2017, 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: 161115/LP/01 location plan; 161115/TP/101; 161115/TP/102; 161115/TP/103; 161115/TP/104.
 - 3) All new external works, and works of making good, shall match the adjoining parts of the existing building, unless otherwise specified in the approved plans.

Procedural Matters

3. As set out above there are two appeals relating to this property. Appeal A concerns the Council's failure to give notice within the prescribed period of a

decision over an extension to provide an additional one-bedroom residential unit with the proposal for a rear dormer to serve existing accommodation. Appeal B is similarly a 'failure case', concerning a proposal for a rear dormer only. I have considered each proposal on its individual merits. However, to avoid duplication I have dealt with the two schemes together, except where otherwise indicated.

4. Although the Council advises that notices had subsequently been issued the appeals have been accepted and the jurisdiction for the decisions has now passed to the Inspectorate. The Council's reasons for refusing planning permission in both cases, had it been in a position to do so formally, are set out in the statement provided.
5. Regarding Appeal A, a section 106 planning obligation has subsequently been signed by the main parties to secure car-free housing. I am satisfied this obligation satisfies the three tests set out in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 and paragraph 204 of the Framework. Therefore the harm found by the Council over the additional residential unit contributing unacceptably to parking stress and congestion in the surrounding area is satisfactorily addressed.
6. I also consider that the failure to provide secure cycle parking for the new unit in Appeal A is a planning ground capable of being dealt with by a condition. In any event, the approved scheme for seven flats is conditional up providing adequate cycle parking for the additional unit proposed.

Main Issues

7. As a consequence, the main issues in both appeals are the effects of the proposals on the character and appearance of the host building and surrounding area and also, in Appeal A only, on the living conditions of neighbouring occupiers, with particular regard to access to sunlight and daylight.

Reasons

Character and appearance

8. The appeal property is at the end of a short row of six large, quite similarly designed semi-detached dwellings fronting onto Shoot-Up Hill. The property comprises accommodation over four floors, including within a basement and the roofspace and a rather individually-designed two-storey rear outrigger. Works are underway at the building to refurbish it and provide seven flats.
 - i) *Appeal A*
9. The Appeal A scheme is to provide a further flat above the existing rear extension, combining this with a dormer in the rear roof slope of the main part of the building to serve the accommodation proposed in that space.
10. The two-storey outrigger currently has a pitched roof which rises to the height of the eaves of the main building. The additional floor would raise the ridge of this outrigger to just below that of the ridge of the roof to the main building. The eaves of the new addition would rise substantially above that of the main part of the property. The proportions of the vertical addition, and the design and positions of the new windows, would be in keeping with the existing rear

extension. In the context of this the attached dormer would result in no further harm. However, the resulting height of the rear outrigger would appear over dominant and lack the visual subservience to the main building that the existing extension retains.

11. Although the Appeal A proposal would be evident from surrounding properties to the sides and rear, set to the back of the property, it would not be readily visible from the public realm along Shoot-Up Hill. However, this would not alter my view that the vertical addition would appear both incongruous and uncharacteristically out of scale with the design of the property as a whole. This would harm the character and appearance of the host building and detract from the rear view of the built surroundings.
12. The existing additions to the rear of No 48 differ from and exceed in scale those of the similar semi-detached properties but also stand alongside the greater height and mass of the Fordwych Court building. However, I am not persuaded that the appeal property has the degree of individuality which would prevent the raised rear addition appearing out of keeping with its character and detracting from its coherence with the similar housing alongside.
13. The resulting ridge and eaves height of the extended rear outrigger would exceed that sought by the Council's Planning Design Guidance¹ (CPG1). This strongly discourages extensions that are higher than one full storey below roof eaves/parapet level, or that rise above the general height of neighbouring projections and nearby extensions.
14. Due to the additional floor proposed the resulting rear outrigger would no longer appear subservient to the main building and consequently be out of keeping with the original character of this property. Therefore the proposal would have a harmful effect on the character and appearance of the host building and that of surrounding area. This would conflict with the aims of Policy D1 of the Camden Local Plan 2017 (LP) and Policy 2 of the Fortune Green and West Hampstead Neighbourhood Plan March 2105 (NP) to secure high quality design by requiring development to respect local context and character.

ii) Appeal B

15. CPG1 discourages dormer windows where they interrupt an unbroken roofscape. The roofscape of the row of similar houses is already broken to some extent by existing dormers. In addition, the relatively large two-storey outrigger isolates visually the rear roof slope to No 48 from the similar neighbouring houses. Therefore, the dormer window would not be in a visually prominent position so as to be harmfully out of keeping with the group of buildings as a whole.
16. Although quite large, the dormer would not appear unduly out of proportion with the scale of the host building. It is centrally sited well below the ridge of the main house and away from the side gable. The main building has quite a shallow roof slope and I can appreciate the practical need for the window cills in the dormer to be slightly below the eaves.
17. The design is not traditional but in the context of the rear of this property I find it would result in limited harm to the character and appearance of the host

¹ Camden Planning Guidance – Design CPG 1 – London Borough of Camden September 2013.

building and surrounding area. The proposal would offer better living conditions for future occupiers of the apartment, in respect of space, outlook and light.

18. In the context of its location and position I find little conflict with the aims of LP Policy D1 and NP Policy 2. The proposed rear dormer window would not have a materially harmful effect on the character and appearance of the host building or that of the surrounding area.

Living conditions

19. In respect to the Appeal A scheme the incorporation of the rear dormer as part of the overall additions proposed would improve the living conditions for the future occupants of the roofspace flat. However, I am not persuaded the increased height of the rear out-rigger would create unacceptable living conditions for future occupants of the other approved flats, due to any material reduction in daylight/sunlight to rooms.
20. The additions would be to the north of the semi-detached house at No 46 and there would be no significant over-shadowing or loss of light to any of the rooms in this neighbouring property. The windows of the adjacent flats at Fordwych Court lie to the north of the proposed extensions at No 48. However, I consider that these are sufficiently apart from the proposal for it not to cause any material harm to the living conditions of these neighbouring occupiers due to loss of sunlight.
21. As confirmed by the daylight/sunlight report provided with the appeal I do not find that the Appeal A scheme would have any materially harmful effect on the living conditions of adjoining and adjacent occupiers. The proposal would therefore satisfy the aims of LP Policy A1 in this respect.

Conclusion

22. The proposed rear dormer window would not have a materially harmful effect on the character and appearance of the host building or the surrounding area. For the reasons give above, and the subject the conditions and reasons for these recommended by the Council, I conclude that Appeal B should be allowed.
23. Regarding the Appeal A scheme the additional flat would add to the benefits that this small-site, custom-build development might provide towards meeting the Borough's housing supply requirements. There would be benefits from the additional dwelling utilising previously-developed land. However, the extra flat would confer only a very small additional benefit to that already provided by the scheme under construction. This would not outweigh the harm found to the character and appearance of the host building and surrounding area. Therefore I conclude that Appeal A should be dismissed and planning permission refused.

Jonathan Price

INSPECTOR