



Appeal Decision

Site visit made on 9 April 2018

by **D. M. Young BSc (Hons) MA MRTPI MIHE**

an Inspector appointed by the Secretary of State

Decision date: Monday 23rd April 2018.

Appeal Ref: APP/X5210/W/17/3189877 14 & 15 St Silas Place, London NW5 3QP.

- 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 Ms Carla Stooke against the decision of the Council of the London Borough of Camden.
 - The application Ref 2017/1557/P, dated 16 March 2017, was refused by notice dated 9 June 2017.
 - The development proposed is the erection of first floor rear extension with associated alterations to existing external staircase.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of first floor rear extension with associated alterations to existing external staircase at 14 & 15 St Silas Place, London NW5 3QP in accordance with the terms of the application, Ref 2017/1557/P, dated 16 March 2017, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1623/TP/01, 1623/TP/02, 1623/TP/03 and 1623/TP/04.
 - 3) All new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the existing building, unless otherwise specified in the approved application.
 - 4) The first floor living/dining kitchen window in the angled side elevation of the extension hereby approved shall be fitted and permanent retained with obscure glazing up to a height of 1.7m above finished floor level.

Preliminary Matters

2. Following determination of the application, the Council adopted the "*Camden Local Plan 2017*" (the LP). This replaces the "*Camden Core Strategy: Local Development Framework 2010*" and the "*Camden Development Policies: Local Development Framework 2010*" and now constitutes the Development Plan for the Borough. Whilst this does not change the Council's stance in relation to the scheme, I have determined the appeal on the basis of policies in the LP.

Main Issues

3. This is the effect of the development on, firstly, the character and appearance of the area and, secondly, the privacy of neighbouring occupiers.

Reasons

Character and appearance

4. The appeal site is located on the west side of St Silas Place, close to its junction with Prince of Wales Road. It comprises a two-storey, end-terrace, flat-roofed residential building which dates from the 1960s with No 15 being the first floor unit and subject of this appeal. In my view, the utilitarian appearance of the appeal property makes a negative contribution to the street scene.
5. Whilst not unattractive, the local area contains a robust mix of buildings with considerable variety in style, appearance, height and age. Save for the church of 'St Silas the Martyr' which is Grade II* listed, the area is not particularly notable or sensitive in architectural or streetscape terms. It is also not subject to any special designation and therefore a certain degree of change is inevitable and I can see nothing objectionable to the principle of small-scale additions and alterations to existing buildings.
6. The appeal scheme proposes the construction of a first-floor rear extension to the host property, which would be located on the roof of the existing ground floor extension to No 14 and include an angled wall along its northern elevation and a flat roof. The scheme also proposes the removal of the unsightly external metal staircase and its replacement with a contemporary equivalent.
7. The proportions of the extension would be relatively modest and insofar as the host building is concerned would not; increase its overall height, alter its fundamental size and shape or challenge its dominance. It would therefore be appropriate in terms of scale and bulk. Save for the staircase, the external materials would otherwise match the existing building. Although the fenestration pattern would differ to the other properties in the terrace, this need not be viewed negatively in view of policy in the "*National Planning Policy Framework*" paragraph 60 of which states; "*decisions should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles*".
8. In my view, the angled window would be a welcome but quirky addition, adding not only to the mix of styles in the area but also interest to a building which otherwise lacks architectural subtlety. I therefore find that the design and siting of the extension would not be inappropriate given the site's varied context.
9. The existing staircase is industrial in character and of little aesthetic value. As such it is difficult to understand how the Council came to the view that its replacement with something more modern would cause unacceptable harm to the locality. In my opinion, a modern staircase would complement the extension adding a new and distinct element to the St Silas Place street scene.
10. Taking all of the above into account, I conclude that the development would enhance the character and appearance of the area and therefore by extension, the setting of the nearby listed building. There would thus be no conflict with LP Policies D1 and D2 which amongst other things seek high quality

development that respects local context and preserves or enhances the setting of heritage assets.

Overlooking

11. Although this is a relatively high-density residential area with a high level of mutual overlooking of rear gardens and windows, I do have significant concerns about the impact of the proposed living room window. This would be angled directly towards No 6 in a way that would not be comparable to the existing window. In commanding views of almost the entire garden at close quarters, it would thus significantly erode the privacy of the occupiers of No 6.
12. To overcome these concerns the appellant has suggested that a planning condition could be imposed requiring the window in question to be obscured-glazed to a height of 1.7m. The Council acknowledge that their concerns could be addressed by such a condition. I do not consider that there would be any perception of overlooking. Even if I am wrong about that, it would be unreasonable to dismiss the appeal solely on these grounds.
13. I thereby conclude that the development would not unacceptably harm the privacy of neighbouring occupiers. There would thus be no conflict with LP Policy A1 which seeks to protect the quality of life of occupiers and neighbours by only granting permission for development that does not cause harm to amenity.

Conclusion

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

D. M. Young

Inspector