

Appeal Decision

Site visit made on 9 April 2018

by F Rafiq BSc (Hons), MCD, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 May 2018

Appeal Ref: APP/X5210/D/17/3188631

1 Rose Joan Mews, London, NW6 1DQ

- 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 J Newman (Sharesense Limited) against the decision of the Council of the London Borough of Camden.
 - The application Ref 2017/3652/P dated 26 June 2017 was refused by notice dated 8 September 2017.
 - The development proposed is an infill existing first floor space above ground floor living area to form bedroom.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on (1) the character and appearance of the host property and the area, and (2) the living conditions of surrounding residential occupants with regard to privacy.

Reasons

Character and Appearance

3. The appeal property is situated in a small cluster of mews style buildings to the rear of properties on Fortune Green Road. The nearby terraces on the main road are three storeys, although the scale of development to the rear in the vicinity of the site is distinctly smaller. The appeal property is part single and part two storey and its built form consists of a flat roof design and white rendered walls, with different sized and positioned windows, giving it further distinction from the traditional terraces on Fortune Green Road. This variety, and the visual contrast between buildings of different ages is an intrinsic part of the character of the area.
 4. The proposal seeks to construct an extension at first floor above a single storey element of the appeal site. Whilst I recognise that the extension is small, the recessed area is a feature which has taken influence from the modernist design movement. In this respect, the recess performs an important visual function and reflects the distinctive character of the appeal building and the surrounding properties of a similar design. The infilling would result in the appeal property
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having a box like form that would not be sympathetic to the style and appearance of the host dwelling. Although the appeal site is not prominent, it is still nevertheless clearly seen along Rose Joan Mews and from the main road. I also note that the use of materials can be controlled by condition, but this would not outweigh the harm that I have identified.

5. I also note the concern expressed in relation to the proposed first floor window aligning with the window below. This would be contrary to the haphazard arrangement of the different sized windows on the existing property, but I do not consider that this fenestration arrangement would in itself harm the building's appearance. The appeal and adjoining properties would continue to have a number of existing windows of different sizes and positions on the front elevation, which would maintain its irregular appearance.
6. Notwithstanding this, I conclude that the proposal would have an unacceptable harmful effect on the character and appearance of the host property and the area. It would be contrary to Policies D1 and G1 of the Council's Local Plan, which seek, amongst other matters, high quality development that respects local context and character. It would also be contrary to Section 7 of the National Planning Policy Framework (Framework).

Living Conditions

7. The proposal would result in a new window on the front elevation on part of the building where there are currently none. The Council have raised concerns in relation to potential overlooking from this new window to the rear elevation and rear garden of No. 94 Fortune Green Road. This property is situated at an angle from the appeal building and the new window proposed on the extension. From my site observations, the rear garden is also offset from and would not directly face the proposed window on the extension. The angled relationship would therefore mitigate any undue overlooking between the appeal property and No. 94.
8. I therefore conclude that the development would not have an unacceptable adverse effect on the living conditions of surrounding residential occupants with regard to privacy. It would not conflict with Policies A1 and G1 of the Council's Local Plan, which seek, amongst other matters, to ensure that the amenity of neighbours is protected. It would also not be contrary to Paragraph 17 of the Framework, which seeks to ensure a good standard of amenity for all existing and future occupants of land and buildings.

Other Matters

9. The appeal property is of a small size and does not meet the current minimum space standards. The proposal would increase the size of the residential unit and I recognise that this is a matter which weighs in favour of the development in that it would improve the Borough's housing stock. It would not however outweigh the harm that I have identified in relation to character and appearance. It would also therefore not be the form of sustainable development that the Framework sets out a presumption in favour of.
10. My attention has been drawn to a first-floor extension on another site which is said to be larger than the appeal development. Although some details of this

development have been provided, I am not aware of its full circumstances. In any event, each case must be assessed on its own merits.

11. The Appellant has suggested alternative forms of development, but I am required to determine the appeal before me on its own merits.
12. No concerns have been raised in relation to the loss of light or outlook or highway safety matters. However, these are neutral considerations and not benefits of the proposal.

Conclusion

13. I have found in the appellants favour in relation to the issue of living conditions. However, I conclude that the appeal proposal would be unacceptable in relation to the impact on the character and appearance of the host property and the area.
14. For the reasons given above and having considered all other matters raised, including the appeal site not being within a Conservation Area or a listed building, I conclude that the appeal should be dismissed.

F Rafiq

INSPECTOR