



**4 COURT CLOSE,
ST. JOHN'S WOOD PARK
LONDON, NW8 6NN**

**APPEAL BY MR. SONY DOUER
AGAINST THE REFUSAL OF THE LONDON BOROUGH OF CAMDEN COUNCIL
TO GRANT PLANNING PERMISSION FOR ERECTION OF A SINGLE STOREY
REAR EXTENSION AND SINGLE STOREY REAR CONSERVATORY, CREATION
OF ROOF TERRACE AND INSTALLATION OF GLASS BALUSTRADE AND 1.8M
HIGH SCREENING PANEL AT FIRST FLOOR LEVEL ADJACENT TO TERRACE.**

APPLICATION REFERENCE NO. 2017/6709/P

FULL APPEAL STATEMENT OF CASE

APRIL 2018

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APPENDICES

1. Copy of planning application reference no. 2017/4283/P.

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1.0 INTRODUCTION

1.1 My name is Tim Waters and I am the founding Director of RENEW Planning Limited, a planning and development consultancy based in London. I hold Masters Degree in Town Planning and am a Member of the Royal Town Planning Institute (MRTPI), having qualified in October 1995. During the course of my professional career, I have dealt with a broad spectrum of planning matters and have considerable experience of all forms of development.

1.2 I am instructed by Mr. Sony Douer ('the appellant') to lodge an appeal against the decision of the London Borough of Camden Council ('the Council') to refuse planning permission for a proposed development at 4 Court Close, St. John's Wood Park, London, NW8 6NN ('the appeal property').

1.3 The proposed development was the subject of a householder planning application submitted to the Council on 19 December 2017 (reference no. 2017/6709/P), which sought planning permission on the following basis:

"Erection of a single storey rear extension and single storey rear conservatory, roof terrace and installation of glass balustrade and 1.8m high screening panel at first floor level adjacent to terrace".

1.4 The application was submitted by the applicant's instructed agent at the time (Oakley Hough Limited) and comprised the following documentation:

- Planning application form with related ownership certificate;
- Design and Access Statement.
- Site Location Plan.
- Drawing Nos.

563/01	Existing Floor Plans
563/08	Existing Side Elevations
563/13	Ground Floor Plan & Rear/East Conservatory Elevation
563/14	First Floor Plan & Roof Plan & West Conservatory Elevation
563/15	Existing Front & Rear Elevation

1.5 The application was refused under officer delegated powers on 13 February 2018 for the following reasons:

1. *The proposed rear extensions, by reason of their cumulative excessive size, bulk and massing, would fail to appear as subordinate additions to the host building, harming the character and appearance of the host building and surrounding area, contrary to Policy D1 (Design) of the Camden Local Plan 2017.*
2. *The proposed first floor roof terrace balustrade, by reason of its inappropriate design and materials, would appear out of keeping with the subject property and neighbouring properties, harming the character and appearance of the host building and surrounding area, contrary to Policy D1 (Design) of the Camden Local Plan 2017".*

- 1.6 This Statement sets out the appellant's full statement of case in respect of this appeal and is structured as follows:

Section 2 describes the site and surrounding area.

Section 3 records the relevant planning history of the site.

Section 4 provides a summary description of the appeal application proposal.

Section 5 sets out the material planning policy considerations.

Section 6 examines the overall planning justification for the development.

Section 7 applies the planning balance and outlines the principal reasons why this appeal should be allowed.

2.0 THE APPEAL SITE

- 2.1 The appeal site forms one of four terraced family dwelling houses situated on Court Close within a wider housing estate located at the northern end of St. John's Wood Park and near to its junction with the B509 and B525 at Swiss Cottage. The property is arranged over 3-storeys and has an overall GIA of 145m². It can be readily distinguished from the other dwellings on the terrace in that it benefits from a larger garden demise, which has been formed through a realignment of the boundary wall on its western side, beyond which is situated an area of car parking and the estate management office and workshop. The management office has recently been extended through the addition of a first floor extension to create a separately demised 1 x 3 bedroom flat following a grant of planning permission on 11 July 2017 (application reference no. 2017/0068/P).
- 2.2 The wider housing estate is characterised by tower blocks of flats interspersed with terraced housing. The appeal property is not situated within a conservation area and the property is not listed. The overall area of the appeal site is 0.02 hectares (202m²).

3.0 PLANNING HISTORY

- 3.1 A summary review of the planning history recorded on the Council's statutory register relating to the appeal property is set out below.

Application Reference No. 2017/4283/P

Proposed erection of a single storey rear extension to include single storey conservatory extension, roof terrace and installation of screening panel adjacent to terrace. Granted, 17 November 2017.

- 3.2 A full copy of the application drawings and the issued Council decision notice is at Appendix 1.
- 3.3 The Officer Report assessment of the proposed development (as recorded on the decision notice as the reason for granting planning permission) was as follows:

“The proposed single storey rear extension would project a maximum depth of 7.2m rearwards measuring a maximum height of 3m with a part flat roof design. The conservatory element of the extension would have a pitched roof design measuring a height of 2.5m at the eaves. A 7m rear extension was previously granted a 1 Court Close under 2013/8175/P. The extension is also similar to an existing extension approved at 3 Court Close (planning reference: 2010/6014/P) for a 7.2m deep single storey rear extension projecting from the original rear wall of the dwellinghouse. The scale of the proposal is therefore considered to already form part of the character of the area. Overall, the extension is considered to appear subordinate in scale to the host building and an appropriate design with matching materials and suitably sized rear patio doors. In addition, the conservatory will measure approximately half the width of the original dwellinghouse, which reduces the overall scale of the extension and allows the extension to remain subordinate to the main dwellinghouse.

The existing garden at the subject property is a substantial size and more than half of the garden will remain as a result of the proposed extension. It is therefore not considered that the proposal would dominate the existing rear garden.

Due to the variation in rear building lines, the rear elevation of the subject property is set significantly further south than the neighbouring residential block at Boydell Court. Due to the siting and orientation of Boydell Court, the impact of the proposed extension would not be significantly different or more harmful than the existing situation and can be supported in this instance.

The subject property has an existing full width balcony area enclosed by railings as it leads out from first floor level. The proposed balcony area will be 1.2m deeper than the existing. Some overlooking would occur to neighbouring garden space, however, the proposed screening panel along the shared boundary with no. 5 would help to mitigate this impact and overall the extent of overlooking would not be significantly different or more harmful than the existing situation.

Due the generally modest size of the proposed extension, there are no concerns regarding impact on the neighbouring amenity of the adjoining property no. 5. The proposed conservatory element of the extension would be set in 3m from the shared boundary with no. 5 which would further help to mitigate the impact on the residential amenity of this neighbouring property.

In respect of noise nuisance, the balcony would have the potential to fit a table or chairs, however, the door leading out to the balcony is from the master bedroom and not a kitchen or lounge which may decrease the likelihood of the balcony being used for entertainment purposes. It is not considered that the balcony will contribute to a significantly more harmful amount of noise generation than the existing situation.

No objections were received prior to making this decision. The planning history of the site and surrounding area were taken into account when coming to this decision.

The property is not located within a conservation area, the building is not listed nor within the setting of a listed building.

As such, the proposal is in general accordance with Policies D1 and A1 of the Camden Local Plan 2017. The proposed development also accords with the London Plan 2016 and the National Planning Policy Framework 2012”.

4.0 THE APPEAL APPLICATION

- 4.1 Planning permission is sought for the erection of a single storey rear extension which would project a depth of 3.8m from the original rear elevation of the subject property, measuring a maximum height of 3.1m with a flat roof. A conservatory extension is also proposed, which would project a further 3.4m in depth from the proposed extension (7.2m depth in total), with a pitched roof measuring 2.7m at the eaves. The proposed single storey extension would extend the full width of the host dwelling and the proposed conservatory element would measure a width of 5.9m. The conservatory extension would project out beyond the side/rear elevation building line of the appeal property and into the extended garden demise already formed by the realignment of the boundary wall. A roof terrace and glass balustrade with 1.8m screening panel is also proposed at first floor level on the roof as the proposed single storey extension only (excluding the conservatory).
- 4.2 The only difference between the previously approved application (reference no. 2017/4283/P) and the current proposal relates to the size and siting of the proposed conservatory. The current planning permission provides for a conservatory extension measuring a width of 3.8m and sited in line with the rear elevation building line of the host dwelling. The appeal application proposes to increase the width of the conservatory to 5.9m by utilising the extended rear garden demise already formed by the realignment of the existing boundary wall. As such, the conservatory would project beyond the side/rear elevation building line of the host dwelling. The appeal application also proposes to enclose the first floor terrace with a structural glass balustrade instead of the originally approved metal railings, although the appellant is willing now to revert back to the metal railings. As such, the appellant would be agreeable to a condition being attached to any grant of planning permission to this effect.

5.0 MATERIAL PLANNING POLICY

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act (2004) provides that if regard is to be had to the development plan for the purposes of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 5.2 The statutory development plan currently comprises the London Plan 2016 (consolidated with alterations since 2011) and the Camden Local Plan 2017. The National Planning Policy Framework (published in March 2012) and the Camden Planning Guidance in the form of CPG1 Design (July 2015 and updated March 2018) and CPG6 Amenity (September 2011 and updated March 2018) are also material considerations in the assessment of this appeal application.

National Planning Policy Framework (NPPF)

- 5.3 National planning policy is set out in the National Planning Policy Framework (NPPF). The NPPF outlines the Government's requirements for the planning system, which is to be underpinned by a presumption in favour of sustainable development. In this respect, the planning system is expected to attach 'significant weight' on the need to support economic growth and 'encourage' rather than be an 'impediment' to sustainable growth. All decision-making should be underpinned by twelve core land-use planning principles, including, inter alia, a need to facilitate high standards of design and a good standard of amenity for all existing and future occupants of land and buildings. At the same time, however, planning should not simply be about scrutiny, but instead, a creative exercise in finding ways to enhance and improve the places in which people live their lives.
- 5.4 Good design is nevertheless 'indivisible from good planning' and should be seen as a key aspect of sustainable development. However, decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. Notwithstanding this, it is proper to seek to promote or reinforce local distinctiveness and all new development will be expected to respect the character and appearance of a surrounding area.

Camden Local Plan 2017

- 5.5 The Camden Local Plan was adopted by the Council in July 2017 and has replaced the Core Strategy and Camden Development Policies documents as the basis for planning decisions and development in the borough.
- 5.6 The Council's refusal notice cited two material planning policies that were applied to its original assessment of this appeal application, they being: Policy A1 (Managing the impact of development); and Policy D1 (Design).
- 5.7 Policy A1 seeks to ensure that the wider amenity impacts of development are appropriately managed and controlled. It sets out a criteria-based approach to the assessment of planning applications and states as follows:

“Policy A1 Managing the impact of development

The Council will seek to protect the quality of life of occupiers and neighbours. We will grant planning permission for development unless this causes unacceptable harm to amenity.

We will:

- a. Seek to ensure that the amenities of communities, occupiers and neighbours is protected;*
- b. Seek to ensure development contributes towards strong and successful communities by balancing the needs of development with the needs and characteristics of local areas and communities;*
- c. Resist development that fails to adequately assess and address transport impacts affecting communities, occupiers, neighbours and the existing transport network; and*
- d. Require mitigation measures where necessary.*

The factors we will consider include:

- e. Visual privacy, outlook.*
- f. Sunlight, daylight and overshadowing.*
- g. Artificial lighting levels.*
- h. Transport impacts, including the use of Transport Assessments, Travel Plans and Delivery and Servicing Management Plans.*
- i. Impacts of the construction phase, including the use of Construction Management Plans;*
- j. Noise and vibration levels;*
- k. Odour, fumes and dust;*
- l. Microclimate;*
- m. Contaminated land; and*
- n. Impact upon water and wastewater infrastructure”.*

5.8 The explanatory text further states:

“6.3 Protecting amenity is a key part of successfully managing Camden’s growth and ensuring its benefits are properly harnessed. The Council will expect development to avoid harmful effects on the amenity of existing and future occupiers and nearby properties or, where this is not possible, to take appropriate measures to minimise potential negative impacts”.

5.9 Policy D1 outlines the Council’s expectation for all developments, including alterations and extensions to existing buildings, to be of the highest standard of design. It states (in most part):

“Policy D1 Design

The Council will seek to secure high quality design in development. The Council will require that development:

- a. Respects local context and character;*
- b. Preserves or enhances the historic environment and heritage assets in accordance with Policy D2 Heritage;*
- c. Is sustainable in design and construction, incorporating best practice in resource management and climate change mitigation and adaptation;*

- d. *Is of sustainable and durable construction and adaptable to different activities and land uses;*
- e. *Comprises details and materials that are of high quality and complement the local character;*
- f. *Integrates well with the surrounding streets and open spaces, improving movement through the site and wider area with direct, accessible and easily recognizable routes and contributes positively to the street frontage;*
- g. *Is inclusive and accessible for all;*
- h. *Promotes health;*
- i. *Is secure and designed to minimise crime and antisocial behavior;*
- j. *Responds to natural features and preserves gardens and other open space;*
- k. *Incorporates high quality landscape design (including public art, where appropriate) and maximises opportunities for greening for example through planting of trees and other soft landscaping;*
- l. *Incorporates outdoor amenity space;*
- m. *Preserves strategic and local views;*
- n. *For housing, provides a high standard of accommodation; and*
- o. *Carefully integrates building services equipment.*

The Council will resist development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions”.

5.10 The explanatory text further advises:

“7.2 The Council will require all developments, including alterations and extensions to existing buildings, to be of the highest standard of design and will expect developments to consider:

- *Character, setting, context and the form and scale of neighbouring buildings;*
- *The character and proportions of the existing building, where alterations and extensions are proposed;*
- *The prevailing pattern, density and scale of surrounding development;*
- *The impact on existing rhythms, symmetries and uniformities in the townscape;*
- *The composition of the elevations;*
- *The suitability of the proposed design to its intended use;*
- *Inclusive design and accessibility;*
- *Its contribution to public realm and its impact on views and vistas; and*
- *The wider historic environment and buildings, spaces and features of local historic value”.*

5.11 It is also stated that: *“good design takes account of its surroundings and preserves what is distinctive and valued about the local area”* and as such, *“careful consideration of the characteristics of a site, features of local distinctiveness and the wider context is needed in order to achieve a high quality development which integrates into its surroundings”* (Paragraph 7.4). The expectation is that *“design should respond creatively to its site and context including the pattern of built form and urban grain, open spaces, gardens and streets in the surrounding area”* (Paragraph 7.5).

Camden Planning Guidance

- 5.12 The Council's officer report assessment of the appeal application also relies on Camden Planning Guidance, which has been published as a Supplementary Planning Document to support the now superseded Core Strategy and Development Policies, although it continues to be a material consideration for decision-making. The Camden Planning Guidance covers a range of topics, including the matters of design (CPG1) and amenity (CPG6).

CPG1 Design

- 5.13 Section 4 of CPG1 provides more detailed guidance on extensions, alterations and conservatories. As a precursor to this guidance, four 'key messages' are defined, including the need for rear extensions to be secondary to the building being extended. A number of 'good practice' principles are identified for external alterations as follows:

- Alterations should always take into account the character and design of the property and its surroundings. A harmonious contrast with the existing property and surroundings may be appropriate for some new work to distinguish it from the existing building; in other case closely matching materials and design details are more appropriate so as to ensure the new work blends with the old (Paragraph 4.7).
- Extensions should be subordinate to the original building in terms of scale and situation, unless the specific circumstances of the site, such as the context of the property or its particular design, would enable an exception to this approach (Paragraph 4.8).
- A rear extension is often the most appropriate way to extend a house or property. However, rear extensions that are insensitively or inappropriately designed can spoil the appearance of a property or group of properties and harm the amenity of neighbouring properties, for example in terms of outlook and access to daylight and sunlight (Paragraph 4.9).
- Rear extensions should be designed to:
 - Be secondary to the building being extended, in terms of location, form, scale, proportions, dimensions and detailing;
 - Respect and preserve the original design and proportions of the building, including its architectural period and style;
 - Respect and preserve existing architectural features, such as projecting bays, decorative balconies and chimney stacks;
 - Respect and preserve the historic pattern and established townscape of the surrounding area, including the ratio of built to unbuilt space;
 - Not cause a loss of amenity to adjacent properties with regard to sunlight, daylight, outlook, overshadowing, light pollution/spillage, privacy/overlooking, and sense of enclosure;

- Allow for the retention of a reasonable sized garden; and
- Retain the open character of existing natural landscaping and garden amenity, including that of neighbouring properties, proportionate to that of the surrounding area (Paragraph 4.10).

5.14 Furthermore:

- In order for new extensions to be subordinate to the original building, their heights should respect the existing pattern of rear extensions, where they exist. Ground floor extensions are generally considered preferable to those at higher levels. The maximum acceptable height of an extension should be determined according to the Paragraph 4.10 criteria above. In cases where a higher extension is appropriate, a smaller footprint will generally be preferable to compensate for any increase in visual mass and bulk, overshadowing and overlooking that would be caused by the additional height (Paragraph 4.12). In most cases, 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, will be strongly discouraged (Paragraph 4.13).
- The width of rear extensions should be designed so that they are not visible from the street and should respect the rhythm of existing rear extensions (Paragraph 4.14).
- Conservatories should normally:
 - Be located adjacent to the side and rear elevations of the building;
 - Be subordinate to the building being extended in terms of height, mass, bulk, plan form and detailing;
 - Respect and preserve existing architectural features, e.g. brick arches, windows etc;
 - Be located at ground or basement level. Only in exceptional circumstances will conservatories be allowed on upper levels;
 - Not extend the full width of a building. If a conservatory fills a gap beside a solid extension, it must be set back from the building line of the solid extension; and
 - Be of a high quality in both materials and design (Paragraph 4.19).
- Conservatories should not overlook or cause light pollution to neighbouring properties (Paragraph 4.20).

5.15 CPG1 also provides more detailed guidance on roof terraces and balconies, which are expected to form an 'integral element' in the design of elevations (Paragraph 5.24). In this respect, consideration will be given to the following:

- Detailed design to reduce the impact on the existing elevation;

- Careful choice of materials and colour to match the existing elevation;
- Possible use of setbacks to minimise overlooking – a balcony need not necessarily cover the entire available roof space;
- Possible use of screens or planting to prevent overlooking of habitable rooms or nearby gardens, without reducing daylight and sunlight or outlook; and
- Need to avoid creating climbing opportunities for burglars (Paragraph 5.24).

CPG6 Amenity

- 5.16 CPG6 provides more detailed policy guidance on a range of amenity related considerations, including daylight/sunlight, overlooking, privacy and outlook, all of which points were material to the Council's officer assessment of the appeal application. As the Council has not maintained any amenity objection to the proposed extensions in such terms and this is considered to be common ground, I have not set out a summary of this guidance.

6.0 GROUNDS OF APPEAL

- 6.1 This section of the appeal statement sets out the appellant's full grounds of appeal by reference to the reasons for refusal cited on the Council's decision notice. The officer report assessment of the appeal application was predicated on the combined considerations of the impact of the proposed development on the character and appearance of the host building and surrounding area and the impact on the residential amenity of neighbouring occupiers.
- 6.2 The refusal grounds allege that the proposed rear extensions would be harmful to the character and appearance of the host building and surrounding area by virtue of the overall scale, bulk and massing of development being excessive and not subordinate to the host building. A secondary concern is maintained in respect of the proposed first floor roof terrace balustrade, which is considered to be out of keeping with the subject property and equally harmful to the character and appearance of the host building by virtue of its inappropriate design and materials.
- 6.3 The officer report assessment of the appeal application nevertheless accepts that there would be unacceptable harm arising to the near neighbours in terms of loss of privacy, outlook, overlooking and daylight/sunlight impact. In this respect, the more detailed assessment criteria set out in CPG6 (Amenity) are met.

Refusal Ground 1

The proposed rear extensions, by reason of their cumulative excessive size, bulk and massing, would fail to appear as subordinate additions to the host building, harming the character and appearance of the host building and surrounding area, contrary to policy D1 (Design) of the Camden Local Plan 2017.

- 6.4 The subject property already benefits from an extant planning permission granted under application reference no. 2017/4283/P (dated 11 November 2017) for a single-storey rear extension with conservatory. The approved scheme shows the rear extension projecting a maximum depth of 3.8m from the original rear wall of the dwellinghouse (on the boundary with no. 5 Court Close) and a further 3.375m (and 7.175m overall) on the west boundary and where the conservatory is configured (with a width of 3.675m). In this instance, the Council was satisfied that the proposed development would be subordinate in size, bulk and massing to the host building as the approved conservatory measured only an approximate half width of the original dwellinghouse, which had the effect of reducing the overall scale of the proposed extensions. It was also accepted on officer assessment that the proposed extensions would not be incompatible in either scale or form with the broadly equivalent rear extensions granted at nos. 1 & 3 Court Close on the same terrace.
- 6.5 The appeal property can be readily distinguished from the other properties on the terrace in that it now benefits from a larger rear garden demise, which has been formed through a realignment of the existing boundary wall to the west. This has had the effect of increasing the width of the garden from 6.8m to 9m (where the proposed extended conservatory is configured) and to 9.8m overall (adjoining the side wall of the estate management office).

- 6.6 As such, the appeal application proposal differs from the approved scheme in that the conservatory would extend beyond the side/rear elevation of the host building into this extended garden area. The overall depth of the proposed extensions would nevertheless remain the same (7.175m or the 7.2m referenced in the appeal application officer report) and the same separation distance between the conservatory and the rear boundary line of the adjoining property at no. 5 Court Close would be maintained. Table 1 provides a summary comparison of how the appeal proposal compares with the permitted scheme and original dwellinghouse in terms of size (specifically gross internal floor area and volume).

**Table 1: Summary Comparison of GIA/Volume
Existing House/Permitted Scheme/Appeal Proposal**

Size Criteria	Existing House	Permitted 2017/4283/P	Appeal 2017/6709/P
GIA	145m ²	179m ²	186m ²
Volume (excluding roof)	372m ³	453m ³	470m ³

- 6.7 The officer report maintains that the ‘increased size and excessive width’ of the conservatory would result in a ‘prominent and bulky addition’, which ‘would not respect the scale and character of the original property’. It is further maintained that this harm would be manifested in the overall cumulative impact of the proposed extensions and an alleged incompatibility of the proposed built form with other development on the terrace, which is considered ‘unsympathetic to the character of the row of which the application property forms a part’ (Paragraph 3.5, Officer Report).
- 6.8 On the matter of compatibility, there is no uniformity to the existing rear elevation of these terraced properties and although nos. 6 & 7 Court Close both benefit from rear extensions that are not dissimilar in either scale or form with the current appeal proposal, no. 6 also has a part-first floor addition, adding to this disparity of built form.
- 6.9 The Council’s supplementary planning guidance on rear extensions (CPG1) provides a criteria-based approach to the assessment of rear extension proposals. In this respect, and by reference to this guidance, the following observations can be made:

Be secondary to the building being extended, in terms of location, form, scale, proportions, dimensions and detailing.

The proposed conservatory extension would have the effect of part-infilling an extended garden demise that is not common to the other adjoining properties on the terrace. It constitutes a modest and discrete addition to the house in comparison with the currently approved scheme. This is reflected in the overall GIA of the house increasing by 7m² and the volume by 17m³ from the approved fallback position and so it is not considered to be of a ‘significantly greater’ size and scale as the Council has maintained. CPG1 does not impose mandatory requirements. Instead, each case must be considered on its own respective merits. The conservatory extension would be barely perceptible from wider public view and when taken as a whole the proposed

extensions can still be considered subservient in scale and form to the host property. As a result, it would not be unsympathetic to the prevailing character and form of this rear terrace either functionally or in terms of its wider visual impact.

Respect and preserve existing architectural features, such as projecting bays, decorative balconies and chimney stacks.

No objection has been maintained by the Council in this respect, as the overall material specification and finish of the proposed extensions would match that of the approved scheme.

Respect and preserve the historic pattern and established townscape of the surrounding area, including the ratio of built to unbuilt space.

As above.

Not cause a loss of amenity to adjacent properties with regard to sunlight, daylight, outlook, overshadowing, light pollution/spillage, privacy/overlooking, and sense of enclosure.

There is no amenity impact objection to the proposed development.

Allow for the retention of a reasonable sized garden.

No objection is maintained in this respect.

Retain the open character of existing natural landscaping and garden amenity, including that of neighbouring properties, proportionate to that of the surrounding area.

No objection is maintained in this respect.

6.10 Furthermore:

- The height of the proposed rear extensions respects the prevailing height of the other rear extensions on the terrace (Paragraph 4.12, CPG1).
- The width of the proposed rear extensions as a whole would not be visible from the street and is not incompatible with the rhythm of the existing rear extensions on the terrace, which is not currently characterised by uniformity (Paragraph 4.14, CPG1).
- The proposed conservatory would not extend to the full width of the host property (Paragraph 4.19, CPG1).

6.11 The Council's refusal notice nevertheless relies upon Policy D1 (Design) of the Camden Local Plan 2017 (although Policy A1 is also referenced in the officer report as a basis for the maintained design objection). No objection is raised in respect of the more detailed assessment criteria set out under parts b)-o) inclusive of the policy and so it is assumed that the alleged policy breach is confined to part a) only, namely that the proposed development would not respect local context and character. In this respect, the Council's officer report assessment is largely confined to the question of whether the

proposed conservatory extension can be considered subordinate to the host dwelling, although it is ventured that the increased size of the conservatory extension would be unsympathetic to the character of the wider housing terrace. As there is no uniformity to the rear built form on this terrace and the wider site context is characterised by buildings of differing scale, form and use, it is considered that the overall cumulative impact of the proposed extensions would not be incongruous or incompatible with this local context.

- 6.12 The NPPF advises that planning should not simply be about scrutiny, but instead a creative exercise in finding ways to enhance and improve the places in which people live their lives. Furthermore, decision-making is expected to encourage innovation, originality and initiative, provided local distinctiveness is maintained. The appeal proposal would not be incompatible in terms of its overall size and scale with other built form in the immediate vicinity of the appeal site and nor can it be considered materially larger in comparison with the currently permitted scheme. Instead, and in overall terms, the proposed extensions would continue to appear as separate but coherent parts of the host property, preserving its character and appearance both individually and as part of the wider terrace. The conservatory would continue to give the impression of a well-designed and visually discrete addition, which aims to maximise the development potential of the enlarged garden. It would continue to be in keeping with the host dwelling and would not be disproportionate, overbearing or intrusive relative to the permitted scheme. In this respect, it is also of some relevance that the appeal application was not the subject of any local objection.

Refusal Ground 2

The proposed first floor roof terrace balustrade, by reason of its inappropriate design and materials, would appear out of keeping with the subject property and neighbouring properties, harming the character and appearance of the host building and surrounding area, contrary to Policy D1 (Design) of the Camden Local Plan 2017.

- 6.13 The Council's officer report assessment maintains that the proposed use of a glass balustrade to enclose the first floor roof terrace would be out of keeping with the character of the area and other neighbouring properties (specifically nos. 6 & 7 Court Close), which are characterised by metal railing terrace enclosures. Although the appellant does not necessarily share this concern, he would nonetheless be agreeable to a condition being attached to any grant of planning permission requiring the details of a metal railing boundary treatment to be approved by the Council.

7.0 PLANNING BALANCE

- 7.1 The appeal application effectively represents a revision of the broadly equivalent rear extension scheme granted under planning application reference no. 2017/4283/P in that it is proposed to configure the proposed conservatory extension beyond the side/rear elevation of the host property and into an enlarged garden area already formed through a prior realignment of the boundary wall. The Council has not raised any amenity objection to the proposed development in its officer assessment of the appeal application and the appellant would be willing to agree a condition requiring the installation of metal railings to overcome the reason for refusal ground 2. On the substantive matter of design, the proposed conservatory extension would not be materially larger than the approved scheme in terms of size and scale and although it would project in part beyond the side/rear elevation of the host building, the overall cumulative impact of the proposed extensions when taken as a whole is not considered to be so excessive as to be out-of-keeping and incompatible with the main house. There is no real uniformity of built form on the rear housing terrace and the proposed conservatory extension would be barely perceptible to public view. The extension would remain subordinate in scale and in the absence of any clear harm, the appellant would respectfully request on planning balance that this appeal be allowed and planning permission granted.

APPENDIX 1

Application Reference No. 2017/4283



Siteplan Data™

4 COURT CLOSE



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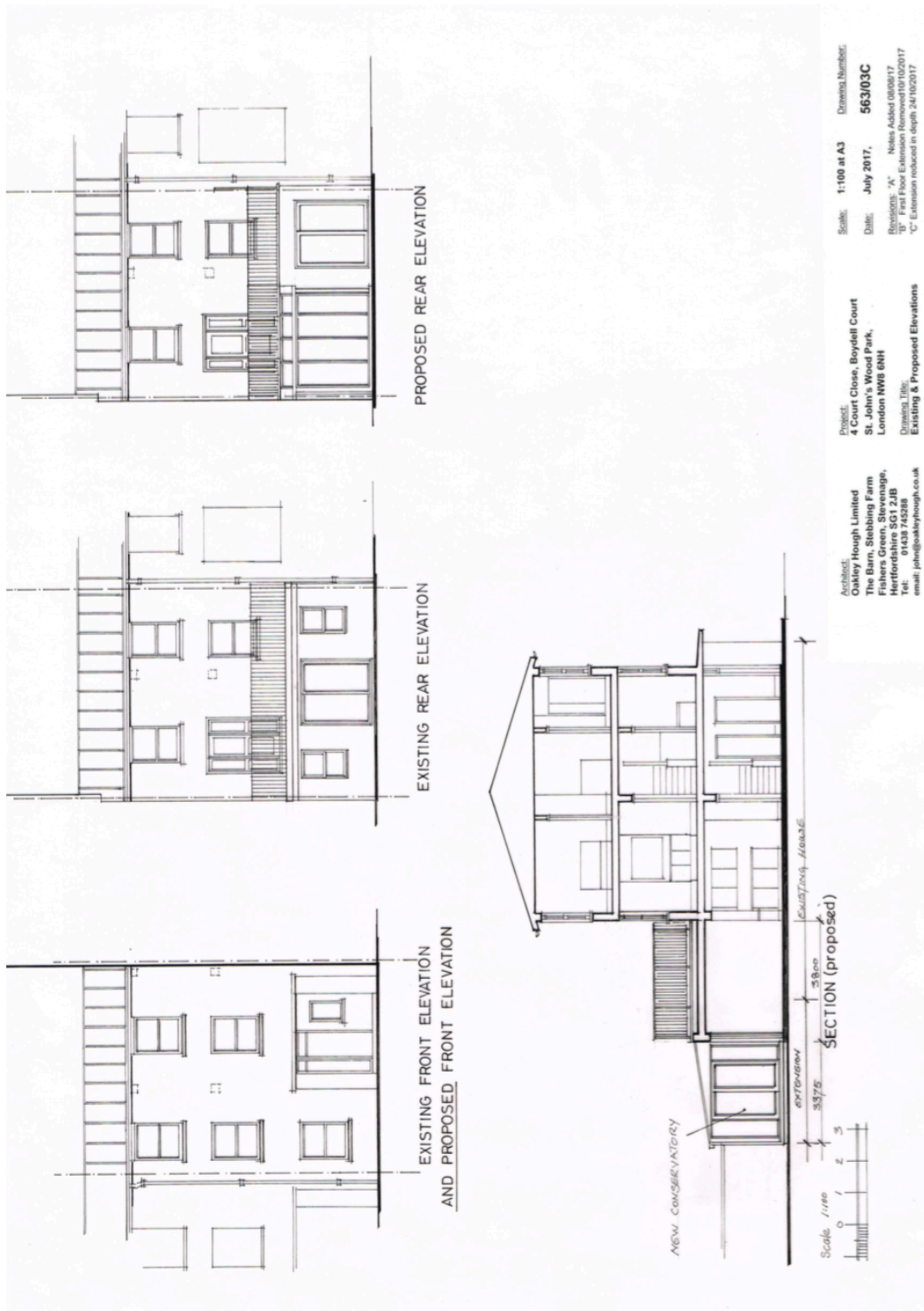


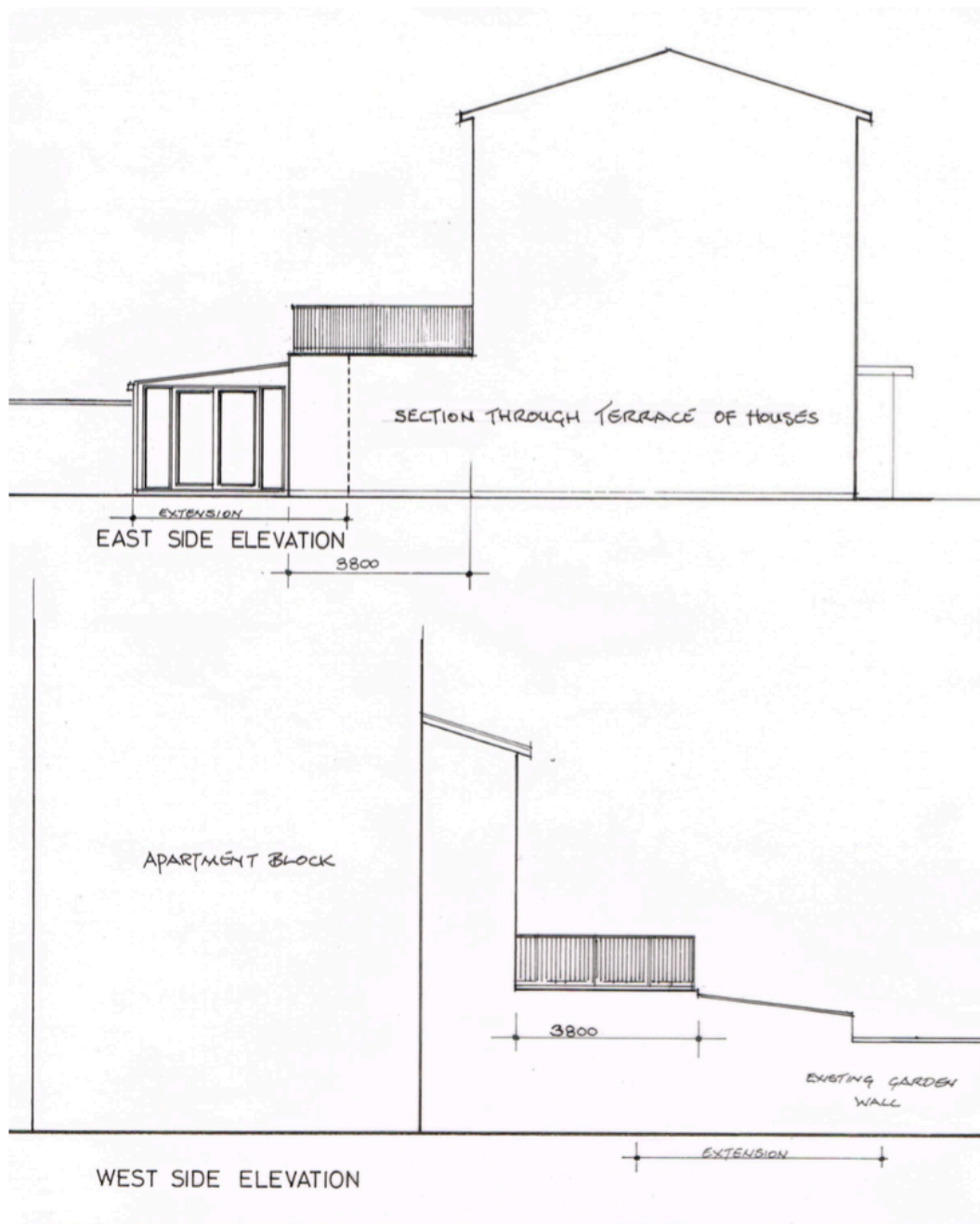
Centre Coordinates: 526700 184065

National Grid sheet reference at centre of this Siteplan: TQ2684SE

Supplied by: The Glasgow Map Centre
Serial Number: 01225200







Architect:
Oakley Hough Limited
The Barn, Stebbing Farm
Fishers Green, Stevenage,
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Tel: 01438 745288
email: john@oakleyhough.co.uk

Project:
4 Court Close, Boydell Court
St. John's Wood Park,
London NW8 6NH
Drawing Title:
Proposed Side Elevations

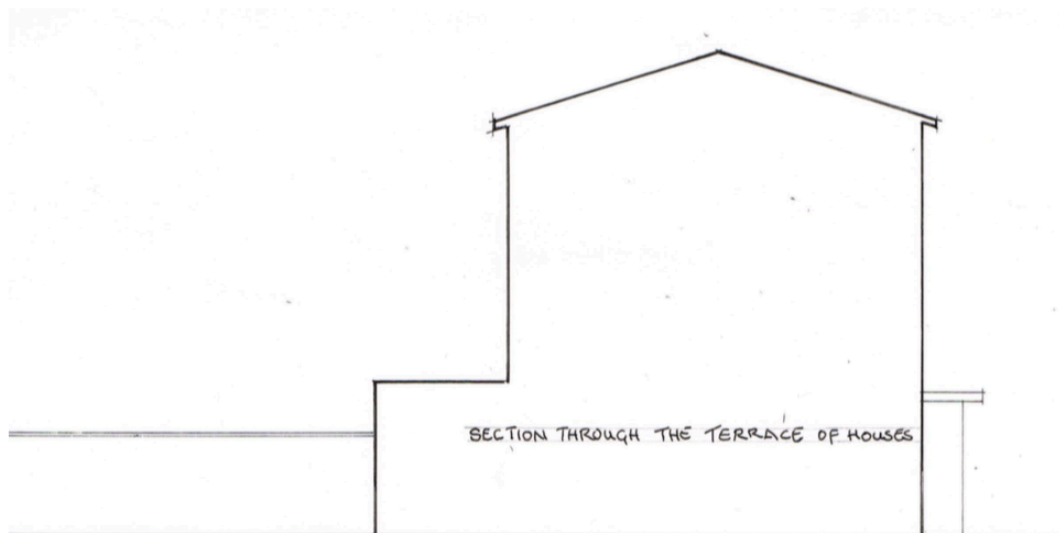
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Date: Aug 2017, **563/07C**

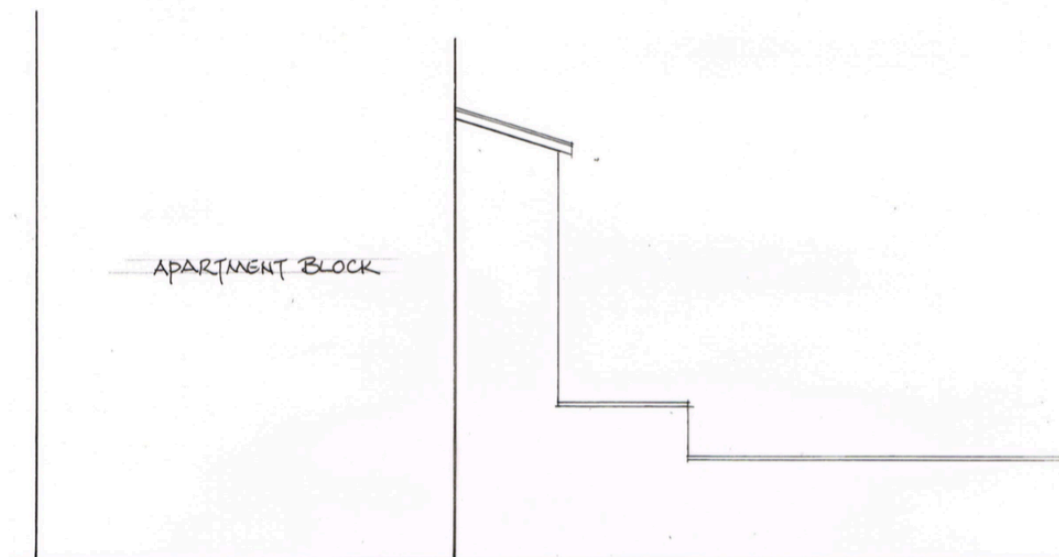
Revisions: "A" First Floor Extension Removed
10/10/2017

"B" Dimensions Added 13/10/2017

"C" Extension reduced in depth 24/10/2017



EAST SIDE ELEVATION



WEST SIDE ELEVATION

Architect:
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Project:
4 Court Close, Boydell Court
St. John's Wood Park,
London NW8 6NH
Drawing Title:
Existing Side Elevations

Scale: 1:100 at A4

Date: Aug 2017,

Revisions:

Drawing Number:

563/08



**Regeneration and Planning
Development Management**
London Borough of Camden
Town Hall
Judd Street
London
WC1H 9JE

Tel 020 7974 4444

planning@camden.gov.uk
www.camden.gov.uk/planning

Mr John Hough
Oakley Hough Limited
The Barn
Stebbing Farm
Fishers Green
Stevenage
SG1 2JB

Application Ref: **2017/4283/P**
Please ask for: **Lisa McCann**
Telephone: 020 7974

17 November 2017

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Householder Application Granted

Address:
**4 Court Close
St John's Wood Park
London
NW8 6NN**

Proposal:
Proposed erection of a single storey rear extension to include single storey rear conservatory extension, roof terrace and installation of screening panel adjacent to terrace.
Drawing Nos: Location plan, 563/01, 563/02B, 563/03C, 563/07C, 563/08.

The Council has considered your application and decided to grant permission subject to the following condition(s):

Condition(s) and Reason(s):

- 1 The development hereby permitted must be begun not later than the end of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).



INVESTOR IN PEOPLE

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Executive Director Supporting Communities

- 2 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.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy D1 [and D2 if in CA] of the London Borough of Camden Local Plan 2017.

- 3 The development hereby permitted shall be carried out in accordance with the following approved plans:

Location plan, 563/01, 563/02B, 563/03C, 563/07C, 563/08.

Reason:

For the avoidance of doubt and in the interest of proper planning.

- 4 The 1.8 metre high screen as depicted on plan at rear first floor level shall be erected prior to commencement of use of the roof terrace and shall be permanently retained.

Reason: In order to prevent unreasonable overlooking of neighbouring premises in accordance with the requirements of policy CS5 of the London Borough of Camden Local Development Framework Core Strategy and policies A1 and D1 of the London Borough of Camden Local Plan 2017.

Informative(s):

- 1 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts that cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (tel: 020-7974 6941).
- 2 Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Council's Noise and Licensing Enforcement Team, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (Tel. No. 020 7974 4444 or search for 'environmental health' on the Camden website or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above).
- 3 Reasons for granting permission:

The proposed single storey rear extension would project a max depth of 7.2m rearwards measuring a max height of 3m with a part flat roof design. The conservatory element of the extension would have a pitched roof design measuring a height of 2.5m at the eaves. A 7m rear extension was previously granted at 1

Executive Director Supporting Communities

Court Close under 2013/8175/P. The extension is also similar to an existing extension approved at 3 Court Close (planning reference: 2010/6014/P) for a 7.2m deep single storey rear extension projecting from the original rear wall of the dwellinghouse. The scale of the proposal is therefore considered to already form part of the character of the area. Overall, the extension is considered to appear subordinate in scale to the host building and an appropriate design with matching materials and suitably sized rear patio doors. In addition, the conservatory will measure approx. half the width of the original dwellinghouse, which reduces the overall scale of the extension and allows the extension to remain subordinate to the main dwellinghouse.

The existing garden at the subject property is a substantial size and more than half the garden will remain as a result of the proposed extension. It is therefore not considered that the proposal would dominate the existing rear garden.

Due to the variation in rear building lines, the rear elevation of the subject property is set significantly further south than the neighbouring residential block at Boydell Court. Due to the siting and orientation of Boydell Court, the impact of the proposed extension would not be significantly different or more harmful than the existing situation and can be supported in this instance.

The subject property has an existing full width balcony area enclosed by railings as it leads out from first floor level. The proposed balcony area will be 1.2m deeper than the existing. Some overlooking would occur to neighbouring garden space, however, the proposed screening panel along the shared boundary with no. 5 would help to mitigate this impact and overall the extent of overlooking would not be significantly different or more harmful than the existing situation.

Due to the generally modest size of the proposed extension, there are no concerns regarding impact on the neighbouring amenity of the adjoining property no. 5. The proposed conservatory element of the extension would be set in 3m from the shared boundary with no. 5 which would further help to mitigate the impact on the residential amenity of this neighbouring property.

In respect of noise nuisance, the balcony would have the potential to fit a table or chairs, however, the door leading out to the balcony is from the master bedroom and not a kitchen or lounge which may decrease the likelihood of the balcony being used for entertainment purposes. It is not considered that the balcony will contribute to a significantly more harmful amount of noise generation than the existing situation.

No objections were received prior to making this decision. The planning history of the site and surrounding area were taken into account when coming to this decision.

The property is not located within a conservation area, the building is not listed nor within the setting of a listed building.

As such, the proposal is in general accordance with Policies D1 and A1 of the Camden Local Plan 2017. The proposed development also accords with the

London Plan 2016 and the National Planning Policy Framework 2012.

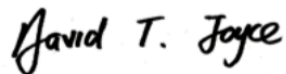
- 4 Your proposals may be subject to control under the Party Wall etc Act 1996 which covers party wall matters, boundary walls and excavations near neighbouring buildings. You are advised to consult a suitably qualified and experienced Building Engineer.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

You can find advice about your rights of appeal at:

<http://www.planningportal.gov.uk/planning/appeals/guidance/guidancecontent>

Yours faithfully

A handwritten signature in black ink that reads "David T. Joyce". The signature is written in a cursive, slightly slanted style.

David Joyce
Director of Regeneration and Planning