



Appeal Decision

Site visit made on 8 May 2018

by **David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 24 May 2018

Appeal Ref: APP/X5210/D/17/3191371

3 Leverton Place, London NW5 2PL

- 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 Edzard van de Wyck against the decision of the Council of the London Borough of Camden.
 - The application Ref 2017/3353/P, dated 9 June 2017, was refused by notice dated 11 October 2017.
 - The development proposed is the installation of balustrades and privacy screening on the flat roof of the ground floor rear extension to provide a terrace, to a single family dwelling (Class C3).
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of the development provided on the planning application form has been replaced by an amended version on the decision notice and in subsequent appeal documents including the appeal form. I consider that subsequent description as given on the appeal form to be usefully more representative of the proposal and I have therefore used it within this decision.

Main Issues

3. The main issues in this appeal are the effect of the proposal on the:
 - Character and appearance of the host building, with due regard to the Kentish Town Conservation Area and the setting of Listed Buildings; and
 - The living conditions of nearby residents in respect of outlook, light and privacy.

Reasons

Character and Appearance

4. The site is located within the Kentish Town Conservation Area (CA), the importance of which as a designated heritage asset is summarised in the CA Appraisal and Management Strategy 2011 (the Appraisal). The appeal site is located to the rear of 9, 11 and 13 Leverton Street which are part of the Grade II Listed terrace of 5-23 Leverton Street and which is highlighted in the Appraisal as making a positive contribution to the CA.

5. The appeal site has a flat roofed extension to the rear which has a close knit relationship to the rear of the adjacent properties on Leverton Street. The proposal includes erecting close boarded timber screens along the side boundaries above the extension to the rear to act as privacy screens in relation to the use of the rear extension as an amenity area. This would result in the introduction of a means of enclosure of a substantial appearance projecting to the rear of the host building at first floor level.
6. Although the appeal proposal would not be visible from the street frontage of Leverton Place or Leverton Street, it would be readily visible from the rear of nearby properties. The appeal site is also visible from a children's play area to the rear. Although a significant degree of screening is provided by planting on the rear boundary of the site, the long term retention of this planting cannot be relied upon and its removal would lead to the proposal being readily visible from the public realm.
7. I saw that the rear elevation of Leverton Place included a number of alterations and that there was no well-defined sense of rhythm to the rear of the terrace. I also saw that there were elevated amenity areas to the rear of other properties on Leverton Place with a variety of boundary treatment. Whilst this included a close boarded fence on at least one property this served to confirm the obtrusive character of a solid means of enclosure projecting to the rear in such an elevated position. The proposal would add to the boundary treatments along the rear of the terrace which would exacerbate the cluttered appearance at first floor level.
8. Even allowing for the context of the rear of the terrace, the proposed close boarded privacy screens would appear as an obtrusive addition in an elevated position to the rear of the host building. Whilst the privacy screens may match the materials to be used in the timber decking as well as other fencing in the vicinity, this would not outweigh the visual intrusion arising from the solid form and extent of the screens to be erected in an elevated position extending to the rear of the property.
9. I therefore conclude that the development would harm the character and appearance of the host building due to its design, location and use of materials. Consequently it would fail to preserve the character and appearance of the CA and the setting of the adjacent Listed Buildings of 9, 11 and 13 Leverton Street. Whilst the harm to the significance of the wider CA would be less than substantial, there would be no public benefits of the proposal which would outweigh the identified harm. The proposal would therefore conflict with Policies D1 and D2 of the Camden Local Plan 2017 (LP) which seek to ensure high quality design in development which respects local context and character as well as preserving or enhancing the historic environment including conservation areas and listed buildings.

Living Conditions

10. The Council's reasons for refusal refer to a number of concerns in relation to the effect of the proposal on the residents of 9, 11 and 13 Leverton Street.
11. In relation to **outlook**, the rear elevations and amenity areas of Nos 9 and 11 look onto the flank wall of the existing extension to the rear of the appeal site which includes a timber screen projecting above the wall. The proposal would introduce a further timber screen which would lead to a significant increase in

- the height of the means of enclosure along the boundary, albeit set back slightly behind the existing screen. I saw that the existing timber screen is a prominent feature in views from the rear elevations and amenity areas of Nos 9 and 11, and that the increased height of the proposed privacy screen would lead to the introduction of an overdominant and unneighbourly feature.
12. The proposed privacy screen would be readily apparent even allowing for existing planting (including a pine tree) to the rear of the neighbouring properties. Due to the existing close knit relationship between the flank wall of the appeal site and Nos 9 and 11, the proposed increase in the height of screening along the boundary would lead to an undue sense of enclosure to the rear of these properties.
 13. In relation to **light**, the appellant has submitted a Daylight and Sunlight Study (DSS) which the Council states relates to a previous proposal for the site and is therefore of extremely limited use. However, the appellant confirms that the DSS was based upon plans which included a 1.7m privacy screen of the same height and location as the appeal proposal, and on that basis I consider that the DSS is usefully applicable to this appeal. The Council expresses concern in relation to the effect of the proposal on a kitchen window of No 11, although I note that the DSS indicates a very limited impact on that window.
 14. I have also had regard to the comments from neighbouring residents in relation to the loss of daylight and sunlight to the rear gardens/amenity areas of properties on Leverton Street. In that respect, I note that the DSS concludes that the proposal would not create any new areas which receive less than two hours of sunlight on March 21. However, I also note that Appendix 3 of the DSS shows that there are significant parts of the amenity areas of adjacent properties which already receive under two hours of sunlight on that date. Mindful of that, I saw that indirect daylight played an important role in creating a pleasant environment for the rear amenity areas of Nos 9 and 11.
 15. Any increase in the height of the screen to the rear would reduce the amount of daylight reaching the amenity areas of Nos 9 and 11, with commensurate harm to the enjoyment of residents of those properties. The proposed screen would lead to an undue loss of daylight to the rear of Nos 9 and 11 with a resultant oppressive and gloomy effect on the rear amenity areas of those properties, which adds to my concerns in relation to outlook.
 16. On the matter of **privacy**, I note that the terrace would be set back from the rear boundary beyond a lightwell. I also note that planting to the rear would also screen views from the terrace, although as stated above the retention of this planting cannot be relied upon. These matters would limit the potential for overlooking from the terrace into neighbouring properties, and particularly the rear of No 13. However, I am also mindful that views from the terrace would be limited by the privacy screens on either side. This may therefore guide the activity of residents to the rear of the terrace where there would be a less restrictive outlook. Notwithstanding the set back from the rear boundary and the boundary planting, residents utilising the rear of the terrace would be provided with elevated (albeit oblique) views towards the rear of No 13 to the detriment of the privacy of residents of that property. Furthermore, due to its elevated position, activity to the rear of the terrace would be particularly intrusive and detrimental to the enjoyment of the amenity area to the rear of No 13.

17. On the basis of the above, I conclude that the proposal would harm the living conditions of nearby residents in respect of outlook, light and privacy. The proposal would therefore conflict with Policy A1 of the LP which, amongst other things, seeks to ensure that the amenity of neighbours is protected.

Conclusion

18. For the reasons given above, and taking account of all material planning considerations, I conclude that the appeal should be dismissed.

David Cross

INSPECTOR