



Appeal Decisions

Site visit made on 30 January 2018

by **Stephen Brown MA(Cantab) DipArch RIBA**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 28 February 2018

Appeal refs: **APP/X5210/C/17/3174324 & 3174325** **Flat C, 94 College Place, London NW1 0DJ**

- The appeals are made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeals are by Deborah Frances-White (3174324) and Tom Kalinsky (3174325) against an enforcement notice issued by the Council of the London Borough of Camden.
 - The enforcement notice, ref. EN/16/0933, was issued on 15 March 2017.
 - The breach of planning control alleged in the notice is the unauthorised erection of an L-shaped rear roof extension.
 - The requirements of the notice are to:
Remove the unauthorised roof extension, and build up the side party parapet wall, and make good in materials that match the existing adjacent materials.
 - The period for compliance with the requirements is 3 months.
 - The appeal is proceeding on the ground set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended. The prescribed fees have been paid within the specified period in both cases, so the appeals on ground (a) and the applications for planning permission deemed to have been made under section 177(5) of the Act as amended fall to be considered.
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Decision

1. The appeals are allowed, the enforcement notice is quashed and planning permission is granted on the applications deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely the erection of an L-shaped rear roof extension on land at Flat C, 94 College Place, London NW1 0D referred to in the notice.

Background matters

2. The appeal property is within an originally 3-storey terraced house on the eastern side of College Place. It is a flat originally on the third floor, but now extended into the roof to form a fourth storey.
3. Planning permission for a rear dormer roof extension, rear roof terrace and installation of 2 rooflights on the front roof slope was granted subject to conditions in 2014¹. These alterations were proposed in order to create of a third floor to the property, adding a bedroom and bathroom to the existing one bedroom flat.
4. The approved scheme included the removal of the pitched roof of the existing third floor projecting wing, construction of an extension opening on to a new roof terrace, and a single dormer window to rear main roof slope. The flat roof

¹ Decision notice ref. 2014/1387/P, dated 24 July 2014.

over the extension and the dormer roof were shown to be some 300mm below the ridge of the main roof. The face of the dormer was shown to be well set back from the main back wall of the house, and the northern flank set in from the party parapet wall, and from the northern flank of the extension.

5. Prior to this approval the Council had secured revisions to the original design submission, which included modifications to the depth of the roof extension, and formation of a separate dormer window on the main rear roof slope - rather than forming part of the roof extension.
6. In the event, the built scheme did not follow the revised plans. The flat roof of the extension over the projecting wing is slightly higher - more or less at main roof ridge level, rather than approximately 300mm below. The dormer has not been built as approved, but there is now a full width mansard dormer, with the northern flank built in brick on the party parapet wall line, the face set back approximately 300mm from the main roof eaves, and the flat roof merged with that of the rearward extension. The overall result is an L-shaped mansard extension. The Council say this arrangement corresponded to a previous revision of the 2014 planning permission which had not been approved.

The appeals on ground (a) and the deemed planning applications

7. From all that I have seen and read I consider the main issues in the appeals to be:
 - The effect of the roof extension upon the character and appearance of the appeal property, and the area in the vicinity.
 - The effect upon living conditions for occupants of nearby dwellings, in terms of outlook, daylighting and sunlight.
8. I accept that the L-shaped roof extension is somewhat bulky. However, the raked faces of the mansard serve to reduce the impact of this bulk, and in my view it remains subordinate to the scale of the appeal property. Furthermore, external materials used - mainly slate, lead and brick - are of good quality, and consistent with the principal materials of the original houses.
9. The extension is unseen from public viewpoints on nearby streets, and little is visible from the small yard at the rear of no. 94. Although it must be seen in views from the backs of the terraced houses on Royal College Street to the east, it can have only rather limited impact - particularly in the context of the mansard extension and roof terrace to no. 96, the neighbouring house to the north, built subsequent to the grant planning permission in 2003².
10. Overall, I consider the roof extension and terrace have a neutral impact upon the character and appearance of the appeal property, and the area in the vicinity. I consider the development accords with the Camden Local Plan of 2017, and find no conflict with Policy D1 in terms of aims to respect local context and character, of use of details and materials, and provision of a high standard of accommodation.
11. Turning to the second main issue, I can see from the photographs presented that the flank of the new extension limits the view from the roof-light in the rear main roof of no. 96. This roof-light is to a habitable room. However,

² Decision notice ref. 2003/2790/P.

there are still long views to the north-east, over the gardens between College Place and Royal College Street terraces, and wider views over this part of London. While the extension flank limits the outlook to some extent, the photographs presented tend to exaggerate this effect by being taken at close range. I do not consider this limitation is to a degree that significantly harms the general outlook.

12. Regarding the effect on daylight and sunlight to no. 96, the roof-light faces towards the north-east, and would receive low early morning sun for a short period. However, this would be brief, and would soon become so oblique as to be negligible. I visited the site very close to mid-day, and had the mansard extension not been there, I could see that the roof-light would mostly have been in the shadow of the chimney stack to the south, and received very little oblique sunlight.
13. Furthermore, given the position of the roof-light so high within the building, and close to the roof level of the mansard dormer, it is still exposed to a considerable area of the northern sky, with relatively small encroachment by the flank of the new extension. In my experience, this will have had a minimal effect upon the daylight level within the room. Overall, I consider the mansard extension has little effect upon levels of sunlight and daylight in the attic room of no 96.
14. Other nearby houses – notably nos. 92 and 98 – project well beyond the extension to no. 94, and are not affected in any way in terms of outlook and daylighting. I conclude on the second main issue that the development causes no significant harm to living conditions for the occupants of nearby dwellings in terms of outlook, daylighting and sunlight. The development accords with the provisions of the development plan, notably with respect to Policy A1 of the Camden Local Plan of 2017, which includes aims to ensure protection of amenity for occupiers, including outlook, sunlight, daylight and overshadowing.
15. For the reasons given above I conclude that the appeals should succeed on ground (a) and planning permission will be granted. Since the development has been completed I do not consider imposition of planning conditions would be necessary or appropriate.

Conclusion

16. For the reasons given above and having regard to all other matters raised, I consider the appeals should succeed. I intend to quash the notice and grant planning permission on the applications deemed to have been made under section 177(5) of the Act.

Stephen Brown

INSPECTOR