



Appeal Decision

Site visit made on 22 June 2018

by **Peter D Biggers** BSc Hons MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th July 2018

Appeal Ref: APP/X5210/D/18/3201225

4 Court Close, St John's Wood Park, London NW8 6NN.

- 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 Sony Douer against the decision of the London Borough of Camden Council.
 - The application Ref 2017/6709/P, dated 1 December 2017, was refused by notice dated 13 February 2018.
 - The development proposed is erection of 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.
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Decision

1. The appeal is allowed and planning permission is granted for 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 at 4 Court Close, St Johns Wood Park London NW8 6NN in accordance with the terms of the application Ref 2017/6709/P, dated 1 December 2017 and the plans submitted with it and 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: 563/13 and 563/14.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 4) Notwithstanding condition No 2 (that development will be in accordance with the approved plans) metal railings painted black as currently installed along the edges of the roof terrace hereby permitted shall be retained, in place of the proposed glass balustrade.

Preliminary Matter

2. The rear extension was partly constructed under the existing planning permission ref 2017/4283/P at the time of my visit but not completed pending the outcome of this appeal. The appellant in response to concerns raised by the Council in the second reason for refusal has already installed the metal railings along the edge of the terrace under the existing planning permission. The appellant has indicated in his statement and grounds of appeal that he is content to retain these in place of the proposed glass balustrade.

Main Issue

3. The main issue is the effect of the proposed development on the character and
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appearance of the host dwelling and the surroundings of this terrace of properties in Court Close.

Reasons

4. No 4 Court Close forms part of a residential scheme of apartments and town houses, Boydell Court, just off St Johns Wood Park. No 4 is one of a short terrace of four 3 storey town houses. From the front the terrace has a strong uniformity in terms of design and materials. To the rear this is less the case with numbers 6 and 7 already having rear extensions.
5. Permission has been granted for most of the proposed extensions at the property under planning permission ref 2017/4283/P. The only additional elements in the current proposal would be the widened conservatory to take advantage of additional garden ground and the installation of a glass balustrade replacing the metal railings permitted.
6. The fact that permission has been granted by the Council for the same depth of extensions and with the main extension across the full width of the house means that a substantial part of the proposal can be built out and indeed construction on these elements has started. The issue is whether the addition of the slightly wider conservatory on top of what has already been permitted would have a materially adverse cumulative impact.
7. I acknowledge that the wider conservatory would extend beyond the existing side boundary of the property. However for two reasons I do not consider the additional extent would be significant. First the garden area is screened off on the west side from an adjacent car park by a high wall, the effect of which is to enclose the plot and the conservatory would be contained below the wall. Secondly viewed from the garden and given the light weight frameless structural glazing proposed for the rear elevation, the main house would remain the dominant element and the ground floor extensions although extending slightly to the side would still appear secondary to it.
8. I accept there are partial inward views from properties to the south of No 4 but because the extensions are low and lightweight in form they would not appear unduly obtrusive or out of keeping with the modern form of the terrace. In any event the permission already granted has the most significant impact.
9. Regarding the treatment of the balcony edge the terrace of town houses does feature metal railings to the rear of no 6 and 7 and the introduction of a structural glass balustrade would appear at odds with other boundary treatments on the terrace. However the appellant has indicated that he would be prepared to revise this element of the proposal and indeed metal railings, as already permitted under the previous permission, have already been installed on the balcony. The railing is a simple style finished in black and is an appropriate design for the context. A condition could therefore simply be attached to any permission to ensure the metal railing is retained in place notwithstanding the submitted plans.
10. Policy D1 of the *Camden Local Plan* (CLP) seeks to ensure a high quality of design that respects local context and character and comprises details and materials that are of high quality and complement local character. Given the low form and lightweight structural glazing of the proposed extension I am not persuaded that the extension in its cumulative form would be materially different from the permitted extensions or that it would be a prominent and bulky addition. As such the proposal would accord with policy D1 and would not adversely impact on the

character and appearance of the host property and the surrounding area of Court Close.

Conditions and Conclusion

11. I have considered the conditions suggested by the Council against the advice in the *Planning Practice Guidance* and for their clarity. A condition requiring development to be carried out in accordance with the submitted plans used to determine the application is necessary as this provides certainty that the development would be carried out in the form proposed. Control of the materials to be used on the exterior of the extension to the dwelling will also be important to ensure they are matching and protect the character and appearance of the dwelling and the terrace. Additionally, notwithstanding the submitted plans, a condition requiring the retention of the metal railings as now fitted to the balcony is necessary, again to protect the character and appearance of the terrace. The Council did not suggest this in the list of conditions in the appeal questionnaire however it is clear from the case officer's report that the Council would have considered metal railings to be more appropriate. Accordingly, the imposition of this condition should not come as a surprise to the Council and the appellant has already installed the railings. It is therefore not unreasonable to attach a condition requiring their retention.
12. I have considered the matters before me and, for the reasons given above, I conclude that the appeal should be allowed and permission granted subject to the conditions above.

P. D. Biggers

INSPECTOR