



Appeal Decision

Site visit made on 5 September 2018

by Andrew Dawe BSc(Hons) MSc MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st September 2018

Appeal Ref: APP/X5210/W/18/3201579

Flat D, 11 Lymington Road, London NW6 1HX

- 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 Carlos Stelin against the decision of the Council of the London Borough of Camden.
 - The application Ref 2017/5947/P, dated 23 October 2017, was refused by notice dated 6 March 2018.
 - The development proposed is dormer window at loft level and terrace at the rear of the property.
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Decision

1. The appeal is allowed and planning permission is granted for dormer window at loft level and terrace at the rear of the property at Flat D, 11 Lymington Road, London NW6 1HX in accordance with the terms of the application, Ref 2017/5947/P, dated 23 October 2017, 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: 376/6, 376/7, 376/8, 376/10, 376/11, 376/12, 376/100.
 - 3) The external surfaces of the development hereby permitted shall be constructed in materials that match, in colour and texture, those of the existing building, unless otherwise specified in the plans and details hereby approved.

Main Issue

2. The main issue is whether the proposed development would preserve or enhance the character or appearance of the West End Green Conservation Area (the CA).

Reasons

Main issue

3. The site is located in the CA and as such special attention has to be paid to the desirability of preserving or enhancing the character or appearance of the CA. The CA is characterised by a variety of designs, types and sizes of buildings. Those relating to Lymington Road are recorded in the Council's CA Appraisal and Management Strategy as making a positive contribution to the CA. They

generally comprise attractive, large semi-detached red brick houses with varying attractive architectural detailing including balconies and gable features. In respect of the streetscene those dwellings and features remain largely intact as originally built, albeit that there are a small number of exceptions. The proposed introduction of two fairly modest sized rooflight windows in the front roofslope of No 11 would not materially alter the form and appearance of the dwelling in that context.

4. The rear of the dwellings on the appeal site side of the road, particularly at roof level, also remain largely unaltered and do not have dormer extensions or roof terraces. Those three pairs of semis comprising Nos 1-11 are similar externally at the rear, albeit that Nos 5 and 7 have some variations in terms of the positioning of fenestration and chimney design. However, those elevations whilst visible from the rears of neighbouring properties are not clearly visible from public vantage points within the CA. Furthermore, other dwellings visible within that same backland setting, including at Nos 12, 14 and 16 Fawley Road to the rear of the appeal site, have extensions at the back, albeit that they do not directly relate to the row of dwellings including the appeal site. In the case of Nos 12 and 14 that includes roof extensions and associated balcony railings. Even if those other developments have been in existence for some time, and relate to properties of different design, they nevertheless still contribute to the visual context of this backland area.
5. The proposed dormer would be set down from the main ridgeline of the roof, in from the side hip, and away from the two chimneys on either side that would continue to be prominent features of the building. Furthermore, although it would be level with the existing flat roof area projecting out from the rear roof slope, it would be set noticeably back from the main rear elevation of the building. The glazing would be wider and differently designed than those existing windows below. However, due to that set back, those aspects would not be seen in the same elevational plane as those existing windows. For these reasons, the proposed dormer would have sufficient subservience to the existing building so as to maintain the integrity of its main lines and original design features.
6. The proposed terrace would occupy the entire existing flat roof area with the railings around the edge. Those railings would therefore be visible from private vantage points at the rear of neighbouring properties. However, they would be of a fairly modest height, with the railing spacing making it a fairly open feature. Being painted black would also enable them to merge in with the existing building to some degree. They would also not materially interfere with the prominent existing chimney features. These factors would combine to ensure that the terrace and its railings would not be a dominant feature of the building, the semi-pair and the row generally. They would also be seen to some degree in the context of those railings at Nos 12 and 14 Fawley Road, which if anything are more prominent due to their white finish, albeit not directly affecting the appearance of Nos 1-11 Lymington Road.
7. The proposals would create some imbalance within the semi-pair, and alter the roofscape of Nos 1-11. However, for the above reasons that would not be to an extent that would be jarring or dominating. Furthermore, the dormer and terrace would not be clearly visible from public vantage points and so would not materially affect the streetscene, and from the rear they would also be seen to some extent in the context of those other rear elevation features

relating to the Fawley Road properties referred to above. The presence of mature trees within the back gardens would also be likely to lessen and soften, to varying degrees, the extent to which the proposals would be seen from neighbouring properties.

8. For the above reasons, the proposed development would preserve the character and appearance of the CA. As such, in respect of this issue, it would accord with policies D1 and D2 of the Camden Local Plan and policies 2 and 3 of the Fortune Green and West Hampstead Neighbourhood Plan 2015 which together require development to be of a high quality design that respects local context and character, and to preserve or, where possible, enhance the character or appearance of the CA.

Other matters

9. I have had regard to concerns raised about overlooking from the proposed dormer and terrace to neighbouring properties. Varying degrees of overlooking of rear gardens would be likely to occur. However, this would be from a fairly high level and unlikely to be to such an additional extent, when compared with existing levels of overlooking from the upper floor windows of No 11 and other neighbouring properties, as to amount to a harmful additional loss of privacy. The significant degree of separation from the Fawley Road dwellings would also prevent the same.
10. I have no substantive basis for considering the proposal, once built and occupied, likely to cause a material increase in noise and disturbance than might otherwise be possible in relation to the existing property and associated garden area. During the construction phase, any disruption in terms of noise and disturbance and from the installation of scaffolding would be unlikely to be to such an extent, given the fairly small scale of the development, as to cause material harm to the living conditions of neighbouring occupiers.
11. Concerns about security during the construction process would be a matter between the parties concerned and insufficient basis alone for dismissing this appeal.
12. In respect of concerns about a precedent being set, any future similar proposals for other properties would have to be considered on their own merits and the specific circumstances at that time, as I have done in this case.

Conditions

13. The Council has suggested three conditions that it considers would be appropriate were I minded to allow the appeal. I have considered these in the light of advice in the Government's Planning Practice Guidance (PPG). For clarity and to ensure compliance with the PPG, I have amended some of the Council's suggested wordings.
14. The standard time condition is required in this case, and for the avoidance of doubt and in the interests of proper planning, a condition requiring that the development is carried out in accordance with the approved plans is also required.
15. In the interests of preserving the character and appearance of the CA a condition to ensure appropriate use of external materials would be necessary.

Conclusion

16. For the reasons given above, I conclude that the appeal should be allowed.

Andrew Dawe

INSPECTOR