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## Appeal Decision

Site visit made on 11 September 2018

**by R Norman BA (Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 4<sup>th</sup> October 2018**

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### **Appeal Ref: APP/X5210/W/18/3201883**

### **76 Haverstock Hill, London NW3 2BE**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990 for the development of land carried out without complying with conditions subject to which a previous planning permission was granted.
  - The appeal is made by Mr Adam Andrews against the decision of the Council of the London Borough of Camden.
  - The application Ref 2018/0262/P, dated 17 January 2018, was refused by notice dated 12 March 2018.
  - The application sought planning permission for the conversion of existing 3 bedroom dwellinghouse and 49sqm of ground floor retail unit (A2 use) into 1 x 1 bedroom flat and 3 x 2 bedroom flats; erection of mansard roof extension; demolition of existing single storey and two storey rear extensions and creation of new part one storey/part three storey rear extension without complying with a condition attached to planning permission Ref 2016/1066/P, dated 10 June 2016 as amended by planning permission 2016/5784/P dated 17 August 2017.
  - The condition in dispute is No 3 which states that: The development hereby permitted shall be carried out in accordance with the following approved plans: 513-PA.01; 513-PA.02; 513-PA.03; 513-PA.04 Rev A; 513-PA.05 Rev A; 513-PA.06; 513-PA.07; 513-PA.08; 513-PA.09; 513-PA.10 Rev A; 513-PA.11 Rev a; 513-PA.12; 513-PA.13; 513-PA.14; 513-PA.15 Rev B; 513-PA.16 Rev B; 513-PA.17 Rev A; 513-PA.18 Rev A; 513-PA.19 Rev B; 513-PA.20 Rev B; 513-PA.21 Rev C; 513-PA.22 Rev A; 513-PA.23 Rev F; 513-PA.24 Rev A; 513-PA.25 Rev B; bike storage details received 27/04/2016 and Design and Access Statement received 21/04/2016.
  - The reason given for the condition is: For the avoidance of doubt and in the interests of proper planning.
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### **Decision**

1. The appeal is allowed and planning permission is granted for the conversion of existing 3 bedroom dwellinghouse and 49sqm of ground floor retail unit (A2 use) into 1 x 1 bedroom flat and 3 x 2 bedroom flats; erection of mansard roof extension; demolition of existing single storey and two storey rear extensions and creation of new part one storey/part three storey rear extension at 76 Haverstock Hill, London NW3 2BE in accordance with the application Ref 2018/0262/P made on the 17 January 2018 without complying with condition No 3 set out in planning permission Ref 2016/1066/P granted on 10 June 2016 and as amended by planning permission 2016/5784/PO dated 17 August 2017 by the Council, but otherwise subject to the following conditions:
  - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Numbers 513-PA.19 Rev C;

513-PA.20 Rev C; 513.PA.21 Rev D; 513-PA.23 Rev G and 513-PA.25 Rev C.

- 2) The 1.8 metre high privacy screen, details of which shall have been submitted to and approved in writing by the local planning authority, shall be erected prior to the first use of the terrace and shall be permanently retained.

### **Procedural Matters**

2. Since the Council determined the application and the submission of the appeal, the new National Planning Policy Framework has been published (July 2018). Both parties have had the opportunity to comment on the new document and I have taken into consideration any comments received.

### **Main Issue**

3. The main issue is the effect of the development on the character and appearance of the host property and the Parkhill Conservation Area, with particular regard to the privacy screen.

### **Reasons**

4. The appeal site is located on Haverstock Hill which is within the Parkhill Conservation Area. The appeal property comprises a four storey, mid-terraced building which has previously been converted into four flats with a commercial unit at ground floor level.
5. The development seeks to vary condition 3 on the original permission which lists the approved plans in order to allow the enlarged terrace provided at the third floor as well as the installation of an additional length of privacy screen along the side of the terrace. The original planning permission (2016/1066/P) was varied under planning permission 2016/5784/P which allowed the creation of a smaller roof terrace and glazed privacy screen.
6. The enlarged area of terrace has been undertaken. The larger terrace extends out level with the adjoining terrace at No 74 Haverstock Hill, and is set slightly lower. I note that the Council advise that the smaller terrace was approved following discussions to reduce its size. Nevertheless, the extended terrace mirrors that of the adjoining one at No 74 and does not project any further out. I therefore find that the enlarged terrace is in keeping with the immediate surroundings and would not be visually intrusive nor adversely affect the character of the Conservation Area as a result of its size and projection.
7. The development also proposes an additional length of privacy screen to run along the side of the terrace from the existing approved screen, between the appeal site and the terrace at No 74. The approved screen is of an opaque glass construction which would be replicated in the extended screen. Whilst this material is not commonly found in the immediate surroundings, it is the approved material for the smaller screen and as such I find that the use of opaque glass has been found to be acceptable and the additional panels would not result in any additional impacts on the visual character of the area.
8. The rear of the appeal site is partially visible from Maitland Park Villas. However, the screen is located on the side of the terrace and the extension of this would be at an angle that would not be readily apparent from this

viewpoint. In addition, the height and distance of the terrace from Maitland Park Villas would ensure that the screen was not unduly prominent or incongruous and would not have any visual impacts over and above the approved screen.

9. The screen would be visible from the nearby properties however, the existing screen is visible and its extension would not provide any additional impacts over and above the existing. The terrace of No 74 sits directly adjacent to the screen and the terrace, however with the approved screen it would be possible for the occupiers of No 74 to be able to view the terrace of the appeal site, and vice versa. Therefore the extended screen would improve privacy levels for both properties.
10. Accordingly, I find that given the size of the adjoining terrace, and the materials and location of the existing approved scheme, the addition of the extra screen and retention of the enlarged terrace would not result in any impacts on the host building, surrounding area or adjoining living conditions over and above those resulting from the approved terrace and screen. Therefore the development would not be harmful to the character and appearance of the host building and would preserve the character and appearance of the Parkhill Conservation Area. The proposal therefore complies with Policies D1 and D2 of the Camden Local Plan (2017). These policies seek to secure high quality design which respects local context and character and ensure that development preserves or, where possible, enhances the character or appearance of a conservation area.

#### *Other Matters*

11. I note the comments received from a neighbour in relation to the disruption they experienced during the construction works. I have sympathy with any disruption experienced however the enlarged terrace has already been constructed and minimal works would be required to install the additional screening panels.

#### **Conditions**

12. I have not imposed a time limit condition as the works approved by planning permissions 2016/1066/P and 2016/5784/P and the construction of the larger terrace have been commenced. I have imposed a condition listing the revised plans as this provides certainty. A condition for specific details of the privacy screen and its installation is necessary in the interests of the visual character of the area and host building and to protect the living conditions of the occupiers of the building and neighbouring properties.

#### **Conclusion**

13. For the reasons given above I conclude that the appeal should succeed and I shall exercise the powers transferred to me accordingly. I will grant a new planning permission with a revised plans condition.

*R Norman*

INSPECTOR