



Appeal Decision

Site visit made on 25 October 2018

by **G Powys Jones MSc FRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14 November 2018

Appeal Ref: APP/X5210/D/18/3207725

34 Ingham Road, London, NW6 1DE

- 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 William Jeffrey against the decision of the Council of the London Borough of Camden.
 - The application Ref 2017/6848/P, dated 11 December 2017, was refused by notice dated 10 May 2018.
 - The development is described as retrospective planning application for rear roof extension.
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Decision

1. The appeal is allowed and planning permission is granted for a rear roof extension at 34 Ingham Road, London, NW6 1DE in accordance with the terms of the application Ref 2017/6848/P, dated 11 December 2017.

Preliminary matters

2. On 4 May 2016 the appellant sought and obtained a certificate of lawfulness (LDC) in respect of roof extension proposals (Ref 2015/7260/P). The LDC was granted since the works proposed comprised permitted development. Work progressed, but departures were made from the plans approved under the terms of the LDC.
3. Consequently, the works carried out could no longer be regarded as permitted development. A subsequent application for permission to retain the works was refused permission – hence this appeal. The appellant, in effect, wishes to retain the works carried out. I shall proceed on this basis.
4. The appellant has produced plans for the appeal that are said to more accurately portray the 'as-built' works than those which accompanied the original application.
5. The Council has no objection to these plans being substituted in place of the application plans, and, in the circumstances, there is no reason for me to object.

The main issue

6. The main issue is the effect of the development on the character and appearance of the host property.
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Reasons

7. The Council acknowledges the existence of the LDC, but takes the view that:

'As the works were not completed in accordance with the criteria for permitted development, this does not form a 'fall-back' position, the extension is unlawful, and the entire proposal is assessed on planning policies.'

8. Thus the existence of the LDC was not accorded significant weight in the Council's determination, if at all. It appears to me, however, that the differences between the as-built scheme and that subject of the LDC are marginal.
9. In these circumstances I consider it relevant to compare and keep in mind that which has been built against that which could be built under the terms of what is, in effect, a planning permission granted by national government. This factor accordingly attracts due weight.
10. The roofscape at the rear of the Ingham Road properties on this side of the road is much changed from the original, and not for the better. Virtually all the neighbouring dwellings display flat roofed extensions of differing heights and depths of rather utilitarian appearance.
11. The appeal scheme is different in that a roof extension has been introduced partly onto what the Council describes as the outrigger, which is an original two storey protrusion to the rear of the dwelling.
12. Within its visual context, that is, to the rear of properties away from the public realm, the scheme, as built, does not look out of place. Views of it would be restricted to neighbours, none of whom object.
13. Whilst the architectural composition of the extension may not be the best I have seen, it fits in unobtrusively, having regard to the existing visual quality of the surrounding roofscape.
14. Policies relating to design comprised in the Camden Local Plan (D1), and the Fortune Green and West Hamstead Neighbourhood Plan (policy 2) are relied upon by the Council.
15. Normally, the determination should be made in accordance with the development plan, but in the particular circumstances of this case I consider a departure from their provisions to be warranted since the material considerations set out above indicate otherwise. I therefore conclude that the appeal should succeed.
16. None of the Council's suggested, standard conditions is considered necessary since the development is substantially complete.

Other matters

17. My attention has been drawn to the planning history of the property, in particular, to a previous appeal decision (*Ref APP/X5210/D/17/3170357, dated 27 April 2017*). This dealt with issues different to those subject of this appeal.
18. I share the Council's view that neighbouring living conditions have not been adversely affected as a consequence of the construction of the scheme.

19. All other matters raised in the representations have been taken into account, but no other matter raised is of such strength or significance as to outweigh the considerations that led me to my conclusions.

G Powys Jones

INSPECTOR