
Appeal Decisions

Site visit made on 8 January 2019

by J Wilde C Eng MICE

an Inspector appointed by the Secretary of State

Decision date: 29 January 2019

Appeal Ref: APP/X5210/D/18/3217081
94 Agamemnon Road, London NW6 1EH

- 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 Joseph and Hattie Friedman against the decision of the Council of the London Borough of Camden.
 - The application Ref 2018/2156/P, dated 2 May 2018, was refused by notice dated 4 September 2018.
 - The development proposed is erection of two storey rear extensions and erection of outbuilding to replace existing garage and construction of glazed link extension.
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Appeal Ref: APP/X5210/D/18/3217082
94 Agamemnon Road, London NW6 1EH

- 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 Joseph and Hattie Friedman against the decision of the Council of the London Borough of Camden.
 - The application Ref 2018/2147/P, dated 8 May 2018, was refused by notice dated 4 September 2018.
 - The development proposed is erection of two storey rear extensions, erection of outbuilding to replace existing garage and construction of a rear dormer roof extension on the existing building.
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Decisions

Appeal Ref: APP/X5210/D/18/3217081 (Appeal A)

1. The appeal is allowed and planning permission is granted for erection of two storey rear extensions and erection of outbuilding to replace existing garage and construction of glazed link extension at 94 Agamemnon Road, London NW6 1EH in accordance with the terms of the application, Ref 2018/2156/P, dated 2 May 2018, it, subject to the conditions contained in the attached annexe.

Appeal Ref: APP/X5210/D/18/3217082 (Appeal B).

2. The appeal is allowed and planning permission is granted for erection of two storey rear extensions, erection of outbuilding to replace existing garage and construction of a rear dormer roof extension on the existing building at 94 Agamemnon Road, London NW6 1EH in accordance with the terms of the application, Ref 2018/2147/P, dated 8 May 2018, subject to the conditions contained within the attached schedule.

Brief description of site

3. The appeal property is a brick two storey terraced house which although having an Agamemnon Road address actually has its main door facing Ajax Street. The front (Ajax Street elevation) faces a children's play area and Hampstead Cemetery lies to the north. Planning permission already exists for the two storey rear extensions and the outbuilding by virtue of planning permission 2017/4587/P.

Appeal A

Main Issue

4. The Council have indicated that they have no objection to the erection of the rear extensions themselves or the erection of the outbuilding, but that their concern centres on the proposed glazed link. I have been provided with no evidence that would lead me to an opposing view. The main issue in this case is therefore the effect of the glazed link on the character and appearance of the host property and the area.

Reasons

5. The glazed link would contain a passage that would connect the main house to the proposed outbuilding. When seen in plan form therefore, the link would be seen as a section of built form connecting the main building and outbuilding.
6. However, the link would be narrow (about 1.6m), would be set down such that it did not protrude above the adjacent boundary treatment, and the frontage, facing Ajax Road (but behind a fence) would consist of glazed, aluminium framed sliding doors. The drawings are unclear as to how the green roof of the link would be supported on the west side but the appellant has indicated that this would be by a garden wall separating the appeal property from No 92. Any such wall would be in keeping with other walls and materials in the area.
7. Overall therefore the link would be narrow, low and generally built in lightweight materials, with no views of it available from the public realm. It would not to my mind significantly harm the form, scale, character or architectural composition of the original dwelling and would allow the outbuilding to appear as subordinate to the main house.
8. It would not therefore conflict with either policy D1 of the London Borough of Camden Local Plan 2017 or policy 2 of the Fortune Green and West Hampstead Neighbourhood Plan 2015.
9. The former of these requires, amongst other things, that development respects local context and character and comprises details and materials that are of high quality. The latter requires that all development should be of a high quality of design and that amongst other things, development should have regard to the form, function, structure and heritage of its context, including the scale, mass, orientation, pattern and grain of surrounding buildings, streets and places.
10. Nor would there be conflict with *Camden Planning Guidance Design 1 (DG)*, which requires, amongst other things, that rear extensions should be designed to be secondary to the building being extended.

Conditions

As well as the customary time limit condition the Council have suggested two other conditions and I agree that they are necessary in planning terms. In the interest of the final appearance of the development I have imposed a condition requiring that the materials used in the external surfaces of the allowed development match those in the existing building. For certainty I have also imposed a condition detailing the submitted plans.

Appeal B

Main issue

11. Once again the Council have indicated that they have no objection to the erection of the rear extensions themselves or the erection of the outbuilding. Their objection relates to the proposed rear dormer roof extension. It follows that the main issue is the effect of the proposed rear dormer roof extension on the character and appearance of the host property and the area.

Reasons

12. The proposed dormer roof extension would be facing the rear (towards the cemetery) of the appeal property. It would be possible to glimpse views of it from the cemetery, but any such views would be heavily screened by foliage.
13. The dormer roof extension would be relatively small, below the height of the ridge and not visible from the public highway. I cannot accept that it would appear bulky or cramped or as an overdevelopment. I note that a large number of properties in the terrace have received alterations to their roofs, some of which are considerably larger than that proposed. I acknowledge that I have not been supplied with the planning history of these other roof alterations, but nonetheless their existence has changed the overall roof line of the terrace considerably.
14. I also note that the DG advises that a roof alteration or addition is likely to be unacceptable where, amongst other things, a complete terrace has a roof line unimpaired by alterations or extensions, a terrace has a roof line exposed to important London wide views and views from public spaces, or where the scale or proportions of the building would be overwhelmed by additional extension. None of these factors apply in the case before me.
15. Overall, given my above findings, I consider that the proposed dormer would be in compliance with policies D1 of the London Borough of Camden Local Plan 2017 and policy 2 of the Fortune Green and West Hampstead Neighbourhood Plan 2015. The former of these requires that development should respect local context and character whilst the latter requires that all development should be of a high quality of design and that amongst other things, development should have regard to the form, function, structure and heritage of its context, including the scale, mass, orientation, pattern and grain of surrounding buildings, streets and places.

Conditions

16. As well as the customary time limit condition the Council have suggested two other conditions and I agree that they are necessary in planning terms. In the interest of the final appearance of the development I have imposed a condition

requiring that the materials used in the external surfaces of the allowed development match those in the existing building. For certainty I have also imposed a condition detailing the submitted plans.

Conclusions

Appeal A

17. By virtue of the above reasoning I conclude that the proposed development would not be harmful to the character and appearance of the locality or the host property. Therefore, having regard to all other matters raised, I allow the appeal.

Appeal B

18. By virtue of the above reasoning I conclude that the proposed development would not be harmful to the character and appearance of the locality or the host property. Therefore, having regard to all other matters raised, I allow the appeal.

John Wilde

Inspector

Appeal A – Annexe of 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: 466-1, 466-2, L(--)02, L(--)03, L(--)06 rev B, L(--)07 rev B, L(--)08 rev A, L(--)12 rev C, L(--)13 rev B, L(--)14 rev D, L(--)15 rev C , L(--)16 rev B, L(--)21 rev B, L(--)22 rev C, L(--)23 rev C, L(--)24 rev B, L(--)25 rev C, L(--)26 rev B, L(--)31 rev B, L(--)32 rev A, L(--)33 rev B, L(--)34 rev B.
- 3) The materials to be used in the construction of the external surfaces of the development hereby allowed shall match those used in the existing building.

Appeal B – Annexe of conditions

- 4) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 5) The development hereby permitted shall be carried out in accordance with the following approved plans: 466-1 existing plans, 466-2 existing elevations, L(--)02, L(--)03, L(--)06 rev A, L(--)07 rev A, L(--)08 rev A, L(--)09, L(--)10, L(--)12 rev B, L(--)13 rev B, L(--)14 rev B, L(--)15 rev A, L(--)16 rev A, L(--)21 rev A, L(--)22 rev A, L(--)23 rev A, L(--)24 rev A, L(--)25 rev A, L(26) rev A, L(--)31 rev A, L(--)32 rev A, L(--)33 rev A, L(--)34 rev A.
- 6) The materials to be used in the construction of the external surfaces of the development hereby allowed shall match those used in the existing building.