



## Appeal Decision

Site visit made on 26 March 2019

**by Simon Warder MA BSc(Hons) DipUD(Dist) MRTPI**

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

**Decision date: 4 April 2019**

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### **Appeal Ref: APP/X5210/W/19/3220078**

### **Flat B Ground Floor, 45 Fordwych Road, London NW2 3TN**

- 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 Nigel Geffen against the decision of the Council of the London Borough of Camden.
  - The application Ref 2018/2018P, dated 30 April 2018, was refused by notice dated 18 July 2018.
  - The development proposed is 'Rear extension of living area onto existing balcony (approx 1.7m from rear wall), new sliding doors to access balcony, new skylight on flat roof above extension and new rear window to kitchen area.'
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### **Decision**

1. The appeal is allowed and planning permission is granted for the rear extension of living area onto existing balcony (approx 1.7m from rear wall), new sliding doors to access balcony, new skylight on flat roof above extension and new rear window to kitchen area at Flat B Ground Floor, 45 Fordwych Road, London NW2 2TN in accordance with the terms of the application ref 2018/2018P, dated 30 April 2018, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with approved plans refs: 010\_A-080 Rev.00 and 010\_A-100 Rev.01.
  - 3) All new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the existing building, unless otherwise specified in the approved application.

### **Main Issue**

2. The main issue is the effect of the proposal on the character and appearance of the existing building and the surrounding area.

### **Reasons**

3. The appeal property is an upper ground floor flat within a four storey building. Before its conversion to flats, the building would have comprised one half of a semi-detached pair of dwellings. The adjoining buildings are similar in form. The appeal property has been extended across approximately half the width of its rear elevation. The parapet walls above that extension form a balcony for the flat above. The lower ground floor flat has a deeper, full width extension
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with glazed doors taking up much of its rear elevation. The flat part of the roof of this extension provides the terrace for the appeal property. As such, the rear elevation of this half of the former semi-detached pair has been altered considerably, and to a significantly greater extent than the other half of the building, or the adjoining buildings.

4. The proposed extension would span the remaining width of the appeal flat, but would be approximately half as deep as the existing upper ground floor extension. The existing terrace would be retained, but would be halved in size. Seen in the context of the existing additions therefore, the proposed extension would be modest in scale and its simple box shape and flat roof form would be consistent with them. The proposed extension would not be unduly prominent and a degree of articulation of the various extensions would be achieved. Consequently, notwithstanding that the resulting extension at upper ground floor level would run the full width of the property, it would not obscure the original elevation to a significantly greater extent than the existing alterations. Nor would it appear out of place. As such, the proposed extension would not result in a harmful increase to the overall scale and bulk of the additions to the building.
5. The large glazed opening in the rear elevation of the proposed extension would not be characteristic of the original window pattern of the building. However, nor are the existing opening onto the terrace or the broad glazed opening and rooflights in the lower ground floor extension. The proposed glazing would be seen as part of a group with the other openings in the extended part of the building, rather than part of the original pattern of fenestration. Regarded in this way, the size of the opening would be in keeping with the extended part of the building. It would distinguish between the extended and unaltered parts of the building and allow the legibility of the unaltered part to be retained.
6. Overall therefore, I find that the proposal would not have a harmful effect on the character and appearance of the existing building or the surrounding area. As such, it would not conflict with Policy D1 of the Camden Local Plan 2017 or Policy 2 of the Fortune Green and West Hampstead Neighbourhood Plan 2015. Together, these policies seek to ensure that development respects, and is sensitive to, local character, existing and adjoining buildings and that it uses high quality detailing and materials. Nor would the proposal conflict with the advice in the Camden Planning Guidance 1 - Design 2018 insofar as it has similar aims.

#### *Other Matters*

7. Concern has been expressed locally that the proposal would have an adverse impact on the living conditions of neighbouring occupiers. The flank wall of the extension would adjoin the boundary with No 47 and would be some 6m above ground level. However, it would be only 1.7m deep. In views from the neighbouring lower and upper ground floor flats it would be seen against the backdrop of the taller, deeper existing extensions. As such, I consider that it would not result in an unacceptable loss of day or sun light or sense of enclosure for neighbouring occupiers.
8. The existing patio doors allow access to the terrace in much the same way as the proposed doors. However, the terrace would be halved in size. If anything therefore, the proposal would lead to less intensive use of the terrace and less noise and disturbance for neighbouring occupiers. Reference has been made to

Development Plan Policy DP26. However, this policy appears to have been superseded.

*Conditions*

9. The Council has suggested a list of three conditions. I find that they meet the tests set out in the Planning Practice Guidance. A condition specifying the approved plans is necessary in the interests of certainty. A condition requiring the external materials used to match as closely as possible the existing building is required to safeguard the character and appearance of the building and surrounding area.

**Conclusion**

10. For the reasons set out above, the appeal should be allowed.

*Simon Warder*

INSPECTOR