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## Appeal Decision

Site visit made on 3 June 2019

**by Chris Couper BA (Hons) DipTP MRTPI**

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

**Decision date: 13 June 2019**

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**Appeal Ref: APP/X5210/W/19/3221785**  
**Flat 3, 15 Kingdon Road, London NW6 1PJ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
  - The appeal is made by Mr Callum Logan against the Council of the London Borough of Camden.
  - The application Ref 2018/3992/P, is dated 16 August 2018.
  - The development proposed is roof extensions and a roof terrace to the property.
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### Decision

1. The appeal is allowed and planning permission is granted for roof extensions and a roof terrace at Flat 3, 15 Kingdon Road, London NW6 1PJ in accordance with the terms of the application, Ref 2018/3992/P, dated 16 August 2018, 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 drawing nos KR01, KR02, KR03, KR04 Rev A, KR05, KR06 Rev A, KR07, KR08 Rev A, KR09, KR10, KR11 Rev A, KR12 and KR13 Rev A.
  - 3) Unless otherwise stipulated on the approved drawings, the materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

### Procedural Matters

2. In its putative decision dated 13 February 2019 the Council sets out that, had it determined the application, it would have refused it for reasons relating to the scheme's impact on the character and appearance of the building, the terrace and the area. It is in the context of that 'decision', and representations by interested parties, that I have identified the main issues.
3. In the appeal questionnaire it is stated that the site is within a Conservation Area. However, in an email dated 6 June 2019 the Council confirms that its delegated report, which states that it is 70m outside the West End Green Conservation Area ('WEGCA'), is correct.
4. The Planning Inspectorate Procedural Guide: Planning Appeals – England 2019 states that the appeal process should not be used to evolve a scheme, and that what is considered by the Inspector should be essentially what was considered

by the Council, and on which interested people's views were sought.

5. As part of this appeal, the appellant has requested that I consider amended drawing nos KR04 Rev A, KR06 Rev A, KR08 Rev A, KR11 Rev A and KR13 Rev A, as another proposal option to those plans initially submitted. This 'amended scheme' shows the omission of an initially proposed front dormer. Given the nature of the amended scheme, and as this was commented upon at paragraph 1.4 of the Council's delegated report, I am satisfied that my consideration of it would not prejudice any parties' interests.

## **Main Issues**

6. The main issues are the effect of the proposed development on:
  - the character and appearance of the host, the terrace and the area; and
  - the living conditions of nearby occupiers.

## **Reasons**

### *Character and appearance*

7. Notwithstanding trees, there are views looking along the front faces of the terraces in Kingdon Road. The regular form, style and architectural detailing of the terraces contributes significantly to this attractive streetscene. Although a few of the properties have long, rectilinear shaped dormers, most retain their original, modestly-proportioned gabled dormers. Consequently, notwithstanding occasional interruptions, these small dormers provide a rhythm and a sense of cohesion to the roofscape.
8. The originally submitted plans showed the replacement of No 15's small gabled front dormer with a long, narrow one, with a flat roof. Given its proportions and its horizontal emphasis, that would cause significant harm to the roofscape. However, the amended scheme omits this feature, and on that basis the streetscene impact would be acceptable.
9. This terraced building's rear face displays significantly less cohesion than its front, with many of the properties having been altered. As illustrated by the photographs at paragraph 3.3 of the appeal statement, some nearby have had the pitched roofs above their two-and-a-half storey closet wings changed to a flat roof.
10. I also observed some large rear dormers and roof level seating areas both on this terrace, and to the rear of the opposing terrace on Dennington Park Road. Although not all of these may have planning permission, I have no evidence of impending enforcement action, and they do form part of the area's existing character. The upper storeys and roofscape of this terrace and the opposing terrace are therefore fairly eclectic, as are the windows and other openings, which although mostly white, are varied in style.
11. The proposed alterations to this property's closet wing and the replacement rear dormer would be fairly modest in scale. In this location, neither they, nor the proposed railings, would be visible from the road. Unlike the dormer to the front, the existing one to the rear is not particularly distinctive, and the Council states that it may have been enlarged. Although the replacement would be larger, it would be set down from the ridge, and even without the other

proposed roof alterations, the protruding closet wing would significantly limit its visibility from many other properties.

12. The railings would be recessed well back behind a parapet wall, in accordance with paragraph 5.24 of the Camden Planning Guidance: Design ('CPG'), which would limit their visual impact. Additionally, trees and other landscaping significantly restrict views of this terrace's rear face from many nearby properties, including looking upwards from their gardens.
13. The proposed brickwork would match the existing, and whilst the window in the replacement rear dormer would be UPVC, it would be white to match the colour of others on this building and in the area.
14. For all those reasons, the amended scheme would not harm the character and appearance of the host property, the terrace, or the area. In broad terms, and amongst other things, Policies A1 and D1 of the Camden Local Plan 2017 ('CLP'), and Policy 2 of the Fortune Green and West Hampstead Neighbourhood Plan 2015, set out that the Council will seek high quality design which has regard to, and complements, respects or enhances the local context, and maintains the character of the building. The amended scheme would not conflict with that approach.
15. Additionally, as there would not be an adverse impact on the skyline, or on this terraced building's varied rear appearance, the amended scheme would not conflict with the broad thrust of chapter 5 of the CPG, or with the key messages and general approach of the more recent, Camden Planning Guidance: Design (2019) (Supplementary Planning Document).
16. The Council's delegated report states that the scheme would also be contrary to CLP Policy D2, which addresses heritage assets including conservation areas. However, given the distance to the WEGCA, and intervening development, its setting would be preserved.

#### *Living conditions*

17. The kitchen to the rear of flat 2 in No 15 has a single window, close to the protruding side wall of the closet wing. The wall already restricts the rear outlook from, and the availability of natural light within, that room. Whilst, as a result of this scheme, that wall would be heightened, that would not impact the principal outlook from that room over the rear gardens. Additionally, given that existing context, I am not persuaded that the scheme would cause a material loss of light within that room.
18. The proposed terrace on the new flat roof area would be located above one of the host property's bedrooms, with a floor between it and the rear bedroom in flat 2. The proposed railings would be set well in from the parapet, which would restrict accessibility to the roof's edges. Given that context, I am satisfied that reasonable use of this relatively small area would not give rise to significant noise and disturbance to the occupants of flat 2, or to other nearby occupiers. In reaching that conclusion I note that flat 2's kitchen is fairly small, and that its main living area is located to the front of the property – well away from the proposed roof terrace.
19. Given the modest scale of this scheme, comprising of alterations to a single flat with one extra bedroom, reasonable use would not lead to significant footfall and associated noise in the building's communal areas.

20. For those reasons, the living conditions in flat 2 would not be impacted to a harmful degree. The scheme would not therefore conflict with those parts of the development plan, including its CLP Policies A1 and A4, which seek to protect quality of life, and to prevent unacceptable harm to amenity by reason of matters such as light availability and noise. For similar reasons, having regard to the existing context, it would not conflict with the broad thrust of the CPG, or with the Camden Planning Guidance: Amenity (2018).

*Other matters*

21. Ensuring that there is adequate insurance, and changes to leases, are not planning matters. However, I have no cogent evidence that, if properly constructed, the proposed flat roof would lead to problems with drainage or leaks; or that the scheme would exacerbate structural movements, or pose a fire hazard and security risk.

**Conditions and Conclusion**

22. The Council proposed a number of conditions, which I have considered against the tests in the National Planning Policy Framework. I have imposed the standard time limit condition, and, in the interests of certainty, a condition requiring that the development be carried out in accordance with the approved plans in the amended scheme. In the interests of the character and appearance of the host, the terrace and the area, a condition is also necessary requiring that the scheme's facing materials match those used in the existing building.
23. Having regard to all other matters raised, and subject to those conditions, the appeal is allowed.

*Chris Couper*

INSPECTOR