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## Appeal Decision

Site visit made on 15 August 2019

**by Jamie Reed DipTP MRTPI**

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

**Decision date: 17 September 2019**

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**Appeal Ref: APP/X5210/W/19/3226753**  
**126 Boundary Road, London NW8 0RH**

- 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 F Zavahir against the decision of the Council of the London Borough of Camden.
  - The application Ref 2019/0155/P, dated 10 January 2019, was refused by notice dated 21 March 2019.
  - The development proposed is single storey rear infill extension. First floor extension.
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### Decision

1. The appeal is dismissed.

### Background

2. The Council has recently agreed to grant planning permission<sup>1</sup> for the erection of a single storey rear extension, roof extension and roof terrace, subject to the signing of a s106 legal agreement on the appeal site. The appellant seeks through the application which forms the basis of this appeal to erect a part single, part two-storey rear extension. It is noted that the single story element of the proposal which is before me is of a similar scale and form to that of the other planning application<sup>1</sup> referred to above.

### Main Issues

3. The main issues are the effect of the proposal on:
  - the character and appearance of the appeal property and the surrounding St Johns Wood Conservation Area (SJWCA); and
  - the living conditions of the occupiers of neighbouring properties by way of outlook.

### Reasons

#### *Character and appearance*

4. Sections 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the SJWCA. Furthermore, the National Planning Policy Framework (the Framework) requires attention to be

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<sup>1</sup> Planning application reference 2019/0116/P

- paid to the desirability of sustaining and enhancing the significance of heritage assets and to the positive contribution that their conservation can make.
5. The SJWCA Character Appraisal and Management Strategy (CAMS) explains that the SJWCA is characterised by predominantly three storey residential development set out along spacious tree lined streets. Such an arrangement creates a feeling of space and openness without the need for formalised public squares and gardens. Even in those localised areas where commercial uses predominate, the layout is such that the area is open and pleasant. The absence of any primary traffic routes within the designated areas adds to their quiet character. The terrace in which the appeal property lies is identified in the CAMS as being a positive contributor to the SJWCA.
  6. The appeal property is situated midway along a terrace in Boundary Road, which is characterised by commercial uses on the ground floors, with a mix of office and residential accommodation above. To the rear lies a more modern residential development, Collection Place, which lies outside of the Conservation Area. The rear garden areas of Collection Place abut the rear boundary walls of the properties on Boundary Road, resulting in the rear of both groups of properties not being readily visible from a public highway.
  7. The proposal would deliver a part single, part two story rear extension. The single storey element would effectively infill the existing rear yard area to provide additional accommodation at basement and ground floor levels in a similar manner to that of the other recent planning application<sup>1</sup> on the site. A further storey of accommodation would then be constructed on top of this at first floor level and as per the single storey element, this further floor of accommodation would also span across the full width of the rear of the appeal property. It would have a lesser rearwards projection however, having a small setback from the rear boundary wall.
  8. The appellant has suggested that there are already a variety of other extensions to the rear of other properties on Boundary Road. From the observations made during my site visit and the information before me, extensions to the rear of this section of Boundary Road generally appear to only be single storey in nature. As such, the other extensions that are present cannot therefore be directly compared to that which is before me, nor do they create the same type of precedent that would occur should the appeal succeed. Consequently, I can only attribute limited weight to this argument.
  9. The appellant has explained that as there are only limited views of rear of the terrace from Bolton Road then the proposal would cause no harm to the SJWCA "as a whole" and that the impact on its character and appearance would be negligible. The CAMS requires proposals to show special consideration to the elevational treatment, scale, bulk and massing of buildings and to respect and preserve historic patterns where they exist. By virtue of its two storey height and bulk, the proposal would introduce a highly incongruous and alien feature that would fail to respect the existing rhythm of development to the rear elevation of the terrace. The proposal would therefore not only be harmful to the character and appearance of the appeal property but also to the wider terrace, which is a positive contributor to the SJWCA.
  10. Whilst I agree that public views of the rear of the terrace are indeed limited, it is still nonetheless clearly visible by residents and visitors accessing the properties on Collection Place to the immediate rear of this section of Boundary

Road. Furthermore, the properties on Collection Place also feature roof terraces and unobscured glazing at ground floor level. As some of these face towards the appeal property, there are numerous opportunities for viewing the visual harm that the proposal would bring to the appeal property and the wider terrace. As a result, I therefore conclude that the proposal would be harmful to the positive contribution that the appeal property makes to the character, appearance and significance of the SJWCA.

11. As this harm to the significance of the SJWCA would be less than substantial, it is therefore necessary, in accordance with paragraph 196 of the Framework, to balance it against any public benefits from the proposal. Whilst it is acknowledged that the proposal would provide additional employment space within the building for the appellant's business and would add vibrancy to the terrace, such benefits would not outweigh the great weight I must attach to the harm that the proposal would cause to the SJWCA.
12. Consequently, the proposal would be contrary to Policies G1, D1 and D2 of the London Borough of Camden Local Plan (LP) (2017). When read together, these policies require proposals to be of a high quality whilst taking into account their surroundings and preserving or enhancing the historic environment, including conservation areas.

#### *Living conditions*

13. The proposed extension would introduce a full width, two storey element to the rear of the appeal property. Such an arrangement would result in there being a blank two story expanse of brickwork that would run almost the entire length of the rear boundaries that the appeal property shares with No's 124 and 128 Boundary Road. In their submission, the Council has described a 45 degree angle test that can be carried out in order to assess the effects that an extension may have upon a neighbouring property. It is clear from the information before me that the proposal would not pass this test and would result in the introduction of a visually stark and oppressive feature that would be readily visible from inside the adjoining properties, at first floor level.
14. The appellant has conducted their own 45 degree assessment, which includes annotated drawings to explore the effects that would arise from the proposal on both a horizontal and vertical axis. Whilst it is acknowledged that this illustrates that the window that is closest to the appeal property in No 124 serves a staircase, the assessment nonetheless demonstrates that the proposal would be clearly visible from a number of rear windows. Such an arrangement would significantly increase the sense of enclosure for the occupiers of 124 and 128 Boundary Road and unacceptably erode their outlook. Accordingly, I conclude that the proposal would be harmful to the outlook and living conditions of the occupiers of No's 124 and 128 Boundary Road. Consequently, the proposal would be contrary to Policy A1 of LP, which requires proposals to protect the quality of life of neighbours.

#### **Other Matters**

15. Objections have been raised by local residents relating to disturbance that may arise during the construction phase and the storage of materials on site associated with the appellants business, amongst other matters. Whilst I acknowledge these concerns, the appeal is being dismissed for other reasons and as such, these matters would not alter my decision.

**Conclusion**

16. For the reasons given above, I conclude that the appeal is dismissed.

*Jamie Reed*

INSPECTOR