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## Appeal Decision

Site visit made on 12 August 2019

**by J Moss BSc (Hons) DipTP MRTPI**

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

**Decision date: 23<sup>rd</sup> September 2019**

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**Appeal Ref: APP/X5210/W/19/3231238**

**Flat 1, Sussex House, 14-26 Glenilla Road, London NW3 4AR**

- 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 Alan Craig against the decision of the Council of the London Borough of Camden.
  - The application Ref 2018/5842/P, dated 15 January 2019, was refused by notice dated 1 May 2019.
  - The development proposed is a new rear garden room extension.
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### Decision

1. The appeal is allowed and planning permission is granted for a new rear garden room extension at Flat 1, Sussex House, 14-26 Glenilla Road, London NW3 4AR in accordance with the terms of the application, 2018/5842/P dated 15 January 2019, subject to the following conditions:
  - 1) The development hereby permitted must be begun not later than the end of three years from the date of this permission.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans and documents: 294-DWG-000 - OS Map; 294-DWG-001 – Existing Ground Floor Plan; 294-DWG-020 – Existing Side Elevation (SE); 294-DWG-021 – Existing Rear Elevation (SW); 294-DWG100 Rev P2 – Proposed Ground Floor Plan; 294-DWG-120 Rev P2 – Proposed Side Elevation (SE); 294-DWG-121 Rev P2 – Proposed Rear Elevation (SW); 294-DWG-123 Rev P2 - Proposed Rear Elevation (SW); and the Design & Access Statement dated 4 March 2019.
  - 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 plans and documents.
  - 4) The roof of the extension hereby permitted shall at no time be used as amenity space, including as a sitting out area.

### Procedural Matters

2. The appellant has submitted a revised drawing of the development, which alters the arrangements of the roof lights in the extension. Not all parties have been properly consulted on the proposed amendments to the scheme. Accordingly, I have not considered the revised scheme as to do so would prejudice the interests of all parties involved.

3. With regard to the plans and documents that are before me, I am satisfied that they are sufficiently clear in order for me to make a decision in this case.

### **Main Issues**

4. The main issues are:
  - whether or not the proposed development would preserve or enhance the character or appearance of the host building and the Belsize Conservation Area heritage asset; and
  - the effect of the development on the living conditions of neighbouring occupiers.

### **Reasons**

#### *Character and Appearance*

5. The site plan identifies the appeal site as the building known as Sussex House. The development proposed is a rear extension to the ground floor flat on the left-hand side of the building, as viewed from the rear garden of the appeal site.
6. Sussex House is a purpose-built block of flats that is five storeys with a basement level. The building is a dominant brick built block that has a strong vertical emphasis, partly due to the large uniform window openings and recessed elements on both the front and rear elevations. There is little evidence of any alterations or more modern additions to the building, other than replacement windows. These retain a vertical form, consistent proportions and detail provided by glazing bars.
7. The building is within the Belsize Conservation Area and the Council have provided the Belsize Conservation Area Statement published April 2003 (BCAS). The BCAS describes Glenilla Road as having a less consistent character than other parts of the conservation area in terms of the variety of buildings of different ages, materials, styles and heights along its southern side.
8. Within the BCAS Sussex House is described as an overbearing block of flats, significantly larger than the other buildings in the street. It also describes the building as a negative feature, being an oppressively large block. Notwithstanding the information provided in the BCAS, I note the Council's current position with regard to the value of the building and their intention to add the building to the local list.
9. Whilst the building may well be significantly larger than other buildings on the street, I do not find it a negative element within the conservation area, particularly having regard to its character, as described above, and location within a row of buildings of the variety described in the BCAS. Indeed, the variety of building styles, building forms and heights along Glenilla Road is evident when viewed from both the front and rear of the appeal site.
10. Turning to the development proposed, this comprises a single storey rear extension that would occupy an area of existing garden deck, enclosed with mature vegetation.

11. The extension would have a flat roof and simple form that would complement the strong block form of the host building. Regardless of the fact that the host building is a block of flats, rather than a single dwelling house, the extension proposed would be subservient to it and would be in an appropriate location to the rear, as are other such extensions in the area. Furthermore, its simple form and minimal footprint would not interfere to a significant degree with one's appreciation of the building's monolithic appearance, or its special architectural character and distinctiveness.
12. With regard to the effect of the development on the symmetry of the host building, this is already affected by the adjoining property at 12 Glenilla Road; such development is not replicated on the opposite side of Sussex House. As such, the location of the extension, adjoining the side wall of No 12, would not disrupt the existing situation to an unacceptable degree.
13. The brick finish would replicate the dominant material in all elevations of the existing building. Furthermore, the window openings on the rear facing elevation of the extension would have a vertical emphasis, in keeping with the host property. Their proportions and arrangement would also respect the existing fenestration.
14. Notwithstanding the above, the large window opening on the side elevation of the extension would not be entirely sympathetic to the existing building. However, this would not be on the principle elevation of the extension and would not be a dominant element of the development. This element of the scheme would not, therefore, justify the refusal of the development as a whole.
15. In terms of the wider impact, the effect of the development would only be appreciated from the rear of the properties along Glenilla Road and from properties along Belsize Park Gardens. From this rear vantage point, the mixed character of built development along Glenilla Road, which includes numerous alterations and extensions, is wholly apparent. In this regard, the development would not be at odds with the general character of the area.
16. To conclude on this first main issue, the development would be an acceptable addition to the host building and would preserve both the character and appearance of the Belsize Conservation Area heritage asset. The development would, therefore, accord with policies D1 (Design) and D2 (Heritage) of the Camden Local Plan Adopted June 2017 (CLP), which require development to respect local context and character, whilst preserving or enhancing Camden's rich and diverse heritage assets and their settings.

### *Living Conditions*

17. The scheme includes the provision of roof lights within the flat roof element. Whilst the occupiers of the flats above would be able to see light from the extension roof, it is unlikely that lights within the extension would be directed towards the windows of the flats above the appeal property. Furthermore, due to the location of the extension relative to the dwelling at 12 Glenilla Road, it is unlikely that the occupiers of that dwelling would see the roof lights from any rooms within their property.
18. I note the Council's comments with regard to the ambient light level experienced to the rear of Sussex House. However, the appeal site is in an

urban area where internal light levels can be affected by numerous external light sources.

19. Based on the evidence before me, I cannot conclude that domestic lighting in the extension would result in a significant degree of light spill from the development. Neither can I conclude that any light spill would affect light levels experienced in the flats above or the adjoining property to an unacceptable degree.
20. Whilst I note the third party objections to the development with regard to its overbearing nature, the extension would be of a height that is comparable to the existing flat roof annexe to the rear of the adjoining property. It would also be set back from the rear elevation of the adjoining annexe and, as such, would not in all likelihood be overbearing when viewed from No 12.
21. I have had regard to the representations made by third parties with regard to potential noise and disturbance from the development and its effect on the neighbouring occupiers' enjoyment of their home and garden. However, there is no substantiated evidence before me to suggest that the use of the extension would result in activity that would cause additional noise and disturbance, or that it would have any other material effect on the living conditions of neighbours.
22. Whilst the development may well have an effect on the amount of sun that shines onto the side elevation of No 12, there is nothing before me to suggest that material harm would be caused as a result.
23. Having regard to the findings above, the development would not have an unacceptable effect on the living conditions of neighbouring occupiers. Accordingly, whilst I note that Policy A1 (Managing the impact of development) of the CLP seeks to protect the quality of life of occupiers and neighbours and ensure that their amenity is protected, I cannot find the development in conflict with this policy in terms its impact on the amenity of neighbouring occupiers.

#### *Other Matters*

24. Whilst it is unfortunate that landscaping close to the existing terrace would be removed to accommodate the development, this matter would not render the scheme unacceptable as a whole. Furthermore, there is no substantiated evidence to suggest that the development would have a detrimental effect on mature trees within the vicinity, particularly in view of the degree of separation between the trees and the development.
25. The issue relating to the ownership of the existing wall to the side of the proposed extension would be a civil matter, which is outside of the scope of this appeal. As is any effect the development would have on the value of neighbouring properties.

#### **Conditions**

26. The conditions set out above are based on those suggested by the Council. Where necessary I have amended the wording of these in the interests of precision and clarity in order to comply with advice in the Planning Practice Guidance.

27. As I have allowed the appeal and grant planning permission for the development, I attach a condition requiring the completion of the development in accordance with the details that are before me. The condition relating to the materials to be used in the development is reasonable and necessary in ensuring that the scheme would be sympathetic to the host building. In the interests of the privacy of neighbouring occupiers, it is also necessary to control the use of the extension roof.

**Conclusions**

28. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

*J Moss*

INSPECTOR