



Appeal Decision

Site visit made on 17 September 2019

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 October 2019

Appeal Ref: APP/X5210/W/19/3230370

Flat Upper, 87 Burghley Road, London NW5 1UH

- 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 Shane Snow against the decision of the Council of the London Borough of Camden.
 - The application Ref 2019/1190/P, dated 4 March 2019, was refused by notice dated 25 April 2019.
 - The development proposed is the creation of a roof terrace to the existing rear side-return extension of the upper flat at 87 Burghley Road, with structural slatted timber balustrade; enlargement of rear opening to accommodate a new traditional painted timber door with matching glazing bars; and stepped access to the new roof terrace.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on:
 - the character and appearance of the host building and the area; and
 - the living conditions of occupants of neighbouring properties at Nos 83 and 89 Burghley Road, with particular regard to privacy.

Reasons

Character and appearance

3. The appeal site is a flat occupying the first and second floors of a three storey mid-terraced Victorian property. The block is built of yellow brick and has a well-preserved appearance, with repeating two storey bay windows to the frontage which give it an orderly character. Although the rear of the block is somewhat less uniform than the front, as many of the properties have been extended at various times, the appeal property sits in a short group which retain a reasonable degree of symmetry and repetition. Rear gardens and mature trees and other vegetation separate the block from the more modern Ingestre Estate to the north west, although the appeal property itself does not have use of the rear garden of No 87.
4. The proposal is to create a roof terrace above the rear two storey closet wing, with access via timber steps and a door from the internal staircase which would replace an existing window.

5. Policy D1 of the 2017 Camden Local Plan (CLP) seeks to secure development with high quality design which respects local character and context, while Policy D3 of the 2016 Kentish Town Neighbourhood Plan (KTNP) requires developments to be well-integrated into their surroundings and to draw on design cues from the surrounding area. The March 2019 Camden Planning Guidance 'Altering and extending your home' (the Alterations CPG) provides further advice on roof terraces, including that they should be set within the slope of pitched roofs, and that the dimensions of the roof should be sufficient to accommodate a terrace without adversely affecting the appearance of the roof or the elevation of the property.
6. The proposed roof terrace would remove a large portion of the pitched roof above the closet wing, and its timber balustrade would rise prominently above the existing roof slope. It would remove the symmetry which the existing wing displays with that of the adjoining property at 85 Burghley Road, and the balustrade would appear alien in materials and design. The proposed access doorway, while fitting into the existing fenestration pattern as much as would be practical, would nonetheless break up the symmetrical appearance of that part of the wider rear elevation. Taken together, the alterations to the roofline and windows, and the prominence of the balustrading, would not be sympathetic to the block's established character.
7. While the mature trees and vegetation at the rear of the property would screen views of the balcony from the elevated walkways of the Ingestre Estate to some extent, this screening would be reduced for that part of the year when the trees were not in leaf. Notwithstanding the restricted public views, the roof terrace's incongruous appearance would be apparent from the rear of several neighbouring properties in the same block.
8. The appellant has suggested that it would be possible to use a condition requiring that the final design of the timber balustrade should be approved by the Council. However, I consider that the design and appearance of the balustrade is a core element of the proposal, and the use of a condition in this way would leave it open to being fundamentally altered in the future. It is not therefore an appropriate solution in this case.
9. I acknowledge the appellant's point that several other properties along Burghley Road have rear terraces. Nearly all are at first floor rather than second floor level, and consequently are generally less prominent and have had less of an impact on the roof lines of rear closet wings than would be the case here. It is an argument to which I can therefore only give limited weight. I also note that the Council indicates that many of these were added some time ago and that it would consider many of those existing roof terraces to be unacceptable by today's planning and design standards. In any event, I do not know the circumstances which led to the other terraces being erected, and I have assessed this proposal on its own merits.
10. I therefore conclude that the proposed roof terrace would have a detrimental effect on the character and appearance of the host property and the area. It would not comply with guidance in the Alterations CPG, and would conflict with CLP Policy D1 and KTNP Policy D3, which together seek to ensure that developments are well designed and sensitive to their surroundings.

Living conditions

11. CLP Policy A1 seeks to ensure that development is not harmful to the living conditions of neighbours, including by ensuring that privacy is not harmfully reduced. The policy is supported by advice in the March 2018 Camden Planning Guidance 'Amenity' (the Amenity CPG), that roof terraces should be carefully sited and designed to reduce potential overlooking of habitable rooms or gardens of neighbouring residential buildings.
12. The edge of the roof terrace would be around 5 m from the nearest windows of the adjoining property at 89 Burghley Road. The tight angle from the proposed terrace to the windows on the rear elevation would limit overlooking to some degree. Although some of the windows in the rear closet wing of No 89 have obscure glazing, the terrace would afford views into rooflights below. The terrace would also potentially make it possible to see into rooms in the rear wing of No 83. While the seating arrangement proposed would serve to discourage this to some extent, this could be changed in the future, and would not in any case deal with a loss of privacy arising from people choosing to stand on the terrace.
13. The Amenity CPG suggests that there should be a minimum of 18 m separation between buildings in order to protect privacy. It goes on to note that there may be occasions when a smaller distance is acceptable either because buildings are not directly facing one another, or where this is not appropriate for the character of the area. I agree with the appellant that the appeal property is in one such area. Notwithstanding this, the very small separation distances in this case mean that use of the terrace would inevitably lead to increased overlooking of neighbouring dwellings and gardens, which would harm the living conditions of neighbouring occupiers. The appellant suggested that a condition could be used to require the installation of privacy screening, but this would be likely to exacerbate the harm caused to the building's character and appearance, and so is not an appropriate response.
14. Consequently I conclude that the proposed development would be harmful to the living conditions of occupants of neighbouring properties at Nos 83 and 89 Burghley Road, with particular regard to loss of privacy. It would not comply with the advice of the Amenity CPG in respect of avoiding overlooking, and would conflict with the CLP Policy A1 which among other things seeks to ensure that development proposals protect the privacy of neighbours.

Conclusion

15. For the reasons set out above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

M Cryan

Inspector