



K 12/11/B | 8802029 [2514] Recd. 13/12/89
A.H. HOWE
SAZ

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Mr. B. Williams-Jared
72 Oakley Square
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Your reference
BWJ/EAA/72
Our reference
T/APP/X5210/A/88/109335/P4
Date 01 DEC 89

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPLICATION No.: - PL/8802029

1. You will know that I have been appointed by the Secretary of State for the Environment to determine your appeal. Your appeal is against the decision of the Council of the London Borough of Camden to refuse planning permission for the erection of a double garage on land off Lidlington Place (at the rear of 75/76 Oakley Square), London NW1. I have considered the written representations made by you and by the Council. I inspected the site on 29 August 1989.
2. From my inspection of the site and its surroundings and my reading of the written representations I consider that the main issue in this appeal is the effect your proposal would have on the amount of daylight entering the windows of nearby properties.
3. I understand from the representations that there is no objection in principle to a double garage on your site and that the Council's refusal relates to the design of the building and in particular to the pitched roof which results in a gable end wall some 3.86m (12ft. 8ins.) in height facing the rear of Nos. 75/76 Oakley Square. I see that notwithstanding your opinion that the garage would not reduce daylight below recommended standards nevertheless in August 1988 you submitted an amended sketch design showing a half-hipped roof.
4. I saw at my visit that it is the basement and ground floor rear windows of Nos. 75/76 which would be the most likely to be affected by your proposal. It has been suggested that windows in Nos. 73 and 74 could also be affected. The garage would be directly at the rear of No. 75 and because of the design of the rear extensions to Nos. 73/74 I consider that any livingroom windows would be little affected, if at all. I therefore confine my considerations in detail to Nos. 75/76.
5. Both Nos. 75/76 have rear extensions projecting into their rear gardens some 3-4m from the main building. These extensions have small frosted glass windows in them, with No. 76 also having a door and I do not consider that daylight would be a critical factor here. The main parts of the properties would be some 8m or so from the gable end wall of the garage. Both the properties have one semi-basement window and one groundfloor window. The windows of No. 76 would not directly face the garage, are to the south of the garage site where they would not lose sun for most of the day and where I believe any loss of daylight would be minimal and remain within acceptable standards.
6. The windows of No. 75 would directly face the garage. I saw that the semi-basement



window is heavily barred, had a blind pulled down over a third of its area and appeared to be very dirty. It did not appear that light is critical to any present use of the room concerned. However should the situation change and daylight become more important to this room I believe that the design of the garage as initially submitted could reduce the level of daylight to below the recommended standard. The amended design showing a half-hipped roof would I believe overcome this problem. As to the window in the ground floor, the floor level is situated above outside ground level and the window raised above normal groundfloor window level accordingly. I consider that little daylight would be lost to this window should the garage be built.

7. In conclusion on the main issue I consider that your proposal, as amended to include a half-hipped roof, would not result in an unacceptable loss of daylight to the occupants of neighbouring properties.

8. Attention has been drawn to the possible loss of views from the windows in question. Such views as there are seemed to me to be primarily of the rear of other properties and of high-rise blocks and would be little affected by the proposed garage.

9. I see from the information before me that the proposed garage is within the Camden Town Conservation Area. Although neither party relies upon this fact I have considered the requirements of S.277(8) of the 1971 Act and in particular whether the proposal would preserve or enhance the Conservation Area. It seemed to me that the site is not a prominent one within the Conservation Area lying as it does to the rear of properties and not dominant in the street scene. I am satisfied that if the proposal is implemented the character and appearance of the Conservation Area would be preserved.

10. I have considered all other matters raised in the representations but they do not alter my conclusion that your appeal should be allowed.

11. For the above reasons, and in exercise of the powers transferred to me, I hereby allow this appeal and grant planning permission for the erection of a double garage on land off Lidlington Place (at rear of 75/76 Oakley Square) London NW1 in accordance with the terms of the application (No.PL/8802029) dated 12 January 1988 and the plans submitted therewith, and amended 8.88, subject to the condition that the development hereby permitted shall be begun before the expiration of 5 years from the date of this letter.

12. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than section 23 of The Town and Country Planning Act 1971. Your attention is drawn to the provision of Section 277A of The Town and Country Planning Act 1971 (inserted into the Act by The Town and Country Amenities Act 1974) as amended by paragraph 26(2) of Schedule 15 of the Local Government Planning and Land Act 1980 which requires consent to be obtained prior to the demolition of buildings in a conservation area.

I am Sir
Your obedient Servant

R. D. Lewis

R D LEWIS BSc(Hons), MRTPI
Inspector