



Appeal Decision

Site visit made on 6 October 2020

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th October 2020

Appeal Ref: APP/X5210/W/19/3237932 5 and 6 Rosslyn Park Mews, London NW3 5NJ

- 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 Ron Golan against the decision of the Council of the London Borough of Camden.
 - The application Ref 2019/0275/P, dated 13 February 2019, was refused by notice dated 20 June 2019.
 - The development proposed was described as 'corner extension (3 storey) at N.6; 2nd floor side extension at N.5; loft extension at both N.5 and N.6; alterations to windows and door at N.6; addition of skylights at both N.5 and N.6.'
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development in the banner heading above is taken from the planning application form. Nevertheless, amended plans were submitted during the determination of the planning application showing revisions including to the design of the extension at roof level and the omission of rooflights. It is clear from the Council's report and decision notice that the proposal was considered with reference to these amended plans, and I have determined the appeal on the same basis.

Main Issues

3. The main issues are:
 - i) the effect of the proposal on the character and appearance of the Fitzjohns and Netherhall Conservation Area (CA); and
 - ii) the effect of the proposal on the living conditions of the occupiers of 12, 13 and 14 Lyndhurst Road with particular regard to outlook and light.

Reasons

Character and Appearance

4. The appeal relates to a pair of semi-detached dwellings on Rosslyn Park Mews. The two and three-storey buildings which make up this small cul-de-sac are more recent than the majority of surrounding development within the Fitzjohns and Netherhall CA and are of simple appearance and fairly modest scale. This forms a striking contrast and attractive balance to the more imposing adjacent buildings on Lyndhurst Road, and the resulting relationship and intimate scale

of this area makes a positive contribution to the character, appearance and thus significance of the CA.

5. Although 1-3 Rosslyn Park Mews opposite the site are a three-storey terrace, the appeal dwellings are two-story in height. In views from Lyndhurst Road and Rosslyn Park Mews, the combination of the lower height of the appeal dwellings and the shallow pitch of the rear section of their asymmetric roof appears to broadly continue the angle of the front roof slope from Nos 1-3 towards a low point at their rear. Whether or not it was intended as part of the original design rationale, this serves to reinforce the more intimate scale of the Mews and its subservience to the much larger buildings on Lyndhurst Road.
6. The proposed extension to provide a second-floor level would interrupt this arrangement, and significantly increase the height and overall bulk and mass of the appeal dwellings. The surrounding area is relatively high density, and the dwellings would remain lower than the Lyndhurst Road neighbours. Even so, the development would be very close to these buildings. Notwithstanding the three-storey height of Nos 1-3 opposite, the additional scale of the dwellings would notably diminish the overall impression of the Rosslyn Park Mews development as subordinate and complementary to Lyndhurst Road, and the inappropriate bulk would also detract from the intimate scale of the Mews. In these ways, the development would undermine important elements of the character of this part of the CA, and I find that the resulting change to the balance of space and composition of the area would be jarring and unwelcome.
7. The visual impact of the development would be further exacerbated by the unusual roof form. Although more modern than many buildings nearby, the sloping roof design and simple appearance of the dwellings on Rosslyn Park Mews sits comfortably against the mixture of architectural styles within the CA, and the appeal building is fairly unobtrusive. Irrespective of the use of matching materials, the curved profile to the rear of the roof would bear little relation to the more traditional designs and appearance of nearby buildings. As a result, it would be distinct as an inconsistent and incongruous element.
8. Given the position of the site to the rear of Lyndhurst Road, the development would not be prominent. Nevertheless, it would be apparent in some public views from Rosslyn Park Mews and Lyndhurst Road as well as from the junction of Eldon Grove, and would also be plainly visible from neighbouring windows and gardens. For the most part, the development would be seen together with the three-storey buildings at Nos 1-3, but these do not have a comparable relationship with the rear of neighbours on Lyndhurst Road. The presence of these buildings or the three-storey building at 12c Lyndhurst Road and partial screening of the proposal do not therefore justify the uncharacteristic nature of the proposed roof design or harmful alteration to the scale of the host building.
9. For these reasons, I find that the development would be incongruous and visually intrusive, causing harm to the character and the appearance of the host building and to the wider CA to the detriment of its significance. In the terms of the National Planning Policy Framework (the Framework), I find that the harm would be less than substantial given the scale of the development and the localised nature of the effect. Nevertheless, the Framework states that heritage assets are irreplaceable and great weight should be given to their conservation.
10. I recognise the constrained nature of the site and lack of outdoor space, and note that the proposal would deliver additional living space for occupiers of the

dwellings. However, this would be a mainly private benefit. The development would make effective use of the site, but even taken together I find that these do not amount to public benefits sufficient to outweigh the less than substantial harm that would be caused to the CA, a matter to which I afford great weight.

11. I therefore conclude on this main issue that the proposal would cause unacceptable harm to the character and appearance of the appeal property and to the character and the appearance of the Fitzjohns and Netherhall CA. Accordingly, it would conflict with Policies D1 and D2 of the Camden Local Plan 2017 (CLP) which require, amongst other things, high quality development which respects local context and which preserves and enhances heritage assets.

Living Conditions

12. The appeal site adjoins the fairly short gardens to the rear of buildings at 12-14 Lyndhurst Road. I was able to see at my visit that views from the second-floor windows at the rear of these neighbouring dwellings are currently down onto the roof of the appeal dwellings. However, the existing building makes up a significant proportion of the available views from the neighbouring first-floor windows. At ground floor level it restricts any open aspect to a limited sliver of sky which is only apparent from a small area close to the windows, and even this would be mostly absent from the lower ground levels.
13. The proposed roof extension would be largely screened from the neighbouring lower ground floor level windows by the existing building so that effect on outlook for these rooms would not be significantly different. Nevertheless, it would be readily appreciable from the storeys above and would add considerably to the height of the building and its overall bulk and mass.
14. Notwithstanding the curved profile to the rear, the presence of the additional storey would largely obscure the last remaining open aspect above the existing building from the neighbouring first-floor windows, and would significantly reduce the available outlook at second-floor level. Together with the very limited separation, this would cause the development to appear dominant and overbearing to occupiers, and the resulting degree of enclosure would be oppressive.
15. The appellant has provided a Daylight and Sunlight Study based on the Building Research Establishment (BRE) guidance which considers the effect of the proposal on light to neighbouring properties. This shows that there would be increased overshadowing of the gardens to 12, 13 and 14 Lyndhurst Road, with reductions in the percentage of the areas receiving at least 2 hours of sunlight on 21 March. Be that as it may, these gardens are heavily influenced by the existing building so that the proportions of the spaces meeting this guideline standard are already significantly below the 50% recommended by the BRE guidance. Given this and the fairly small change in the areas of the gardens that would be affected, I am not convinced that the additional loss of light would be so great as to further constrain the attractiveness of the spaces to the detriment of the quality of life experienced by occupiers of the dwellings.
16. However, the assessment also indicates that many of the neighbouring windows would also see a reduction in sunlight, including reductions of sunlight during winter months to levels below BRE recommendations for some windows at 13 Lyndhurst Road. Daylight distribution to 4 habitable room windows to No 13 would also see a reduction to levels below 0.8 times their former value.

Although only a fairly small amount below, this is nevertheless the level at which the BRE guidance advises the change would be noticeable, and the affected windows include 3 living room windows where I consider occupiers would be particularly sensitive to the effects of a reduction. Notwithstanding the existing building, the evidence before me indicates that the reductions in light to the windows of No 13 would be tangible. In the context of the existing poor levels of light which would be exacerbated, I find that this would unacceptably diminish living conditions for occupiers.

17. No daylight distribution assessment has been provided for 14 Lyndhurst Road. I appreciate the appellant's comments that this is because room layouts are not known. However, given the similar relationship to that of No 13, it seems likely to me that there would be some impact and I am therefore unable to conclude with certainty that the occupiers of this building would not also experience a similar harmful reduction in daylight.
18. I accept that the site is within an urban area and that the BRE guidance is just that. Guidance at paragraphs 118 and 123 of the National Planning Policy Framework (the Framework) offers support for use of space above existing buildings to provide new homes. It also advises a flexible approach to guidance relating to daylight and sunlight which would inhibit making efficient use of a site for housing. However, the appeal relates to extensions to existing dwellings rather than the creation of new homes and these provisions are not therefore directly relevant. In any case, the flexible approach to light is subject to a requirement that acceptable living standards are provided, and applies alongside the Framework's requirement at paragraph 127 for a high standard of amenity. That the proposal may not harm other neighbouring occupiers is a neutral factor, and does not offset or mitigate the adverse impacts I have identified.
19. For the reasons given above, I conclude on this main issue that the proposal would cause unacceptable harm to the living conditions of neighbouring occupiers at 12, 13 and 14 Lyndhurst Road through loss of outlook and additional loss of light to No 13. I am also not satisfied that loss of light to No 14 would not result in further harm. Consequently, the development would conflict with Policy A1 of the CLP which seeks to protect the quality of life of occupiers and neighbours including through considering outlook and light.

Conclusion

20. For the reasons given above, I conclude that the appeal should be dismissed.

J Bowyer

INSPECTOR