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# Appeal Decision

Site visit made on 13 October 2020

**by Mr C J Tivey BSc (Hons) BPI MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 05 November 2020

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**Appeal Ref: APP/X5210/D/20/3253610**  
**39 Croftdown Road, London NW5 1EL**

- 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 & Mrs Stephen Brown against the decision of London Borough of Camden Council.
  - The application Ref 2019/4615/P, dated 11 September 2019, was refused by notice dated 19 March 2020.
  - The development proposed is for a single storey rear extension incorporating existing light-well internally within dwelling.
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## Decision

1. The appeal is dismissed.

## Main Issues

2. The main issues are the effect of the appeal proposal on the character and appearance of the host building and its terraced grouping, whether the proposal would preserve or enhance the character or appearance of the Dartmouth Park Conservation Area; and the effect upon the living conditions of the occupants of 41 Croftdown Road, with specific reference to daylight, sunlight, outlook and light pollution.

## Reasons

### *Character and Appearance*

3. The appeal site comprises a well conserved mid terrace four storey house with basement, within the Dartmouth Park Conservation Area, with Croftdown Road being identified within its Conservation Area Appraisal as making a positive contribution to its character.
4. The proposal follows a previous grant of planning permission (ref 2019/2922/P) for the erection of a single storey infill extension to the rear with the incorporation of the existing light-well internally within the dwelling house. Therefore the principle of an extension in the approximate location as proposed has previously been deemed acceptable by the Council.
5. I note that the Council's primary concern on this issue is with regard to the fact that the current extension would project to a point where it would be flush with the existing single storey addition at the rear, with a fully glazed elevation. This expanse of glazing would enable the proposal to appear quite light weight and

simple in its appearance, acting as a foil to the traditional architecture of the host dwelling. Further, taking into account the location backing on to school grounds, with high intervening rear boundary treatment, public views of this would be very limited, and in reality not materially different than the extant permission.

6. Overall I consider that the contemporary design would read as a logical and theoretically reversible extension that would not overly dominate or compete visually with the quite substantial vertical emphasis of the appeal dwelling. No demonstrable harm would be caused to it or the terrace of which it forms part, and I also find that the scheme would at least preserve the character and appearance of the Conservation Area, consequently no harm would be caused to a designated heritage asset.
7. Therefore I consider that the proposal complies with policies D1 and D2 of the Camden Local Plan 2017 (LP) and policies DC1 and DC2 of the Dartmouth Neighbourhood Plan (2020) (NP) which together seek to secure high quality design in development, whilst preserving and where appropriate enhancing Camden's rich and diverse heritage assets and their settings.

#### *Living Conditions*

8. Whilst I accept that there is a fallback position, that of the construction of the previously referred planning permission, the proposed extension would extend approximately up to the height of the top of the ground floor rear windows on the host dwelling and that adjoining at 41 Croftdown Road. The Council states that the north east flank wall of the proposed extension would measure up to 4.3 metres in height and 7.2 metres in depth, the appellant's do not dispute these figures.
9. The proposal would therefore clearly extend beyond the end of the main three storey outrigger of no39 and therefore further along the shared garden boundary between the two neighbouring properties. No information has been provided with regard to the relationship between the rear windows of no 41 and that of the proposed extension. Whilst by virtue of its orientation, I consider it unlikely that it would give rise to a material level of overshadowing of the rear of no 41, nonetheless by virtue of its height and depth it could give rise to a sense of enclosure, as well as a loss of daylight. Therefore, without any evidence to the contrary I consider it appropriate to take a precautionary approach in this instance and withhold the granting of planning permission.
10. I note the Council's concern with regard to light spill to neighbouring properties from the glazed roof and elevation, however if I'd been so minded to have allowed the appeal a condition requiring internal lighting design could have been secured by way of condition.
11. I therefore find that the proposal would have a harmful impact upon the occupants of no 41 with regard to daylight received and outlook therefrom, and the proposal conflicts with LP policy A1 and NP policy DC4 which together seek to ensure that the amenity of neighbours is protected.

**Planning Balance**

12. I have found that the proposal would not have a detrimental impact upon the character and appearance of the host dwelling or the terrace which it forms part, and overall the proposal would preserve the character and appearance of the Conservation Area. However these matters do not outweigh the harm that the proposal would have upon the living conditions of the occupants of no 41.

**Conclusion**

13. Therefore in regard to the above and all other matters raised, I conclude that the appeal be dismissed.

*C J Tivey*

INSPECTOR