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## Appeal Decision

Site visit made on 15 March 2021

**by T J Burnham BA (Hons) MSc MRTPI**

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

**Decision date: 31<sup>st</sup> March 2021**

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**Appeal Ref: APP/X5210/W/20/3257978**

**32 Parliament Hill, 2nd Floor Flat, London NW3 2TN**

- 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 Ms Dicle Guntas against the decision of the Council of the London Borough of Camden.
  - The application Ref 2019/6346/P, dated 20 December 2019, was refused by notice dated 29 May 2020.
  - The development proposed is the creation of two separate terraces on the two existing second storey rear dormers, accessed from the third storey.
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### Decision

1. The appeal is allowed. Planning permission is granted for the creation of two separate terraces on the two existing second storey rear dormers, accessed from the third storey at 32 Parliament Hill, 2nd Floor Flat, London NW3 2TN in accordance with the terms of the application Ref 2019/6346/P dated 20 December 2019 subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plans, A100 P1, A102 P1, A200 P1, A300 P1, A101 P1, A103 P2, A201 P1 & A301 P1.

### Procedural Matters

2. The description of the proposal has been altered from the application form to the decision notice. However, the original description adequately describes the proposal and I have determined the appeal on this basis.
3. An amended drawing, A103 REV P2 has been submitted alongside the appeal which I have accepted. The plan is essentially the same as REV P1 of the same drawing but includes some additional measurements and other commentary. It appears to have been provided in response to the Council's second reason for refusal. Other parties will have had the opportunity to comment upon it within the course of the appeal, and in any event the plan does not change the proposal upon which the Council made its determination.

## **Main Issues**

4. The main issues are the effect of the proposal on the character and appearance of the South Hill Park Conservation Area (the Conservation Area) and on the living conditions of the occupiers at No. 34 Parliament Hill.

## **Reasons**

### *Character and appearance*

5. This part of the Conservation Area comprises largely of substantial semi-detached houses dating from the 19th century in the Victorian gothic revival style<sup>1</sup>. The building which incorporates the appeal site and those neighbouring are of established and attractive appearance, particularly their detailed frontages which can be appreciated when travelling along Parliament Hill. The form, scale, materials and detailing of the buildings are defining features of the character and appearance of the Conservation Area.
6. Whilst the front of 32 Parliament Hill appears to have been largely unaltered, this is not the case to the rear elevation. Here, balconies, steps and their associated railings and dormer windows are visible, including from Nassington Road. The same is the case for the adjoining dwelling to the north, No.34.
7. Within this context, the visual impact of the introduction of railings around the two dormer windows on the rear elevation of No.32, to match the appearance of those on No.34 would be very limited as they would be read against the already extensively altered rear roof slopes, including that of No.30, closely to the south.
8. They would not have an incongruous appearance given similar development exists across the existing rear elevations. The metal balustrades would be open, and would subsequently have a lightweight appearance, which would not compromise the legibility of the rear dormers which would still form discernible features in their own right. While the planning guidance<sup>2</sup> provides specific criteria with which the design of roof terraces should normally comply, by use of the word 'normally' it appears to accept that there will be some circumstances where complying with the criteria would not be required. The guidance also suggests that terraces are likely to be acceptable where there are a variety of additions or alterations to roofs which create an established pattern and where further development of a similar form would not cause additional harm.
9. I conclude on this issue that the proposals would not harm the appearance of the host property. They would therefore not detract from the heritage significance of the Conservation Area as this does not lie with the existing rear roof slope. Subsequently, the proposals would preserve the character and appearance of the Conservation Area.
10. The proposals would therefore accord with Policies D1 and D2 of the Camden Local Plan (2017) (CLP) and Policies DH1 and DH2 of the Hampstead Neighbourhood Plan (2018) (HNP) which amongst other things require proposals of high quality design which respond and contribute positively to local distinctiveness that at a minimum preserve Camden's heritage assets. I

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<sup>1</sup> South Park Hill Conservation Area Statement.

<sup>2</sup> Camden Planning Guidance Altering and extending your home March 2019

have not found conflict with the planning guidance I have been supplied with relating to design<sup>3</sup>.

### *Living conditions*

11. The rear roof slope of the neighbouring property at No.34 incorporates glazed openings which access onto a balcony. I accept that if a person were to be standing on the north east side of the closest terrace at its furthest extent, looking towards No.34, it may be possible to see into the openings. This would particularly be the case for the opening closest to the appeal site. It would also be possible to look across to the balcony at No. 34.
12. However, in normal day to day use, rather than standing and looking back towards the neighbouring property to gain views into their windows or looking across the neighbouring balcony, it would be far more likely that users of the terrace would be using the space to relax and take in the views towards the south east.
13. Any impact on privacy would be further reduced given that the terrace would be set away from the boundary, as are the closest window openings on No.34 and the associated balcony. The terrace would also be set at a slightly lower level. This would limit the potential for overlooking, particularly if users of the terrace closest to No.34 were seated. The terrace would be small, and it could not therefore be used by many people at any one time. It would not therefore be of a size that could accommodate large social gatherings.
14. I therefore conclude on this issue that within the context of the site and the proposals before me, there would be no harmful overlooking to No.34 which would result in any significant loss of privacy. The proposal would not subsequently conflict with Policy DH1 of the HNP. The proposal would not result in unacceptable harm to amenity that Policy A1 of the CLP seeks to avoid and the proposal does not therefore conflict with this policy. I have not found conflict with the planning guidance I have been supplied with relating to amenity<sup>4</sup>.

### **Other Matters**

15. Planning Practice Guidance indicates that the courts have taken the view that planning is concerned with land use in the public interest, so that the protection of purely private interests such as the impact of a development on the value of a neighbouring property could not be a material consideration.
16. There is nothing within the evidence to suggest that the dormer windows could not support the weight of use associated with their use as terraces. I have not identified any significant loss of privacy for occupiers of Oakford Court, as a result of the separation distances involved and due to the presence of intervening vegetation between this and the appeal site.

### **Conditions**

17. Planning permission is granted subject to the standard three-year time limit. It is necessary that the development be carried out in accordance with the approved plans for the avoidance of doubt and in the interests of certainty. I

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<sup>3</sup> Camden Planning Guidance Design March 2019

<sup>4</sup> Camden Planning Guidance Amenity March 2018.

have not added a condition regarding materials as the plans are clear that the balustrades would match those at the neighbouring No.34.

**Conclusion**

18. For the reasons set out above, I conclude that the appeal should be allowed subject to the conditions.

*T J Burnham*

INSPECTOR