



Appeal Decision

Site visit made on 12 February 2019

by John D Allan BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 February 2019

Appeal Ref: APP/X5210/D/18/3211217

32 Kylemore Road, London NW6 2PT

- 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 R Bernard against the decision of the Council of the London Borough of Camden.
 - The application Ref 2018/2514/P, dated 30 May 2018, was refused by notice dated 31 July 2018.
 - The development proposed is the creation of a rear terrace.
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Decision

1. The appeal is allowed and planning permission is granted for the creation of a rear terrace at 32 Kylemore Road, London NW6 2PT in accordance with the terms of the application, Ref 2018/2514/P, dated 30 May 2018, 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: Drg Nos 18-69.1 Rev C, 18-69.2 Rev E and 18-69.3 Rev D.

Main Issues

2. The main issues are the effect of the proposal on the character and appearance of the area, and upon the living conditions at 34 Kylemore Road, with particular regard to visual impact.

Reasons

Character and Appearance

3. The appeal property is a mid-terraced, two-storey dwelling plus basement, with a three-storey, flat roof, closet wing to the rear. This development pattern is repeated along the terrace and more broadly within the wider residential area. The property has a recently completed 'L-shaped' dormer window to the rear that extends partly over the roof of the closet wing. This has a set of doors which open onto the remaining area of flat roof. The proposal is to utilise this
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area as a terrace that would be enclosed by glazed balcony screens at 1.7m high to the southern side elevation and 1.1m high to the rear and northern side elevations.

4. During my visit I saw that many properties to this side of Kylemore Road had a variety of alterations to the rear, some at roof level and some including roof terraces over the original closet wing. These were openly visible from the appeal property, surrounding properties, and from the public domain along Sheriff Road to the north, where the back elevation of the terrace along Kylemore Road is exposed to view. Moreover, roof terraces at this level were widely visible within the wider area, many with glazed balustrades similar in form to the appeal proposal. Although none of the properties immediately next to No 32 display such arrangements, it was clear to me that these alterations were not alien to the locality. It is also evident from the appellant's submissions, and the officer's report, that the Council does countenance the principle of roof terraces at this level and to this style of property, as well as the use of glass balustrading.
5. In this instance the Council is concerned that the proposed privacy screens would add roof level clutter that would appear incongruous, and which would add bulk to the already enlarged roof. However, the glazed screens would merely reflect those many other examples that I saw in the area. In the wider context of the area's established character they would not appear out of keeping. Whilst the proposal would add change to the alterations that already exist at roof level, the privacy screens would be obviously distinct from the lawfully constructed rear dormer extension, appearing as lightweight adjuncts rather than adding any solid bulk of new building work.
6. My view overall is that the proposal would be seen to replicate many other examples of similar nearby roof terraces that contribute to the established character and appearance of the area. In this context the new roof terrace would not be incongruous or out of keeping but would instead appear as a contemporary change that would be reasonably well assimilated into the fabric of the building and locality.

Living Conditions at 34 Kylemore Road

7. No 34 has windows to the rear and side at first floor level just below the height of the proposed balcony. I saw that the window nearest, on the rear elevation of the main part of the neighbouring property, serves a kitchen area. That on the side of the closet wing to No 34 at first floor level was obscurely glazed.
8. The closet wing to No 32 is set away from the common boundary with No 34, as would be the terrace above. The side glazed panels of the balustrade may be visible in an upwardly oblique line of sight from the kitchen window, but their presence would not be overly intrusive within this context. The principal outlook from this window towards the bottom end of the garden to No 34 would be unaffected. The side obscurely glazed window has no meaningful outlook. Even so, I do not consider the additional height to the closet wing from the glass balustrade would be visually imposing or overbearing given the degree of separation that exists. For these same reasons I am satisfied that windows at the lower levels to No 34 would be unaffected.

9. I am not persuaded by any substantive evidence that levels of light to any neighbouring windows would be significantly impacted by the glazed and lightweight structure that is proposed. I note also that the Council had no concern in this regard.

Other matters

10. I note from evidence that has been submitted by the appellant that the size of the proposed terrace would compare favourably with the size of some others locally, including at 10B Kylemore Road, which was given planning permission in 2012 (Ref 2012/0034/P), and at No 16B, which was given permission in 2010 (Ref 2010/4458/P). In both of those cases the permitted terrace covered virtually the entire roof area of the closet wing, which is similar to the appeal property. The Council has not suggested that any existing roof terraces in the area create problems with noise or light intrusion and neither do they raise such concerns in this instance. I understand the reservations of some neighbours, but I have no reason to consider that the terrace would become a source of nuisance.
11. Due to the depth of the appeal site and the separation distance with properties to the west in Lowfield Road, I am satisfied that there would be no unacceptable impact upon living conditions at these properties regarding overlooking or loss of privacy.
12. Matters relating to other development undertaken at No 32 are not relevant to the planning merits of the case before me. Neither are issues of dispute between neighbouring occupiers about how works have been carried out.
13. There is no evidence that the proposal would impact upon any protected species. Whilst the works would involve the removal of one half of a chimney stack that is shared with No 30, I saw that this feature is not exclusively retained on all the other properties in the terrace, and neither do I consider it to be a feature of such significance that its loss would be materially harmful to the appearance of the building.

Conditions

14. The Council has not suggested any conditions in the event of the appeal being allowed. However, a condition specifying the relevant drawings is necessary as this provides certainty.

Conclusion

15. For the reasons given, I find that the proposal would not harm the character or appearance of the area, or the living conditions at 34 Kylemore Road. I therefore find no conflict with Policy D1 of the London Borough of Camden Local Plan 2017 or with Policy 2 of the Fortune Green and West Hampstead Neighbourhood Plan 2015, both of which deal with design quality and respect for the context and character of the local area.
16. Accordingly, in the absence of any other conflict with the development plan, and having regard to all other matters raised, the appeal is allowed.

John D Allan INSPECTOR