



Appeal Decisions

Site visit made on 9 November 2021

by Mr M Brooker DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 January 2022

Appeal A Ref: APP/X5210/W/21/3277965 Flat B, 36 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 Toby Weinberg against the decision of London Borough of Camden.
 - The application Ref 2021/0631/P, dated 10 February 2021, was refused by notice dated 12 May 2021.
 - The development proposed is described as the erection of roof extension with an 'L' shaped rear dormer, installation of 3 windows on the front roof slope, and installation of a glass balustrade on the flat roof of the rear extension to create a roof terrace
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Appeal B Ref: APP/X5210/W/21/3277969 Flat B, 36 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 Toby Weinberg against the decision of London Borough of Camden.
 - The application Ref 2021/1463/P, dated 26 March 2021, was refused by notice dated 23 June 2021.
 - The development proposed is described as a loft extension, including dormer, roof lights in the front and rear roof slopes and installation of a glass balustrade to facilitate a roof terrace.
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Decision

1. Appeal A and Appeal B are dismissed.

Preliminary Matters

2. As set out above, there are two appeals on this site relating to two applications submitted by the same Applicant and thus Appellant and relating to the same site. To avoid duplication, I have dealt with the appeals together. However, each proposal has been considered on its own merits.
3. The proposals differ principally in respect of the addition, or omission, of the roof extension over part of the existing outrigger extension to the rear of the appeal property. In respect of Appeal A, this addition creates a room, referred to on the submitted plans as a dressing room, with large, glazed doors opening on to the roof terrace that is consequently reduced in size and in respect of Appeal B, this omission results in a larger roof terrace.

Main Issues

4. The main issues are, in respect of both appeals, the effect of the appeal schemes on:
 - i. the character and appearance of the area
 - ii. the living conditions of the occupiers of 38 Kylemore Road, with particular regards to privacy.

Reasons

Character and Appearance

5. The area is characterised by long terraces of residential properties with verdant but short rear gardens backing directly on to the rear gardens of other properties.
6. At the site visit I saw a number of other examples of roof extensions and terraces on Kylemore Road that are not dissimilar to that proposed here. The Officer's report details, as relevant history, consents that have been granted nearby for various forms of roof extension and alteration, those that were granted Certificate for Lawfulness rather than planning permission. Nonetheless these existing roof alterations and structures form the context within which the appeal schemes would be viewed and are therefore a material consideration.
7. Policy D1 of the Camden Local Plan (CLP) seeks a high standard of design and, amongst other matters, development that "respects local context and character" and "materials that are of high quality and complement the local character". Furthermore, Policy A14 of the Fortune Green and West Hampstead Neighbourhood Plan (the NP) refers specifically to roof extensions and loft conversions requiring that they "fit in with existing rooflines and be in keeping with existing development. Such extensions should be in proportion to the existing building and should not block views".
8. In respect of Appeal A the submitted plans show that the proposed L – shaped rear roof extension is of a considerable scale and bulk in itself and in proportion to the existing dwelling. Furthermore, the proposed roof extension over the existing outrigger would project this bulk away from the existing built form of the dwelling. While I acknowledge the context created by the presence of other roof extensions and the detailed design of the proposals, I nonetheless find that the appeal scheme would create a prominent and discordant feature in the area.
9. Furthermore, the loss of the chimney stack from the main roof, as shown on the submitted plans is contrary to specific guidance set out in Camden Planning Guidance – Home Improvements (CPG), the loss of this original feature that is a character of the area would harm the character and appearance of the local area. No substantive justification for the removal of the chimney stack has been provided.
10. For the reasons detailed above I find that Appeal A would create a prominent and discordant feature in the area and would fail to respect the character and appearance of the appeal property and local area contrary to Policy D1 of the CLP and Policy A14 of the NP and is contrary to specific guidance set out in the CPG.

11. In respect of Appeal B, the submitted plans show that the proposed rear roof extension would extend the full width of the roof, while smaller than that proposed in Appeal A, this is a substantial addition to the existing property. However, the submitted plans show that the windows of the appeal scheme would respond reasonably well to the appeal property and the materials would be in keeping with the existing and neighbouring properties.
12. Therefore, in the context of other roof extensions and alterations in the immediate vicinity of the appeal site, a material consideration specifically referred to by Camden Planning Guidance – Home Improvements, the appeal scheme would not appear out of place.
13. The loss of the chimney stack from the main roof, as shown on the submitted plans is nonetheless contrary to specific guidance set out in Camden Planning Guidance – Home Improvements, the loss of this original feature that is a character of the area would harm the character and appearance of the local area and no substantive justification for the removal of the chimney stack has been provided.
14. For the reasons detailed above I find that Appeal B would fail to respect the character and appearance of the appeal property and local area contrary to Policy D1 of the CLP and Policy A14 of the NP and is contrary to specific guidance set out in the CPG.

Living Conditions

15. In respect of both the appeals, the appeal schemes would create a roof terrace above the existing outrigger extension of the host property. While views from the roof terrace would principally be towards the bottom of the garden of the appeal property, nonetheless views would be afforded of the windows of no.38 and of surrounding gardens.
16. I note that other examples of roof terraces elsewhere in the local area incorporate a level of screening to enclose the roof terraces. The council refers to glazed panels to the roof terrace at 32 Kylemore Road, though these were not seen at the time of the site visit.
17. The low-level enclosure to the sides of the proposed roof terrace in respect of both appeals is shown on the submitted plans as being some 1100mm high. This is insufficient to prevent overlooking and a sense of overlooking resulting in a loss of privacy for the occupiers of no.38.
18. As such I find that the appeal scheme would harm the living conditions of the occupiers of 38 Kylemore Road with particular regards to privacy contrary to Policy A1 of the CLP that seeks to manage the impact of development.

Other Matters

19. The appeal scheme would create additional accommodation and recreational space for the occupiers of Flat B, 36 Kylemore Road. This is however primarily a private benefit and does not outweigh the harm I have previously identified.
20. The appellant has referred to numerous other appeal decisions and developments and I have had regard to these in reaching my decision.

Conclusion

21. For the reasons given above I conclude that the appeals should be dismissed.

Mr M Brooker

INSPECTOR