



The Planning Inspectorate

An Executive Agency in the Department of the Environment and the Welsh Office

Room 1404
Tollgate House
Houlton Street
Bristol BS2 9DJ

Direct Line 0272-218927
Switchboard 0272-218811
Fax No 0272-218769
GTN 1374

ALLOWED

File copy

H12/19/23
9101253
3637

Mr A L Christie
6 Jeffreys Place
Jeffreys Street
LONDON
NW1 9PP

Your Ref:

Our Ref:

T/APP/X5210/A/92/209640/P8

Date: 10 NOV 1992

Sir

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6
APPLICATION NO: PL/9101253

1. I have been appointed by the Secretary of State for the Environment to determine your appeal against the decision of the London Borough of Camden Council to refuse planning permission for the rebuilding of a roof and erection of ornamental trellis at 6 Jeffreys Place, Jeffreys Street, London NW1. I have considered the written representations made by you and the Council, and the representations of an interested person made directly to the Council and forwarded to me. I inspected the appeal site on 29 September 1992.

2. As the application is for works already carried out, and I observed that the roof has been rebuilt and ornamental trellis erected, I shall deal with this appeal as an application for the retention of development carried out without planning permission under Section 73A of the Town and Country Planning Act 1990. The appeal premises are within the Jeffreys Street Area Conservation Area and under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 special attention is to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area. I accept the opinion of the Council that the works have been carried out to a high standard, and I recognise that their objection is limited to the effect of the development on the amenities of the occupiers of neighbouring buildings. Views of the development from the surrounding area are limited and in my view the character and appearance of the conservation area would be preserved.

3. From my inspection of the appeal site and surroundings and consideration of the representations, I consider the main issue in this case is the impact of the development on the amenities of the occupiers of neighbouring properties.

4. The development plan for the area is the Camden Borough Plan which was adopted in 1987. Policies in the Plan generally aim to ensure a high standard of design of new



RECYCLED PAPER

development. In particular Policy UD4 refers to the Council's Environmental Code in which there are set out guidelines for planning applications. Section 5 of the Code sets out guidelines which aim to ensure that people may enjoy privacy within their dwellings, and specific reference is made to the impact of roof terraces. While considerable weight is to be accorded to the policies in the Plan, the Code is a non statutory document and as such I consider that less weight is to be given to it.

5. The appeal site comprises a two storey news property in Jeffreys Place. The ornamental trellis is about 1.7 m high and erected at the perimeter of the flat roof of a single storey rear extension. Access to the roof is from a window of the first floor studio flat. The extension occupies almost the whole of the rear curtilage. On the ground floor there is a car repair workshop, and the area is generally one of mixed uses. To the rear of the appeal site lies a terrace of residential properties which front onto Ivor Street.

6. The Council objects to the retention of the development on the basis that it creates a terrace which affords occupiers the opportunity to look directly into the windows and garden area of No. 6 Ivor Street. You do not dispute your use of the roof as a terrace and, as I observed chairs, a table and a large number of plants situated on the roof, I recognise its use as a sitting out area. However I saw that the height of the trellis and the obscured glass attached to it prevent users of the terrace from looking into gardens below and into nearby windows at a similar level whether in Ivor Street or Jeffreys Place. Previously there was a clear view from the window of No. 6 Jeffreys Place into the windows of No. 6 Ivor Street and accordingly in this respect the situation has improved. As such I consider that Figure 6 in Section 5 of the Environmental Code is not infringed.

7. I have also considered if the development has an oppressive effect on the occupiers of No. 6 Ivor Street when they are in their garden, and restricts the sense of light to the garden. While I recognise the proximity of the extension to the garden, and that the trellis increases the height of the extension, it seems to me that because of the light construction of the trellis and glass the effect is minimal. In this respect I have also taken into account the effect of the high buildings which surround the garden of No. 6 Ivor Street.

8. As far as noise from the sitting out area is concerned, it seems to me that since this is an area of mixed uses normal domestic noise will not be unacceptable and will be much the same as noise from the gardens of residential properties in the area. Therefore, taking all these factors into account, I have concluded that the impact of the retention of the rebuilding work to the roof and ornamental trellis does not harm the amenities of the occupiers of neighbouring properties sufficiently to warrant refusing planning permission.

9. Although the Council has not suggested any conditions to be attached to the grant of planning permission, because I regard the height of the trellis and obscured glazing to be an essential part of the development I am imposing an appropriate condition. I have taken into account all the other matters raised in the representations but none, in my opinion, is sufficient to outweigh the conclusions I have reached and on which my decision is based.

10. For the above reasons and in exercise of powers transferred to me, I hereby allow your appeal and grant planning permission for the retention of works already carried out for the rebuilding of a roof and erection of ornamental trellis at 6 Jeffreys Place, Jeffreys Street, London NW1 in accordance with the terms of the application (No PL/9101253) dated 4 November 1991 and the plans submitted therewith, subject to the condition that the ornamental trellis and obscured glazing shall be 1.7m high.

11. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than Section 57 of the Town and Country Planning Act 1990.

I am Sir
Your obedient Servant



H L JOSEPH LLB Solicitor
Inspector