



Appeal Decision

Site visit made on 12 October 2022

by **S Lo LLB M.SRA**

an Inspector appointed by the Secretary of State

Decision date: 28 November 2022

Appeal Ref: APP/X5210/D/22/3302774

32 Hartland Road, London, NW1 8DD

- 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 Robert Hume against the decision of the Council of the London Borough of Camden.
 - The application Ref 2021/6205/P, dated 20 December 2021, was refused by notice dated 10 May 2022.
 - The development proposed is comprised of three parts: (a) Ground floor, single storey rear extension (b) Enlargement of first floor rear window (c) Enlargement of access to the existing roof terrace
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the banner heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the application form.
3. The roof of the appeal site has been used as a terrace. It is understood that the Council has no records of planning permission being obtained for the roof terrace. Regardless, my attention will be directed toward the matters which have been applied for in the planning application. Any other issues regarding enforcement and the merits of the continued use of the terrace will need to be considered between the Council and the appellant.

Main Issues

4. The main issues are the effect of the proposed development upon the character and appearance of the original building and wider area; the effect of the development on the living conditions of the occupiers of 30 Hartland Road with regard to light and outlook; and whether the proposed development would provide acceptable living conditions, in relation to the safety of the use of the roof terrace and garden amenity space.

Reasons

Character & Appearance

5. The appeal site is a three-storey end of terrace house, which is positioned adjacent to an overground rail bridge. The area is of a predominantly residential character and the Victorian brickwork construction of the property is characteristic of the neighbouring area. The house currently includes a roof terrace on its flat roof with timber balustrades at the front and rear parapets, which can be accessed through a hatch.
6. The proposed development involves the construction of a single storey rear extension which would have an unusual, elongated shape to accommodate the boundaries of the garden and access provisions by Network Rail, with pointed and sharp corners. Although the extension will not be visible from the street, it will be visible from the trains which travel on the bridge adjacent to the property.
7. The Council and the appellant have provided calculations regarding the gross external area of the extension and the footprint of the original ground floor. While there is no clear and precise agreement on the specific measurements, they are in general agreement that the total ground floor of the appeal site will be extended by a significant amount in relation to the existing space.
8. The terrace and adjacent properties have a characteristic regular rhythm of development from the rear, with any extensions being relatively unobtrusive and mostly limited to smaller extensions or sheds. The significant size increase and the unusual, elongated design of the proposed development would result in an incongruous dwelling. It would be excessively bulky and out of proportion with the existing building, given the significant increase in the proportion of ground floor space. While the streetscene would be undisturbed, the proposed development would still be visible from the trainline. From that viewpoint, the proposed development would fail to match the proportions of the appeal site, nor respect the local context and character of the area.
9. The appeal site benefits from a large garden. Given the size of the garden, the proposed development would not occupy a proportionately excessive part of the garden. Nevertheless, this finding is insufficient to overcome the adverse effects of the design that I have described.
10. For these reasons, I therefore conclude that the proposed development would not respect the local context and character and would unacceptably harm the character and appearance of the area. As a consequence, it would be contrary to policy D1 of the Camden Local Plan (2017) which seeks high quality design.

Living Conditions - neighbouring occupiers at no.30 Hartland Road

11. The proposed development would extend down one side of the garden and follow the boundary of land in the ownership of no 30 Hartland Road and 56 Hawley Road.
12. Although the occupiers of 30 Hartland Road may have a view of the extension, it is considered that the additional height of the extension would not be much more than the existing boundary fence. Therefore, due to this and its limited rearwards projection it would not harmfully restrict their outlook from their rear garden or their house.

13. The position of the garden of no 30 Hartland Road to the south of the appeal site means there would be no significant loss of sunlight to that neighbouring property.
14. Therefore, the proposed development would not have an unacceptable effect upon the living conditions of the neighbouring occupiers at no 30 Hartland Road. This would be compliant with Policy A1 of the Camden Local Plan (2017), which seeks to ensure the amenity of neighbours is protected.

Living Conditions– future occupiers of the development

15. The roof of the appeal site has been used as a terrace, albeit I understand there is no planning permission for this, and a wood balustrade has been erected around two edges of the roof, towards the front and back of the appeal site. Notwithstanding the existing use of the terrace, permission is sought for the enlargement of the access to the existing roof terrace, rather than the installation of a replacement balustrade or the use of the terrace itself.
16. Therefore, although the Council has expressed concerns regarding the safe use of the roof terrace, and the detail which has been provided for the terrace balustrading, this appeal relates to the appellant's application for the enlargement of the access to the existing roof terrace to which the Council raise no objection.
17. Although the proposed development would reduce the amount of amenity space available in the rear garden, this would not be excessive given the overall size of the garden, in combination with the provision of new amenity space through the planted roof.
18. For these reasons, I therefore conclude that the proposed development would secure high quality design. As a consequence, it would comply with policy D1 of the Camden Local Plan as set out above.

Other matters

19. I have considered representations regarding the potential use of the extension by relatives, however, the planning practise guidance advises that planning is concerned with land use in the public interest and so private interests carry little weight. The environmental benefits of the green roof and the efficiencies of the mechanical ventilation and heat recovery system are limited in scale and so modest benefits, but these are matters which do not affect my findings on the main issues.

Conclusion

20. For the reasons given and having regard to the development plan as a whole and all other material considerations, above I conclude that the appeal should be dismissed.

S L o

INSPECTOR