



# Appeal Decision

Site visit made on 17 November 2022

by **A Hickey MA MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 8 December 2022**

---

**Appeal Ref: APP/X5210/D/22/3304871**

**51 Solent Road, Camden, London NW6 1TY**

- 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 Adam Bullett against the decision of the Council of the London Borough of Camden.
  - The application Ref 2022/1188/P, dated 22 March 2022, was refused by notice dated 17 June 2022.
  - The development proposed is creation of new roof terrace above existing rear dormer with glazed balustrades and roof light.
- 

## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. A revised description of development was agreed upon by the Council and the Appellant. The application was determined on that basis, and I have also proceeded to determine the appeal based on this description, which accurately describes the proposed scheme.

## Main Issues

3. The main issues are the effects of the proposed development on:
  - the character and appearance of the area; and
  - the living conditions of neighbouring occupiers with respect to privacy.

## Reasons

### *Character and Appearance*

4. The appeal property is a two-storey mid-terraced dwelling located in a predominantly residential area. The area surrounding the appeal site is formed of terrace properties in a close, dense character and appearance, with existing single and two-storey outriggers, many of which had been altered with the introduction of dormer extensions and other roof alterations, including roof terraces.
5. The back-to-back distance between the appeal site and Sumatra Road to the rear is relatively short, although not uncommon for a constrained, urban area. I could see how roof terraces had been incorporated above existing outriggers and dormers, which sat behind short parapet walls, low timber fences and black railings.

6. The proposed roof terrace would not be of substantial construction and would be set back from the existing two-storey outrigger and enclosed by a balustrade of 1.1 m in height. Public views of the rear of the terrace are limited by the back-to-back dwellings. However, the roof terrace would be markedly higher than most of the neighbouring or nearby rear outriggers and roof terraces, and the glass design and form proposed would, in my view, emphasise the additional height and uncharacteristic materials of the proposal relative to its surroundings. This would disrupt the rhythm of the roofscape along the back-to-back terrace rows of Solent Road and Sumatra Road, detracting from the prevailing character and appearance of the area.
7. For the reasons above, the proposed development would harm the character and appearance of the host dwelling and the surrounding area. The proposed development would be contrary to Policy D1 of the Camden Local Plan (LP) and Policy 2 of the Fortune Green and West Hampstead Neighbourhood Plan. Taken together, these policies seek to secure high-quality design which complements and enhances distinct local character and identity.

### *Living Conditions*

8. The setback of the roof terrace from the rear elevation of the outrigger and the relationship between the host dwelling and No 49 would be sufficient to prevent any significant overlooking to this property. Nevertheless, the elevated position would provide an opportunity for direct overlooking into the garden of No 53, over and above what can be experienced currently, which would further increase the perception of being overlooked. As a result, it would unacceptably and adversely affect the living conditions of residents of No 53.
9. The proposed roof terrace would allow for views into the gardens of properties on Sumatra Road. However, due to the setback of the roof terrace from the rear boundary outrigger and the separation distance between the appeal property and these gardens, these views would be limited and glimpsed views. As a result, there would be no significant adverse impact on privacy to properties located on Sumatra Road.
10. For the reasons above, the proposed development would have a harmful effect upon the living conditions of neighbouring occupiers at No 53 Solent Road. The proposal would therefore be contrary to Policy A1 of the LP and the provisions of Camden Planning Guidance, Amenity, which seek, amongst other things, to ensure that the privacy of neighbours is protected.

### **Other Matters**

11. The appellant has drawn my attention to other properties in the area which have roof alterations. The example at No 55 Solent Road is located at a lower height and constructed of low-level timber fencing. The second example, located on Sumatra Road, is accessed from the dormer and behind a parapet wall. For these reasons, these examples are not directly comparable to the appeal before me.
12. I note the example provided by the Appellant at 28 Achilles Road. I do not have the full details of this case to be sure of the circumstances which led to the approval. Nevertheless, this example is located on a different road and is not readily seen within the context of the existing area, which is close-knit back-to-back properties. Therefore, this development is materially different to

the appeal proposal. In any event, each proposal should be considered on its individual merits, and this does not provide sufficient justification to outweigh the identified harm and development plan conflict.

**Conclusion**

13. The proposal conflicts with the development plan when taken as a whole and there are no material considerations, either individually or in combination, that outweighs the identified harm and associated development plan conflict.
14. Therefore, I conclude the appeal should be dismissed.

*A Hickey*

INSPECTOR