

Appeal Decision

Site visit made on 24 January 2017

by Elizabeth Pleasant DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 16 February 2017

Appeal Ref: APP/X5210/W/16/3161284

Flat 3, 154 Iverson Road, London NW6 2HH

- 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 & Mrs Conlon against the decision of the Council of the London Borough of Camden.
 - The application Ref 2016/3431/P, dated 27 June 2016, was refused by a notice dated 8 August 2016.
 - The development proposed is the removal of high level staircase on rear elevation and form new dormer with glazed door in its place to give access onto external balcony. Replace balustrade and install timber deck to balcony.
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Decision

1. The appeal is allowed and planning permission is granted for the removal of high level staircase on rear elevation and form new dormer with glazed door in its place to give access onto external balcony. Replace balustrade and install timber deck to balcony at Flat 3, 154 Iverson Road, London NW6 2HH in accordance with the terms of the application, Ref 2016/3431/P, dated 27 June 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Number 154/01, June 2016; 154/02, June 2016; and 154/03 Rev A, corrected 14 February 2017.
 - 3) No development shall commence until details of the design, including samples and finish of the materials to be used in the construction of the external surfaces of the privacy screen and balustrade hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details / samples.

Procedural Matter

2. During the course of this appeal it has become evident that the red line on the location plan submitted with the original application, Drawing Number 154/03 did not correctly identify the appeal property. The appellant has subsequently provided a corrected location plan, Drawing Number 154/03 Rev A (corrected 14 February 2017). I am satisfied that this was a drafting error and therefore neither party would be prejudiced by my determining the appeal on the basis of corrected Drawing No 154/3 Rev A. I have dealt with the appeal on this basis.
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Main Issues

3. The main issues in this case are the effect on the:

- Character and appearance of the host building and the surrounding area; and
- Living conditions of the occupants of 152 and 156 Iverson Road, with particular regard to privacy.

Reasons

Character and appearance

4. The appeal property comprises the upper floors of an attractive three storey mid terraced property which has rooms within the roof space. The appeal proposal would create a formal balcony on the flat roof area of an existing rear outrigger which would be enclosed by a 1.1m high metal balustrade. In addition a 1.8m high privacy screen would be erected along its common boundary with No 152. To access the balcony a new doorway would be formed within the upper floor of the rear elevation which would also interrupt the eaves line of the property.
5. Policy CS14 of Camden's Adopted Local Development Framework Core Strategy (CS) together with Policy DP24 of Camden's Local Development Framework Development Policies (DP) and Policy 2 of the Adopted Fortune Green & West Hampstead Neighbourhood Plan (NP) seek to secure high quality design that respects local context and character. Section 5 of Camden's Adopted Design Guidance (CPG1), provides more detailed advice on roofs, terraces and balconies and advises that roof alterations are likely to be acceptable where, amongst other criteria, alterations are architecturally sympathetic to the age and character of the building and retain the overall integrity of the roof form.
6. The appeal property does not lie within a conservation area, and the proposed alterations would be to the rear elevation of the terrace which has limited visibility from wider public views. A substantial number of properties within the terrace have had roof additions which have significantly altered the original rear roofscape of the terrace as a whole. These alterations and additions vary considerably in their individual design characteristics and scale, and consequently the integrity of the original roof form of the terrace has been diminished. I accept that in most instances the dormer extensions have been set back from the property's eaves line, however I noted on my visit that one property within the terrace has a full height flat roofed rear extension which interrupts the terrace's eaves.
7. In this case, to accommodate the proposed doorway, it would be necessary provide a small step in the roof's eaves line. Although this alteration would not be a traditional design detail for this property, in view of the scale and design of the other alterations that have taken place to the roof of the terrace, in my view, this relatively subtle alteration would not be materially harmful to the integrity of the overall roof form. Furthermore, the alteration would be within the middle of the rear elevation of the terrace, where it is not visually conspicuous from neighbouring streets, and consequently it would not have a significantly harmful effect on the character or appearance of the surrounding area.

8. The rear elevation of the terrace already displays a number of extensions and alterations. Although I did not see any other privacy screens, there are a number of roof terraces which have been enclosed by balustrades which differ in their heights and design. Consequently it is difficult to see how the proposed screen/balustrade, which would not be substantial in scale, would appear incongruous. I do not therefore consider that it would have a materially harmful effect on the character or appearance of the host property or indeed the surrounding area in view of the proposals limited visibility to public views. Furthermore, the Council have suggested a condition to require the final design and materials of the screen and balustrade to be agreed with the Council, and I am satisfied that such a condition would be reasonable and necessary to safeguard the appearance of the area.
9. I conclude that the appeal proposal would not have a harmful effect on the character or appearance of the host property or surrounding area. I therefore find no conflict with the development plan, and in particular with Policy CS14 of Camden's CS, Policy DP24 of the DP and Policy 2 of the NP the aims of which are set out above. Furthermore the proposal would comply with the aims of Section 5 of CPG1 to ensure that roof alterations do not harm the character and appearance of buildings or the wider townscape of the borough.

Living conditions

10. The proposed balcony would be located at third floor level with views directly down onto the neighbouring roof terrace at No 152 Iverson Road. There are also views towards the roof terrace at No 156 Iverson Road. The neighbouring terraces are however much larger in area than the balcony proposed in this case and they currently overlook the garden areas of neighbouring properties, including the garden of the appeal property. Consequently, there is already a strong element of mutual overlooking between the external amenity areas of these neighbouring properties.
11. In view of the substantial depth of the neighbouring terrace at No 152, some overlooking from the proposed balcony would be inevitable. However, the proposed privacy screen would prevent views of the 152's more private external amenity area which lies beneath a pergola and closest to the rear elevation of the terrace. Furthermore, part of the external terrace would also be screened from view by the chimney stack which adjoins it. Consequently, although the balcony would provide an opportunity to overlook 152's terrace, a large part of this external amenity space would remain private. Moreover, the proposed balcony would be relatively small in area which would provide limitations on its use.
12. No 156 Iverson Road also has an external terrace at second floor level. However, this amenity is not situated directly adjacent to the proposed balcony and any views over it would be from a distance and oblique. In view of the level of mutual overlooking that already exists between the external amenity areas at the rear of this terrace, and for the reasons set out above, I am satisfied for any overlooking from the proposed balcony towards neighbouring amenity areas would not have a materially harmful effect on the privacy of the occupants of neighbouring properties.
13. The proposed balcony would be limited in its depth and any views from the proposed balcony towards the adjacent windows in the neighbouring properties would be oblique. Only users of the balcony standing at its edge and actively

peering towards the windows would be able to see into them. Consequently, I am satisfied that the use of the balcony would not result in any material overlooking of the windows of neighbouring properties.

14. I conclude that the proposed development would not have a materially harmful effect on the living conditions of the occupants of Nos. 152 and 156 Iverson Road, with particular regard to privacy. The proposal complies with the development plan, and in particular I find no conflict with Policy CS5 of the CS and Policy DP26 of the DP which seek to ensure, amongst other things, that the amenity of Camden's residents is protected, taking into consideration visual privacy and overlooking.

Other Matters

15. I have taken into consideration the relevant planning history provided by the Council and recognise that the Council aims to be consistent in their decisions taking into account adopted design guidance and planning policy. However each case must be considered on its merits, and in this instance I have found that the proposal would not conflict with the development plan as it would not cause material harm to the character or appearance of the host property or surrounding area, nor would it have a harmful effect on the living conditions of the occupants of neighbouring properties.

Conditions

16. The Council has suggested a condition which I have considered against advice in the National Planning Policy Framework and Planning Practice Guidance.
17. I have imposed a condition specifying the approved plans as this provides certainty. A condition is also necessary to require details of materials and the external appearance of the balustrade and privacy screen to safeguard the character and appearance of the area.

Conclusion

18. For the reasons given above and taking into account all other matters raised, I conclude that the appeal should be allowed.

Elizabeth Pleasant

INSPECTOR