
Appeal Decision

Site visit made on 21 March 2017

by Elizabeth Pleasant DipTP MRTPI

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

Decision date: 7 April 2017

Appeal Ref: APP/X5210/W/16/3165337

Sussex House, Chalton Street, London NW1 1RB

- 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 Leo Kaufman on behalf of DPA (London) Ltd against the decision of the Council of the London Borough of Camden.
 - The application Ref 2016/5646/P, dated 14 October 2016, was refused by a notice dated 14 December 2016.
 - The development proposed is retrospective planning for an as built bike store in Sussex House.
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Decision

1. The appeal is allowed and planning permission is granted for a bike store at Sussex House, Chalton Street, London NW1 1RB in accordance with the terms of the application, Ref 2016/5646/P, dated 14 October 2016, subject to the following condition:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, Drawing No 1245.001; Existing and Block Plan and Block Plan as Built, Drawing No 1245.002; and Ground Floor Plan and Elevations as Built, Drawing No 1245.004.

Application for Costs

2. An application for costs was made by Mr Leo Kaufman on behalf of DPA (London) Ltd against the decision of the Council of the London Borough of Camden. This application is the subject of a separate decision.

Procedural Matter

3. The application is described as retrospective planning for an as built bike store, and it was clear from my visit to the site that the store has been constructed. I have therefore determined the appeal on the basis that the development has already occurred.
 4. I noted on my visit that the roof of the store has been enclosed by railings and is being used as a roof terrace. The railings and roof terrace were not considered by the Council when they determined the application, and they are not shown on the plans which accompanied the original application and appeal submissions. I am mindful that the Council and interested parties have not had an opportunity to consider this part of the development and therefore in the interest of fairness to all parties the railings and roof terrace do not form
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part of my considerations and I have determined the appeal on the basis of the original details shown on Drawing Ref, 1245.004.

Main Issues

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

- Character and appearance of the area; and
- Living conditions of neighbouring residents, with particular regard to light, outlook and external amenity space.

Reasons

Character and appearance

6. Sussex House is an attractive four-storey semi-detached residential block constructed in traditional brickwork. Each block has a communal hallway which provides access to a central staircase and six apartments. Each ground floor apartment has access to an enclosed external amenity space which is located just below ground floor level and is enclosed by brick walls. To the rear of the site is Regent High School.
7. The bike store has been developed from an enclosed yard area located to the rear of the central stairway and with access to it from the hallway. Consequently, the extension sits centrally within the rear elevation of one of the semi-detached blocks, with the garden areas of the each of the ground floor apartments located on either side of it. It is single storey in height with a flat roof, and due to its location on the rear elevation of the building and presence of surrounding brick walls; public views of it are limited.
8. Sussex House has a robust rectangular form and is four-storey in height. The bike store extends across no more than a quarter of the width of the rear elevation of one of the semi-detached blocks, is only 3.2 metres deep and single storey in height. It is therefore clearly subservient in scale and mass to the host building, and its box like appearance is reflective of the simple form of Sussex House. Consequently, the bike store does not appear dominant nor is it incongruous in this location.
9. I understand the Council's general concern about the use of uPVC for the windows and doors in principle; however all the existing windows and doors on the rear elevation of Sussex House are uPVC. Therefore, the incorporation of uPVC windows and doors into the bike store is not out of character with the existing property, nor harmful to the overall appearance of the area.
10. I conclude that the bike store does not cause harm to the character or appearance of the area. It complies with the development plan, and in particular I find no conflict with Policies CS5 and CS14 of the London Borough of Camden Local Development Framework Core Strategy (CS) and Policy DP24 of the London Borough of Camden Local Development Framework (DP) which, amongst other things, require new development to respect local context and character, including the character and proportions of the existing building where extensions are proposed.

Living conditions

11. To facilitate the construction of the bike store in this location, a small window in the hallway of each of the adjacent ground floor apartments has been blocked up. On my visit I was able to enter one of those apartments. The hallway is small and could not be considered to be a habitable room. The absence of a window providing direct natural light to a hallway of this size is not harmful to the living conditions of its occupants.
12. The closest window on the rear elevation of the apartment, adjacent to the bike store, serves a cloakroom/toilet. Again this is not a habitable room and the extension in this location does not impinge on the outlook from this window nor does it affect the light available to it.
13. Each of the ground floor apartments has an area of external amenity space available to it. The bike store is not located within an area that formed part of those amenity areas and previously this area was an enclosed yard with access to it from the communal hall. Each of the neighbouring apartments retains private and usable external space which is large enough to accommodate outdoor seating and a place to dry clothes. The bike store in this location does not prejudice its use or access to it.
14. I conclude that the bike store does not harm the living conditions of neighbouring residents with particular regard to light, outlook and external amenity space. It therefore complies with the development plan, and in particular I find no conflict with Policy CS5 of the CS and DP26 of the DP which aim to protect the quality of life of occupiers and neighbours by only granting permission for development that does not cause harm to amenity, including amongst other things, outlook, levels of daylight and sunlight and outdoor space.

Conditions

15. The Council has suggested a number of conditions which I have considered against advice in the Planning Policy Framework and Planning Practice Guide.
16. I have imposed a condition specifying the approved plans as this provides certainty.
17. The Council has suggested a condition which would restrict the use of the extension to cycle storage and prevent its use as a self-contained dwelling or office. The development is described as a bike store, and its use as a residential dwelling or office would require a new application for planning permission for a change of use. I do not therefore consider that the condition suggested by the Council is necessary.

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