



Appeal Decision

Site visit made on 19 February 2018

by Caroline Mulloy BSc (Hons) DipTP MRTPI

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

Decision date: 6th March 2018

Appeal Ref: APP/T5150/W/17/3180989 95B Keslake Road, London NW6 6DH

- 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 Marijana Kolak against the decision of the Council of the London Borough of Brent.
 - The application Ref 17/0705, dated 17 February 2017, was refused by notice dated 4 May 2017.
 - The development proposed is internal refurbishment. Extension of existing dormer into new rear patio. Replacement and alteration of rear facing windows.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are:
 - The effect of the proposal on the character and appearance of the host property, the Queen's Park Conservation Area and the area generally.
 - The effect of the proposal on the living conditions of existing occupiers at 95A Keslake Road and surrounding properties with specific reference to privacy.

Reasons

Character and appearance

3. The appeal property is a first floor flat within a terraced dwelling situated on the south side of Keslake Road and within the Queen's Park Conservation Area (CA). The Queen's Park Conservation Area Character Appraisal (CACA) identifies that properties are of a relatively consistent scale, form and massing but are varied in terms of architectural detailing and composition. The street scene is dominated by the rows of two and three storey Victorian and Edwardian terraces.
4. The appeal property retains many of its original features including bay windows to ground and first floors, sliding sash windows and many decorative features. The rear elevation has a two storey rear outrigger and a single storey extension beyond this. The simple rear elevation provides an important contrast to the more uniform and ornate front elevation and is an important element of the architectural hierarchy of the property. The appeal property, therefore, contributes to the character and appearance of the CA.
5. It is proposed to erect a balcony with full height patio doors to the existing rear dormer window and replace existing windows on the first floor of the outrigger with

full height windows. A number of alterations to other windows are also proposed. The Council has not raised concerns regarding the proposed alterations to windows W.02, W.03 and 05. From everything which I have seen in submissions and on my site visit, I have no reason to disagree.

6. Paragraph 3.1 of the Queen's Park Conservation Area Design Guide (DG) states that windows in rear dormers should be of the same proportions and styles as the original windows below in the main building. It is proposed to replace the two existing multi-paned, timber sliding sash windows in the dormer with patio style aluminium dark grey doors. The scale and proportions would be inconsistent with the existing windows and the glazing would occupy a high proportion of the front elevation of the dormer resulting in a large expanse of glass. Furthermore, the materials would contrast with the existing windows and the minimalist design would be inconsistent with the traditional detailing of some of the existing windows. Consequently, the patio style doors would be in stark contrast to the existing windows.
7. The proposed balcony would have a depth of around 0.8m and would not protrude beyond the eaves of the property; however, I note that balconies serving dormer windows are not a characteristic feature of the area. The balcony would, therefore, draw further attention to the incongruous nature of the proposed dormer window.
8. There are two small, multi-paned windows on the first floor which serve the kitchen and which share a concrete lintel. They are proposed to be replaced by a full height, white painted timber frame, double glazed tall sliding window. The concrete lintel would be replaced by a more traditional soldier course of brick work. The height and width of the window would be at odds with the existing windows on the host property and the rear elevations of surrounding properties which are generally narrower with a greater vertical emphasis. Furthermore, the window would lack the detailing and finesse of existing windows.
9. Although situated to the rear, a high degree of inter-visibility exists between the rear elevations of properties. The proposal would, therefore, be highly visible to surrounding occupiers and would harm the character and appearance of the host property, the Conservation Area and the surrounding area. It would also be contrary to the advice in the DG which states that original doors and windows should be repaired wherever possible and that if they do need to be replaced then ideally they should copy the original so that no detailing is lost. Windows should be refitted in their original position and the original size of the window opening should not be changed. It goes on to say that poor window replacement can have a negative impact on the character of the CA.
10. The appellant considers that the contemporary tall windows would assimilate with the simple lines of the flat roof rear projection and dormer window. However, this would not address my concerns regarding the design and materials of the windows and the lack of compatibility with the existing windows.
11. Attention is drawn to a dark grey patio door on the ground floor of the adjacent property, No 97 Keslake Road. However, I note that this window replaced an existing large casement style window and that being on the ground floor it is less visible in the Conservation Area, unlike the appeal proposal where the windows would be in an elevated position. Furthermore, permission was granted some time ago for the window as part of an application to rebuild an existing single storey building within a different development plan context.

12. The appellant considers that the rear elevation of the property has been extensively modified and extended to the rear, with the modifications being carried out in a simple style that does not reflect the original more ornate Victorian frontage. Whilst the rear elevations of traditional properties tend to be simpler than the principle elevation, with the exception of the ground floor window on the rear elevation of the single storey extension, the style and proportions of the existing windows generally reflect the character and appearance of the host property and surrounding area.
13. Attention is drawn to a balcony and terrace on the first floor of No 89 Keslake Road; however, no details are provided and I cannot, therefore, be certain that it benefits from planning permission which limits the weight which I can attach to it in my Decision. Whilst I noted the presence of a few small balconies these were situated outside first floor windows not dormer windows.
14. The proposal would provide some benefits for the occupiers of the appeal property in terms of improved living accommodation. However, whilst the harm is less than substantial, there are no public benefits that would outweigh the harm which I have identified.
15. For the reasons stated, the proposal would harm the character and appearance of the host property and the surrounding area. Furthermore, it would fail to preserve or enhance the character and appearance of the Conservation Area and thereby conflict with the statutory duty as set out in the Planning (Listed Buildings and Conservation Areas) Act 1990 which must be given considerable importance and weight. The proposal would, therefore, be contrary to Policies DMP1 and DMP7 of the Council's Development Management Policies (DMP) (2016), Supplementary Planning Guidance 5 (SPG5) Altering and Extending your Home and the DG which collectively, amongst other things, seek to secure high levels of internal and external design which conserves or enhances the significance of heritage assets and their settings.

Living conditions of existing occupiers

16. Paragraph 3.6 of the SPG5 states that the provision of balconies and roof terraces is problematic in that they can compromise the outlook and privacy of neighbours. Balconies and roof terraces will not normally be permitted unless details that show how the privacy and outlook of neighbours will be maintained are submitted as part of the application.
17. The Council is concerned that the proposal would result in overlooking and loss of privacy to the occupier of the ground floor flat of the appeal property, No 95A Keslake Road. The previous occupier of the property objected to the proposal on the grounds that the changes would provide greater visibility over the garden, detracting from the occupier's enjoyment of the garden. However, the current occupier of No 95A does not share this view and considers that the proposed changes would not negatively impact on his enjoyment of the ground floor flat or garden.
18. There are a number of dormer windows in the rear elevations of Keslake Road and the properties situated behind. Consequently, as discussed in the first main issue, there is already a high degree of inter-visibility between properties particularly at first and second floor level.

19. Views of the garden of No 95A from the existing first floor kitchen windows are limited by the roof of the single storey extension below. The proposed replacement windows would be taller than the existing windows; however, as the single storey extension would restrict views of the garden, I do not consider that the proposed replacement window would have a materially greater effect on the privacy of the occupier of the ground floor flat. Furthermore, due to the existing degree of inter-visibility, the proposal would not have a materially greater effect on the privacy of the occupiers of surrounding properties.
20. I noted that views of the garden of No 95A from the existing dormer window are currently precluded by the large two storey rear projection below save for a narrow strip of the garden along the boundary with the adjacent property. Although the windows would be taller and there would be a balcony; the proposed balcony would be narrow which would limit its use. Furthermore, due to the presence of the two storey projection, I do not consider that the proposal would result in a material increase in overlooking to the garden of No 95A.
21. Moreover, due to the current high degree of inter-visibility between properties and the presence of other balconies, I do not consider that the proposal would have a materially greater effect on the privacy of the occupiers of surrounding properties. Consequently, whilst I acknowledge that balconies can result in overlooking and loss of privacy, I consider that in this instance, the proposal would not result in a greater degree of overlooking than currently exists.
22. For the reasons stated, the proposal would not harm the living conditions of the occupier of 95A Keslake Road or the occupiers of surrounding properties in terms of privacy. It would not, therefore, be contrary to Policy DMP1 of the DMP and SPG5 which together seek to ensure that development and alterations and extensions provide high levels of internal and external amenity and do not have an unacceptable impact on neighbours.

Other matters

23. Whilst I have concluded that the proposal would not have a harmful effect on the living conditions of existing occupiers this does not affect my conclusions on the first main issue. The proposal would provide some benefits for the occupier/s of the appeal property in terms of improved living space and ventilation; however, these benefits would not outweigh the significant harm which I have identified.

Conclusion

24. For the reasons stated and taking all other considerations into account, the appeal should be dismissed.

Caroline Mulloy

Inspector