



Appeal Decision

Site visit made on 7 January 2020

by David Murray BA (Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 January 2020

Appeal Ref: APP/X5210/W/19/3236358 126 Fordwych Road, London, NW2 3PB.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (the Act) against a refusal to grant
 - planning permission.
 - The appeal is made by Mr and Mrs M McGovern against the decision of the Council of the London Borough of Camden.
 - The application Ref. 2018/5553/P, dated 12 November 2018, was refused by notice dated 29 April 2019.
 - The development proposed is the erection of a single storey rear extension; erection of a rear dormer roof extension; change of use of 1 X 2 bed ground floor flat into 1 X studio flat and 1 x 3 bed self-contained flat; external alterations to side and rear façade treatment.
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Decision

1. The appeal is dismissed.

Procedural matters

2. A draft Legal Agreement - planning obligation made under section 106 of the Act (and other legislation) was submitted during the appeal. The draft is dated 7 November 2019 but the version of the document I have is not signed. In general terms the agreement covenants that the occupiers of the residential units will not to be entitled to or apply for a Residents Parking Permit or buy a contract to park in a Council controlled car park so as to ensure 'car free' housing.
3. The appellant has submitted a revised plan in respect of the appeal drawing ST_NOV 17_126FOR_02 Rev B with revisions to the internal layout of Flat 3. However, the representations from neighbours also point out that there are discrepancies in the submitted (and revised plan) in that side facing new windows to both Flat 1 and Flat 3 shown on the floor plan are not shown on the corresponding elevation. If I was minded to allow the appeal this discrepancy in the plans would need to be resolved.
4. At my site visit I visited the adjoining property No. 124 Fordwych Road at the request of the occupiers and considered the proposals from their land.

Main Issues

5. The main issues are:

- The effect of the proposed roof extension and rear extension on the character and appearance of the host property and the local area, together with the living conditions of neighbours;
- The effect of the proposed extension on an existing tree;
- Whether the proposal would provide reasonable living conditions for the new occupiers;
- Whether the additional residential unit proposed would result in additional parking stress and congestion; and
- Whether the development would constitute sustainable development.

Reasons

Background

6. The appeal site comprises a detached two storey building which is sub-divided into four residential flats at the moment. There is a hard-surfaced forecourt to the site which could accommodate two off-road parking spaces. It is proposed to add a single storey at the rear after the demolition of the existing extension and construct a large dormer extension in the rear facing roof slope.

Policy Context

7. The development plan includes the London Plan (LP); the London Borough of Camden Local Plan (CLP) and the Fortune Green and West Hampstead Neighbourhood Plan (NP). The supplementary planning document Camden Planning Guidance – Design (CPG) is also a material consideration.

Effect on character and appearance, and living conditions

8. I noted at the site visit that the appeal site property is similar in nature to neighbouring properties on the south-west side of Fordwych Road. The proposed dormer extension to the rear roof slope and would not be visible to the public realm at the front of the property although it would be seen from other neighbouring private gardens
9. Having regard to the relevant CLP and NP policies on design as well as the guidance in the CPG it appears to me that dormers/roof extensions should be in proportion to the scale of the roof and appearance of the property and not overwhelm it. The CPG also puts forward guidelines for a 'set in' from the edges of the roof. In this case I have concerns that the proposed roof extension is overly large and imposing with full height French windows and a panelled surround and little 'set in'. It would also extend vertically from the rear wall rather than be set back into the roof slope. Overall, I consider that this extension would dominate the simple proportions of the hipped roof of the property and appear prominent and out of place in the wider roofscape. Further, the nature of the full height French windows would be likely to result in overlooking of adjoining properties from a high angle, an effect that is less likely to occur with a more modest traditional dormer window set back into the roof slope.
10. I noted at the site visit that the adjoining property No.128 has a rear dormer but this appeared to me to be much smaller in scale with more of the slated roof appearing around it. I saw this as materially different to the appeal

scheme and did not set much of a precedent in favour of it. The appellant's agent also refers to other examples of dormers said to be local, but the photographs presented show properties of a different architectural form and steeper roof pitch and the scale of these dormers does not appear to be so great or imposing on their surroundings.

11. Turning to the proposed ground floor extension, I note that the appellants advise that a two storey extension involving a partial excavation was allowed by the Council in this area in 2008 but this scheme was not pursued. I saw at my site visit that most of the houses in the south-western group have single storey extensions at the rear and this form is part of the established character of the area. The issue is therefore the extent of the addition rather than the principle.
12. The proposed projection would extend slightly further down the garden than the existing extensions at the neighbouring properties but at the moment there is a mostly solid timber fence along both party boundaries. In my view the modest height and net length of projection would not have a harmful effect on the outlook or living conditions of either neighbouring property. Neighbours refer to the breach of a 45° code, but there is no evidence from the Council that such a policy/code applies here through the development plan or CPG. Considered on its merits I am satisfied that the design and scale of the rear single storey extension is sympathetic to the architectural form and appearance of the host property and this work would also not harm the living conditions of the occupiers of neighbouring houses.
13. Finally, there is a problem with the internal changes proposed to be made to Flats 1 and 3. The discrepancies mentioned in paragraph 3 above relate in part to the proposed new windows in the side elevation of the main building opposite No.128. The positions of the proposed new windows are shown on the annotated photograph sent in by the occupiers of No.128 and would result in direct overlooking to the existing kitchen window and cause a loss of privacy. Further, the introduction of windows on this south-east facing flank wall would go against the design and pattern of the existing layout of the houses in this group where this south-east facing flank wall of each property tends to be blank.
14. Overall on this issue I find that the proposed roof extension would appear large, imposing and out of scale with the design and character of the host property and the general roofscape of this street when viewed from the rear. This harmful effect would be contrary to the requirements of Policy D1a as the work would not respect local context and character. The scale of the fenestration in the roof extension would also cause overlooking of the neighbouring properties and loss of privacy as would the internal alterations to Flats 1 and 3 to form new windows on the side elevation. However, I have found that the single storey rear extension itself would not be harmful to visual aspects or living conditions and generally is policy compliant.

Effect on tree

15. The Council says that there is insufficient information to consider the effect of the rear extension on an existing tree. I noted this modest fruit tree (referred to by the appellants as an apple tree) at the site visit and it appears to be located beyond the physical extent of the building work proposed. Nevertheless, the proposal is for a living room with folding French doors in this

position looking south-westwards towards the tree. Therefore, the overshadowing effects may threaten the future retention of the tree. However, the appellants point out that the fruit tree is not the subject of a Preservation Order nor located in a conservation area and therefore it is not subject to blanket protection and they could remove it. Further, despite the general ecological and other benefits of the tree mentioned by the Council, the tree has limited public amenity value and I do not consider that its presence should restrict a residential extension if this is otherwise acceptable.

Living conditions for future occupiers

16. This issue mostly related to the nature of the attic space which was proposed to be converted into residential accommodation as part of Flat 5 together with the internal arrangements of Flat 3. However, the Council is satisfied that the revised layout plan and the additional drawing showing the head heights to the attic conversion indicate that the proposed accommodation would generally accord with the Nationally Described Space Standards. Therefore, the new and revised flats would have reasonable living conditions and I do not need to consider this aspect further.

Parking stress

17. Since the preparation of the officer report on the application the appellants have submitted a draft legal agreement which meets the Council's concerns about the occupiers of the additional residential unit adding to parking stress in the area. I am therefore satisfied that if/when a formal agreement is signed to insure 'car free' housing the issue would be resolved.

Whether sustainable development

18. In the third reason for refusal the Council takes issue with the materials proposed for the fenestration which are said not to provide a sustainable form of design or construction. This apparently relates to the appellants' proposal to use uPVC windows. However, the policies referred to by the Council, including Policy CC2 on climate change, do not put forward a blanket restriction on the use of such a material even if the policy applies as the proposal is for one additional residential unit rather than for five or more as mentioned in the policy. In any event it appeared to me at the site visit that the much of the existing building already contains uPVC windows. In the specific circumstances of the case I do not see an overriding need to ensure that all windows are timber in order to achieve 'sustainable development' as described in the National Planning Policy Framework.

Planning Balance

19. On the main issues I have found that the design, scale and prominence of the rear dormer roof extension would be harmful to the character and appearance of the host building and the wider roofscape, and would give rise to overlooking of neighbouring houses, harm the occupiers' living conditions and result in a loss of privacy. While the single storey rear extension is not inappropriate in visual or relationship terms, I have concerns that the other internal changes proposed would result in direct overlooking, although this is not depicted on the submitted elevation because of a discrepancy in the plans. The harm that I have found means that the proposal does not accord with Local Plan Policy D1.

20. On the other main aspects, I have found that any adverse effect on an existing fruit tree or the use of uPVC windows in this case should not be a barrier to the development, and concerns about the effect on living conditions of future occupiers of some of the accommodation and on parking stress have or could be overcome.
21. Where I have identified harm this must be balanced with the benefits of development. I have taken account of the Council's strategic need to develop more housing, particularly by making more efficient use of smaller sites, and that the appellants have worked to try and resolve the stated objections to the scheme. However, I find that these considerations do not outweigh the harm to the character and appearance of the area, and the living conditions of neighbours that I have identified as well as the policy conflict. This indicates that the appeal should not be allowed.

Conclusion

22. For the reasons given above I conclude that the appeal should be dismissed.

David Murray

INSPECTOR