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## Appeal Decision

Site visit made on 6 October 2020

**by J Bowyer BSc(Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 13<sup>th</sup> October 2020**

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**Appeal Ref: APP/X5210/D/20/3244417**

**10 Belsize Park Mews, London NW3 5BL**

- 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 Oliver Partington against the decision of the Council of the London Borough of Camden.
  - The application Ref 2019/4295/P, dated 20 August 2019, was refused by notice dated 4 December 2019.
  - The development proposed is described as 'Demolition of the rear dining room, sauna, bathroom, and rear first-floor terrace; Single storey, ground floor conservatory extension to replace the above; Single storey roof extension; Moving the first-floor terrace to ground floor, creating a seamless relationship between the ground floor living spaces and the outside; Removal of plastic boards on front and rear façades and replace with white render; Conversion of garage into a habitable room by the removal of the current door and building an external wall with a window at ground floor; Addition of a small bin store to the front of the property'.
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. The description of development in the banner heading above is taken from the application form. However, the Council's decision notice describes the proposal as 'erection of single storey conservatory at ground floor with rear terrace, following demolition of existing rear addition; sheer storey roof extension at second floor level; replacement of plastic cladding with white render to front and rear; conversion of garage to habitable room including replacement of door with wall and window; erection of bin store'. As this is also the wording entered on the appeal form, I have dealt with the appeal on the basis of this simplified description.

### Main Issues

3. The Council has not raised concerns in relation to the proposed single-storey conservatory and terrace, conversion of the garage, bin store or alterations to external materials of the dwelling. From the evidence before me and my visit I see no reason to take a different view. The main issues are therefore:
  - i) the effect of the proposed roof extension on the character and appearance of the Belsize Conservation Area (CA); and
  - ii) the effect of the proposed roof extension on the living conditions of the occupiers of neighbouring properties with particular regard to outlook and light.

## Reasons

### *Character and Appearance*

4. The appeal relates to a two-storey dwelling with an unusual angled footprint at the head of Belsize Park Mews. This part of the Belsize CA has a tight urban grain characterised by rows of predominantly two-storey mews terraces of similar scales and simple appearance fronting narrow streets and courtyards. The resulting attractive rhythm and sense of uniformity contributes positively to the character, appearance and thus significance of the CA.
5. The majority of the buildings on Belsize Park Mews appear from the street as two-storey. However, 9 Belsize Park Mews adjacent to the appeal site is visibly three-storey and a number of the other buildings include terraces or structures at roof level which, although typically set back from the fronts of the buildings, are nevertheless apparent from the street level. There is also a gradual stepping up of the heights of the roofs of buildings along the street generally as land levels rise from the junction of Belsize Park Mews towards the appeal site.
6. The proposed roof extension would be level with the front of the dwelling and would be slightly higher than the adjacent roof to No 9. Both this neighbour and the adjoining section of the appeal dwelling are set back in comparison to 8 Belsize Park Mews, and as a result are largely screened from much of the street. The section of the appeal dwelling which adjoins the rear of buildings on Daleham Mews is visible for a slightly greater range. Even so, the curvature to the end of the street and relationship with No 8 would still limit views of the development to only a small stretch of the street scene, and for a significant proportion of these views the development would be seen together with No 9.
7. Where the appeal development but not No 9 would be apparent, views would be of only a small part of the dwelling, limiting the visual impact. Moreover, it would be seen from vantage points where the existing roof appears to be lower than that of No 8, and would be against the higher roofline of the surrounding buildings on Daleham Mews and Belsize Crescent. In this context, the increased height would respect the characteristic gradual stepping up of the roofline towards the head of the mews and would not be prominent. The flat design to the front part of the roof would be in keeping with the existing dwelling and others in the mews, while the angled rear section of the roof would reduce the overall mass of the building and would reflect the roof form of No 9. Along with the use of matching materials, the development would therefore assimilate well with its surroundings and the host building.
8. While the building would be three-storeys, these factors taken together mean that I find that the development would sit comfortably in the street scene and would not cause the dwelling to appear incongruous or of inappropriate scale. The significance of the CA would not therefore be adversely affected and I also find that the character and the appearance of the CA would be preserved as sought by the statutory duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
9. For these reasons, I conclude on this main issue that the proposal would accord with Policies D1 and D2 of the Camden Local Plan 2017 (CLP) which together broadly seek high quality development which respects local context and which preserves and enhances heritage assets. For similar reasons, I find no conflict

with guidance within the Belsize Conservation Area Statement which seeks the preservation and enhancement of the CA.

### *Living Conditions*

10. The side of the appeal dwelling adjoins the rear of 9 and 9A Daleham Mews. In comparison to the existing parapet, the roof extension would result in a significant increase in the height of the building along the boundary with these neighbours, both of which include rear rooflights serving rooms at ground and first floor levels. The development would project well above the lower rows of rooflights. The appellant has also provided a section indicating that the extension would be higher than at least one of the dormers that have been consented, although not yet implemented, to the roof of 9A.
11. There would be very limited separation between the extension and this neighbouring glazing. Irrespective of whether or not glazing fitted to the consented dormers to 9A would be obscure, the additional height of the appeal building at such close quarters would be clearly discernible. From within the rooms served, the scale and proximity of the development would combine to result in a highly dominant and intrusive feature which would be overbearing. The Council also comments that there is no restriction which would prevent the dormer windows being opened, and in such a condition the striking presence and adverse effect of the proposal would be even more acute.
12. The close relationship of the development with the surrounding buildings would also be likely to lead to some impact on levels of daylight and sunlight to neighbouring occupiers, most notably to those on Daleham Mews given the very limited separation and the closest approved dormer to 9A in particular. The fairly limited separation to properties on Belsize Crescent given their relatively short gardens would also increase the potential for impact on the light received, particularly to those windows and dwellings at lower ground levels.
13. Camden Planning Guidance Amenity 2018 (CPGA) advises that daylight and sunlight assessments will be required according to the results of screening by the '45 degree' and '25 degree' tests outlined within the BRE's Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice. The appellant contends that the '45 degree' test would be passed, but CPGA outlines that this test is applicable to developments that lie perpendicular to a neighbouring property. It is not therefore suited to consider the relationship with 9 and 9A Daleham Mews or buildings on Belsize Crescent which would face the extension. In any case, there is no dispute that the '25 degree' test would not be passed.
14. The appellant has provided an overshadowing study and suggests that the white colour of the roof extension would increase luminosity, but contrary to the CPGA guidance, no detailed assessment of levels of daylight or sunlight available to neighbouring properties has been provided. Accordingly, I am unable to determine that the effect of the development on light levels would not be detrimental to the living conditions of neighbouring occupiers.
15. I recognise that there are some existing second floor levels or roof structures to buildings on Belsize Park Mews. However, I do not know the circumstances which led to their approval, and I note that approval for the second floor to 9 Belsize Park Mews pre-dates both the CLP and CPGA. Moreover, none of the nearby examples have such a close relationship with the dwellings on Daleham Mews. As a result, I can draw little comparison with the proposal before me.

16. I therefore conclude on this main issue that the proposed roof extension would be overbearing and cause loss of outlook for the consented dormers to 9A Daleham Mews. This would result in unacceptable harm to the living conditions of the occupiers, and it has additionally not been demonstrated that there would not be further harm to living conditions for surrounding neighbours as a consequence of light loss. The proposal would therefore conflict with Policy A1 of the CLP which seeks to protect quality of life for neighbours, including with regard to outlook and light.

### **Conclusion**

17. That I have found no adverse impact on the character or appearance of the Belsize CA does not outweigh the harm that I have found to neighbouring occupiers living conditions. The proposal would conflict with the development plan when it is read as a whole, and for the reasons given above I conclude that the appeal should be dismissed.

*J Bowyer*

**INSPECTOR**