
Appeal Decisions

Site visit made on 28 June 2021

by Gary Deane BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 July 2021

Appeal A Ref: APP/X5210/D/20/3260923

3 Hillfield Road, London NW6 1QD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 1, Class A, Paragraph A.4 of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (GPDO).
 - The appeal is made by Mr Alexander Sebba against the decision of the Council of the London Borough of Camden.
 - The application Ref 2020/3512/P, dated 24 July 2020, was refused by notice dated 24 September 2020.
 - The development proposed is described as a 6 meters rear extension under the Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, part 1 A.1(g). Ground at rear is raised, so the new extension will be similar in height as the current fence with no loss of amenity.
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Appeal B Ref: APP/X5210/D/20/3265488

3 Hillfield Road, London NW6 1QD

- 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 Alexander Sebba against the decision of the Council of the London Borough of Camden.
 - The application Ref 2020/3034/P, dated 7 July 2020, was refused by notice dated 27 November 2020.
 - The development proposed is the erection of a single storey ground floor side/rear extension
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Appeal C Ref: APP/X5210/D/20/3265496

3 Hillfield Road, London NW6 1QD

- 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 Alexander Sebba against the decision of the Council of the London Borough of Camden.
 - The application Ref 2020/4603/P, dated 13 August 2020, was refused by notice dated 2 December 2020.
 - The development proposed is the erection of a single storey side/rear extension, linking in to existing rear outrigger and single storey rear extension.
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Appeal D Ref: APP/X5210/W/21/3267050

Flat 1, 5 Hillfield Road, London NW6 1QD

- 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 Adrian Ionescu against the decision of the Council of the London Borough of Camden.
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- The application Ref 2020/4971/P, dated 23 October 2020, was refused by notice dated 23 December 2020.
 - The development proposed is the erection of single storey rear and side extensions to both ground floor flat at 5 Hillfield Road and house at 3 Hillfield Road.
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Decisions

Appeal A Ref: APP/X5210/D/20/3260923

1. The appeal is dismissed.

Appeal B Ref: APP/X5210/D/20/3265488

2. The appeal is dismissed.

Appeal C Ref: APP/X5210/D/20/3265496

3. The appeal is dismissed.

Appeal D Ref: APP/X5210/W/21/3267050

4. The appeal is dismissed.

Procedural matters

5. There are 4 separate appeals before me to determine. The proposals and the issues raised in each case are similar and so I have assessed them together with distinctions drawn between the individual schemes, where appropriate.
6. The appellant states that the proposal in Appeal A should not have been assessed at the outset because no 'real objections' were received from the adjoining owners. The provisions of the GPDO, under Article 3 (1) and Schedule 2, Part 1, Class A, Paragraph A.4 (5, 7 and 9), require the local planning authority (LPA) to assess the proposed development solely on the basis of its impact on the amenity of any adjoining premises, taking into account any representations received as a result of the notification of the proposal. As the LPA received representations in relation to the scheme, prior approval was therefore required as to the impact of the proposal in Appeal A on the amenity of the occupiers or owners of any adjoining premises.
7. The description of development given in the above heading in relation to Appeals B, C and D is that set out on the respective decision notices. From my inspection of the plans, the Council's description more accurately and concisely reflects the development sought compared to that set out on the application form in each case. I have assessed the proposals on that basis.
8. The address of the site in Appeal D stated on the application form refers only to Flat 1, 5 Hillfield Road. However, the plans clearly show that the site includes both 3 and 5 Hillfield Road. I have proceeded on that basis.
9. The Council raises concern that some of the submitted drawings do not truly reflect the ground levels on site and in relation to No 5. I have taken this concern into account in my assessment of the proposals, which is based on all the evidence before me, and an inspection of the sites and the surroundings. On that basis, I am satisfied that the details of the appeal schemes as shown on the plans and covered in the written evidence allow a reasonable assessment of the development sought in each appeal.

Main issues

10. A main issue common to Appeals A, B and C is the effect of the proposed development on the living conditions of the occupiers of the ground floor flat at No 5 with particular regard to outlook, sense of enclosure and light. An additional main issue in relation to Appeals B and C and solely in relation to Appeal D is the effect of the proposed development on the character and appearance of the host building(s) and the local area.

Reasons

Background

11. In each of the 4 appeals, the proposal is to erect a single storey ground floor extension at the back of No 3 (Appeals A, B and C) and the rears of both Nos 3 and 5 (Appeal D), which are mid-terraced properties each with a 3-storey outrigger and a good-sized rear garden. The plans indicate that the new addition in each case would be cut into the sloping ground just beyond the back of the buildings, which rises markedly towards the rear boundary of the sites. The materials proposed would match those of the host buildings. The appeal properties do not fall within a conservation area and are not listed buildings.
12. At the time of the site visit, 2 ground floor rear extensions were under construction at No 3 for which I am advised that planning permission was not required. One extension will project outwards from the existing outrigger by 6 metres; the other from the main rear wall by 3 metres. I shall refer to these additions hereafter as the permitted development (PD) extensions.
13. Reference is made to extensions at other properties along Hillfield Road and a development of flats near to 1 Hillfield Road. As few background details have been provided of these particular schemes, I cannot be certain that their circumstances are the same or very similar to the proposals before me. The appellant also acknowledges that most of the extensions cited are smaller than those proposed with differences in their relationship to the sloping ground and the host building. In any event, each development should be assessed on its own merits, which I have done in each case.

Living conditions

14. In Appeal A, the proposed extension would largely infill the recess at the back of the appeal property. The flank wall of the new addition would be close to and parallel with the shared rear boundary between the site and No 5. In the main rear elevation of No 5, is a ground floor full-length window, which serves a bedroom, which I shall refer to hereafter as 'the bedroom window'. From the plans provided, the bedroom window appears to provide the sole external outlook and source of natural light to a main habitable room.
15. There is also a small ground floor window in the side elevation of No 5 that faces the site. From the evidence before me, this particular window appears to serve a bathroom, which is not normally regarded as a habitable room. In those circumstances, I shall focus on the bedroom window.
16. The outlook from the bedroom window would already be limited to some extent by the built form of the 3-metre long PD extension situated just to one side. However, the proposal in Appeal A would roughly double the length of this flank

wall with its upper section projecting noticeably above the timber fence that marks the rear boundary between the site and No 5. Its solid form of construction would contrast with the more lightweight appearance of the fence.

17. Due to its considerable length and close proximity, the new flank wall would unacceptably dominate views from the bedroom window and further enclose the outdoor space within the recess at the rear of No 5. In doing so, the proposal would unduly heighten a sense of enclosure by creating a 'tunnel effect', which would be unneighbourly. That the proposal in Appeal A would occupy a slightly elevated position relative to the bedroom window due to the difference in ground levels between Nos 3 and 5, which I saw at the site visit, would accentuate its harmful visual impact.
18. In Appeals B and C, the new flank wall adjacent to the common rear boundary with No 5 would be no taller than in Appeal A but it would be significantly longer. The landform and the boundary fence between Nos 3 and 5, which steps up in height to reflect the notable change in ground levels, would conceal the rearmost section of the new wall in both of these appeals. Consequently, the full extent of the extension proposed in these appeals would not be readily evident from the bedroom window.
19. However, the upper section of the new wall proposed in Appeals B and C that is nearer to the main rear elevation of No 5 would be visible at close range from this particular vantage point, as in Appeal A. Having viewed the site from the rear of No 5, I have little doubt that the new sidewall in both Appeals B and C would feel unduly imposing and oppressive to the occupiers of the ground floor flat of No 5. It would do so by curtailing the outlook from the bedroom window and increasing the sense of enclosure to an unacceptable extent.
20. Because the backs of Nos 3 and 5 broadly face north there would be no discernable loss of sunlight as a result of the proposals in Appeals A, B or C. Furthermore, the position and height of the existing boundary fence and the existing buildings on either side of the bedroom window would already significantly influence the daylight to the rear of No 5. In those circumstances, I share the appellant's opinion that the additional loss of natural light resulting from the schemes in Appeals A, B or C would not be significant. That conclusion reflects my assessment carried out 'on the ground' at the site visit.
21. Nevertheless, I conclude on the first main issue that the proposed development in Appeals A, B and C would cause significant harm to the living conditions of the occupiers of the ground floor flat of No 5. As such, Appeal A fails to comply with Class A of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015. The development sought in Appeals A, B and C conflicts with Policy A1 of the Camden Local Plan 2017 (CLP) insofar as it aims to safeguard residential amenity.

Character and appearance

22. The proposal in Appeal B would be a sizeable addition infilling the rearmost part of the recess of No 3 and extending well beyond the existing outrigger. In effect, it would also widen part of the 6 metre long PD extension to cover the entire width of the plot. This arrangement would significantly enlarge the footprint of No 3 and noticeably add to its scale and mass. As both the 6 metre long PD extension and the proposal in Appeal B would also include a flat roof

the rear ground floor of the enlarged building would appear as an overly large 'box like' addition that would overwhelm the basic form, proportions and traditional style of the host building. It could not reasonably be described as a subordinate addition even taking into account the long rear garden of No 3 and the considerable scale and height of the host building and its outrigger. That strong impression would be even more pronounced in relation to the proposal in Appeal C, which would be longer than that of Appeal B to line up with the rear of the 6 metre long PD extension.

23. In Appeal D, a ground floor side and rear extension would stand side-by-side at the back of Nos 3 and 5. If both extensions were to be approved and come forward together, the amenity concerns identified under the first main issue would be resolved. The proposal would, however, be disproportionately large relative to the host buildings and their combined presence would visually dominate their rear elevations. For these reasons, the extensions proposed in Appeal D would spoil intrinsic character of the appeal properties.
24. The proposals in Appeals B, C and D would not be readily visible from public vantage points given their position at the back of the main building. They would, nonetheless, form part of the characteristics of the area as it is experienced and appreciated from nearby houses and gardens. When seen from the rears of the properties on either side of the site, the proposed development in Appeals B, C and D would draw the eye as an uncharacteristically large, bulky and unsympathetic form of development. While I saw that other properties in the local area include large and prominent extensions, not all of these cases have respected the host building or blended seamlessly into their locality. These examples do not justify introducing an unacceptable form of development, as sought in each of the appeals.
25. Paragraph 130 of the National Planning Policy Framework states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. That would be the case with Appeals B, C and D.
26. Against that background, I conclude on the second main issue that the proposed development in Appeals B, C and D would cause significant harm to the character and appearance of the local area. Accordingly, these schemes conflict with CLP Policy D1 and Policy CLP2 of the Fortune Green and West Hampstead Neighbourhood Plan. These policies seek to ensure that all development, including extensions, achieves a high quality of design and is in character and proportion to the existing building and its context.

Other matters

27. According to the appellant in each case the Council's assessment of the proposals was flawed because it failed to carry out a site visit although the timing of that event is likely to have coincided with the travel and working restrictions imposed by government due to the pandemic. The appellant also feels that he has been unfairly penalised having decided to bring forward schemes to enlarge the property through the exercise of PD rights before submitting applications that seek planning permission to extend the property further. However, the Officers' reports in each case before me provide a comprehensive account of each proposal and the evidence put forward explains the Council's objections that I consider stand up reasonably well to close

scrutiny. Having carefully viewed the site and its immediate surroundings, and taken into account the local topography and the existing built form and gardens of Nos 3 and 5, I largely share those concerns.

28. The Company that owns No 5 supports all of the proposals and the current occupiers of No 5 do not raise an objection to any of the appeal schemes. Even so, my assessment takes into account current and future occupiers of the ground floor flat of No 5.
29. The proposals would each enable the existing living space to be remodeled with additional ground floor accommodation provided and improved access to the back garden(s). Each proposal would also make efficient use of the available land. Nevertheless, these considerations do not outweigh the significant harm that I have identified in relation to the main issues.
30. Interested parties raise additional objections including over development of the site, air pollution, parking, congestion, privacy and potential disruption during the construction phase. These are all important matters and I have taken into account all of the evidence before me. However, given my findings on the main issues, these are not matters that have been critical to my decision.

Conclusion

31. For the reasons set out above and having regard to all other matters raised, I conclude that each of the appeals should be dismissed.

Gary Deane

INSPECTOR