



Appeal Decision

Site Visit made on 26 October 2021

by K Savage BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 November 2021

Appeal Ref: APP/X5210/W/21/3275745

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 Alexander Sebba (Gondare Gardens Investments Ltd) against the decision of the Council of the London Borough of Camden.
 - The application Ref 2020/5951/P, dated 22 December 2020, was refused by notice dated 23 March 2021.
 - The development proposed is a single storey rear extension.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Since determination of the application, the revised National Planning Policy Framework (the Framework) was published on 20 July 2021. The main parties have had the opportunity during the appeal process to comment on the relevance to their respective cases of this revision to national policy.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

4. The appeal relates to a terraced property on the northern side of Hillfield Road. The buildings stand above the street level on rising ground, with prominent steps up to the main ground floor entrances. However, due to the rising topography, the ground floor level stands partially below the garden level at the rear.
5. There is a consistent pattern to the rear elevations of the terrace, with shared closet wings to every two buildings, many with bay windows to the first floor level, some of which lead out to balconies above small ground floor extensions. In general, extensions to the rear appear limited in scale, and the original closet wings and overall form of the buildings can still be readily understood. The one exception to this is at the adjoining property, No 3, where a deep, flat-roofed rear extension is under construction at ground floor level.
6. The proposed addition would extend some 4 metres from the end of the existing extension at the rear of the closet wing and would span the full width of the site. It would also wrap back around the closet wing and partially infill the side passage, leaving an enclosed lightwell between the extension and the

main rear wall of around 3.7 metres depth. Due to this element, the depth of the extension on the boundary with No 3 is indicated to be just over 8 metres.

7. The Council's Home Improvements CPG¹ (January 2021) states that side/rear extensions should be designed to be subordinate to the building being extended, in relation to its location, form, footprint, scale, proportions, dimensions and detailing. This reflects Policy D1 of the Camden Local Plan (July 2017) (the CLP) and Policy 2 of the Fortune Green & West Hampstead Neighbourhood Plan 2015 (the FG&WHNP), which both require development to be of the highest architectural and urban design quality, which complements and enhances the distinct local character and identity of the area.
8. The proposed extension would be a substantial addition to the property. Its full width, wraparound form would subsume the ground floor level and would result in the loss of the articulation provided by the closet wing, that would in turn interrupt the consistent pattern of the rear elevations in the terrace. The additional excavation required beyond the extension to create a patio at the rear would add to the scale of the works. Despite being single storey, its expansive footprint means it would not be subordinate in scale to the parent building but would form a dominant addition that would overwhelm the rear elevation of the parent building and intrude significantly into the rear garden.
9. This dominant scale would be evident from the rear gardens, where the extension would be seen in context with the wider terrace. From here, the jarring design of the extension would also be apparent. The large bi-fold door opening to the rear would not align with the existing fenestration and would cut across the line of the closet wing. Its overall impact would be made more severe by extending wholly to the side boundaries, without setback or articulation. Moreover, there is an evident intent to having bay windows and balconies to the rear to provide vistas over the mature gardens. However, the close presence of the garden in views from the windows of the upper floor flats would be replaced by an imposing expanse of flat roof that would harmfully sever the longstanding physical and visual connection between the building and its garden.
10. The ongoing extension at No 3 is a material consideration. I understand this is being constructed through the exercise of permitted development (PD) rights, which included a prior approval being granted on appeal in 2016, rather than by way of a planning application wherein the proposal would have been considered against the development plan. Also, the PD rights in question do not apply to the appeal building as it is divided into three flats. These factors mean the two situations are not directly comparable, and the planning history of No 3 does not bind me to a similar decision on the appeal scheme.
11. I recognise that the proposal would be similar to that at No 3 in terms of being flat-roofed, but it would differ slightly in shape, being shorter but wider. Based on the submitted plans, the appeal scheme would have greater site coverage overall. On site, the imposing scale and visual impact of the extension at No 3 were obvious, and rather than justifying the appeal scheme, this adds to my view that the even greater scale of the proposed extension would be excessive and harmful to the prevailing pattern and character of the built form to the rear of the terrace, and that the isolated example at No 3 should not be regarded as an example to be followed at the appeal site.

¹ Camden Planning Guidance

12. The appellant also lists a series of planning permissions for extensions on Hillfield Road – Nos 43, 47 and 49 – and on other nearby streets including Gondar Gardens and Achilles Road. However, I have no actual details of these permissions beyond the brief description of the extensions listed by the appellant. No plans or officer reports have been provided and, consequently, I am unable to discern if these examples are comparable to the appeal scheme. Nevertheless, the examples listed lie beyond the visible surroundings of the appeal site, even those on Hillfield Road, where different site circumstances are likely to exist that would further distinguish these examples from the scheme before me. Ultimately, these examples do not alter my conclusions on the main issue of the appeal, which I have reached based on the particular planning merits of the proposal.
13. For the reasons set out, I conclude that the proposal would significantly harm the character and appearance of the area, in conflict with the aforementioned aims of Policy D1 of the CLP and Policy 2 of the FG&WHNP to secure high quality design in all development. There would be further conflict with the related aims of Chapter 12 of the Framework.

Other Matters

14. The Council did not refuse permission on the grounds of harm to neighbours' living conditions, as it was indicated that the extension would sit below the level of the boundary fence with No 7. I accept that the extension would not block outlook from the upper floor windows of No 5 in terms of the longer vistas to the rear, nor would there be an adverse effect on light received, or increased overlooking and loss of privacy, given the low level position of the extension. However, the absence of harm in these respects is a neutral factor in the planning balance, weighing neither for nor against the proposal.
15. The proposal would extend the ground floor flat from a two-bed unit to a three-bed unit. However, this would be a very modest improvement to the size and quality of housing in the Borough, and would not add to the actual number of homes. Therefore, the benefits of the proposal would attract very limited weight.

Conclusion

16. For the reasons set out, I conclude that the proposal would result in conflict with the development plan, taken as a whole. There are no material considerations in this case which indicate that permission should nevertheless be granted in spite of this conflict. Therefore, the appeal should be dismissed.

K Savage

INSPECTOR