



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/21/3276374

Flat A, 30 Upper Park Road, London NW3 2UT

- 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 Gilead Rosenheimer against the decision of the Council of the London Borough of Camden.
- The application Ref 2021/0400/P, dated 28 January 2021, was refused by notice dated 10 May 2021.
- The development proposed is a lower ground floor rear extension.

Decision

1. The appeal is allowed and planning permission is granted for a lower ground floor rear extension, at Flat A, 30 Upper Park Road, London NW3 2UT in accordance with the terms of the application, Ref 2021/0400/P, dated 28 January 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 001, 002, 003, 100, 101, 110, 111, 200, 201, 211, 300, 301, 310, 311, Design & Access Statement.
 - 3) All new external work to construct the extension hereby permitted shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the existing building, unless otherwise specified in the approved application.
 - 4) The roof area of the extension hereby permitted shall not be used at any time as a balcony, roof garden or similar amenity area.

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 Parkhill and Upper Park Conservation Area (the PUPCA).

Reasons

4. The appeal relates to a semi-detached, four-storey Italianate villa on the eastern side of Upper Park Road. It has been extended to the side with a two storey infill, as has No 28 next door, in effect joining the two together. A single

storey extension also exists across the width of the original rear elevation. The proposal seeks to infill the space between these two extensions at lower ground floor level, which is at garden level at the rear.

5. The extension would be similar in form to the existing rear extension, with a flat roof enclosed by a parapet, rendered, white painted walls and sliding patio doors similar to those which already exist to the rear of the side extension.
6. The Council's Conservation Area Appraisal and Management Strategy (July 2011) (the CAAMS) describes the PUPCA as forming part of the nineteenth century London suburb of Belsize, defined by the busy, urban nature of Haverstock Hill and the quiet residential streets that branch from it. The hilly topography, mature trees and back gardens add to the quality of the landscape, whilst Italianate Victorian semi-detached houses are the characteristic building type. The quality and consistency of this townscape contributes to the significance of the conservation area. The appeal building is identified as making a positive contribution in this respect.
7. The extension in this case would be modest in scale, set at the rear and at low level. It would infill the gap to the side of the existing rear extension, but would be recessed slightly to provide an element of articulation in line with the edge of the original rear elevation. The large sliding glass doors would effectively replicate the existing appearance of the building when viewed from the rear. Moreover, they would lend the extension a lightweight appearance that would reduce the perception of a full width extension.
8. The appellant refers to extensions nearby at Nos 20, 24 and 26, which appear to have two storey extensions in the corresponding position to the appeal scheme. The Council cites different planning contexts for these developments, and I do not have full details of the permissions in question. A further decision in June 2021 at 10 Upper Park Road is noted as being similar in form to that sought under this appeal. Again, in the absence of full details of the considerations made by the Council in this case, I cannot be sure that the situations are directly comparable to the present scheme. Nevertheless, I acknowledge that these neighbouring developments form part of the surrounding context of the proposal.
9. However, I saw that views of the rear elevations along the wider street from the garden were limited to the immediate neighbours either side, due to the curved layout and the presence of garden walls and vegetation. Given the low level and modest scale of the extension, it would have limited effect on the overall form of the rear façade when viewed from neighbouring properties, particularly compared to the larger extensions at Nos 20, 24, and 26. It would not detract from the legibility of the overall rear elevation, and would have no effect on the perception of the building from the street. Consequently, the extension would not undermine the positive contribution the building makes to the significance of the PUPCA.
10. In reaching a view, I have had regard to the comments of interested parties raising concern at the extension of the building beyond the original corner of the house, and to the guidance of the CAAMS. However, for the reasons set out above, I conclude that the proposal would preserve the character and appearance of the PUPCA and its heritage significance. Therefore, there would be no conflict with Policies D1 and D2 of the Camden Local Plan (2017) which together 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, and to preserve and, where appropriate, enhance Camden's rich and diverse heritage assets and their settings, including conservation areas.

Other Matters

11. The Council did not refuse the application on the basis of harm to the living conditions of neighbouring occupants. Based on my site visit, I am satisfied that the scale of the extension on the boundary with No 28 would not lead to a harmful overbearing effect for neighbouring occupants. However, the flat roof of the extension, if used as a terrace, would enable direct views into the rear windows and garden of No 28 that would result in a harmful loss of privacy. Both the appellant and Council acknowledge the need in this case for a condition precluding use of the flat roof as a terrace, and I agree this is necessary to safeguard neighbours' living conditions.

Conditions

12. To provide certainty, a condition is required specifying the relevant drawings. It is also necessary to impose a condition requiring external surface materials to match the existing dwelling in order to secure a satisfactory appearance and preserve the character and appearance of the PUPCA.

Conclusion

13. I conclude that the proposal accords with the development plan, taken as a whole, and there are no material considerations that indicate that permission should nevertheless be withheld. Therefore, the appeal should be allowed.

K Savage

INSPECTOR