



Appeal Decision

Site visit made on 15 November 2021

by P. D. Biggers BSc Hons MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd December 2021

Appeal Ref: APP/X5210/D/21/3279447 10 Ardwick Road, London NW2 2BX.

- 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 Ms Susannah Zelkha against the decision of the London Borough of Camden Council.
 - The application Ref 2021/1402/P, dated 24 March 2021, was refused by notice dated 05 July 2021.
 - The development proposed is erection of single storey rear infill extension, conversion of garage into store/W.C., front extension to entrance door and installation of new windows including full height windows at first floor level on side and rear elevations (approved under 2020/5871/P on 15/03/2021) and a first floor rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for erection of single storey rear infill extension, conversion of garage into store/W.C., front extension to entrance door and installation of new windows including full height windows at first floor level on side and rear elevations (approved under 2020/5871/P on 15/03/2021) and a first floor rear extension at 10 Ardwick Road, London NW2 2BX in accordance with the terms of the application, Ref 2021/1402/P, dated 24 March 2021 and subject to the conditions at Schedule A below.

Procedural Matters

2. The description of development on the application form does not properly reflect all elements of the proposal which has been resubmitted as a revision to a previous permission to add a first floor rear infill extension. I have therefore taken the description of development as that set out in the decision notice and appeal form.
3. The permission reference 2020/5871/P granted consent for erection of single storey rear infill extension, conversion of garage into store/W.C., front extension to entrance door and installation of new windows including full height windows at first floor level on side and rear elevations and these elements in the appeal proposal are identical. In my decision I therefore have only considered whether the proposed first floor rear infill extension is an appropriate addition to the property.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the host dwelling its neighbour and the surrounding area of Ardwick Road.

Reasons

5. The appeal site is located on the north side of Ardwick Road which is a street characterised by a mix of large detached and semi-detached two storey properties built in brick under tiled, mainly hipped roofs.
6. The appeal property at No 10 forms the eastern house of a semi-detached pair with No 12. The original form appears to have had a shallow hipped rear offshoot on each of the semi-detached houses with a shallow indented section between. Both houses have been extended to the rear with a two storey, flat roof extension and both also now either already have a rear single storey extension infilling the return between the two storey section and the property boundary or have one permitted in the case of No 10. These extensions have changed the original form of the pairing but retained a basic symmetry.
7. The proposed infill first floor extension above the already permitted rear single storey extension would be a modest projection of 1.4 metres under a flat roof and in depth would align with the hipped roof of the original rear offshoot.
8. It has been put to me that there are a range of rear extensions in Ardwick Road including first floor rear extensions in the vicinity. Having viewed the rear elevations on site from the garden of No 10, other than Nos 10 and 12 themselves and No 6 there did not appear to be other cases of first floor extensions in the immediate vicinity.
9. Notwithstanding this, as stated, the extension would be modest in scale and subordinate to the original house. I accept that No 10 has been and is planned to be the subject of a number of extensions but even considering the proposed first floor addition with the other existing and planned extensions the effect would not be disproportionate on the existing house.
10. The proposed first floor infill extension would not be visible from Ardwick Road and the rear garden is well screened by mature trees on the boundary between the Ardwick Road properties and those on Finchley Road. Accordingly, there would be no public realm views and very little opportunity for private views of the extension which would be limited mainly to the appeal property garden and the gardens of its immediate neighbours.
11. It has been put to me that the first floor extension would appear incongruous and adversely impact on the symmetry of the semi-detached pair. However, the pairing is no longer entirely symmetrical in a number of respects – depth and width of extensions, fenestration detailing, the absence of the hipped offshoot on No 12, dormer sizes and positioning, etc. In that context, the further minor variation proposed would not appear out of keeping with the general character and appearance of the property. Moreover, as the additional extension would be enclosed by the existing two storey extension and contained below eaves level any additional impact on the symmetry of the pair would be minimal.
12. The principal elements of the streetscape character of Ardwick Road and the general form of development would be unaffected by this minor additional extension.
13. Policy D1 of the *Camden Local Plan (CLP)* and Policy 2 of the *Fortune Green and West Hampstead Neighbourhood Plan (FGWHNP)* set out principles for design including that development should respect local context and character. Looking at the requirements of these policies overall the additional extension would not conflict with them. To assist in implementing the policies the Council has produced

the *Camden Planning Guidance – Home Improvements* (CPG) which provides advice in respect of rear extensions amongst other improvements. I am satisfied looking at the advice in section 2.1.1 that the proposal would be generally compliant with the advice in respect of character and appearance.

Other Matters

14. The proposed extension would be adjacent to the first floor window of No 12 but the shallow depth proposed for the extension would not breach the 45° rule set out in the CPG and would not appear overbearing or impact on the outlook from this window to any significant extent. There is already the potential for overlooking of garden areas from upper windows and the proposed extension would not result in any significant additional overlooking. The proposal therefore accords with Policy A1 of the CLP.

Conditions and Conclusion

15. The Council suggested a number of conditions. I have considered these in the light of the advice in the Framework and *Planning Practice Guidance*. A condition requiring development to be carried out in accordance with the submitted plans is necessary in the interest of certainty. In addition, a condition requiring materials to match the existing dwelling is important in the interests of safeguarding the character of the area. The Council in permitting application ref 20/5871/P attached two further conditions not included in the appeal questionnaire relating to obscure glazing the new first floor windows and to ensure that the roof to the single storey rear extension is not used as a terrace. As this permission would be likely to be implemented in place of 20/5871/P, at least in part, and in order to protect the living conditions of the neighbouring occupiers of Nos 8 and 12 it is necessary to also attach two similar conditions to the new permission. However, in respect of the obscure glazing condition, given the existence of first floor windows already to the rear of the property broadly in the locations of new windows I do not consider it necessary to apply the condition to rear facing windows and have limited the condition to new side windows.
16. I have considered the matters before me and, for the reasons given above, I conclude that the appeal should be allowed and permission granted for the extensions subject to conditions.

P. D. Biggers

INSPECTOR

SCHEDULE A – CONDITIONS

- 1) The development hereby permitted shall be begun no later than the expiration of 3 years from the date of approval.
- 2) The development hereby permitted shall be carried out in accordance with the submitted documents and the following approved plans: 2011-1304-001 Rev A; 2011-1304-002 Rev B; 2011-1304-101; 2011-1304-102; 2011-1304-103; and all other plans approved under reference 2020/5871/P.

- 3) All new external work 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 new windows, including full height windows, at first floor level on the side elevation will be fitted and retained with obscure glass and fixed shut up to a height of at least 1.7 m above floor level.
- 5) The use of the flat roof of the single storey rear infill extension hereby approved shall not be used as a balcony, terrace or for any other ancillary residential purposes.