



Appeal Decision

Site visit made on 9 February 2022

by Richard Newsome BA (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 February 2022

Appeal Ref: APP/X5210/D/21/3284658

52 Menelik Road, London NW2 3RH

- 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 Akash Kapoor against the decision of London Borough of Camden.
 - The application Ref 2021/1481/P, dated 28 March 2021, was refused by notice dated 23 July 2021.
 - The development proposed is the extension of existing rear facing roof dormer. Change window to doors in existing front facing dormer.
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Decision

1. The appeal is dismissed insofar as it relates to the extension of existing rear facing roof dormer. The appeal is allowed insofar as it relates to the change window to doors in existing front facing dormer and planning permission is granted for the change window to doors in existing front facing dormer at 52 Menelik Road, London NW2 3RH in accordance with the terms of the application, Ref 2021/1481/P, dated 28 March 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) Insofar as they relate solely to the development hereby permitted, development shall be carried out in accordance with the following approved plans:
MR_P_006A Proposed plans
MR_P_007A Proposed elevations
MR_P_008 Proposed elevations
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 4) Prior to their installation, detailed sections and elevations of the proposed doors, handrail, and balustrade to the front facing dormer shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Procedural Matters

2. On my site visit, I saw that work had been carried out to the front facing dormer but had not been completed. I also noted that the work that had been

carried out for this element appears to differ from the details on the submitted drawings for the proposal. For the avoidance of doubt, I have determined the appeal on the basis of the submitted drawings since these are what the Council considered.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the host dwelling.

Reasons

4. The host dwelling is a traditional 2-storey building, read as semi-detached, set back from, and facing the road. There is an existing dormer to the rear roof slope. Indeed, such additions are a relatively common feature of local dwellings. Flat roofs are used but on the whole they are inset from the edges of the respective roof plane and thus subservient in scale to the host dwelling. The proposal would enlarge the existing dormer to such an extent that it would all but fill the rear facing slope as it would be visible from the rear. Sitting close to the eaves, it would present an overly tall face to the rear elevation, resulting in an awkward and top-heavy appearance. This would cause harm to the character and appearance of the host dwelling.
5. The proposed fenestration changes to the existing front facing dormer, which include forming a doorway out of a window, would be contextually very small in their size and scale. Further, they would be partially obscured by the parapet wall around the section of flat roof to the front elevation. With this and the Council's lack of objections to this element of the scheme in mind, I find it would be acceptable.
6. However, this would be a lack of harm and as such a neutral matter, accordingly it would not make the changes to the rear dormer acceptable. As such, and for the above reasons, the rear dormer element of the appeal scheme would conflict with Policy D1 of the Camden Local Plan (2017) and Policy 2 of the Fortune Green and West Hampstead Neighbourhood Plan (2015). Taken together these policies seek to secure high quality design in development that is in character and proportion with its local context and setting.

Other Matters

7. The Council has approved a rear facing roof dormer at No 50 which extends closer to the eaves of the rear of that property than the existing rear dormer at No 52. However, I do not have full details that led to this application being accepted. Notwithstanding this, its existence does not lessen the harm that the appeal scheme would cause when assessed on its own merits.
8. There are some inconsistencies in the cases of the main parties in terms of the depth of the proposed rear dormer and how it would therefore sit relative to the eaves of the host building. The appellant contends that it would not extend as far as the Council has assessed it and provided further plans. Putting aside my assessment of the plans considered by the Council in its determination of the scheme, even some plans provided by the appellant in support of the alleged shorter projection still appear to show that it would run very close to the eaves of the host dwelling. This would, in the main, be the essence of the harm I have found in regard to the main issue.

9. The appellant has explained how they were disappointed with how the Council dealt with the planning application. However, this is an administrative matter that should be taken up with them and not a reason for me to allow the appeal.

Conditions

10. In respect of the element of the proposed development allowed, I have considered the conditions suggested by the Council against the tests set out in paragraph 56 of the National Planning Policy Framework and the Planning Practice Guidance.
11. I have attached the standard time limit condition and a condition in respect of the development being in accordance with the approved plans as this provides certainty as to the timescales for implementation and what has been approved. I have also added conditions requiring external materials to match those of the existing building and requiring the submission and approval of further details of the proposed doors, handrail, and balustrade to ensure a satisfactory appearance.

Conclusion

12. For the reasons given above, I conclude that the appeal should succeed insofar as it relates to the acceptable elements of the scheme and dismissed insofar as it relates to the larger rear dormer. It would conflict with the development plan and there are no material considerations worthy of sufficient weight that would indicate a decision other than in accordance with it.

Richard Newsome

INSPECTOR