



Appeal Decision

Site visit made on 17 May 2022 by A Humphries BSc (Hons) MSc

Decision by Martin Seaton BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 July 2022

Appeal Ref: APP/X5210/D/22/3290689

24 Quickswood, London, NW3 3RS

- 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 Nathan against the decision of the Council of the London Borough of Camden.
 - The application Ref 2021/2008/P, dated 23 April 2021, was refused by notice dated 18 November 2021.
 - The development proposed is the erection of a single storey rear extension at first floor level to dwellinghouse (Class C3).
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. There is a discrepancy between the applicant's name on the application form and the appellant's name provided on the appeal form. Clarification was sought during the appeal process and I am satisfied that the right of appeal has been exercised by the same person. Nevertheless, as the right of appeal is with the applicant, I have referred to the name as given on the application form.
4. There is also a degree of variation between the description of development on the application form and that utilised by the Council on their decision notice. In this regard, I noted that the appellant had adopted the Council's description of development on the appeal form. Whilst I am satisfied that both descriptions are seeking to describe the proposed development, the above description of development was taken from the Council's decision notice and appeal form as it provides a more accurate description.
5. With the appeal, the appellant submitted a Proposed Front Elevation (East) plan for proposed alterations to the front elevation of the host dwelling. The evidence before me indicates that the Council did not have sight of this plan at the time of the planning application. In determining whether to accept this plan as part of the appeal, consideration has been given to the Procedural Guide: Planning Appeals – England and the principles of the 'Wheatcroft' judgement.
6. The Procedural Guide states that it is important that what is considered by the Inspector is essentially what was considered by the local planning authority and

upon which interested people's views were sought. Regarding the 'Wheatcroft' judgement, the main criterion is whether the development is so changed that to grant it would deprive those who should have been consulted on the changed development of the opportunity of such consultation.

7. Given that the plan would evolve the proposed development through the appeal process without consultation with interested parties, it is evident that interested parties would be deprived of the opportunity to consider the development in the context of the revised/new plan. I have therefore limited my determination of this appeal to the plans submitted with the application to the Council. The Proposed Front Elevation (East) plan, together with associated commentary within the Grounds of Appeal have therefore not been considered. This appeal decision focuses solely on the single storey rear extension at first-floor level (the proposed development) and does not consider alterations to the front elevation of the host dwelling.

Main Issues

8. The main issues are the effect of the proposed development on:
 - The character and appearance of the host dwelling and the perimeter block; and
 - The living conditions of the occupants of the perimeter block, with particular regard to outlook and privacy.

Reasons for the Recommendation

Character and appearance

9. The host dwelling is a flat roofed part one-storey, part two-storey mid-terrace property within the Chalcot Estate that was built in the 1960's. Together with No. 26 Quickswood, No. 8 and No. 9 Conybeare, the host dwelling forms part of a perimeter block. Centrally within the perimeter block are small rear enclosed gardens.
10. The host dwelling and the perimeter block are characteristic of the period with minimal architectural details. From the evidence presented and observations during the site visit, first-floor level single storey extensions appear to be a relatively common feature in the locality. Whilst some extensions are built to the full extent of the ground floor building lines, others are set back.
11. Within the perimeter block itself, the two existing first-floor level extensions are both set back. For No. 8 Conybeare, visibility of the extension is principally obscured from sight by a balustrade when viewed from the host dwelling. These set backs are a defining characteristic of the first-floor level extensions within the perimeter block. In extending to the full footprint of the roof terrace of the host dwelling and to the edge of the ground floor building line, the proposed development would appear incongruous in this context. As a result, the proposed development would appear visually dominant and would have an adverse impact on the character and appearance of the immediate setting within the perimeter block. This adverse impact would be exacerbated by the enclosed and confined space within the perimeter block.
12. In considering the height of the proposed development, it would be set below the existing roof line and taken together with the flat roof would accord with

the character and appearance of the host dwelling. However, as the proposed development would extend to the ground floor building line, the massing would adversely alter the proportions of the host dwelling and appear as a dominant addition.

13. The appellant has drawn my attention to several other planning permissions for extensions within the Chalcot Estate, including at No. 6 Conybeare, No.77 and No. 79 Quickswood. Whilst I do not have details of the design of these schemes, most of the permissions pre-date the adoption of the current Camden Local Plan (2017). Nevertheless, where readily visible from the public realm, I observed the existing extensions either have a different relationship with the respective neighbouring dwellings or are within a relatively open and thus different setting to the proposed development, which is fully enclosed within a confined perimeter block. For these reasons, the cited examples do not represent the same circumstances to the context of the proposed development and are therefore not deemed to be directly comparable.
14. For the reasons above, the proposed development would harm the character and appearance of the host dwelling and the perimeter block. The proposed development would be contrary with Policy D1 of the Camden Local Plan (2017), which seeks high quality design that respects local context and character.

Living conditions

15. Bound by building elevations, the small rear gardens of the perimeter block are fully enclosed within a confined area. Contributing to the space within the perimeter block are the existing roof terraces of the host dwelling and No. 9 Conybeare and to a lesser extent the balcony of No. 26 Quickswood.
16. Whilst the garden size of the host dwelling would be maintained, the proposed development would affect the sense of space through the infill of the entire area of the roof terrace to the edge of the ground floor building line. This would appear overbearing given the proximity of neighbouring occupants and in the context of the enclosed and confined area within the perimeter block. As a result, the proposed development would significantly worsen the outlook for the occupants of the perimeter block and create a harmful sense of enclosure, contrary to the Camden Planning Guidance: Home Improvements (2021).
17. I observed that the existing roof terrace of the host dwelling already enables broad views and a high level of overlooking within the perimeter block, albeit the use of the roof terrace is likely to be weather dependent. From my observations, overlooking from the roof terrace was most notable to the first-floor levels of the perimeter block and to the garden of No. 8 Conybeare.
18. Whilst the proposed window would span much of the façade of the extension, owing to the angle in relation to No. 8 Conybeare and that half of the proposed window would have obscure glazing, overlooking to No. 8 Conybeare from the proposed development would be restricted.
19. Overlooking from the proposed development would be principally towards the first-floor levels of No. 26 Quickswood and No. 9 Conybeare. These already experience a high degree of overlooking from the roof terrace of the host dwelling. However, during the site visit, it was not particularly easy to look directly from the roof terrace to within the first-floor conservatory of No. 26

Quickswood. Furthermore, the presence of garden boundary treatments provides a degree of screening to the ground floor rooms and gardens of No. 26 Quickswood and No. 9 Conybeare. Whilst I recognise that the vegetation could be cut back, vegetation along the boundary fence is undoubtedly mutually beneficial in reducing the potential for overlooking and loss of privacy.

20. I acknowledge that the proposed development would enable overlooking of the perimeter block throughout the year. Overlooking from a room is, however, of a different character than overlooking from a roof terrace. The presence of people outside on the roof terrace has a much more intrusive feel. Given this and the reasons above, I am satisfied that the proposed development would not result in a significant increase nor cause harm with respect to overlooking of the rear gardens and neighbouring windows of the perimeter block beyond the high levels of overlooking already experienced.
21. For the above reasons, the proposed development would not cause harm to the living conditions of occupants of the perimeter block with regard to privacy. However, there would be undue harm in relation to outlook and sense of enclosure. This would be contrary to Policy A1 of the Camden Local Plan (2017), which seeks to protect the amenity of occupiers and neighbours.

Conclusion and Recommendation

22. I sympathise with the appellant's desire to increase living space and standard of accommodation. However, the bulk and scale of the proposed development would harm the character and appearance of the host dwelling and the perimeter block. The proposed development would also result in harm to the living conditions of the occupants of the perimeter block in terms of outlook and a sense of enclosure, although I conclude that the proposed development would not cause harm with respect to privacy.
23. The proposed development conflicts with the development plan taken as a whole and there are no other considerations, including the National Planning Policy Framework, that outweigh this conflict. I therefore recommend that the appeal is dismissed.

A Humphries

APPEAL PLANNING OFFICER

Inspector's Decision

24. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Martin Seaton

INSPECTOR