



Appeal Decision

Site visit made on 5 July 2022

by A Hickey MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th August 2022

Appeal Ref: APP/X5210/W/22/3291816

Flat B, 49 Pratt Street, London NW1 0BJ

- 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 Kristen Charnley against the decision of the Council of the London Borough of Camden.
 - The application Ref 2021/3649/P, dated 28 July 2021, was refused by notice dated 17 December 2021.
 - The development is a proposed roof terrace to first floor flat (Flat B).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. At the time of my visit an access door onto the terrace had been inserted and the out-rigger had a flat timber roof behind a short parapet wall.

Main Issues

3. The main issues are the effects of the proposed development on:
 - the living conditions of neighbouring occupiers with respect to outlook, and
 - the character and appearance of the area.

Reasons

Living Conditions

4. The proposed trellis would incorporate ivy and surround the terrace at a height of 1.8m to screen outward views and prevent overlooking of nearby gardens and windows.
5. Due to its height above ground level, its depth and the close relationship between properties, the trellis, when viewed from neighbouring dwellings and their yards, would be an overly dominant and oppressive feature which would have an overbearing effect upon outlook. This would be particularly the case in relation to the yards of the ground floor flat at No's 49 and adjoining properties of 51 Pratt Street and No's 10-12 St Martin's Close.
6. The proposed development would have a harmful effect upon the living conditions of neighbouring occupiers. The proposal would therefore be contrary to Policy A1 of the Camden Local Plan which seeks, amongst other things, to ensure that the amenity of occupiers and neighbours is protected.

Character and Appearance

7. The back-to-back distance between the appeal site and St Martins Close to the rear is relatively short, although not uncommon for a constrained, urban area. The significance of the non-designated heritage asset is derived from the close, dense character and appearance, with the existing out-riggers, boundary treatments and relatively tall surrounding terraces all contributing. The rear of the appeal site terrace and St Martins Close have an attractive rhythm and form, particularly in the form, scale and relationship of the rearward projections, which have persisted irrespective of the various roof alterations and extensions.
8. The proposed trellis would not be of substantial construction and would incorporate planting to soften its appearance. Public views of the rear of the terrace are also limited. However, it would be markedly taller than any of the neighbouring or nearby rear single-storey out-riggers or extensions, and the design and form proposed would, in my view, emphasise the additional height and uncharacteristic materials of the proposal relative to its surroundings. Given the character of the appeal site and the back-to-back nature of the streets, I consider that the proposal would appear incongruous to the host building and the locally listed terrace of which it forms part.
9. Additionally, the trellis would be visible from the rear of nearby properties and would be likely to reduce the appreciation nearby occupiers have about the quality of the environment within which they live. Thereby harming the character and appearance of the area.
10. The appellant has drawn my attention to other planning permissions for roof terraces in the area. Whilst I do not have full details of these schemes, I note the example on Pratt Street is at roof level, forward-facing and set back from the front elevation. The second example on St Martins Close was built as part of a new development and has a different appearance overall.
11. Nevertheless, where readily visible from the public realm and the roof access of Flat B, I observed that the existing roof terraces either have a different relationship with the neighbouring buildings or can be seen in a different setting. As such, other roof terraces are different to the proposed development, which is fully enclosed within the confined back-to-back streets. Therefore, these existing developments are materially different to the appeal proposal.
12. Paragraph 203 of the National Planning Policy Framework (the 'Framework') requires the effect of an application on the significance of a non-designated heritage asset to be taken into account when determining the application. A balanced judgement is required regarding the scale of any harm and the significance of the heritage asset.
13. The appeal scheme would create outdoor recreational space for the occupiers of Flat B. It is accepted that access to such spaces is beneficial given the lockdowns associated with Covid-19. However, this is primarily a private benefit and does not outweigh the harm I have previously identified.
14. The proposed trellis would be harmful to the character and appearance of the host property, which form part of a locally listed terrace, and the surrounding area. Accordingly, the proposal would be contrary to Policies D1 and D2 of the Camden Local Plan. These collectively seek, amongst other things, to ensure

that development respects the local context and character including prevailing pattern and scale of development. They also seek to preserve Camden's heritage assets, including those which are locally listed.

Other Matters

15. As set out above, the proposed scheme would provide some limited outdoor space which would improve the quality of living accommodation for the occupier of Flat B. However, I find that the harm identified would be permanent and is not outweighed by the appellant's particular circumstances.
16. Accordingly, the circumstances presented by the appellant are not a strong justification for setting aside local policies with the legitimate aim of protecting the character and appearance of the area and neighbouring occupiers.

Conclusion

17. The proposal conflicts with the development plan when taken as a whole and there are no material considerations, either individually or in combination, that outweighs the identified harm and associated development plan conflict.
18. Therefore, I conclude the appeal should be dismissed.

A Hickey

INSPECTOR