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## Appeal Decision

Site visit made on 16 May 2025

by **L Gardner MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 6<sup>th</sup> June 2025

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**Appeal Ref: APP/X5210/W/25/3360469**

**48 Flat 2<sup>nd</sup> Floor Mazenod Avenue, Camden, London NW6 4LR**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Mr Richard Jenkins against the decision of the Council of the London Borough of Camden.
  - The application ref is 2024/4207/P.
  - The development proposed is addition of two dormers and a roof terrace to the 2<sup>nd</sup> floor flat at 48 Mazenod Avenue and with internal refurbishment.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are the effect of the proposal on:
  - the character and appearance of the host building, and the surrounding area; and
  - the living conditions of the occupants of neighbouring properties, in particular 50 Mazenod Avenue, having regard to privacy.

### Reasons

#### *Character and appearance*

3. 48 Mazenod Avenue is a three storey traditional mid-terraced property which has been converted into flats. The front façade is finished in red brickwork with white ornamental detailing, in line with the majority of the terraced row to which it forms part of. The terraced row forms a distinct development block with the similarly scaled buildings fronting Kingsgate Road, with their gardens forming a back to back arrangement.
4. The buildings along both Mazenod Avenue and Kingsgate Road are characterised by rear outriggers up to three stories in height. A number of the buildings also have existing alterations to the roof, including roof dormers of varying sizes and some roof terraces formed on the rear outriggers. There is some visibility of the rear facades of the development block through a gap in development at Smyrna Road to the north of the appeal site.
5. There is a uniformity to the design of the terraced frontage facing Mazenod Avenue, which the appeal site contributes towards. However, the wider area is

less consistent featuring a wide variety of design, materials and uses including modern flat roof apartment blocks as well as commercial uses.

6. The alterations proposed to the rear elevation are made up of varying elements including two separate roof dormers, one on the main roof and the other on the existing outrigger. The latter would be connected to an external roof terrace enclosed by an obscurely glazed glass balustrade.
7. The roof dormer proposed on the main roof would be inset from the sides of the roof as well as being set away from the roof pitch and eaves. The windows would be well proportioned in the context of the existing building. The use of grey zinc cladding would form a contrast to the materials used on the exterior of the building, but they would assimilate well with the slate roof within which the dormer would sit. Based on these factors, the roof dormer proposed on the main roof would comply with the design advice within the Camden Planning Guidance (CPD) on Home Improvements (HI) (2021).
8. However, the roof dormer proposed on the outrigger on the other hand would exceed the eaves height of the main dwelling and would introduce a boxy, obtrusive addition to the outrigger. Although the roof dormer would sit below the existing chimney on the outrigger, it would be above the main pitch of the outrigger which would disrupt the proportions of the roof, failing to demonstrate subservience to the roof within which it would sit. This would be contrary to the advice within the HI CPD which expects roof dormers to sit within the roof slope, appearing as an extension whilst the existing roof form is maintained.
9. The vertical proportions of the roof dormer proposed in the outrigger would be emphasised by the glazed doors onto the proposed terrace which would sit awkwardly between the windows on the third floor of the building, and the windows within the proposed roof dormer above.
10. I understand that the scheme has been revised from a previous application and no longer includes a pergola on the proposed roof terrace. Whilst I agree that this would reduce the overall bulk and prominence of the terrace itself, the terrace would still be read alongside the roof dormer which it would serve. When combined, the development proposed to the rear outrigger would create an unacceptable form of scale and massing which would disrupt the hierarchy of the rear outrigger and its relationship with the host building.
11. Unlike the roof dormer proposed on the main roof slope, the roof dormer on the rear outrigger would not be surrounded by the rest of the roof slope within which it would sit. The result of this is that the proposed use of grey zinc cladding would have a much more pronounced and contrasting effect, worsened by the lack of glazing in the side dormer cheek. Even with the limited visibility of the appeal site from Smyrna Road, the harmful effect of the development would still be experienced by the occupiers of numerous neighbouring properties.
12. Within their statement, the appellant has provided numerous examples of roof dormers and terraces along Mazenod Avenue. I agree with the appellant that these form part of the established character and appearance of the area, being part of the development block within which the appeal site forms part of.
13. Most of the examples provided relate to one roof dormer in the main roof slope and are therefore not directly comparable to the appeal before me, which relates to

a combination of two roof dormers and an associated terrace. The exception to this is the development which has taken place at No 32 Mazenod Avenue (No 32) which relates to a roof dormer both in the main roof slope and the rear outrigger.

14. The appellant has provided extracts of the plans, decision notice and officer report for the development at No 32. The extract of the approved drawings for this development demonstrate that the height of the outrigger roof dormer would sit above the eaves of the main building, as would be the case with the appeal proposal. However, the roof dormer in the outrigger at No 32 is more modest in its footprint and crucially has been designed with a pitched roof which joins the eaves of the main building. I therefore do not consider that it has the same boxy and obtrusive appearance as the development proposed in the appeal scheme before me.
15. The appellant's final comments also refer to a dormer window which extends across both the rear roof slope and the outrigger at No 28 Mazenod Avenue (No 28). However, the plans included within the appellant's statement show the development at No 28 relates to a roof dormer solely on the main roof slope. The existing roof dormers at neighbouring properties are not directly comparable to a degree that they justify the form of development proposed and therefore I have given them little weight in my decision.
16. Based on the above, the proposed roof dormer and associated terrace to the rear outrigger would harm the character and appearance of the host building, and the surrounding area. It would therefore be contrary to Policy D1 of the Camden Local Plan (CLP) (2017) which, amongst other matters, requires development to respect the local character and context.

#### *Living conditions*

17. The form of the development block within which the appeal site sits creates numerous relationships between neighbouring parties including established mutual overlooking through the presence of windows in the rear outriggers. There is an existing roof terrace at the attached neighbour, No 50 Mazenod Avenue (No 50). The side of the terrace towards the appeal site features frosted glass.
18. The windows proposed within the roof dormers, particularly those within the main roof dormer, could overlook the terrace at No 50. However, I do not consider that this would be materially different to the established mutual overlooking between the appeal site and No 50.
19. Furthermore, the roof terrace proposed has been designed with a high balustrade which would be obscurely glazed. This would block the majority of the outlook for users of the terrace towards No 50 and would provide sufficient mitigation for the living conditions of the occupiers of No 50 in respect to their privacy. The sense of indirect overlooking caused by the location and use of the terrace would again not be materially different to the relationship established by the existing windows.
20. On this basis the proposed development would not harm the living conditions of the occupants of neighbouring properties, in particular No 50 Mazenod Avenue, having regard to privacy. It would therefore comply with Policy A1 of the CLP which seeks to protect the quality of life of neighbours, including in the context of visual privacy. A lack of harm in this respect does not overcome the wider harm on the character and appearance of the host building and the wider area.

## **Other Matters**

21. The appellant has provided a Daylight and Sunlight Assessment during the course of the appeal proceedings. However, light was not referenced in the Council's reason for refusal. Even though I note it was briefly mentioned in the Officer Report, I am dismissing the appeal for other reasons as outlined above. I have no therefore needed to consider this matter any further.
22. The appellant's statement refers to the allowances set within the General Permitted Development Order (GDPO) in respect to roof alterations. However, as the appeal site relates to a flat, these allowances are not applicable. I have therefore given reference to the GDPO limited weight in my decision.
23. There are benefits associated with the proposal, specifically the provision of outdoor amenity space and increased habitable accommodation. These are primarily private benefits which do not outweigh the harm identified to the character and appearance of the host building and the wider area.

## **Conclusion**

24. To conclude, the proposal would harm the character and appearance and on balance conflict with the development plan when read as a whole. Material considerations do not indicate a decision otherwise than in accordance with it. The appeal is therefore dismissed.

*L Gardner*

INSPECTOR