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## PLANNING STATEMENT

**PROPOSED DEVELOPMENT:** Erection of a Dormer to rear roof-slope

**SITE:** 3 Keats Close Camden London NW3 2RP

**LOCAL PLANNING AUTHORITY:** London Borough of Camden

**APPLICANT:** Sebastian Bull

### Site Description

This application is for the Erection of a Dormer to rear roof-slope at 3 Keats Close, Camden London NW3 2RP

The application site comprises a dwelling located within residential area located within a Conservation Area in the London Borough of Camden. The building is not listed.

The Location Plan below demonstrates the location of the site in respect of its wider surroundings.



## Relevant Planning History

The original planning Application was submitted on behalf of the Applicant by his architects in February 2022 under planning reference number 2022/0459/P with the relevant supporting documents. This was refused on 21<sup>st</sup> July 2022 for the following reason:

### Reason(s) for Refusal

- 1 The proposed dormer by reason of its location, scale and design on an unaltered roof-scape, would harm the character and appearance of the host property, the group which it forms, and the wider conservation area, contrary to policy D1 (Design) and D2 (Heritage) of the London Borough of Camden Local Plan 2017 and Policies DH1 and DH2 of the Hampstead Neighbourhood Plan 2018.

Time to appeal the decision has expired. As a result, this is a resubmission of that application but in undertaking the resubmission this detailed planning statement responds to the refusal reason cited on the first application and also deals with the relevant planning issues to be taken into account to enable the Council in light of the present circumstances to review the matter and conclude that it is safe now to allow the development.

The neighbouring property now has a planning application in place for a full width single storey extension under application reference 2021/5730/P (see photo below). This demonstrates the varied types of property extension and enhancement in the area that are being proposed. This should be taken also in the context of the wider area generally where there have been many roof extensions and dormers developed, details of which are included as part of this statement.



*Extension to neighbouring property to the left*

It is noted that the majority of properties along Heath Hurst Road as shown in the photo below (the rear of which face this property) already have dormer windows in situ as shown in the photo below. There is therefore a precedent for this type of development in the area.



*Properties on Heath Hurst Road as seen from the rear of the property*

Other Properties within the vicinity of this property and also within the conservation area have obtained planning permission on appeal for rear dormers in 2016, copies of such decisions are appended to this statement **at Appendix 2**, they are similar to the one now proposed for this property – as shown in the photos and images below:-



*Dormer at 1 Gayton Terrace*



*Proposed Dormers at 37 and 39 Rudall Crescent*

## Proposed Development

It is proposed to construct a dormer to be set in the rear roof-slope of the property to enable better residential use to be made of the loft space at second floor level within the roof space that was converted into additional living space some years ago.

The house, which is not listed, is located in the Hampstead Conservation Area and is a single-family dwelling arranged over three floors with a separate rear wing and front and rear gardens. Although not listed, the house is identified along with the other houses on Keats Close in Camden Council's 'Hampstead Conservation Area Statement' as buildings that make a positive contribution to the Conservation Area. The rear roof-slope of number 3 is not visible from Keats Grove, the mews along the eastern side of Keats Close or any of the surrounding roads in the vicinity. The proposed dormer is modest in scale and coupled with the presence of the chimney stack that masks the majority of the dormer cheek from the side elevation, this ensures that the proposals will not have an impact on the character and appearance of the Conservation Area. The materials used are also consistent with the general character and appearance of the roofscape of the Conservation Area.

The rear roof-slope of number 3 is not visible from the mews or any of the surrounding roads in the vicinity. The loft space at second floor level within the roof space was converted into additional living space in 1980 and linked to the lower floors by a new staircase. Planning permission reference E8/9/15/29369 from February 1980 notes the creation of accommodation within the loft space and formation of a dormer window as constituting permitted development whilst also granting consent for an extension over the garage to the rear. A subsequent application for a dormer in the rear roof-slope reference PW9902506 was refused in August 1999 by reason of its bulk and size. As the Conservation Area was designated in 1968 we are unclear as to why a sizable dormer would be deemed to be permitted development in 1980 and then refused in 1999 particularly as it could be argued that it forms part of a planning permission that was granted and then partially executed but not fully completed. **See Appendix 1 herewith**

The dormer now proposed to the rear roof-slope is significantly smaller in scale and extent to that shown on the 1980 planning consent drawings and it is presumed that on the 1999 planning application. Unlike the 1980 planning consent scheme, the existing chimneystack to the rear roof-slope has been retained with the dormer set well away from the chimneystack and off the line of the party wall with the adjoining house. The presence of the chimneystack masks the majority of the dormer cheek from the side elevation although the rear roof-slope of number 3 is not visible from the mews or any of the surrounding roads in the vicinity. As such the proposals will not have an impact on the character and appearance of the Conservation Area. It is modest in scale and smaller than many of the dormers added to the rear roof-slopes of properties in the vicinity and throughout the Conservation Area.

The proposed dormer will be finished with a leadwork roof and cheeks that will complement the leadwork dressings to the existing roof. The windows within the dormer will be white painted timber framed to match those to the remainder of the house and will have a similar arrangement to maintain visual continuity. Again, they are consistent with the general character and appearance of the roofscape of the Conservation Area

The Existing and Proposed site plans that accompany this application are also shown below, for ease of reference.





**The proposal would create employment for local builders, suppliers and trades people who may have struggled to find work due to the long-lasting impact of Covid-19, thus in turn contributing to the local economy.**

- b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being.*

**The proposal would create more usable habitable space, better facilitating modern family living within the dwelling and therefore meeting the social objective.**

- c) an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.*

**The addition of the Dormer will have a neutral impact on the environment and ecology as the site is already developed. The number of dwelling occupants would remain the same, having no added effect on carbon emissions, thus complying with the environmental objectives.**

**The proposal fully accords with paragraph 8.**

**Paragraph 11:**

Plans and decisions should apply a presumption in favour of sustainable development.

*“For decision-taking this means:*

- c) approving development proposals that accord with an up-to-date development plan without delay; or*

- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*

- ii. *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."*

**The proposal accords with paragraph 11 c) of the NPPF and as such, planning permission should be forthcoming.**

**Paragraph 38** relates to decision-making of Local Planning Authorities and all other levels. It states that decision-takers at every level should seek to approve applications for sustainable development where possible.

**The proposal constitutes sustainable development for the rationale outlined above, and therefore planning permission should be granted.**

**Paragraph 130** in Section 12 details planning policies and decisions that should ensure all developments:

a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; **The proposed works will not deter from this**

b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; **The rear roof slope of number 3 is not visible from Keats Grove, the mews along the eastern side of Keats Close or any of the surrounding roads in the vicinity. The proposed dormer is modest in scale. The proposed dormer will be finished with a leadwork roof and cheeks that will complement the leadwork dressings to the existing roof. The windows within the dormer will be white painted timber framed to match those to the remainder of the house and will have a similar arrangement to maintain visual continuity. Again they are consistent with the general character and appearance of the roofscape of the Conservation Area**

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); **As per the comment above**

d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; **The proposed works will not deter from this**

e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and **The proposed works will not deter from this**

f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience. **The proposed works will not deter from this**



**Paras 134 .** Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:

- a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or
- b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings. **The proposal is well designed as detailed under the Proposed Development heading**

**Paragraph 194** in Section 16 requires the significance of any heritage assets that are affected by a planning application to be assessed and the potential impact of the proposal on their significance to be understood.

**In this instance the heritage asset is the Hampstead Conservation Area that the house forms part of. Although not listed the house is identified along with the other houses on Keats Close in Camden Council's 'Hampstead Conservation Area Statement' as buildings that make a positive contribution to the Conservation Area.**

**The rear roof slope of number 3 is not visible from Keats Grove, the mews along the eastern side of Keats Close or any of the surrounding roads in the vicinity. The proposed dormer is modest in scale and smaller than many of the dormers added to the rear roof-slopes of properties in the vicinity and throughout the Conservation Area. Coupled with the presence of the chimneystack that masks the majority of the dormer cheek from the side elevation, this ensures that the proposals will not have an impact on the character and appearance of the Conservation Area. The materials used and the external appearance of the dormer are also consistent with the general character and appearance of the roofscape of the Conservation Area.**

**This is a general strategic policy under which all applications are assessed. The development proposed is both sustainable and appropriate and thus, accords with this policy.**

#### **Local Plan Considerations**

**Extracts which are relevant to support this application and which were the basis of the original refusal from the Camden Local Plan 2017 and the Hampstead Neighbourhood Plan 2018 are included below with HEAL commentary as appropriate in bold:**

**Camden Local Plan 2017:**

## *'Policy D1 - Design*

*Good design is essential to creating places, buildings, or spaces that work well for everyone, look good, last well and will adapt to the needs of future generations. The National Planning Policy Framework establishes that planning should always seek to secure high quality design and that good design is indivisible from good planning.*

*The Council will seek to secure high quality design in development. The Council will require that development:*

- a. respects local context and character;*
- b. preserves or enhances the historic environment and heritage assets in accordance with Policy D2 Heritage;*
- c. is sustainable in design and construction, incorporating best practice in resource management and climate change mitigation and adaptation;*
- d. is of sustainable and durable construction and adaptable to different activities and land uses;*
- e. comprises details and materials that are of high quality and complement the local character;*
- f. integrates well with the surrounding streets and open spaces, improving movement through the site and wider area with direct, accessible and easily recognisable routes and contributes positively to the street frontage;*
- g. is inclusive and accessible for all;*
- h. promotes health;*
- i. is secure and designed to minimise crime and antisocial behaviour;*
- j. responds to natural features and preserves gardens and other open space;*
- k. incorporates high quality landscape design (including public art, where appropriate) and maximises opportunities for greening for example through planting of trees and other soft landscaping,*
- l. incorporates outdoor amenity space;*
- m. preserves strategic and local views;*
- n. for housing, provides a high standard of accommodation; and*
- o. carefully integrates building services equipment.*

### **Local context and character**

*The Council will require all developments, including alterations and extensions to existing buildings, to be of the highest standard of design and will expect developments to consider:*

- character, setting, context and the form and scale of neighbouring buildings;*
- the character and proportions of the existing building, where alterations and extensions are proposed;*
- the prevailing pattern, density and scale of surrounding development;*
- the impact on existing rhythms, symmetries and uniformities in the townscape;*
- the composition of elevations;*
- the suitability of the proposed design to its intended use;*
- inclusive design and accessibility;*
- its contribution to public realm and its impact on views and vistas; and*
- the wider historic environment and buildings, spaces and features of local*

*historic value.*

**The proposal meets with these requirements in that the rear roof slope of number 3 is not visible from Keats Grove, the mews along the eastern side of Keats Close or any of the surrounding roads in the vicinity. The proposed dormer is modest in scale and smaller than many of the dormers added to the rear roof-slopes of properties in the vicinity and throughout the Conservation Area. Coupled with the presence of the chimneystack that masks the majority of the dormer cheek from the side elevation, this ensures that the proposals will not have an impact on the character and appearance of the Conservation Area. The materials used and the external appearance of the dormer are also consistent with the general character and appearance of the roofscape of the Conservation Area.**

#### *Policy D2 Heritage*

*The Council will:*

- a. require that development within conservation areas preserves or, where possible, enhances the character or appearance of the area;*
- b.. resist the total or substantial demolition of an unlisted building that makes a positive contribution to the character or appearance of a conservation area;*
- c.. resist development outside of a conservation area that causes harm to the character or appearance of that conservation area; and*
- d. preserve trees and garden spaces which contribute to the character and appearance of a conservation area or which provide a setting for Camden's architectural heritage.*

**The proposal meets with these requirements in that the rear roof slope of number 3 is not visible from Keats Grove, the mews along the eastern side of Keats Close or any of the surrounding roads in the vicinity. The proposed dormer is modest in scale and smaller than many of the dormers added to the rear roof-slopes of properties in the vicinity and throughout the Conservation Area. Coupled with the presence of the chimneystack that masks the majority of the dormer cheek from the side elevation, this ensures that the proposals will not have an impact on the character and appearance of the Conservation Area. The materials used and the external appearance of the dormer are also consistent with the general character and appearance of the roofscape of the Conservation Area.**

#### **Hampstead Neighbourhood Plan 2018**

##### *Policy DH1 Design*

- 1. Development proposals should demonstrate how they respond and contribute positively to the distinctiveness and history of the character areas identified in Map 2 and Appendix 2 through their design and landscaping.*
- 2. Development proposals should demonstrate how they respect and enhance the character and local context of the relevant character area(s) by:*
  - a. Ensuring that design is sympathetic to established building lines and arrangements of front gardens, walls, railings or hedges.*
  - b. Incorporating and enhancing permeability in and around new developments to secure safe and convenient access for pedestrians and cyclists, and avoiding lockable gates and fencing that restricts through*

*access.*

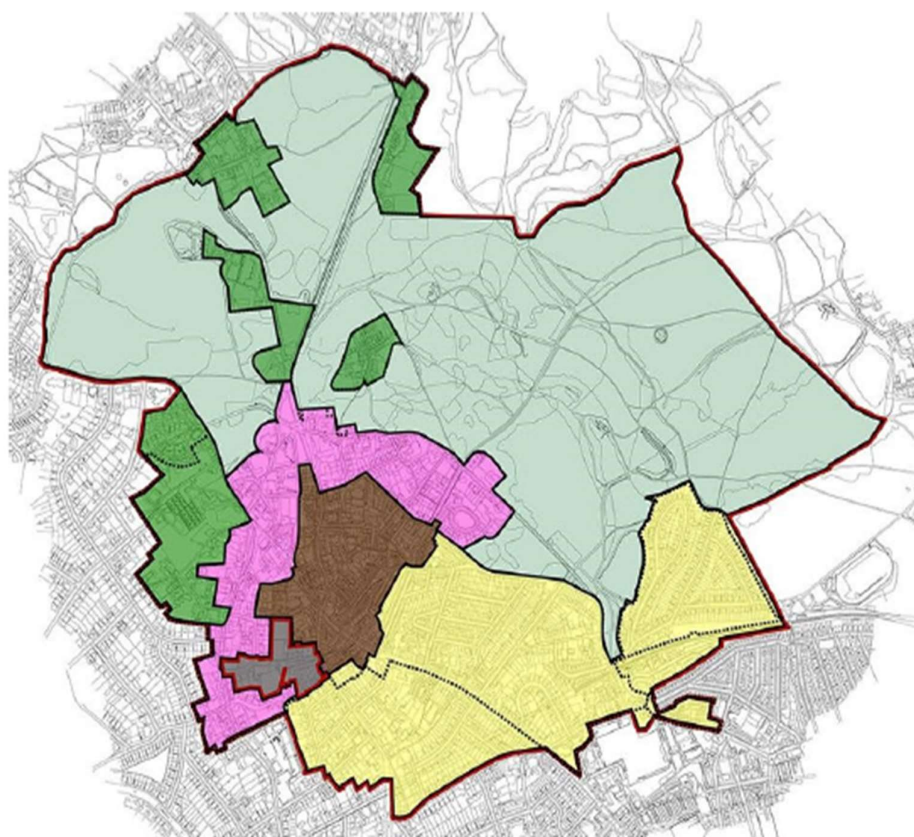
*c. Responding positively and sympathetically to the existing rhythm, proportion, height, scale, massing, materials and storey heights of surrounding buildings.*

*d. Protecting the amenity and privacy of neighbouring properties.*

*e. Demonstrating how the proposal protects and enhances the views as shown on Map 4.*

*3. All development proposals which are required to produce a design and access statement will need to produce additional information on how the proposal conserves and / or enhances the relevant character area(s) relating to that proposal.*

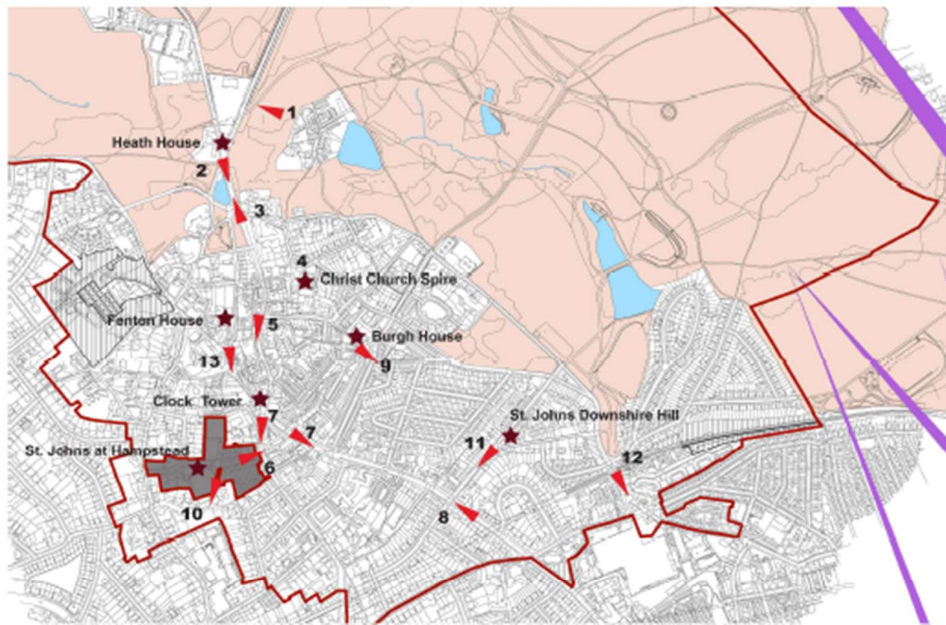
*4. Development proposals that fail to respect and enhance the character of the area and the way it functions will not be supported*



**Map 2: Character areas**

Note: the Hampstead Neighbourhood Plan Area does not include Church Row or Perrin's Walk, as shown in the grey area above





**Map 4: Views**



Extract of Appendix 2 referred to above:

*Character Area E: Hampstead Heath The 790-acre Hampstead Heath, a unique relic of London's former countryside located on the Hampstead-Highgate ridge is the area's most spectacular feature and gives Hampstead its identity and character. The Heath is a Site of Metropolitan Importance for Nature Conservation and part of Kenwood is a Site of Special Scientific Interest. It is owned and managed by the Corporation of London While the Heath is a separate and distinct character area it is not specifically addressed in this Plan as it is subject to a range of protection and management guidelines by various agencies and overseen by the Heath and Hampstead Society. However the importance of the Heath to the quality and character of Hampstead's built areas cannot be underestimated and all new developments, particular along the fringes of the Heath or those that have a visual relationship with it should minimise any impact on it.*

#### **DH2 – Conservation Areas and Listed Buildings**

1. Planning applications within a Conservation Area must have regard to the guidelines in the relevant Conservation Area Appraisal(s) and Management Strategies.
2. In reference to NPPF paragraphs 131 to 136, the Plan provides further

guidance on the application of these policies below. **Commented on above under the NPPF Heading of this statement**

*3. New development should take advantage of opportunities to enhance the Conservation Areas by protecting and, where appropriate, restoring original architectural features, including walls, windows, doors, etc., that would make a positive contribution to the Conservation Areas.*

*4. Development proposals must seek to protect and/or enhance buildings (or other elements) which make a positive contribution to the Conservation area, as identified in the relevant Conservation Area Appraisals and Management Strategies*

**We would repeat our comments under D1 and D2 above in support of the proposal as follows:**

**The proposal meets with these requirements in that the rear roof slope of number 3 is not visible from Keats Grove, the mews along the eastern side of Keats Close or any of the surrounding roads in the vicinity. The proposed dormer is modest in scale and smaller than many of the dormers added to the rear roof-slopes of properties in the vicinity and throughout the Conservation Area. Coupled with the presence of the chimneystack that masks the majority of the dormer cheek from the side elevation, this ensures that the proposals will not have an impact on the character and appearance of the Conservation Area. The materials used and the external appearance of the dormer are also consistent with the general character and appearance of the roofscape of the Conservation Area.**

## **Conclusion**

The Applicant seeks to add a dormer to the rear roof scape to enable better use of the loft space at second floor level within the roof space that was converted several years ago. we have submitted a comprehensive statement here to support which fully considers and presents the case in support and fully responds to the refusal reason on the previous application such that it is safe now to approve this application.

The proposal fully accords with Local Policy and meets the objectives of the NPPF, comprising sustainable development. On this basis and in accordance with paragraph 11 c), planning permission should therefore be granted.





# London Borough of Camden



CTP 22

Planning and Communications Department  
Camden Town Hall  
Argyle Street Entrance  
Euston Road  
London WC1H 8EQ  
Tel: 278 4366

Item No. 8

~~B. Schlotterbeck, Director of Planning and Communications~~  
~~Director of Planning and Communications~~

Ms. S. Goldblatt,  
45 Wolseley Road,  
London N8.

Date - 7 FEB 1980

Your reference

Our reference  
EB/9/15/29369

Telephone inquiries to:

Mr. Bakor

Ext. 308

Dear Sir(s) or Madam,

## TOWN AND COUNTRY PLANNING ACT 1971 Permission for development

The Council, in pursuance of its powers under the above-mentioned Act and Orders made thereunder, hereby permits the development referred to in the undermentioned Schedule subject to the conditions set out therein and in accordance with the plans submitted, save insofar as may otherwise be required by the said conditions.

Your attention is drawn to the Statement of Applicant's Rights and to the General Information set out overleaf.

### SCHEDULE

Date of application: 15th October 1979

Plans submitted: Reg.No: 29369

Your Nos: R17/1,2 & 3

Address: 3 Keats Close, Keats Grove, NW3.

Development: Erection of an extension over garage.

### Standard condition:

The development hereby permitted must be begun not later than the expiration of five years from the date on which this permission is granted.

### Standard reason:

**ormative** In order to comply with the provisions of section 42 of the Town and Country Planning Act 1971.  
The creation of accommodation within the loft space and the formation of a dormer window constitute permitted development as defined by Class I of Schedule 1 of the Town & Country Planning (General Development) Order 1977.  
Therefore Planning Permission is not required for these works.

Yours faithfully,

Acting Director

~~Director~~  
(Duty authorised by the Council to sign this document)  
November, 1977

All correspondence to be addressed  
to the Director of Planning and  
Communications.

P.T.O

**Statement of Applicant's Rights Arising from the Grant Permission subject to Conditions**

1. If the applicant is aggrieved by the decision of the local planning authority to grant permission or approval subject to conditions, he may appeal to (and on a form obtainable from) the Secretary of State for the Environment, Tollgate House, Houlton Street, Bristol, BS2 9DJ, in accordance with Section 36 of the Town and Country Planning Act 1971 within six months of receipt of this notice. The Secretary of State has power to allow a longer period for the giving of a notice of appeal, but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been so granted otherwise than subject to the conditions imposed by the local planning authority having regard to the statutory requirements, to the provisions of the development order, and to any directions given under the order. (The statutory requirements include Sections 70 and 77 of the Act.)
2. If permission to develop land is granted subject to conditions, whether by the local planning authority or by the Secretary of State, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the Council a purchase notice requiring the Council to purchase his interests in the land in accordance with the provisions of Part IX of the Town and Country Planning Act 1971.
3. In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 169 of the Act.

**General Information**

This permission is given subject to the time limit conditions imposed by the Town and Country Planning Act 1971, and general statutory provisions in force in the area and nothing herein shall be regarded as dispensing with such compliance or be deemed to be a consent by the Council thereunder.

Your particular attention is drawn to the provisions of the London Building Acts 1930-39, and the by-laws in force thereunder which must be complied with to the satisfaction of the District Surveyor, whose address may be obtained from this office.

I would also remind you that the Council's permission does not modify or affect any personal or restrictive covenants, easements, etc., applying to or affecting either this land or any other land or the rights of any persons (including the London Borough of Camden) entitled to the benefit thereof or holding an interest in the property concerned in this development or in any adjoining property. In this connection applicants are advised to consult the Director of Works, Old Town Hall, Haverstock Hill, NW3 4QP, regarding any works proposed to, above or under any carriageway, footway or forecourt.

It is also necessary to obtain Listed Building Consent before any works of demolition, extension or alteration (internal or external) are undertaken to a building included in the Statutory List of Buildings of Architectural or Historic Interest: or before any works of demolition are undertaken to a building where a direction is in force making the building subject to control under Section 8 of the Town and Country Planning (Amendment) Act 1972. A planning permission does not constitute a Listed Building Consent.

## Appendix 2 – Decisions in respect of 1 Gayton Crescent and 37/39 Rudall Crescent



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### Appeal Decision

Site visit made on 27 February 2017

**by Susan Ashworth BA (Hons) BPL MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 24<sup>th</sup> March 2017**

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**Appeal Ref: APP/X5210/D/16/3162475**

**1 Gayton Crescent, London NW3 1TT**

- 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 Dr Otto Chan against the decision of the Council of the London Borough of Camden.
  - The application Ref 2016/3309/P, dated 5 June 2016, was refused by notice dated 25 August 2016.
  - The development proposed is 1) Flat roof attic dormer extension; 2) Metal railings to front wall; 3) Two decorative lions to be placed next to front door entrance.
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#### Decision

1. The appeal is allowed and planning permission is granted for a flat roof attic dormer extension; metal railings to front wall and two decorative lions to be placed next to front door entrance at 1 Gayton Crescent, London NW3 1TT, in accordance with the terms of planning application Ref 2016/3309/P, dated 5 June 2016 and in accordance with the following conditions:
  1. The development hereby permitted shall, insofar as it relates to the railings, begin within three years of the date of this permission.
  2. The development hereby permitted shall be carried out in accordance with the following approved plans: 1533 L 145 rev A, insofar as it relates to the fence and lion position; front railings photograph; lions photograph and in relation to the dormer window to plans: 1533 L 234, 1533 L 240, 1533 L 241, 1533 L 242, 1533 L 245.

#### Preliminary Matters

2. At the time of my site visit the dormer window at the rear of the property had already been constructed. In addition the two decorative lion sculptures were in place on either side of the entrance door, unfixed to any structure. I have dealt with the appeal on the basis that it is partly retrospective.
3. The Decision Notice refers to the dormer window and railings only. The decorative lions are structures which the Council considers do not require planning permission unless they are fixed in place. However, whether or not planning permission is required is not a matter for me to determine in the context of an appeal made under the terms of s78 of the above Act. Accordingly it is incumbent on me to determine the proposal as submitted.
4. The Council's officer report suggests that the dormer did not reflect the application plans and it seemed to me that there was a discrepancy on and



between the submitted drawings. During the course of the appeal, at my request, the appellant provided corrected drawings of the structure as built. It is clear that what has been built on site is what was considered by the Council and what the appellant is applying for. I have dealt with the appeal on that basis.

### **Main Issue**

5. The main issue in this case is the effect of the proposed development on the character and appearance of the host building and whether it preserves or enhances the character or appearance of the Hampstead Conservation Area.

### **Reasons**

#### *Dormer Window*

6. 1 Gayton Crescent is an end-of terrace house sited in a prominent location adjacent to the junction of Gayton Crescent and Gayton Road. The site lies within the Hampstead Conservation Area. The property, which has four storeys plus accommodation in the attic, lies in a terrace of three similar dwellings. The terrace is set back from the road and front gardens are enclosed by boundary walls. The dwelling, which is constructed in brick with an impressive triple height bay to the front elevation, has retained much of its original character and appearance and as such makes a positive contribution to that of the Conservation Area.
7. To provide guidance to developers, the Council's Planning Guidance 1, Design, sets out circumstances in which dormer windows might be considered acceptable. The Guidance states that the addition of roof dormers should be sensitive changes which maintain the overall structure of the existing roof form. Hampstead Conservation Area Statement also sets out guidelines for development in order to preserve local character.
8. The roof of the terrace has a hipped form and is characterised by substantial chimney stacks along the party lines. At No 1, the appeal property, there is a side facing dormer window in the hipped end, formed by a continuation of the ridge line, and chimney stacks on both the hipped end and on the party line with No 2. As a result of the presence of the dormer and chimney stacks, the roof across the whole terrace is not symmetrical or completely unbroken.
9. The dormer which forms the subject of this appeal has a flat roof and sits just below the ridge. Whilst it does not meet the Council's guidance in that it is not set 500mm below the ridge, it reflects the position of the existing dormer structure. It does not occupy the full width of the roof slope or extend across the hip and its external materials are tiled to match the existing building. The window itself is slightly wider than those below but the glazing bar pattern is similar and, although it has a wide fascia, it does not appear unduly out of proportion with the roof structure or rear elevation considered as a whole. The structure extends up to the chimney stack but nevertheless remains a subservient feature on the rear of the building. Its scale is such that it does not appear overly dominant on the property. Consequently it maintains the character of the existing building.
10. The Conservation Area is characterised by semi-detached and terraced properties of a similar age set out in a regular pattern. An exception to this is a modern 1960's development located opposite the site. Dormer windows on

the front of properties are a feature of properties on Gayton Road, as recognised in the Hampstead Conservation Area Statement, and are not an unusual feature in the area.

11. Part of the dormer window in question can be seen from Gayton Road, although it is partly obscured by the chimney. Nevertheless it does not appear as an unduly prominent structure and is only glimpsed in a gap between buildings rather than from a wider area. Given the number of dormer structures that are apparent on Gayton Road it does not appear out of place.
12. At the rear, the dormer window is visible from surrounding private dwellings and I have taken account of a recent appeal decision provided by the Council<sup>1</sup> which notes that the significance of a Conservation Area does not rely only on elements that can be seen from the public realm. However, in the wider context of the appeal site there are unusual roof alterations at Nos 4 and 5 Gayton Crescent which include inverted roof terraces and railings. Whilst these structures are not original, and may not have had the benefit of planning permission, they are now part of the character and appearance of the Conservation Area. In wider views the dormer would be seen in the context of the terrace as a whole where it would appear as a subservient feature. As such, I am satisfied that the development preserves the character of the Conservation Area.

#### *Railings*

13. Boundary walls and railings are also a characteristic feature of the area. Along Gayton Crescent I noted that walls varied in terms of their height and on Gayton Road a high proportion of properties have railings as a means of enclosure. The boundary treatment at the appeal site presently comprises a low wall with brick piers at either end. The proposal seeks to construct decorative black cast iron railings along the wall between the piers, not exceeding the height of the lower of the two. The railings would be well proportioned so that they would remain subservient to the structure as a whole, and would be traditionally detailed. Consequently they would not harm the character or appearance of the host property. For similar reasons, and given the presence of other railings in the area, the railings would preserve the character and appearance of the Conservation Area.

#### *Sculptures*

14. The lion sculptures, which are white, have been positioned adjacent to the entrance door on top of a balustrade. As a result of their small scale when viewed adjacent to that of the building, their neutral colour and their position close to the dwelling and set back from the highway, they are not unduly visually intrusive, either in relation to the setting of the building or the street scene.
15. I have taken into account the comments of the neighbouring resident that the structures are inappropriate in a Conservation Area. However, whilst they are an unusual feature, they are minor garden structures of a reversible nature that, for the reasons set out, preserve the character of the Conservation Area.



### **Conditions and Conclusion**

16. The Council has suggested conditions in the event of the appeal being allowed, which I have considered. In the interests of proper planning and to provide certainty I have imposed the standard time limit condition in relation to the proposed railings only and have specified the approved plans. As the dormer window is already in place, a condition specifying that matching materials are used in the development is unnecessary.
17. For the reasons set out above and subject to these conditions, I conclude that the three elements of the proposal would preserve the character and appearance of the host property and that of the Hampstead Conservation Area. Consequently the proposal is in accordance with Camden Core Strategy Policy CS14 and Camden Development Policies DP24 and DP25 which require new development, amongst other things, to respect local character and context; respect the character and proportions of existing buildings and preserve or enhance the character or appearance of a Conservation Area.
18. Taking all other matters raised into account, the appeal is allowed and planning permission is granted subject to the above conditions.

*S. Ashworth*

INSPECTOR





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## Appeal Decision

Site visit made on 9 September 2016

**by Gary Deane BSc (Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 3 October 2016**

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**Appeal Ref: APP/X5210/W/16/3149742**  
**37 and 39 Rudall Crescent, London NW3 1RR**

- 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 Bernard Howard against the decision of the Council of the London Borough of Camden.
  - The application Ref 2015/6903/P, dated 9 December 2015, was refused by notice dated 19 February 2016.
  - The development proposed is described as a rear dormer window.
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### Decision

1. The appeal is allowed and planning permission is granted for the erection of a dormer extension on each of the rear roof slopes of 37 and 39 Rudall Crescent London NW3 1RR in accordance with the terms of the application Ref 2015/6903/P, dated 9 December 2015, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Refs 1083.01.00(-), 1083.01.03(C), 1083.01.04(B), 1083.02.01(B), 1083.02.02(A), 1083.03.03(B), 1083.01.24(I), 1083.02.22(C), 1083.02.21(C), 1083.03.13(F) and 1083.01.25(G).

### Procedural matters

2. The description of development in the above heading is taken from the application form lodged with the Council. However, the plans show that the proposal is to erect a dormer extension on each of rear roof slopes of 37 and 39 Rudall Crescent. I have assessed the proposal on that basis and, for accuracy, amended the description of development in my decision.
3. An additional plan<sup>1</sup> was submitted at the appeal stage, which shows the proposed roof of the appeal dwellings. As the extra drawing makes no change to the proposal itself, I am satisfied that no interests would be prejudiced if I were to consider it. Therefore, I have assessed the proposed development in the light of the plans provided at both the application and appeal stages.

### **Main issue**

4. The main issue is the effect of the proposal on the character and appearance of the host buildings, the terrace to which they belong and the local area.

### **Reasons**

5. The appeal properties are 2-storey houses with pitched roofs that are situated towards one end of a terrace of 5 similar properties within the Hampstead Conservation Area (CA), which is predominantly residential in character. The modern design and general appearance of the dwellings within the terrace sets them apart from the more traditional style of nearby properties.
6. The Council's Conservation Area Statement (CAS) notes that the group to which Nos 37 and 39 belong creates an appealing contrast to its Victorian neighbours and that it forms a continuous 2-storey terrace that is set back behind a brick wall. It also identifies the dwellings within the terrace as positive contributors to the CA and, more generally, notes that great care should be taken with regard to roof level alterations. I have paid special attention to the desirability of preserving or enhancing the character or appearance of the CA, as required by Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
7. The Council considers the terrace to be generally uniform in appearance and includes aerial photographs to illustrate this. However, the terrace is staggered in height and layout and so when seen 'on the ground' each of the dwellings within it has a noticeably different rear building line and eaves level. In addition, the photographs provided do not show the rear dormer extension that has recently been introduced to the mid-terrace dwelling, which is No 35. Although smaller than those proposed, this existing dormer is a sizeable addition and it occupies a prominent position on both the host building and in the middle of the terrace. Taken together, these features disrupt any strong sense of uniformity in the roof form and general appearance of the terrace when seen at the rear. Furthermore, the Council has recently granted planning permission to erect ground floor extensions, first floor windows and roof lights at the back of both Nos 37 and 39. Once complete, these approved extensions and alterations would further differentiate the rears of the appeal dwellings from their counterparts within the same terrace.
8. Each of the new dormers would be significant in scale and thus a notable addition to rear of each dwelling. Nevertheless, in each case a good expanse of rear roof slope would still be evident with adequate space around each dormer on all sides so that it would appear as a proportionate addition. In that context, each proposed dormer would not appear overly large, wide or tall nor would it visually dominate the rear elevation of the completed building.
9. Although the windows of the new dormers would be relatively large, they would match the modern style of the host building and would be centrally placed above the window below and so would line up. In each case, there would be no particular disruption to the pattern of fenestration in the rear elevation. The external materials would also be appropriate. Overall, I consider that the design, scale and general appearance of the new dormers would be acceptable and that they would be sympathetic additions to the host buildings.



10. As the new dormers would be at the back of the terrace, there would be no effect on the character and qualities of the street scene along Rudall Crescent. The interesting contrast between the appearance of the terrace and the traditional style of other nearby properties along this road would be maintained with the new built form in place.
11. At the rear, each new dormer would add visual interest to the rear elevation that otherwise has a rather utilitarian appearance, which would be evident from the rear gardens of each property. The wider visual effect of the appeal scheme would be limited given that the site is largely visually contained. Each dormer would be visible from the upper level rear windows of some properties along Gayton Crescent, just to the north. In these views, the new dormers would be seen against the far more substantial built form of the host buildings and the terrace, which has a varied roof profile given the prominent dormer at No 35 and the roof lights on the other properties. Consequently, the new dormers would not be obtrusive nor appear as unwelcome additions to the local area. As only fleeting glimpses of the new dormers would be possible from Gayton Crescent through the narrow gaps between buildings, the proposal would not draw the eye from this public vantage point.
12. Camden's Planning Guidance for Design (CPG1) advises that for a group of unaltered roofs, alterations are likely to be unacceptable where complete terraces or groups of buildings have a roof line that is largely unimpaired by alterations or extensions. It also states that dormers will not be acceptable if they are introduced onto an unbroken roofscape. As the terrace has a prominent rear dormer, with which the new dormers would be visually read, its roofscape could not reasonably be described as largely unimpaired or unbroken to which the CPG1 refers.
13. On the main issue, I conclude that the proposal would have no harmful effect on the character and appearance of the host buildings, the terrace or the local area. The character and appearance of the CA would be preserved. Accordingly, it does not conflict with Policy CS14 of the Camden Core Strategy 2010-2025 and Policies DP24 and DP25 of the Camden Development Policies 2010-2025. These policies require development to be of the highest standard that respects local context and character and to also preserve or enhance the character or appearance of conservation areas. The proposal would also comply with the National Planning Policy Framework, which seeks to conserve heritage assets in a manner appropriate to their significance.
14. In addition to the standard time limit condition, it is necessary to impose a condition that requires the development to be carried out in accordance with the approved plans for certainty. As the external materials are specified on the plans and these are acceptable, it is unnecessary to require a condition to ensure that these match with the existing building.
15. Overall, for the reasons set out above, and taking into account all other matters raised, I conclude that the appeal should be allowed.

*Gary Deane*

INSPECTOR