

Date: **12/04/2024**  
Your ref: **APP/X5210/W/23/3332763**  
Our ref: **2023/0980/P**  
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Dear Ruth Howell,

**Appeal by Mr Oli Bello.**  
**Site: 34C Goldhurst Terrace, London, NW6 3HU**

**Appeal against refusal of planning permission dated 30 April 2023 for:** the installation of metal railings to existing rear bay window and alteration to existing window to create double doors and balcony.

I write in connection with the above appeal.

The Council's case is set out primarily in the delegated officers report (ref: 2023/0980/P) that has already been sent with the questionnaire and is to be relied on as the principal Statement of Case. Copies of relevant policies from the Camden Local Plan (adopted July 2017) and accompanying guidance were also sent with the appeal questionnaire.

In addition, Council would be grateful if the Inspector would consider the contents of this letter which includes confirmation of the status of policy and guidance, comments on the Appellant's grounds of appeal and further matters that the Council respectfully requests be considered without prejudice if the inspector is minded to grant permission.

## **1. Summary of the Case**

1.1. The appeal relates to a four storied dwelling located on the western side of Goldhurst Terrace. The application relates to the first floor of the property (Flat C).

1.2. The appeal site is within the South Hampstead conservation area.

1.3. Planning Permission was refused on 30 April 2023 for the reason below:

**1. *The installation of metal railings to create a balcony, by reason of their location and design would represent an inappropriate feature which would detract from the character and appearance of the host building, the uniformity of the rear elevation of the terrace and conservation area contrary to policy D1 (Design) and D2 (Heritage) of the Camden Local Plan 2017.***

1.4. The Council's Case is largely set out in the officer's report, a copy of which was sent with the questionnaire. In addition to this information, I would ask the inspector to take into account the following comments.

## **2. Relevant History**

The history of the site is set out in the delegated report. The following decisions include examples of alleged similar developments at and near the site that have been provided in the appellant's statement and not covered in the delegated report (where relevant):

**2011/6318/P (Application site):** Installation of dormer windows to rear and side roof slopes, creation of inset terrace to rear roof slope and installation of roof light to front of residential flat (Class C3). Granted, 06/03/2012.

**2016/6690/P (18 Goldhurst Terrace):** *Installation of a balcony to the rear of the building at first floor level and replacement of an existing window with a door to access new balcony. Granted, 20/01/2017.*

The site history has demonstrated that proposals such as this one are unacceptable in this location.

## **3. Status of Policies and Guidance**

**3.1.** *The London Borough of Camden Local Plan 2017 (the Local Plan) was formally adopted on the 3 July 2017 as the basis for planning decisions and future development in the borough. The relevant Local Plan policy that relates to the reason for refusal is:*

*D1 – Design*

**3.2.** *The South Hampstead Conservation Area Character Appraisal and Management Strategy 2011.*

**3.3.** *Council also refers to supporting guidance documents. The Camden Planning Guidance (CPG) was adopted following the adoption of the Camden Local Plan in 2017. There have been no changes to the relevant policies since the application was refused.*

**3.4** *The council has started the process of updating the Local Plan. There are no likely material alterations to future policies relevant to this appeal. There are also no conflicting policies in the London Plan or NPPF in relation to this appeal.*

#### 4. Comments on grounds of appeal

4.1 The appellant's statement focuses on the reasons for refusal, notably, whether the proposal would harm the character and appearance of the conservation area, with the main consideration relating to conservation. The main points of the appellants statement are outlined and addressed below, with the appellant stating the following:

1. The historic pattern of development would not be harmed or interrupted as the terrace would not interrupt the established building line. The development consists of a simple metal balustrade above an existing bay window; the overall uniformity and character of the rear would be preserved.
2. The size of the terrace is modest, following the proportions of the bay.
3. A similar form of development at neighbouring properties would not cause harm to the character of this terrace of buildings. There are examples of other balconies on this terrace and in the surrounding area.
4. The rear elevation is not visible from Goldhurst Terrace and has limited visibility in views from private residences.
5. The modestly scaled terrace would preserve the character and appearance of the existing rear elevation and the South Hampstead Conservation Area.

4.2 In addition, Appendix 1 of the appellant's statement includes numerous examples of other balconies in this terrace and surrounding area and Appendix 2 includes an application that was granted at 18 Goldhurst Terrace (2016/6690/P). A response to the examples provided within the appellant's statement is included as follows.

**4.3 Response to 34 Goldhurst Terrace:** This image shows railings/balcony at ground floor level and a terrace at roof level. The roof terrace was approved through 2011/6318/P in 2012. No planning history is available for the railings at first floor level.

**4.4 Response to 22 (or possibly 24) Goldhurst:** This image shows a possible terrace (no railings). No planning history is available for this.

**4.5 Response to 26A Goldhurst Terrace:** This image shows two sets of railings at upper floor levels and at roof level. No planning history is available for any of these railings.

**4.6 Response to 36 Goldhurst Terrace:** This image shows railings at roof level which were approved through 8803606 in 1989, prior to current planning policy and guidance.

**4.7 Response to 40 Goldhurst Terrace:** This image shows railings at what appears to be ground floor level, and there is no planning history available for these.

Further, the 'railings' shown here are quite different to what was proposed through this application.

- 4.8 Response to 44-46 Goldhurst Terrace:** This sates 'non uniform roofs'. While not uniform with respect to their height, these roofs are uniform with respect to their slope and the fact that they are free from balconies and railings.
- 4.9 Response to 46 Goldhurst Terrace:** This image shows railings at upper floor level and roof level. The railings at roof level were approved through 2014/4412/P. It is noted that the proposed rear elevation drawing approved through 2014/4412/P does not appear to match up with the image of the rear elevation of 46 Goldhurst Terrace provided in the appellants statement with respect to window location, layout etc.
- 4.10 Response to 48 Goldhurst Terrace:** This image shows railings at upper floor level and roof level were approved through 2016/0202/P.
- 4.11 Response to 50 Goldhurst Terrace:** This image shows railings at roof level. The relevant application is 9005199 which was refused in 1990, and allowed at appeal in 1991.
- 4.12 Response to 52 Goldhurst Terrace:** This image shows railings at roof level which were approved through PW9702696 in 1998.
- 4.13 Response to 54-60 Goldhurst Terrace:** This image shows first floor balconies. No planning history is available for the balcony at 54 Goldhurst Terrace, and the balcony at 60 Goldhurst Terrace was granted in 2007 (2007/1671/P).
- 4.14 Response to 24-44 Fairhazel Gardens:** Not considered relevant precedent as these are a separate row of houses to that subject to this application.
- 4.15 Response to 17-15 Greencroft Gardens:** Not considered relevant precedent as these are a separate row of houses to that subject to this application.
- 4.16 Response to 18 Goldhurst Terrace (2016/6690/P):** This application was granted in January 2017, prior to current policies. This application is different to this application in that it is not for a balcony above an existing bay window, and it did not result in the removal of the existing sloped roof.
- 4.17 Overall response to examples provided:** The appellant has provided numerous examples of other balconies in the area (addressed in paragraphs 4.3-4.16 above). None of these examples given are considered relevant precedent. None are for a balcony and railings at second floor level, above an existing bay window on an existing sloping/pitched roof. The examples given either have no planning history, or are not considered relevant due to their location.
- 4.18 Response to point 1:** Council refutes the claim that the historic pattern of development would not be harm or interrupted. There is uniformity in the

sloping/pitched roofs along this side of Goldhurst Terrace at this level, which have been retained.

**4.19 Response to point 2:** Council have not expressed any concerns surrounding the size of the terrace.

**4.20 Response to point 3:** The responses to Appendices 1 and 2 provided in paragraphs 4.3-4.18 have demonstrated that there is not a similar form of development at neighbouring properties. There are no other examples of balconies and at this level on top of an existing bay window, that would result in the removal of an existing sloped/pitched roof. These roofs are retained along this area of Goldhurst Terrace and the conservation area statement notes the importance of roof lines.

**4.21 Response to point 4:** The Council acknowledges that the rear elevation is not visible from Goldhurst Terrace, however this does not mean that there would be no harm to the character and appearance of the conservation area. It would however be viewed from some surrounding residences.

**4.22 Response to point 5:** Council refutes the claim that the proposal would preserve the character and appearance of the existing rear elevation of the South Hampstead Conservation Area of the reasons set out in the refusal report.

## **1. Conclusion**

5.1 Based on the information set out above and having taken account of all the additional evidence and arguments made, it is considered that the proposal remains unacceptable for reasons set out within the original decision notice. The information submitted by the appellant in support of the appeal does not overcome or address the Council's concerns.

5.2 The installation of metal railings to create a balcony, by reason of their location and design would represent an inappropriate feature which would detract from the character and appearance of the host building, the uniformity of the rear elevation of the terrace and the conservation area.

## **2. Suggested conditions should the appeal be allowed.**

6.1 The development hereby permitted must be begun not later than the end of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

6.2 The development hereby permitted shall be carried out in accordance with the following approved plans: Design & Access Statement March 2023, NS-4850-100.

Reason: For the avoidance of doubt and in the interest of proper planning.

6.3 All new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the existing building, unless otherwise specified in the approved application.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policies D1 and D2 of the London Borough of Camden Local Plan 2017.

If any further clarification of the appeal submissions is required please do not hesitate to contact Lauren Ford on the above direct dial number or email address.

Yours sincerely,

Lauren Ford  
Planning Officer