

Appeal Statement of Case

22nd February 2024

Flat 3
70 Canfield Gardens
London
NW6 3ED

INTRODUCTION

This appeal statement has been prepared in support of a planning appeal against the Local Planning Authorities (LPA) decision to refuse planning permission for application no. 2023/4336/P on 19/02/2024, which sought planning permission for:

‘Replacement of existing wooden balustrades to rear roof terrace at 1st floor level with glass balustrades.’

Permission was refused by the Local Planning Authority for the following reason;

‘The proposed glass balustrade, by virtue of its detailed design, material, scale and location, would result in an incongruous and unsympathetic addition to the rear elevation at 1st floor roof level, which would be harmful to the character and appearance of the host building and wider terrace of properties, identified as positive contributors (nos. 2-92 (even)), and the South Hampstead Conservation Area, contrary to Policies D1 (Design) and D2 (Heritage) of the London Borough of Camden Local Plan 2017.’

THE CASE FOR THE APPLICANT - ASSESSMENT

The officers delegated report (Appendix 1) makes a number of comments relating to the above reason for refusal. Some of those comments have been included below (highlighted in Appendix 1) coupled with our response.

Delegated Report Comment (p. 7)

‘3.9 - In terms of materials, Local Plan Policy D1 (Design) states that ‘Alterations and extensions should be carried out in materials that match the original or neighbouring buildings.’ This is supported by CPG Home Improvements (1. Materials), which states in Paragraph 1.1 that ‘The texture, colour, pattern and finish of materials (detailing) should relate well to the existing character and appearance of both the existing home and the wider area, particularly in conservation areas.’

Appeal Response

We agree that the choice of materials should match those of the original neighbouring buildings. The neighbouring buildings are made up of a mixture of different materials including:

- Brick
- White timber windows
- Clay roof tiles

Given the limited number of roof terraces on Canfield Gardens, balustrades form a very small proportion of the material palette making up the areas character. Given the buildings on this side of the road are 4 storeys in height, a large proportion of the rear elevations are made up of glass in the form of extensions and rear facing windows. Bearing this in mind, we suggest that the use of glass conforms with the areas character and therefore complies with the policies and guidance note cited above.

Delegated Report Comment (p. 7-8)

‘3.10 - While there are numerous examples of rear roof terraces at upper floor levels on properties in the immediate locality of the application site, it is noted that the majority of those which have some form of balustrade or railing to enclose these areas

are made from metal and/or natural timber materials (see also Paragraphs 3.20 to 3.24 below in regard to consideration of any planning precedent).'

Appeal Response

We appreciate that some balustrades serving existing terraces are made of either timber or metal. But that's not to say that the use of glass isn't acceptable. A search of the planning history doesn't show any refused applications for glass balustrades suggesting that homeowners simply haven't chosen to apply using that material. If anything, glass is almost entirely transparent and would be less apparent when compared to either metal or wooden balustrades, meaning it would preserve the areas character.

Delegated Report Comment (p. 8)

'Additionally, it is recognised that all recent planning permissions granted for balustrades or screening around rear balconies or terraces at upper floor levels have been approved for metal and/or natural timber materials only – this being in accordance with current Council policies and guidance as stated above (see also 'Relevant history' section above).'

Appeal Response

As above, we appreciate there might not be any recent approvals for glass balustrades. But there haven't been any refused applications either. The fact that no one has applied doesn't mean they're not acceptable.

Delegated Report Comment (p. 8)

'3.11 As such, the proposed introduction of glass material at floor level would appear out of keeping with the general character and traditional appearance of the host building and wider rear group of similar neighbouring buildings, and would be contrary to the policies and guidance stated above. More specifically, the proposal would not

accord with Section 2.2.3 (Balconies and terraces) of CPG Home Improvements, which states that care should be taken when considering materials for the enclosure of balconies or terraces, and advises that 'For traditional buildings, metal railings are preferred as they integrate well with the building's character, are more resilient, require low maintenance, support plants growth.'

Appeal Response

We have addressed points regarding character above. We would also like to address the comment that metal is more resilient and requires low maintenance. All these positive attributes would also apply to glass, as it is resilient and simply needs to be wiped in order to maintain it. Metal railings weather overtime and need to be repainted. The same cannot be said of glass meaning it is relatively easy to maintain in comparison.

The point regarding 'plant growth' is equally as difficult to understand. Homeowners choosing to include soft landscaping on their terraces would simply use planters. The choice of balustrade material would make no difference to whether a planter could be introduced. We would go so far as to suggest that glass balustrades make any greenery behind them far more visible when compared to wood, which would serve to obscure any plants behind them. Below is a nice example where planters can easily work well with glass balustrades on a terrace.



Delegated Report Comment (p. 8)

‘3.13 - As such, while the use of glass material might be suitable at a lower floor (garden) level in some cases, it would stand out as an incongruous material at a higher level as proposed on the rear elevation of the host property in the current context, and would appear out-of-keeping and jarring with the existing palette of materials on the upper floors of the building and along the wider rear terrace. Additionally, a large expanse of horizontally aligned glass along nearly the full-width of the rear elevation of the building would not reflect the prevailing forms of glazing or fenestration along the rear elevation of the host building or wider terrace. But rather, would appear disproportionately large and out-of-keeping in this context, neither respecting or relating well to the existing traditional character and appearance of the host and neighbouring buildings.’

Appeal Response

The above comments seem at odds with the preceding comments made in the officers report. Specifically those mentioned in Para. 3.9 of the report which reads, *‘In terms of materials, Local Plan Policy D1 (Design) states that ‘Alterations and extensions should be carried out in materials that match the original or neighbouring buildings.’* Para. 3.11 goes on to state that, *‘the proposed introduction of glass material at floor level would appear out of keeping with the general character and traditional appearance of the host building and wider rear group of similar neighbouring buildings, and would be contrary to the policies and guidance stated above’.*

In Para. 3.13 officers acknowledge the use of glass would conform with the areas character at ground floor level. The proposed glass balustrades are located 15cm away from the glass extension directly below. Surely the area’s character is better understood when viewing it as a whole, rather than separating it into different floors. Given the close proximity of the proposed balustrade to the glass extensions below, the character of this specific area would be preserved.

Delegated Report Comment (p. 8)

‘3.14 - Furthermore, the development is noted as being situated in a prominent and widely visible position given the open views available from the rear of neighbouring properties located in Compayne Gardens which face the rear of the host building, as well as, as from within closer views afforded along the terrace from properties on either side. Given the upper floor position of the floor terrace, therefore, as well as, the fact that the proposed balustrade would stretch across almost the full-width of the rear elevation (approximately 10.4 metres), the incongruity of the glass balustrade would be accentuated, so appearing unduly prominent and visually inharmonious when seen from within neighbouring private views.’

Appeal Response

The glass balustrade would be transparent meaning it would be less visible when compared to either metal or wooden options. Bearing that in mind, it is difficult to understand how something transparent could be considered ‘unduly prominent’.

Delegated Report Comment (p. 8)

‘3.15 - In regard to views from the front of the property, it is acknowledged that the proposed glass balustrade would not be widely visible given its acutely angled, slightly set-back position on a flank wall towards the rear of the host building. The narrow gap which exists between the host property and a neighbouring building (no. 71 Canfield Gardens) also only affords partial views from the street. The proposal is therefore not considered to have any impact at the front of the property.’

Appeal Response

The fact the terrace cannot be seen from the street further supports our point that the proposed balustrades would preserve the area’s character.

Delegated Report Comment (p. 10)

‘3.18 Notwithstanding that the introduction of approximately 10.4 meters of glass in the form of a balustrade stretching across almost the full-width of the rear elevation and between approximately 1.5 and 3.2 meters in depth at the sides is considered to be inappropriate at 1st floor level for the reasons set-out above, the overall effect of the proposal would be accentuated when taking into account the cumulative impact of glass material at the rear given the existing site context, and in particular, the two existing conservatories at garden level.’

Appeal Response

Comments above relate to the entirely glass-built extension located directly beneath the application site (see image below).



As a number of entirely glass extensions exist close to the application site (as stated within the officer's report) one would expect them to be considered as part of the area's character. Suggesting that something similar would indeed preserve that character. The comments above however suggest that only a certain amount of glass is acceptable yet there is no reference to any policies supporting that point. If planners acknowledge that surrounding extensions are predominantly made of glass, the introduction of a relatively small glass balustrade above couldn't harm that existing character. Instead it would conform to the area's character.

Delegated Report Comment (p. 10)

‘3.19 - The existing larger conservatory is fully glazed (shown on the submitted drawings to measure approximately 4 metres high x 6.6 metres wide) and smaller conservatory is substantially glazed (approximately 3 metres high x 2.5 metres wide). When considering the proposal alongside these two conservatories, the introduction of a substantial amount of additional glass material immediately above at floor level as proposed, where it would be more visible, would result in an excessive, cumulative amount of glazing on the rear elevation of the host building. When taken together, therefore, the proposal would result in an excessive and harmful degree of visual clutter, detrimental to the traditional character and appearance of the host and neighbouring buildings along the rear terrace, and to the wider conservation area, particularly by virtue of the design and predominance of glass material for the proposed balustrade in a widely visible, upper floor position.’

Appeal Response

Planners acknowledged that the two immediate neighbouring extensions at ground floor level are predominantly made of glass. In terms of height and depth the proposed balustrades are far smaller than those extensions. The proposed balustrades therefore add very little to the cumulative amount of glazing. And as described above, glass is transparent so it is difficult to understand how this would make the rear elevation look cluttered. In reality frameless glass would do the opposite, seamlessly blending in with the buildings behind.

Delegated Report Comment (p. 10 - 11)

‘3.22 - There are three historic examples of glass balustrades in situ along the rear terrace in Canfield Gardens (at nos. 44, 76 and 78). These were all granted planning permission between 2005 and 2010. Importantly, all three permissions significantly predate current policies and guidance, as well as, pre-dating the adoption of the South Hampstead Conservation Area (adopted February 2011). It is arguable whether any of these examples would receive planning permission under current policies. As such,

they are considered to be isolated, historic examples which do not set any precedent for the current proposal.'

Appeal Response

We appreciate the neighbouring glass balustrade examples predate the policies cited above. That being said, they still exist and therefore must form part of the area's character. Officers are not saying these examples were built historically (without the benefit of planning permission), they confirm that all were granted planning permission. While we accept that new policies have come into place since those approvals, planning policies relating to character haven't changed dramatically over the years. In general, both historic and more recent policies relating to character state that it should be preserved. If glass balustrades were considered acceptable in 2010, we see no reason why they shouldn't be considered acceptable today.

Delegated Report Comment (p. 11)

'3.24 - Finally, and separate from the upper level examples above, a more recent approval in 2019 (at no. 95 Canfield Gardens) for a glass balustrade is noted as being at ground floor level and located on the opposite side of the street from the application site. As such, the example has different impacts and considerations to the current proposal, especially as garden or ground floor level alterations in general are often less visible and have less impact on the character of a building than upper floor level alterations, depending on their particular site context.'

Appeal Response

Throughout the delegated report, officers highlight a number of glass extensions and glass balustrades within the immediate vicinity. The example highlighted at no. 95 Canfield Gardens is yet another example where the use of glass in the Conservation Area has been deemed acceptable. Bearing in mind all these historic approvals, it seems unreasonable to

conclude that the addition of a relatively minor glass balustrade could cause the level of harm cited within the reason for refusal. The proposed balustrade would preserve the area's character.

Conclusion

Architectural glazing is a highly successful building material when renovating or updating listed or heritage buildings in conservation areas. Glazed elements are perfect for conservation areas because glass is naturally transparent; it therefore does not block the view of or alter the original design of the building behind.

To clearly illustrate the successful use of glazing within conservation areas in London please see Appendix 2. The first page shows a large glass balustrade installed in Somerset House located in central London which is a Grade I listed building. The second page includes other examples where glass and historic buildings have been used successfully in London. We appreciate that every site must be judged on its own merits. But given there are thousands of examples where glass has been successfully used in conservation areas in London, we believe the proposed balustrade should be considered one of those examples.

Finally, when we received feedback from officers that an entirely glazed balustrade would be recommended for refusal we emailed the officer suggesting a revision which incorporated more wood to address their concerns (appendix 3 attached). The LPA were unwilling to negotiate which we found a little disappointing as we would have been happy with a mixture of both glass and wood.

For the reasons provided, it is respectfully requested that the Inspector allow the appeal.