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C6/14/88 { 8804715(R) [2951]
 8840659 [2952] Recd 18/4/90
 BOTH ALLOWED SR

Messrs Wide Angle Productions
 53 Willow Road
 Hampstead
 London
 NW3 1TP

Your reference: HB 8870659

Our reference:
 T/APP/X5210/A/90/147663 & E/90/805704/P8

Date: 12 JUN 90

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND 56 And SCHEDULES 9 AND 11
 APPEALS BY: LONDON & GLOUCESTER INVESTMENTS LTD
 APPLICATION NOS: PL/8804715/R1 AND HB/8870659

1. As you know, I have been appointed by the Secretary of State for the Environment to determine your clients' appeals against the decisions of the Council of the London Borough of Camden to refuse planning permission for the erection of a private house at 16 North End, Hampstead, and to refuse conservation area consent for the demolition of existing buildings and walls at the same address. I have considered the written representations made by you and the Council, and I viewed the site from the adjacent highway and public open space and inspected its surroundings on 5 June 1990.

2. From my inspection and my reading of the representations I consider the main issue in both of these appeals to be whether or not the development would serve to preserve or enhance the character or appearance of the Hampstead Conservation Area, or whether it would harm those interests.

3. I note from the papers submitted with this appeal that appeals (T/APP/X5210/A/89/117409 & E/89/804302/P8) were allowed in October 1989, in respect of an almost identical proposal. The Inspector in that case concluded that: "The dwellings which are to be demolished have no great architectural or visual qualities and are in a somewhat delapidated condition. I consider that their replacement by a skilfully designed house, having a low profile and well screened by existing trees and the proposed garden walls would improve the appearance of the appeal site and would thus enhance the appearance of Hampstead Conservation Area." He went on to indicate that he found no other objection which would justify a refusal and allowed the appeals. I find no reason to disagree with his conclusions insofar as the present proposal is identical to that which he was considering.

4. It appears that the principal difference between the scheme already approved on appeal and that now submitted is that part of the wall on the northern perimeter of the site is now proposed to be sited at the top of the bank, thus maintaining a similar profile to that which exists at present. The Committee report which was submitted with the appeal papers indicates that this modification was recommended by the Council's officers in order to safeguard the important trees in this location which they felt may otherwise have been jeopardised. The existing chestnut paling along the highway boundary in this location would be retained. Minor changes, again seemingly at the suggestion of the Council's officers, include a reduction in the size of the proposed roller shuttered vehicular entrance to North End and fresh consideration of the finishes to the gates and windows on the north elevation.



5. I do not consider it necessary for me to decide whether these amendments would be an improvement to the already approved scheme. It seems to me sufficient that in my judgement they would not make the development any less acceptable with regard to the statutorily defined interests of the Conservation Area, or in any other respect; and I note that the Council have not expressly alleged that they would. Having also considered all the other matters in evidence in tis appeal, I find no other factor which seems to me of sufficient weight to alter my overall conclusion that there is no clear-cut reason to justify the Council's refusal of either planning permission or conservation area consent.

6. Because of what I consider to be the extreme importance of trees and landscaping on this site I shall impose a condition on the general lines of that suggested in the Commitee report. Also, because of the need to guard against traffic congestion in the narrow approach to the site, I shall impose a condition regarding the retention of parking space on the site. In order to meet the recommendations of English Heritage in their submissions in respect of the previous appeals, I shall repeat the conditions attached by the Inspector in that case. In addition, to reduce the risk that an unsightly vacant site may be left for a prolonged period, I shall attach a condition on the lines suggested by the Council, tying the demolition to a contract for the redevelopment.

7. For the reasons given, and in exercise of powers transferred to me, I hereby allow both of your clients' appeals and **grant planning permission** for the ~~erection of a private house at 16 North End, Hampstead, in accordance with the terms of the application (No PL/8804715/R1) dated 15 December 1988 and the plans submitted therewith, subject to the following conditions:~~

1. The development hereby permitted shall be begun not later than 5 years from the date of this letter;
2. no development shall take place until there has been submitted to and approved by the local planning authority a scheme of landscaping, which shall include details of all existing trees on and overhanging the land, together with measures for their protection in the course of the development;
3. any trees which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation;
4. the parking space shown on the approved drawings shall be used for the parking of vehicles in connection with the residential occupation of the house and for no other purpose;

I also **grant conservation area consent** for the demolition of existing buildings and walls at the same address in accordance with the terms of the application ~~(No HB/8870659) dated 13 January 1989 and the plans submitted therewith, subject to the following conditions:~~

1. the demolition shall be begun not later than 5 years from the date of this letter, but shall not be begun until a contract has been let for the redevelopment of the site in accordance with a scheme which has been granted planning permission;
2. the elements of the greenhouse shall be carefully dismantled for use elsewhere, including the mechanism for the opening ventilation lights;

3. the 18th century brown/red stock bricks from the 9m of the perimeter wall that returns onto the heath at the top of North End shall be carefully salvaged and used to form the new perimeter wall to the site, bounding North End; this wall should be rebuilt to match that taken down - in Flemish bond using a lime mortar and including the angled brick coping detail

8. Attention is drawn to the fact that an applicant for any consent, agreement or approval required by a condition of this permission has a statutory right of appeal to the Secretary of State if approval is refused or granted conditionally or if the authority fail to give notice of their decision within the prescribed period.

9. This letter does not convey any approval or consent which may be required under any enactment, byelaw, order or regulation other than sections 23 and 277A of the Town and Country Planning Act 1971.

I am Gentlemen
Your Obedient Servant



A J MILLER MCD BArch RIBA FBIM
Inspector