



Appeal Decision

Site visit made on 5 February 2025

by **C Butcher BSc MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 25 February 2025

Appeal Ref: APP/X5210/W/24/3354986

Flat 3, 15 Aberdare Gardens, London NW6 3AJ

- 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 Keith Bernstein against the decision of the Council of the London Borough of Camden.
 - The application Ref is 2024/2824/P.
 - The development proposed is the creation of roof terrace with railings with associated roof alterations and skylights.
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Decision

1. The appeal is allowed and planning permission is granted for the creation of roof terrace with railings with associated roof alterations and skylights at Flat 3, 15 Aberdare Gardens, London NW6 3AJ in accordance with the terms of the application, Ref 2024/2824/P, 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 drawing no's: PO112-00L-01 (location plan), PO112-00-101 (proposed first floor plan), PO112-11-01 (proposed front elevation), PO112-00-100 (proposed ground floor plan), PO112-00B-02 (proposed rear elevation), PO112-00-103 (proposed roof plan), PO112-00-102 (proposed second floor plan), PO112-22-01 (proposed section A-A) and PO112-11-03 (proposed side elevation), all dated July 2024.
 - 3) The railings and their supports hereby approved shall be painted black and maintained in that colour thereafter.

Applications for costs

2. An application for an award of costs was made by Mr Keith Bernstein against the Council of the London Borough of Camden. This application will be the subject of a separate decision.

Preliminary Matters

3. During the course of the application, the description of development was amended. I have therefore used the wording as provided on the Council's decision notice and the appellant's appeal form.

Main Issue

4. The main issue is whether the proposed development would conserve or enhance the character or appearance of the South Hampstead Conservation Area.

Reasons

5. The appeal site is located within the South Hampstead Conservation Area. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention is paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area. From the evidence before me, and from what I saw when I visited the site, the significance of the Conservation Area, in so far as it is relevant to this appeal, is derived from the value of the suburban development of this part of London in the late Victorian period, and the architectural styles and tastes of the time. It has an aesthetic value due to the appearance of the buildings that comprise the Conservation Area. The front elevations of the properties on Aberdare Gardens, including No. 15, share a great deal of symmetry in terms of their design and the materials used. This provides a pleasing rhythm along the sweep of the road.
6. The proposed development would involve the provision of a roof terrace to No. 15, including railings, and some minor alterations in the form of skylights. The railings would be set well back from the front elevation, and so would not be visible when looking at the building front-on from the street. Furthermore, the gap between No. 15 and the neighbouring building at No. 17 is very narrow, and therefore the railings would at most be glimpsed from a side-on perspective. The skylights would be situated on the flat roof and so would not be visible at all.
7. With this in mind, it is clear that the changes to the roofline of the building would be very minor indeed and would in no way disrupt the symmetry of the buildings which is an essential facet of this part of the Conservation Area. I also note that a roof terrace with similar black railings has already been constructed on No. 4, opposite the appeal site, and so such schemes are already a feature in the immediate area. I acknowledge that the terrace would be more visible from the rear garden of the property. However, the significance of the Conservation Area is primarily appreciated from the street, and in any event, the symmetry of the rear of the buildings in this area has already been disrupted over many years through various additions, extensions and alterations.
8. On this basis I conclude that the proposed development would therefore preserve the character and appearance of the Conservation Area and would not harm its significance. This would satisfy the requirements of the Act and the relevant aspects of the Framework, and would conform with Policies D1 and D2 of the Camden Local Plan 2017, which in part seek to ensure that new developments are well designed and that they preserve designated heritage assets. It would also conform with the guidance contained within the Design Camden Planning Guidance, January 2021, the relevant aspects of which seek to ensure that roof alterations are appropriate.

Conditions

9. I have imposed conditions to identify the relevant timescales and plans in the interests of certainty. A further condition requires that the railings be painted black in order to preserve the character and appearance of the area.

Conclusion

10. The proposed development is in accordance with the development plan when considered as a whole. Having had regard to all matters raised, I conclude that the appeal should be allowed.

C Butcher

INSPECTOR