



Appeal Decision

Site visit made on 3 September 2013

by A Banks BA(Hons) DipUD PGCM MRTPI

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

Decision date: 28 November 2013

Appeal Ref: APP/X5210/A/13/2195758

Garden Flat, 23 Cannon Place, London NW3 1EH

- 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 Kristofer Bartosik against the decision of the Council of the London Borough of Camden.
 - The application Ref 2012/4747/P, dated 3 September 2012, was refused by notice dated 8 November 2012.
 - The development proposed is for the erection of a single storey outbuilding to rear garden of existing flat.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of a single storey outbuilding to rear garden of existing flat at Garden Flat, 23 Cannon Place, London NW3 1EH in accordance with the terms of the application, Ref 2012/4747/P, dated 3 September 2012, 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: 23CAN-001 REV P1; 23CAN-10 REV P1; 23CAN-031 REV P1; 23CAN-032 REV P2; 23CAN-101 REV P2; 23CAN-102 REV P2; 23CAN-200 REV P1; 23CAN-300 REV P1; 23CAN-301 REV P1; 23CAN-302 REV P1; and 23CAN-800 REV P2.
 - 3) The building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Garden Flat, 23 Cannon Place.
 - 4) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
 - 5) Full details in respect of the green roof in the area indicated on the approved roof plan shall be submitted to and approved in writing by the local planning authority before the relevant part of the development commences. The building shall not be occupied until the approved details have been implemented and these works shall be permanently retained and maintained thereafter in accordance with the approved details.

Procedural Matter

2. I have used the proposal description used in the Council's decision notice and the appeal form as the trees referred to in the description in the planning application no longer form a part of the proposal.

Main Issue

3. The main issue is the effect of the proposal on the Hampstead Conservation Area (CA).

Reasons

4. The appeal property is the lower ground floor flat and rear garden within a four storey semi-detached building fronting onto Cannon Place which is within the CA. There is an extant planning permission for an outbuilding in a similar position to that proposed and of similar height and depth, but a little under half the proposed width. The Council is concerned that the larger building would compromise the openness of the converging rear garden areas.
5. While there may be a degree of openness to the rear gardens taken as a whole, in the immediate vicinity of the appeal property's rear garden, it has a more built-up appearance due to the surrounding high walls and flank elevation to no. 11 Squires Mount. The rear garden area appears quite enclosed and therefore not open to wider views, except from within some of the adjacent Cannon Place properties themselves. Any views from Squires Mount would be across the neighbouring garden and therefore relatively distant or hidden behind a structure covered in ivy at the rear of no. 15's rear garden.
6. Accordingly, even with its stark modern design, the building would be unobtrusive in its immediate setting, an effect which would be aided by the proposed green roof. The remaining garden area would still be a good size and despite the building's size and increase in width from that permitted, it would not appear overly large viewed in association with the rear garden from the rear of properties in Cannon Place.
7. I therefore conclude that no harm would arise to the CA and its character and appearance would thus be preserved. Consequently the proposal would not conflict with Policy CS14 of the London Borough of Camden Local Development Framework Core Strategy or policies DP24 and DP25 of the London Borough of Camden Local Development Framework Development Policies, all of which, amongst other things, seek to ensure high quality design and the preservation of conservation areas.

Conditions

8. I have considered the conditions suggested both by the Council and the appellant and where appropriate I have amended the wording in line with the guidance in Circular 11/95. In addition to the standard time limit, I impose a condition requiring that the development is carried out in accordance with the approved plans, for the avoidance of doubt and in the interests of proper planning. I have not referred to the Arboriculture Report in this condition given that the trees within the site no longer exist. A condition restricting occupancy is required to ensure that use of the outbuilding does not adversely affect the amenity of neighbours. A condition requiring the Council's approval of materials is required to ensure that the appearance of the building is

satisfactory within the CA. A condition requiring details of the grass roof is required to ensure the development is satisfactory in terms of biodiversity measures and appearance. I have not imposed a condition regarding trees in adjoining sites, as they are located on land that is outside the control of the applicant and to do so would therefore be unreasonable, with regard to the requirements of the Circular.

Conclusion

9. For the above reasons, and having regard to all other matters raised, I conclude that the appeal should be allowed.

A Banks

INSPECTOR