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# Appeal Decision

Site visit made on 21 February 2012

by **Peter D Biggers** BSc Hons MRTPI

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

Decision date: 25 May 2012

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## **Appeal Ref: APP/X5210/A/11/2165313 119 Canfield Gardens, London NW6 3DY**

- 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 Michael Rivlin against the decision of the Council of the London Borough of Camden
  - The application Ref 2011/3875/P, dated 28 July 2011, was refused by notice dated 10 October 2011.
  - The development proposed is single storey rear extension and internal alterations following demolition of existing single storey rear extension.
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### **Decision**

1. The appeal is allowed and planning permission is granted for a single storey rear extension and internal alterations following demolition of existing single storey rear extension at 119 Canfield Gardens, London NW6 3DY in accordance with the terms of the application, Ref 2011/3875/P, dated 28 July 2011, 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:478\_001A; 478\_010; 478\_011; 478\_020; 478\_021; 478\_022; 478\_101A; 478\_110G; 478\_111A; 478\_120; 478\_121D & 478\_122E.
  - 3) No development shall take place until details of the materials to be used in the construction of the external surfaces of the extension 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.
  - 4) No development shall take place until details of the green roof to the extension hereby permitted have been submitted to and approved in writing by the local planning authority. The extension shall not be brought into use until the green roof has been provided in accordance with these details. Thereafter the roof will be retained in accordance with the approved details.

### **Procedural Matter**

2. I have been referred to Planning Policy Statement No 5. However, it has now been replaced by the National Planning Policy Framework and I have considered the appeal in the context of current national planning policy. Although the parties
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were given the opportunity to comment on any relevant implications, no responses were received within the prescribed timetable.

### **Main Issue**

3. The main issue in this case is whether the proposal would preserve or enhance the character and appearance of the building and the South Hampstead Conservation Area.

### **Reasons**

4. Canfield Gardens and neighbouring residential streets in this part of the South Hampstead Conservation Area are characterised by large, attractively detailed, three and four storey semi-detached and terraced late Victorian red brick villas. The appeal property, along with most of Canfield Gardens, although not listed, is identified in the *South Hampstead Conservation Area Appraisal and Management Strategy* (CAAMS) as a 'positive contributor' in the Conservation Area.
5. These substantial houses, many of which, as at No 119, have been converted into flats, are closely spaced along the streets with minimal side separation meaning that rear elevations and gardens are largely obscured from the public realm. However, the CAAMS advises that the private open spaces between houses make a positive contribution and provide visual and practical amenity for many residents. Accordingly, the effect of a proposal on the character and appearance of the area is not solely defined by the extent to which it can be seen from the public domain.
6. The CAAMS advises that, in recent years, there have been many applications for large rear extensions and that particular care will be taken to ensure that the attractive garden settings are not compromised by overly large extensions. However, in this case, both the appeal property and its immediate neighbours have sizeable rear extensions which provide a local context for the appeal proposal. Furthermore, the majority of the long rear garden to the appeal site would be retained and so the attractive garden setting would not be materially eroded.
7. I accept that the proposed replacement extension would be wider and deeper and slightly higher at its southern end than the existing extension. However, viewed from the rear, the wider extension would align better with the host building and, provided the colouring for the facing brickwork is carefully chosen to match the existing, it would sit comfortably in the context of the upper storeys.
8. With respect to the slight increase in height at the southern end, the design allows for a gently pitched standing seam zinc roof which, from the rear, would be a significant improvement on the appearance of the existing roof. Much of the new roof would also be lower overall than the existing, revealing more of the rear wall of the host building, thereby helping the new extension to appear proportionate and in balance to the building above. Moreover, with the section of the extension closest to the rear elevation proposed to be a green roof, this would improve the appearance of the extension from upper storey windows and other elevated views.
9. No 119, in common with other properties in Canfield Gardens, has a long deep garden with good landscape cover from trees and shrubs. Whilst there will be inward views towards the extension from neighbouring properties in Greencroft Gardens looking towards the appeal property they are at some distance. In this situation the increase in length and width of the extension would not be perceived

to have any significantly greater impact on the appearance of No 119 over the existing extension. It would still appear secondary and subordinate as required by guidance in *Camden Planning Guidance – Design (CPG1)*. Thus I am not persuaded that the bulk and massing would be inappropriate to the character and appearance of the host building.

10. Viewed from the garden of No 119 and from the wider context, the proposed design of the extension and the intended materials – matching brickwork, extensive use of glazing and a recessive grey colouring for door framing - would give the new extension an attractive, contemporary form. This would be complementary to, rather than competing with, the traditional styling of the host building and in that respect the proposal would preserve its character and appearance.
11. The Council acknowledges that the existing extension is somewhat dilapidated and of a poor design with poor standards of light and energy efficiency and is an incongruous addition to the property. By comparison the proposed design would create an extension that would be simpler and neater in form employing more sympathetic materials, for example matching yellow stock bricks in contrast to the red stock bricks of the existing extension. In this way the proposal would provide a more coherent rear extension with a greater sense of visual unity than the existing extensions thus enhancing the appearance of the property.
12. The simple, contemporary design of the extension would not harm the significance of the Conservation Area and would make a positive contribution to it and would therefore enhance the character and appearance of the conservation area. Accordingly it would comply with the aims of the Framework and with policies CS5 and CS 14 of the *Camden Core Strategy 2010-2025* and policies DP24 and DP25 of the *Camden Development Policies*. Taken collectively these seek to preserve and enhance heritage and promote high quality design. CPG1 also expects high quality design that respects and enhances character and appearance of a property and surroundings and sets out detailed advice in respect of rear extensions. For the reasons given above I am satisfied that the proposal would not be in conflict with these policies and guidance which themselves are consistent with the Framework.

### **Conditions and Conclusions**

13. I have considered the conditions suggested by the Council against the advice in Circular 11/95 and for their clarity. A condition requiring development to be carried out in accordance with the submitted plans is necessary for the avoidance of doubt and in the interests of proper planning.
14. I agree with the Council that a condition controlling materials should also be imposed to protect the character and appearance of the property. However, I consider that the objective would be better achieved by requiring submission of details of materials for approval.
15. With regard to the Council's proposed condition in respect of the green roof, whilst I accept it is important to the design and appearance of the building that the roof is installed, I am concerned that, as proposed, the condition is not precise nor reasonable in respect of the maintenance requirement. I could find no specific details of the green roof in the appeal documentation and therefore the condition should require submission of roof details for approval as well as requiring the roof to be provided and retained.

16. For the reasons given above I allow the appeal and grant permission for the proposed extension subject to conditions.

*P. D. Biggers*

INSPECTOR