



Appeal Decision

Site visit made on 3 November 2011

by Christopher Gethin MA MTCP MRTPI

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

Decision date: 28 November 2011

Appeal Ref: APP/X5210/A/11/2156114

Flat 1, 10 Lindfield Gardens, West Hampstead, London NW3 6PU

- 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 & Mrs J Bernardi against the decision of the Council of the London Borough of Camden.
 - The application ref. 2010/6901/P dated 16 December 2010 was refused by notice dated 16 February 2011.
 - The development proposed comprises additions and alterations including an extension to the basement, works to the driveway and the replacement of the front entrance stairs.
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Application for Costs

- 1 An application for costs was made by Mr & Mrs J Bernardi against the Council of the London Borough of Camden. This application will be the subject of a separate decision.

Procedural Matter

- 2 The Council makes no objection to the basement extension and other aspects of the proposed additions and alterations, namely two associated light wells and one side light well, the replacement of a rear ground floor window with new doors, and the insertion of windows in the lower ground floor side elevation. I consider these to be acceptable. The Council's concern is with the proposed works to the driveway and the entrance staircase. I confine my reasoning in this decision to these elements of the proposed development.

Decision

- 3 The appeal is dismissed.

Main Issue

- 4 The principal issue is the effect of the proposed development on the character and appearance of the host building and the Redington/Frogna Conservation Area.
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Reasons

- 5 No.10 Lindfield Gardens is a late-Victorian villa in a tree-lined street, now converted into three flats. It is located within the Redington/Frognaal Conservation Area, characterised by substantial detached and semi-detached late-Victorian and Edwardian dwellings, many of them featuring attractive front gardens. The building and its setting are considered to make a positive contribution to the Conservation Area.
- 6 The natural ground level rises in a moderate slope from the street. A fine yew tree is located in the front garden and is protected by a Tree Preservation Order. Along each of the side boundaries is a short driveway: that on the left side leads to the original integral garage (no longer used as such, but with the original arched doorway to be retained as a feature). A double entrance staircase curves up to an ornate porch at the upper ground floor level. On the left side a gently inclined pathway leads towards the staircase: with its crazy paving it contributes significantly to the composition of the ensemble.
- 7 At present the layout of the front garden provides parking space for four cars – two in tandem on the left side, one on the right side, and another on the area between the porch and the yew tree.
- 8 The proposed alterations comprise two elements – the replacement of the existing curved double staircase with a rectilinear double staircase, and the grading (to near-level) of the areas leading into the site from the existing crossovers. This would leave the yew tree on a raised mound which would no longer be available for parking between the tree and the porch. The resulting layout would remove the attractive inclined pathway to the left-hand staircase and yield an enlarged area for parking: two cars would be able to park alongside each other on the left side, leaving room for two more cars in tandem, and there would be room for two cars in tandem on the right side.
- 9 I saw at my site visit that the existing staircase is in a poor state of repair. Representations before me suggest that while the layout may be original, little survives of the original materials. However, these considerations do not justify its replacement with a radically different design. Although the symmetry of the double staircase would be retained, the beautiful sweeping curve of the existing design, with its iron railings, would be replaced by severe right angles and prominent side retaining walls. Where the existing staircase invites and embraces, the proposed replacement would appear merely functional. The resonance between the curves of the staircase and the shallow curved arches over the garage and the main entrance would be lost.
- 10 Where the existing layout has an informal and inclusive character, accommodating parked cars without significant visual harm, the proposed layout would appear more compartmentalised, with levelled and enlarged car parking areas which would appear stark and prominent by comparison. Although the proposed scheme includes planting of the area between the two arms of the staircase and a grassed area all round the yew tree, low hedging along the inside edges of the driveways, and gravel surfacing for the driveways, I consider that these would do little to soften this harsh appearance.
- 11 In these ways the proposed development would harm the character and appearance of the subject building and of the street scene. It would neither

preserve nor enhance the character or the appearance of the Redington/Frognal Conservation Area. The harm I have identified makes the proposal contrary to policy CS14 of the Council's Core Strategy and policies DP24 and DP25 of its Development Policies (both these elements of the Local Development Framework were adopted in 2010), and guideline RF8 of the 2003 Redington/Frognal Conservation Area Statement, which refers specifically to the visual harm from forecourt parking.

- 12 The appellants draw my attention to recent developments in the locality which have had a significant impact in terms of the appearance of the front elevations and frontages/forecourts of the properties concerned. I agree that these are of a different order from the subject proposal, and would appear to have scant respect for the streetscape. However, they do not justify the proposed alterations to the driveways and staircase at the appeal site, which (although considerably less brutal than the nearby schemes) nevertheless fail to respect the character and appearance of the building at no.10 and its setting.
- 13 I acknowledge that the officer's delegated report on the subject application made no objection to the proposed replacement design for the entrance staircase, accepting that it would retain its symmetry around the front porch. The Inspector for the previous appeal (APP/X5210/A/10/2120205) agreed that the design is acceptable from that standpoint. However, he was clearly concerned about the harder, more formal and more prominent frontage area which would result from the proposed staircase with its side walls as well as from other elements of the scheme. For the reasons I have given, I consider that the proposed staircase design would detract considerably from the character and appearance of the building and the Conservation Area in which it is located. Since the *raison d'être* for the reduced staircase footprint would appear to be to facilitate the enlarged parking areas which I have identified as causing visual harm in their own right, I consider that there is no compelling reason why the existing attractive staircase should not be retained and repaired so as to enhance the appearance of the building and the Conservation Area.

Conclusion

- 14 For the above reasons, and taking all other matters into consideration, I conclude that the appeal should not succeed. I am aware of the consultation draft National Planning Policy Framework, and have had regard to this in making my decision; but (as a consultation document liable to amendment) I have attached little weight to it.

Christopher Gethin

INSPECTOR