



Appeal Decisions

Hearing held and site visit made on 25 November 2010

by Terry G Phillimore MA MCD MRTPI

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

Decision date: 15 December 2010

Appeal Ref: APP/X5210/A/10/2131856 (Appeal A)
11 Hampstead Hill Gardens, London NW3 2PH

- 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 Paul Richards against the decision of the Council of the London Borough of Camden.
 - The application Ref 2009/5762/P, dated 4 December 2009, was refused by notice dated 3 March 2010.
 - The development proposed is erection of a single storey rear conservatory.
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Appeal Ref: APP/X5210/E/10/2131859 (Appeal B)
11 Hampstead Hill Gardens, London NW3 2PH

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr Paul Richards against the decision of the Council of the London Borough of Camden.
 - The application Ref 2009/5794/L, dated 4 December 2009, was refused by notice dated 3 March 2010.
 - The works proposed are erection of a single storey rear conservatory.
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Application for costs

1. At the hearing an application for costs was made by the appellant against the Council. This application is the subject of a separate Decision.

Decisions

Appeal A

2. I allow the appeal, and grant planning permission for erection of a single storey rear conservatory at 11 Hampstead Hill Gardens, London NW3 2PH in accordance with the terms of the application, Ref 2009/5762/P, dated 4 December 2009, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) All new external work in the development hereby permitted shall be carried out in materials that resemble as closely as possible in colour and texture those of the existing building unless otherwise specified in the approved plans.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: site location plan; P3.199.001-006;

P3.199.101-106; P3.199.201-207; arboricultural impact report November 2009.

Appeal B

3. I allow the appeal, and grant listed building consent for erection of a single storey rear conservatory at 11 Hampstead Hill Gardens, London NW3 2PH in accordance with the terms of the application, Ref 2009/5794/L, dated 4 December 2009, and the plans submitted with it subject to the following conditions:
 - 1) The works hereby authorised shall begin not later than 3 years from the date of this consent.
 - 2) All new external and internal works and finishes and works of making good to the retained fabric shall match the existing adjacent work with regard to the methods used and to materials, colour, texture and profile, unless shown otherwise on the drawings hereby approved.

Main issue

4. The main issue is the effect the proposal would have on the character and special interest of the listed building and the character and appearance of the Hampstead Conservation Area.

Reasons

5. The property is a Grade II listed house dating from 1881. It is of two storeys plus a semi-basement and attic storey, with a full three storey appearance at the rear due to a drop in levels. The original listing identified group value with 1 & 2, 3-5 (consec.) and 7-9 (odd) Hampstead Hill Gardens, with the designs by the local architects Batterbury and Huxley. These properties in Queen Anne style share their substantial red brick forms, but are individual buildings which differ in detailed design terms.
6. No. 11 has decorative elements that continue from the front elevation to the rear, in particular brick detailing. A particular feature of the rear elevation is a full height canted bay on the west side which projects above eaves level. The Council considers the attention paid to the design of the building's rear elevation to be a reflection of the degree of enjoyment of the garden as private space anticipated at the time of development, in contrast to earlier plainer treatments of rear elevations. While the rear elevation contributes to the relative grandness of the building, it is nevertheless a secondary elevation which is concealed from public view. In addition, particular to this building is that to the east of the bay is a deep two-storey extension occupied as a self-contained unit dating from the 1980s, abutting the plainer part of the rear elevation. This has an unbalancing effect on the overall elevation and reduces its contribution to the building's significance.
7. The proposal is a fully glazed frameless conservatory adjacent to the rear extension and set in some 0.6m from the west flank of the building. It would thus contain the lower storey of the bay. The top of the conservatory would align with a brick course banding.
8. The Council explains its objection to the proposal as being one of principle, in that it believes an extension in this location would fundamentally detract from the rear bay as a key feature of the building. Its criticisms of the details of the proposal are made in this context; at the hearing it confirmed that, were the

principle of an extension to be accepted, it views such a glazed addition as the least harmful form.

9. In my judgement the detailed approach of the appeal scheme is important to the acceptability of the proposal. The glazing would not be entirely transparent, and the conservatory could be expected to accommodate a degree of domestic paraphernalia. However, the nature of the structure would enable the original form and materials of the building to continue to be read, with the fabric of the bay retained. As such it would not add undue horizontality to the rear elevation or truncate the bay's appearance, and the line of the existing course feature would be respected. The proposal would as a result be of an appropriately subordinate nature, in keeping with the Council's supplementary guidance. The creation of a garden room would also continue the association of the rear elevation with the garden.
10. Taking account of the above, and given the secondary nature of the rear elevation, together with the presence of the existing two-storey extension, the significance of the listed building would be not be harmed by the proposal. The character and appearance of the Conservation Area as derived from the building would also be maintained, and this would be preserved.
11. The policies of the Camden Unitary Development Plan referred to in the reasons for refusal have been replaced as part of the development plan by the newly adopted Core Strategy and Development Policies parts of the Camden Local Development Framework. There has been no change in the substantial thrust of the policies. The proposal complies with the high design quality and heritage conservation objectives of policies CS14, DP24 and DP25.

Other matters and conclusion

12. References have been made to extensions proposed to other buildings, including listed ones, but the circumstances of the site and this appeal scheme are specific, and I have evaluated the proposal on its own merits.
13. There is some neighbour concern about effect on outlook and light pollution. In this relatively secluded position there would be no significant harm to surrounding amenity, as also assessed by the Council.
14. Conditions are needed on materials in the interests of the listed building. A condition on the planning permission specifying the approved plans is necessary for the avoidance of doubt and in the interests of proper planning. Since the listed building consent is based on the submitted plans, no additional condition on this specifying the limit of the approved works is necessary.
15. For the reasons given above I conclude that the appeals should be allowed.

T G Phillimore

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Chris Miele	Montagu Evans LLP
Paul Crisp	Montagu Evans LLP
Martin Taylor	Interior designer

FOR THE LOCAL PLANNING AUTHORITY:

Jonathan Markwell	London Borough of Camden
Alan Wito	London Borough of Camden

DOCUMENTS SUBMITTED AT THE HEARING

- 1 Appeal decisions APP/X5210/E/10/2121888 and APP/X5210/A/10/2121882 relating to Woodbine Cottage, Vale of Heath NW3 1AX and Council's attachments
- 2 Council's suggested conditions (updated)
- 3 Council's response to appellant's costs application
- 4 Council's bundle of email correspondence and attachments
- 5 Extract from Camden Planning Guidance 2006
- 6 Appellant's bundle on 11 Provost Road
- 7 Appellant's bundle on 8 Downshire Hill