



Appeal Decisions

Site visit made on 19 October 2010

by John G Millard DipArch RIBA FCI Arb

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

Decision date: 5 November 2010

Appeal A Ref: APP/X5210/E/10/2121888

Woodbine Cottage, Vale of Health, London NW3 1AX

- 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 David Fry against the decision of the Council of the London Borough of Camden.
 - The application Ref 2009/3194/L dated 22 July 2009 was refused by notice dated 13 November 2009.
 - The work proposed is the erection of a ground floor glass conservatory at the rear of the single family dwellinghouse (Class C3) with associated works to lower the windows facing the courtyard to create two new entrance doors.
-

Appeal B Ref: APP/X5210/A/10/2121882

Woodbine Cottage, Vale of Health, London NW3 1AX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant [outline] planning permission.
 - The appeal is made by Mr David Fry against the decision of the Council of the London Borough of Camden.
 - The application Ref 2009/3970/P dated 17 June 2009 was refused by notice dated 13 November 2009.
 - The development proposed is the erection of a ground floor glass conservatory at the rear of the single family dwellinghouse (Class C3) with associated works to lower the windows facing the courtyard to create two new entrance doors.
-

Decisions

Appeal A Ref: APP/X5210/E/10/2121888

1. I dismiss the appeal.

Appeal B Ref: APP/X5210/A/10/2121882

2. I dismiss the appeal.

Preliminary Matters

3. The above descriptions differ from those given on the application and appeal forms but correspond to those on the Council's decision notices. The original description does not fully explain the extent of the work proposed, as shown on the submitted drawings, and, in particular, makes no reference to the alterations
-

to be carried out to the listed building. For the sake of clarity, I have adopted the Council's more comprehensive description for the purposes of these appeal decisions and am satisfied that this will not prejudice any party's interests.

4. In his appeal statement, the appellant's agent refers to the planning appeal as '*Appeal A*' and the listed building appeal as '*Appeal B*'. For the avoidance of doubt, however, I draw attention to the fact that, throughout this decision letter, the listed building appeal (APP/X5210/E/10/2121888) is designated Appeal A and the planning appeal (APP/X5210/A/10/2121882) Appeal B.

Main Issues

5. The main issue in Appeal A is whether the proposal would preserve the special architectural or historic interest of the building. In Appeal B, the main issues are the effect of the proposal on the character, appearance and special interest of the building and whether it would preserve or enhance the character or appearance of the Hampstead Conservation Area.

Reasons

6. Woodbine Cottage lies within the Hampstead Conservation Area and is one of two similar but handed two storey mid-terrace cottages dating from the early 19th century, listed Grade II in 1974. As designed, the fronts of the cottages (and indeed the terrace as a whole) faced south-west onto an unnamed footpath but present usage is such that the orientation has effectively been reversed, with access being taken from the Vale of Health by way of each property's long narrow courtyard space. The original front gardens have, in effect, become the back gardens and provide the bulk of the private amenity space.
7. The proposal is to enclose about two-thirds of the courtyard to Woodbine Cottage with a frameless all-glass conservatory style extension to provide additional living space, to be linked with the present dining room by extending down to ground level the two windows in the flank elevation. The formation of these openings would result in a small loss of historic fabric as would attaching the extension to the existing structure. Whilst unwelcome, these modest alterations would not, on their own, sufficiently detract from the special interest of the property to justify withholding listed building consent or planning permission.
8. Of more concern, however, is the effect of infilling a large proportion of this historic courtyard with a new and overtly modern extension that, despite its location within the courtyard, would be partly visible from the public highway above the boundary enclosure. The courtyard is a characteristic feature, shared by a number of nearby properties, including the neighbouring Rose Cottage, and makes a positive contribution to the character of the cottage and its setting, as well as to the character and appearance of the Conservation Area.
9. The appellant contends that, because of the transparency arising from the extension's frameless glass construction, the enclosed space would continue to read as part of the courtyard and preserve the existing plan form of the property. Glass is not, however, as transparent as is often believed and, in many circumstances, is highly reflective and thus effectively translucent or opaque. Furthermore, the use of 'smart glass' is proposed in this case in order to

- minimise light pollution so that, when switched to its opaque state, would be no more transparent than any other form of construction.
10. Because there are a number of first floor windows in Rose Cottage that would be close to and facing the new extension, a strong perception of being overlooked could be experienced by those using the conservatory so that, even during the hours of daylight, there is a strong possibility that the roof, at least (if separately controlled), would be switched to its opaque state in order to achieve an acceptable degree of privacy. In these circumstances, the benefits of a glass structure would be negated and the harm caused to the character and setting of the listed building would be no less than that which would arise from an extension of more solid construction.
 11. Woodbine Cottage has previously been extended, probably more than once, and now appears to be at least three times its original size. A key historic feature of the property is its courtyard, the infilling of 70% of which in the manner proposed would detract from the building's special interest. Policies B1, B3 and B6 of the adopted Camden Replacement Unitary Development Plan 2006 (UDP) seek to ensure that development respects its site and setting and that the special interest of listed buildings is preserved. The proposal before me would not accord with these Policies, to the detriment of the character, appearance and special architectural or historic interest of the building.
 12. UDP Policy B7 states that consent for development within a conservation area will only be granted if it preserves or enhances the character or appearance of that area. The Policy is thus consistent with section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and broadly in line with Government policy as set out in Planning Policy Statement 5 – *Planning for the Historic Environment* (PPS5). The appellant considers that the proposal represents a sufficiently sensitive and low impact design that, in the context of the mix of building styles and scales in the vicinity, would at least preserve the character and appearance of the Conservation Area.
 13. Because of its visibility from the public domain, and because of the harm it would cause to the character and setting of the listed building, I am not persuaded by the appellant's argument and conclude that the proposal before me would neither preserve nor enhance the character or appearance of the Conservation Area, in conflict with UDP Policy B7 and with Government advice in PPS5.
 14. Having considered all other matters raised, I have found nothing of sufficient weight to overcome the harm that the extension would cause to the listed building and the Conservation Area. Therefore, as the proposal would not accord with the UDP Policies identified in paragraphs 11 and 13 above, and as there are no other considerations sufficient to justify a decision otherwise than in accordance with the development plan, I conclude that the appeals should be dismissed.

John G Millard

INSPECTOR