



Appeal Decision

Hearing held on 27 May 2009

Site visit made on 27 May 2009

by **JP Roberts BSc(Hons) LLB(Hons) MRTPI**

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

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email: enquiries@pins.gsi.gov.uk

Decision date:
8 July 2009

Appeal Ref: APP/X5210/A/09/2095263

Hollycot, The Vale of Health, London NW3 1BB

- 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 John Myers against the decision of the Council of the London Borough of Camden.
- The application Ref 2008/2152/P, dated 21 April 2008, was refused by notice dated 28 August 2008.
- The development proposed is to extend the existing lightwell to the south elevation, replace the existing low level render to the building with brick slips to match existing masonry and to erect a carport and garden shed structure – construction to be of steel frame clad in western red cedar timber boards.

Decision

1. I allow the appeal, and grant planning permission to extend the existing lightwell to the south elevation, replace the existing low level render to the building with brick slips to match existing masonry and to erect a carport and garden shed structure – construction to be of steel frame clad in western red cedar timber boards at Hollycot, The Vale of Health, London NW3 1BB in accordance with the terms of the application, Ref 2008/2152/P, dated 21 April 2008, and the plans submitted with it, subject to the conditions listed in the Annex to this decision.

Main issue

2. The Council has no objection to the part of the proposal relating to the proposed lightwell or the brick slips. I see no reason to disagree. Thus the main issue is whether the proposed car port and store would preserve or enhance the character or appearance of the Hampstead Conservation Area.

Reasons

3. The appeal property forms one of a pair of large semi-detached houses, located on the southern approach to the Vale of Health, which comprises a group of 60 or so properties surrounded by woodland and fields. The Vale of Health comprises an outlying and self-contained area which is part of the wider and diverse Hampstead Conservation Area. The site is close to the boundary of designated Metropolitan Open Land, of which openness is an important attribute.
4. Hollycot and its neighbours on either side are noted in the Council's Hampstead Conservation Area Statement as buildings which make a positive contribution to the area. Hollycot is set well back from the road, and its front elevation

faces a footpath and wooded hillside. The rear garden lies between the house and its neighbour, Ashdene, which unlike Hollycot, is close to the road. The majority of houses in the Vale of Health are terraced, and few possess similar spaces around them as do Hollycot and its attached neighbour, Manor Cottage.

5. It is proposed to erect a car port and store adjacent the boundary with Ashdene. Although there has been a history of garages on the site of the proposed car port, the last planning permission for a replacement garage (in 1997) was not implemented, and thus I agree with the Council that the history is of very limited relevance to this proposal.
6. Camden Replacement Unitary Development Plan (UDP) Policy B7 indicates that permission will only be granted for development in a conservation area that preserves or enhances the special character or appearance of the area. Policy B1 concerns general design principles, and amongst other things, seeks high standards of design and requires that development should respect its site and setting.
7. The car port would have open sides except where it adjoins the proposed store. The store would be well set back into the site, and the Council raises no objection to it, and I see no reason to disagree. The roof of the car port would be solid, comprising a sedum roof to afford protection from a silver birch tree, the canopy of which would oversail the car port.
8. Whilst the car port would be well forward of Hollycot, it would be set back from the front elevation of Ashdene by about 1m. Its low height, at 2.6m, and the use of timber and a sedum roof would help to minimise its visual impact. Moreover, the front of the site is largely enclosed by significant boundary planting, which, in the main, is evergreen, and this, together with the more forward position of Ashdene limits the extent to which views into the site can be obtained from public places.
9. The Council identifies views from the higher ground on the approach road to the Vale of Health as being of most concern. Although views from this point are not specifically identified as being of importance in the Conservation Area statement, I nevertheless agree with the Council that it is a significant viewpoint. From what I saw on the site visit, I am satisfied that little of the car port would be seen from this point, because of the boundary wall and planting.
10. I am conscious that boundary planting might die or be removed; even so, the planting does not extend greatly over the height of the boundary fence, and because of the important role that planting plays in screening the private amenity space of Hollycot, I consider it most unlikely that planting would be removed, or not replaced should it die.
11. The car port would be clearly visible from a fairly narrow viewpoint in front of the site, and from the windows of the residential properties on the opposite side of the road. However, the set-back position of the car port, and its lightweight construction, together with the soft green appearance of a sedum roof would ensure that the car port would not harm the character of the area or the appearance of this part of it. My findings on this point are reinforced by the fact that the car port would be constructed on an existing hardstanding. The car port would help to screen parked cars, and in my judgement, would be more pleasant to look at.

12. I recognise that car ports are not a typical feature of the conservation area. By the same token, houses with sizeable gardens with roadside access are not typical, and in this case, because of the particular attributes of the proposal and the care that has been taken in its design to minimise its visual impact, I see no harm arising from it. I do not see the proposal as setting any precedent which would make it difficult for the Council to refuse proposals which would be harmful.
13. The Council argues that the proposal would occupy a large proportion of the remaining rear garden area of the property and would fail to be subservient to the house. UDP Policy B3 requires extensions and alterations to be subservient to the original building in terms of scale and situation. The policy does not refer specifically to outbuildings, but I consider that outbuildings are so akin to extensions that its provisions are relevant in this case.
14. The space between Hollycot and Ashdene is of importance to local character because it helps to differentiate the pair of semi-detached properties from the adjacent terrace, and contributes to the diverse character of this part of the conservation area. Whilst there would be plenty of space about the dwelling as a whole, I nevertheless see the part of the garden between the house and Ashdene as being of importance.
15. The lightweight composition of the car port would avoid it being seen as a solid structure, and from the most important viewpoint, from higher ground to the south, the car port would be barely discernible, and thus the sense of openness between Hollycot and Ashdene would be largely preserved. I consider that the existing use of the site of the car port as a hardstanding also distinguishes this part of the site from the garden area. The sedum roof would impart a soft and green appearance adjacent the side elevation of Ashdene, and this would help to reinforce the garden greenery of the remainder of the garden.
16. Some of the foundations for the carport would be within the root protection area of a silver birch tree. However, as the car port would be a relatively lightweight structure, the foundations would be small, and subject to a condition requiring their details to be submitted and approved, I see no reason why the proposal would pose any significant threat to the health of the tree. The Council accepted at the Hearing that a condition would be appropriate in this instance. I therefore find no conflict with UDP Policies N8 and B7, which deal with trees and conservation areas respectively.
17. On the main issue I therefore conclude that the proposal would at least preserve the character and appearance of the conservation area, and would not conflict with the UDP policies to which I have referred.
18. The Council suggested a number of conditions in its statement which I have assessed in the light of national advice, and the discussion which took place at the Hearing. A condition to require the timber to match that in the existing porch is necessary in the interests of appearance. Details of foundations and measures to protect the silver birch are necessary to protect a tree which makes a contribution to the appearance of the area. I also consider that the circumstances of this case justify making an exception to the normal policy of restraint which applies to the removal of permitted development rights, and I shall remove rights to alter the car port.

19. For the reasons given above I conclude that the appeal should be allowed.

JP Roberts

INSPECTOR

DOCUMENTS

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| Document | 1 | Letter of notification |
| Document | 2 | "Wireframe" annotated photograph submitted on behalf of Mr Myers |
| Document | 3 | Bundle of letters received at application stage submitted by the Council |

ANNEX

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The materials to be used in the construction of the car port and store shall match those used on the porch on the eastern elevation of Hollycot.
- 3) No development shall be carried out until details of tree protection measures and details of the foundations for the car port and store have been submitted to and approved in writing by the local planning authority. The development shall be carried out as approved.
- 4) In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (i) and (ii) below shall have effect until the expiration of 1 year from the date of the occupation of the building for its permitted use.
 - i) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work).
 - ii) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.
 - iii) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with details approved under condition 3 before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written approval of the local planning authority.
- 5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), the car port and store shall not be altered or extended without the specific grant of permission on application to the local planning authority.