



Appeal Decisions

Site visit made on 13 October 2008

by **Wenda Fabian** BA Dip Arch RIBA IHBC

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

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Decision date:
10 November 2008

Appeal A: APP/X5210/E/08/2081610

Klippan House, 50 Well Walk, London NW3 1BT

- 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 Cowan against the decision of the Council of the London Borough of Camden.
- The application Ref 2007/4761/L, dated 18 September 2007, was refused by notice dated 26 March 2008.
- The works proposed are demolition of garage adjacent to 8 East Heath Road and creation of a new underground swimming pool with ancillary plant and gym rooms connected to the main building via a basement corridor link.

Appeal B: APP/X5210/A/08/2081611

Klippan House, 50 Well Walk, London NW3 1BT

- 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 Cowan against the decision of the Council of the London Borough of Camden.
- The application Ref 2007/4759/P, dated 18 September 2007, was refused by notice dated 26 March 2008
- The development proposed is formation of a new underground swimming pool connected to the main house via underground tunnel.

Decision

1. I allow both the appeals in the terms set out in the Formal Decision below.

Main issue

2. The main issue is the effect of the proposal on the special architectural and historic interest of the listed building and its setting and on the character and appearance of the Hampstead Conservation Area.

Reasons

3. Klippan House is an imposing red brick arts and crafts style house, which is within the Christchurch/Well Walk sub-area of the Hampstead Conservation Area and is listed, Grade II. It is located at the corner of two residential roads close to Hampstead Heath and is set at 45° to the main building line on both roads. This corner position and the large garden around the house set it apart from neighbouring more closely spaced buildings. The garden, which includes a statuesque mature cedar tree, plays a key role in the pleasant leafy character of the conservation area.
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4. Two garages, one brick and one dark timber, are set one behind the other close to the boundary with No 8 East Heath Road. The Council has acknowledged their neutral contribution to the conservation area and consent for their demolition has already been granted in June 2008 at appeal (Ref APP/X5210/E/07/2059108), but this has not yet been carried out. The current proposal includes demolition of only the front garage; a new door would be formed in the remaining one, to enable more direct access to it and the extent of the existing gravel surfaced drive and gravel hardstanding alongside and to its rear would be reduced.
5. This reduced area would be re-paved with granite setts. Although neighbours have objected to the appearance of these setts, previously approved alterations to the house included granite sett paving in front of it, which has now been installed and the proposal would provide visual continuity with this. I see little reason, therefore, to resist this high quality natural material, which with time will weather to a less harsh appearance. With appropriate soft landscaping (which can be secured by a condition) in lieu of the reduced area of existing hardstanding, the proposed demolition would simply make the existing garden appear slightly more open and produce a neutral effect in relation to both the conservation area and the listed building. The available soil depth above the proposed underground construction would be shallow; nevertheless, many roof-top landscaping schemes are successfully implemented and the technical specification necessary for this could also be secured by the suggested condition.
6. Whilst the footprint of the proposed swimming pool would be similar to that of the existing house and would almost double the developed area of the site, the spatial qualities of the house and the appeal site would remain visually unaltered. The proposed swimming pool, gym and plantroom spaces, as well as the link from the basement of the listed house, would all be constructed underground with almost no visible presence on the site apart from extract and intake air terminals. These would be located within a proposed long narrow refuse bin enclosure next to the party boundary and close to the existing site access gateway. The enclosure would extend around 0.3m above the existing close-boarded timber fence and would be level in height with the existing brick gate pier. I consider this part of the proposal would have a minimal visual effect.
7. The only alteration to the appearance of the appeal site that would arise from the proposal would, therefore, be the demolition of one garage and reduction of the hard paved areas, as set out above. Similarly, the link to the proposed swimming pool through the basement wall would be formed entirely underground, with an opening cut through the below ground external wall into an existing secondary space off the main basement stair hall, and its effect on the historic fabric of the listed building would be minimal.
8. The specialist arboricultural report, commissioned by the appellant, confirms that the proposal would be located outside the defined root protection area for the cedar tree referred to above. Appropriate protection to safeguard the tree can be ensured during construction by a condition. The Council has raised no objection to the loss of a small holly tree close to the house as part of the proposal. It is graded C according to BS5837:2005 and I agree with this assessment.

9. Neighbours, understandably, fear the structural consequences and disruption to groundwater courses of an underground building in such close proximity to their property – particularly in the light of the pockets of water and springs which the appellant’s structural engineer confirms are evident in the Hampstead Heath area. The base of the pool would be 6m below the existing ground level and about 2m from the boundary with No 8 East Heath Road. The structural engineer carried out a site investigation for the proposed swimming pool in 2007. The results show that a system of contiguous bored piles around the perimeter of the excavation would avoid the possibility of any soil slips. According to the report, bored piles of this type do not cause any vibration nuisance and limit any disturbance to the surrounding ground. They would also provide a permanent back shutter to the proposed new retaining walls. In the absence of any overriding evidence to the contrary, these fears are not, therefore, an overriding objection to the proposal.
10. I note the conclusion of the previous appeal inspector with reference to the possible effect of the proposal on water pressure in the area and as no additional evidence has been provided in this respect, I see no reason to differ from his assessment. Objections have also been made in relation to the sustainability of the proposal on the basis that there is no intrinsic need for this specific proposal. However, this point could be made in relation to many private residential extensions and no specific policy resisting private swimming pools has been brought to my attention. National policy aims to reduce energy consumption and promotes more energy efficient building development – the proposal would be heated via a ground source heat pump, a form of renewable energy. Whilst I sympathise with neighbours who have experienced a prolonged period of alteration work at the site, disruption, dust and noise arising during construction are common to most types of development and are not sufficient justification for refusal.
11. Taken all in all, I conclude that the proposal would not harm the special architectural or historic interest of the listed building or its setting and, consequently would preserve the character and appearance of the Hampstead Conservation Area. It would accord with local and national policy.

Conditions

12. Landscaping details, as referred to above, and tree protection during construction are both necessary to safeguard the character of the area. To ensure a reasonable level of peace and quiet for adjacent residential occupants a limit on noise emissions from proposed ventilation equipment is necessary; for greater precision, I agree that the condition attached in this respect to the previous appeal consent for this site should be used. In the light of English Heritage advice that Roman finds have been made in the vicinity, an archaeological investigation is necessary prior to commencement.

Formal Decision

13. I allow Appeal A and Appeal B and grant listed building consent for demolition of garage adjacent to 8 East Heath Road and creation of a new underground swimming pool with ancillary plant and gym rooms connected to the main building via a basement corridor link and grant planning permission for formation of a new underground swimming pool connected to the main house

via underground tunnel at Klippan House, 50 Well Walk, London NW3 1BT in accordance with the terms of the applications Ref 2007/4761/L and Ref 2007/4759/P, dated 18 September 2007, and the plans submitted with them subject to the following conditions:

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) No development shall take place until there has been submitted to and approved in writing by the local planning authority a scheme of hard and soft landscaping works, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development and these works shall be carried out as approved. The scheme shall include details of: proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; and refuse storage and ventilation intake and extract housing.
- 3) All planting, seeding or turfing comprised in the approved scheme of landscaping referred to in condition 2 above shall be carried out in the first planting and seeding seasons following completion of the development; and any trees or plants which within a period of 5 years from its completion die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.
- 4) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.
- 5) Noise levels at an external point 1 metre from sensitive facades shall be at least 5dB(A) less than the existing background measurement (LA90), expressed in dB(A), when all plant/equipment hereby permitted is in operation unless the plant/equipment will produce a distinguishable, discrete continuous note and/or if there are distinct impulses, in which case the noise levels from the plant/equipment at the same point shall be at least 10dB(A) below the LA90, expressed in dB(A).

Wenda Fabian

Inspector