



# The Planning Inspectorate

An Executive Agency in the Department of the Environment and the Welsh Office

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20 DEC 1995

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Both Appeals  
Allowed

Your Ref: CPP7995  
Our Ref: T/APP/X5210/A/95/255108/P7  
T/APP/X5210/E/95/811805/P7

Date: 18 DEC 1995

Dear Sirs

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 SCHEDULE 6  
PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990,  
SECTION 20 AND SCHEDULE 3  
APPEALS BY DRS C & C WILLIAMS  
APPLICATION NOS: PL/9401782 and HB/9460189

1. I have been appointed by the Secretary of State for the Environment to determine these appeals against the decisions of the Camden London Borough Council to refuse planning permission for the refurbishment of and alterations to an existing garage-cum-study and to refuse conservation area consent for the removal of a portion of existing wall at 11 Frognal Way, London NW3. I have considered the written representations made by you and by the Council. I inspected the site on 13 November 1995.
2. The works shown on the submitted plans involve the demolition of part of one wall of the garage-cum-study building and the removal of part of the means of enclosure of the site to form an access. The plans show that the total cubic content of the building does not exceed 115 cubic metres. On this basis, conservation area consent for its partial demolition is not required. I am accordingly treating the conservation area consent application as one for the demolition of part of the means of enclosure only.
3. The Council have treated the application for planning permission as one for the works of conversion and change of use from a garage to a detached house and alterations to a boundary wall. However, whilst changes to the means of enclosure of the site are involved, I find insufficient reason to doubt your information that the alterations to the building are intended to form a guest/staff annexe. I am dealing with this latter application accordingly.
4. From my site inspection and my examination of the representations, I consider that the key issue in this case is

the effect of the proposal on the character and appearance of the Hampstead Conservation Area, in which the site lies.

5. The development plan in force includes the Borough Plan, policy UD11 of which partly seeks to retain, conserve and enhance areas or individual buildings of architectural quality or character including the historic pattern of streets and spaces. In the Council's draft Unitary Development Plan (UDP), policy EN18 provides that development on unbuilt space which forms a significant element of the established townscape will be resisted. Policy EN33 concerning development in a conservation area reflects the statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

6. The principal garden of your clients' 3 storey detached house lies to the side of the main building and stretches along Frogna! Way. The appeal building lies at the end of the garden and comprises garaging at lower ground level with a room, presently used for domestic storage, above. The proposed development would not involve any loss of garden but the envelope of the building would be increased by the construction of a largely glazed overhanging dormer facing the house. The garage doors would be replaced by french windows.

7. The character of the conservation area is derived partly from the traditional order of good quality houses interspersed with landscaped gardens. Whilst the pattern of development in Frogna! Way is somewhat irregular, the balance between buildings and garden spaces is nevertheless an important feature. In my opinion, this would not be upset by the proposals because, although the alterations would change the form and symmetry of the appeal building to that more akin to a studio, they would be not be so drastic as to affect its essence as an outbuilding.

8. Much of the building is screened from Frogna! Way by the intervening fencing and planting. Moreover, the more noticeable changes to its upper part would be seen against the immediate backcloth of the high brick wall of the adjoining churchyard, which dominates your clients' garden. I do not therefore consider that the altered building would intrude unduly into the street scene. The works to the means of enclosure of the site effectively involve the resiting of the vehicular access gates and, in my view, are insignificant.

9. In all the circumstances, I conclude that the character and appearance of the conservation area would be preserved and that no material conflict with the development plan or the emerging policies would result. I have taken into account all the other points made, none of which alters this conclusion.

10. In view of the sensitive location of the site, I am imposing a condition relating to the submission and approval of external materials. To ensure that the building is not used as a separate dwelling, I am also imposing a condition,

as you suggest, requiring it to be used solely as accommodation ancillary to your clients' house.

11. For the above reasons and in exercise of the powers transferred to me, I hereby allow these appeals and grant planning permission for alterations to an existing garage-cum-study to form a guest/staff annexe and alterations to the means of enclosure of the site at 11 Frognal Way, London NW3, and conservation area consent for the demolition of part of the means of enclosure of the site at 11 Frognal Way, London NW3 in accordance with the terms of the applications Nos PL/9401782 and HB/9460189 both dated 11 November 1994 and the plans submitted therewith, subject to the following conditions:

#### Planning Permission

1. the development hereby permitted shall be begun before the expiration of 5 years from the date of this letter;
2. development shall not begin until details of the external materials to be used in the alterations have been submitted to and approved by the local planning authority;
3. the guest/staff annexe shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 11 Frognal Way.

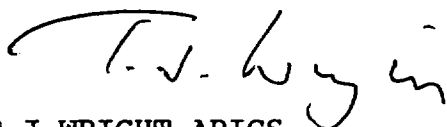
#### Conservation Area Consent

the works hereby permitted shall be begun before the expiration of 5 years from the date of this letter;

12. An applicant for any consent, agreement or approval required by a condition of the planning permission has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused or granted conditionally or if the authority fail to give notice of their decision within the relevant period.

13. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than Section 57 of the Town and Country Planning Act 1990 and Section 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Yours faithfully



T J WRIGHT ARICS  
Inspector