



# Appeal Decision

Site visit made on 31 January 2008

**by Christopher Gethin MA MTCP 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  
e-mail: [enquiries@planning-inspectorate.gsi.gov.uk](mailto:enquiries@planning-inspectorate.gsi.gov.uk)

Decision date:  
26 February 2008

**Appeal Ref: APP/X5210/A/07/2058884**

**39 Christchurch Hill, Hampstead, London NW3 1LA**

- 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 & Mrs A Cooper against the decision of the Council of the London Borough of Camden.
- The application (ref: 2007/0992/P) dated 23 February 2007 was refused by notice dated 10 May 2007.
- The development proposed comprises an extension over the existing rear first-floor balcony, a front boundary wall with railings, and a bin/cycle store.

## Decision

- 1 For the reasons given below, and in exercise of the powers transferred to me, I allow the appeal and grant planning permission for an extension over the existing rear first-floor balcony and a front boundary wall with railings at 39 Christchurch Hill, Hampstead, London NW3 1LA in accordance with the terms of the application (ref: 2007/0992/P) dated 23 February 2007 and the drawings submitted therewith, subject to the following conditions:
  - 1) The development hereby permitted shall begin before the expiration of three years from the date of this permission.
  - 2) No development shall take place until samples of the materials to be used in the external surfaces of the development hereby permitted (including the fenestration and railings) have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
  - 3) The railings and gate shall be painted black, and thereafter thus retained.
  - 4) The proposed bin and bicycle store shall be omitted.

## Procedural Matter

- 2 Part of the proposed development has already been carried out. The appeal application is partly retrospective and I shall deal with the proposal as one made under section 73A of the Town and Country Planning Act 1990.

## Main Issue

- 3 The principal issue in this appeal is the effect of the proposed development on the character and appearance of the Hampstead Conservation Area.

## Planning Policies

- 4 Policy B7 of the 2006 London Borough of Camden Replacement Unitary Development Plan (UDP) is concerned with the protection and enhancement of Conservation Areas. Policy B1 deals with design considerations, while B3 is concerned with alterations and extensions (supported by Planning Guidance in relation to extensions, adopted in 2006). The 2002 Hampstead Conservation Area Statement describes the frontage of Christchurch Terrace as making a positive contribution to the character and appearance of the area.

## Reasons

- 5 The appeal site is a three storey over basement terraced house. Nos 1-41 Christchurch Hill form a continuous terrace: built around 1870, the houses are arranged in handed pairs, with a pleasing and largely unspoilt front elevation. I saw at my site visit that the rear elevation has been subjected to a variety of extensions and alterations. Of particular note in the context of this appeal, a first-floor balustraded balcony feature of the original design has been substantially altered or filled with differing kinds of extension in about half of the houses. No.41, adjoining the appeal site, has such an extension, while no.37 on the other side retains its original balcony. The proposed development includes the construction of an extension over the balcony at no.39: this was largely completed at the time of my site visit.
- 6 I consider that the detailed design of the extension relates well to the proportions and scale of the host building and to the adjoining extension at no.41. It goes a considerable way in restoring balance to the handed pair of buildings, following the unsympathetic extension to no.41. The materials used match those of the existing building. The extension does not appear intrusive from viewpoints in surrounding properties.
- 7 The Council considers that the changes and alterations made to the rear elevation of the terrace have not undermined its architectural composition and character. I agree with this assessment. The handed pairs of houses remain a key architectural feature of the rear façade, with their roofs at the same height (stepping down to the next pair), and featuring symmetrical fenestration and outshutts. (The balconies, where they still exist, are seen as components on the outside edge of each pair, again stepping down to the next handed pair. The balcony at no.39 would therefore have been seen in relation to that of no.41, not that of no.37 which – albeit adjacent – lies at a lower level.) Superimposed on this composition is a somewhat chaotic and engaging plethora of extensions and alterations whose overall effect falls short of compromising the rhythm and form of the terrace. The subject extension, in this context, makes little difference, and appears in keeping with the existing character of the rear façade as it has evolved over time.
- 8 I consider that the subject development represents an appropriate and sensitive infill extension which is congruous with this overall character and appearance. If the original balcony and balustrade features were particularly attractive in their own right, if all or most of the balconies were still intact, if no.41 still possessed its balcony, and if the rear of the subject

property were visible from public viewpoints, then the loss of the balcony at the appeal site would be cause for concern. But none of these applies.

- 9 I turn now to the proposed front boundary treatment. This is acceptable to the Council and I consider that it would enhance the streetscape. The Council suggests a condition requiring the railings and gate to be painted black and maintained thus: I consider this to be necessary and justified in the interests of visual amenity. The proposed bicycle and bin store is not (I understand) being pursued by the appellants: I consider that it would appear incongruous and unsightly in the context of the streetscape and have therefore attached a condition requiring the removal of this element of the proposed development, as agreed by both parties. The Council has suggested a condition relating to external materials and finishes, which is agreed by the appellants to be in the interests of safeguarding the character and appearance of the area: I have amended the wording in the interests of clarity and enforceability.
- 10 I conclude that the proposed development, subject to these conditions, would preserve the character and appearance of the Conservation Area in which the appeal site is located, and that it is acceptable by reference to the relevant policies of the UDP and the Council's adopted Planning Guidance.

*Christopher Gethin*

INSPECTOR