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B/731/SF/P

[2895]

ALLOWED

Rec'd
8/6/90

Mr J M Fritsch
Architect
Suffolk House
1-8 Whitfield Place
LONDON
W1P 5SF

Your reference

Our reference

T/APP/X5210/A/89/144750

Date

31 MAY 90

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9

APPEAL BY MR N P BARKER

APPLICATION NO:- PL/89 05023

1. I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeal. This appeal is against the decision of the London Borough of Camden Council to refuse planning permission for the erection of a double pitch mansard roof extension and the formation of a rear roof terrace at No 28 Willow Road NW3. I have considered the written representations made by you and by the Council and also those made by The Heath and Old Hampstead Society and other interested persons. I have also considered those representations made directly by other interested persons to the Council which have been forwarded to me.

2. From my inspection of the appeal property and the surrounding area on 23 April 1990, and from the representations I have concluded that the main issues in this case concern the effects of the proposal on:

- i. the appearance and character of the Hampstead Conservation Area;
- ii. the amenities of the occupiers of adjoining residential accommodation.

3. It is material to the first issue that the appeal property is within the designated area of the Hampstead Conservation Area and that the recently adopted Camden Borough local plan includes policies relating to the need for high level design in conservation areas. Also material to my consideration of this issue is the 'Policies for the Fringes of the Heath', non-statutory guidelines to which the local plan refers as the source of particular policies and criteria necessary for the proper conservation of these parts of the conservation area. These guidelines refer to the need to preserve views of the heath, control development along roads leading to it, so as to respect their present contribution to its setting, and to preserve existing scale and character within the fringes of the heath. I have also to take into account that sub-paragraph 8 of Section 277 of the Town and Country Planning Act 1971, requires that I pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area in considering this proposal.

4. The principal objection to the proposal is that because of the individuality and already large scale of the present building the effect of the proposed extension would be to cause it to overdominate and compete with neighbouring buildings within the same terrace. My attention has been drawn in particular to what are considered to be its likely adverse effects on the group value of houses Nos 29-32 Willow Road, and the claimed disruptive effect that it would have on the skyline. In dealing with the first issue I consider first the present contribution made by the appeal

building to the appearance of Willow Road when seen from this road and the area beyond, including the facing hill slope which forms part of the heath.

5. Although it is argued to the contrary I do not accept that the appeal building appears to be of a larger scale than its neighbours. While the large, square, light coloured bays and the very deep porch do draw attention to it, particularly when approaching from the east along Willow Road, the more pronounced and even heavier bays, and the slightly greater width of the adjoining building No 27 Willow Road, makes this building seem bigger and more assertive. It is also evident that the common design features of the group of houses Nos 29-31 Willow Road adjoining to the west, give these a very strong coherence which means that these are in no respect dominated by the appeal building.

6. The effects on the appearance of the terrace of what is in the main a void above the first floor level to the appeal building, varies considerably according to position. From along the southern side of Willow Road either to the east or west the void is hardly apparent. However when moving northwards within the 2 arcs centred on the building the void and the exposed upper party walls to the adjoining buildings become increasingly evident. The easterly arc covers a very much greater number of points from which this part of the terrace can be seen; these include areas of the heath. From many of these viewpoints the large area of the exposed party wall to No 29 Willow Road is much in evidence; this, and the gap in the terrace skyline, observable from albeit a much more restricted area to the north, are, in my opinion discordant and incongruous features.

7. Since the main roof ridge of the proposed mansard extension would be some 1.35 m above that of No 27 Willow Road, and the party wall is to be raised, slightly higher still, it is clear that its effect would be a clear step in the roof line of the terrace at this point, and a very much increased area of party wall exposed to view from points within the same easterly arc already mentioned. However I note that most of this exposed wall would be between the 2 chimneys which are also to be raised; that is, well back from the front of the building. In that part between the latter and the front chimney, the raising of the party wall by a relatively small amount would result in only a very modest exposed area. Bearing in mind this, and the existence of the roof lights extension to No 27 Willow Road, I consider that while the proposed area of party wall would be plainly evident, particularly from a distance to the north-east on part of the heath, this would not be enough to be discordant. Furthermore while also leaving a clear 'step' in the roofline I draw a similar conclusion in respect of the effect of the proposed extension on the roof profile of this part of the terrace. To my mind this extension would not alter the already noted status of the property in relation to No 27 Willow Road and the group of buildings on its western side.

8. The effect of the proposal in closing the present gap above the roof to the first floor level of the building would mean a loss in some views of the heath fringe, for the occupiers of residential properties in Denning Road to the south. To this extent the proposal would conflict with one of the aims of the Policies for the Fringes of the Heath. However little of the heath is evident in such views and the blocking effect of the terrace of houses in Christchurch Hill, and a very large chestnut tree means that the occupiers affected would be few. For these reasons I attach only little weight to such loss.

9. In my view despite this adverse effect the overall impact of the proposal would be to enhance the value of the contribution made by the appeal property to the appearance and character of this part of the conservation area and fringe of the heath. In this regard it would meet the provisions of the adopted local plan, and one of the main intentions behind the designation of the conservation area.

10. Since the relationship of the appeal property to its neighbours is so unusual I do not share the concern, expressed by a number of local people, that the grant of permission to the present proposal would serve as a precedent for other proposals that might cumulatively have adverse effects on the skyline within the conservation area.

11. The most important considerations in the second issue are the manner in which the main rear wall of the appeal building is set back from those of the adjoining buildings, the existing basement flat whose occupiers enjoy exclusive use of the garden to the rear of the appeal property, and the extent to which the screening effects of mature trees restrict views between the Willow Road and Denning Road properties. These features mean that the occupiers of the basement flat enjoy considerable seclusion and privacy in the use of this garden. Bearing in mind the relationship of this accommodation to ground level in Willow Road it seems to me most important that these benefits are retained. Although as you point out it is now possible to overlook the garden from the existing terrace I believe that because of the nature of its relationship to the intended balustrade the proposed terrace would be much more intensively used. Given this and the perceived sense of being overlooked that the occupiers of this flat would experience with the railing to this terrace positioned as proposed, I consider that this railing should be either re-positioned or re-designed in such a way that the top rail is far enough from the edge of the parapet that casual overlooking of the garden area nearest to the flat is not possible. I have imposed condition No 3 for this reason.

12. Detailed representations on local ground conditions made by the occupier of an adjoining property raise the question of the competence of the existing house foundations to take the proposed extension. No doubt your client would wish to be satisfied on this matter if he has not already done so. The structure of the building is of course a matter for the building regulations and clearly the council will also wish to take account of these representations when the application under these regulations is made to it.

13. The council has suggested that in addition to the standard condition on time limits a condition relating to its prior approval of facing materials should be imposed in the event of my deciding to allow the appeal. You have raised no objection to such a condition which in my view is necessary in the interests of the appearance of the area.

14. I have taken account of all the other matters raised in the representations but these do not affect the planning considerations leading to my decision.

15. For the above reasons, and in exercise of powers transferred to me, I hereby allow this appeal and grant planning permission for the erection of a double pitch mansard roof extension and the formation of a rear roof terrace at No 28 Willow Road NW3 in accordance with the terms of the application (No PL/89 05023) dated 18 January 1989 and the plans submitted therewith, subject to the following conditions:

1. the development hereby permitted shall be begun before the expiration of 5 years from the date of this letter;
2. the facing materials to be used on the extension shall not be otherwise than as shall have been submitted to, and approved by, the Council before any work on the building begins;
3. the proposed railing to the terrace is to be repositioned or be re-designed so that the top horizontal rail is in a position 0.5 m further into the terrace than that indicated on the appeal application plans, and the

details submitted to and approved by the Council before any work on the building begins.

16. An applicant for any consent, agreement or approval required by a condition of this permission and for approval of the reserved matters referred to in this 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 prescribed period. The developer's attention is drawn to the enclosed note relating to the requirements of The Buildings (Disabled People) Regulations 1987.

17. This letter does not convey any approval or consent which may be required under any enactment, byelaw, order or regulation other than section 23 of the Town and Country Planning Act 1971. Your attention is drawn to the provision of Section 277A of The Town and Country Planning Act 1971 (inserted into the Act by the Town and Country Amenities Act 1974) as amended by paragraph 26(2) of Schedule 15 of the Local Government Planning and Land Act 1980 which requires consent to be obtained prior to the demolition of buildings in a conservation area.

I am Sir
Your obedient Servant



G CHAPMAN
Inspector