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8401879 - Reg: 1726
& 8501764 - Reg: 1793

H 8/13/10

BOTH DISMISSED

Messrs Solomon, Taylor and Shaw
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Your reference

5.392/CPG/D/t

Our reference T/APP/X5210/A/85/038601

A/86/046636/2

Date

2 JUL 87

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEALS BY FAITHWOOD INVESTMENTS LIMITED
APPLICATION NOS: PL/8401879/R1 AND PL/8501764/R1

1. I refer to the above mentioned appeals which the Secretary of State for the Environment has appointed me to determine. These appeals are against the decisions of the London Borough of Camden Council to refuse planning permission firstly, for the erection of 4 houses (Appeal A) and secondly, for the erection of 3 houses (Appeal B) on land at 19 Wadham Gardens, London NW3.

2. As you know, I held a local inquiry into these appeals on 7 April and 5 May 1987 and I have seen the appeal site and the surrounding area. From considering all the evidence and representations made during the inquiry and in writing and following my inspection, I form the view that the principal issue in these appeals is whether the scale and nature of either of the proposed developments would significantly harm the character, appearance and general amenity of this Conservation Area and that of the adjoining buildings.

3. The appeal site forms part of the L-shaped garden of a substantial detached house, No. 19 Wadham Gardens, located close to the corner of Wadham Gardens and Lower Merton Rise. The part of the garden proposed for development comprises a lawn and mature flower beds, the street frontages being characterised by a privet hedge, about 6 ft high, behind which is a row of some 21 pollarded poplar trees. No. 19 itself is of 2 main storeys with gable attics to the street frontage and has aspects to the front and rear and, from the side windows and distinctive bays, has an outlook over the appeal site. Immediately to the north lies No. 1 Lower Merton Rise, converted some time ago from a coach house and stables to a 2-storey family house which, along with the larger houses on the opposite side of Wadham Gardens, looks over the appeal site at upper floor level. The appeal site lies close to the eastern entrance of a well-defined estate of distinctive detached residences, built around the turn of the century under the aegis of London builder, William Willett, and lies almost opposite an area of private communal gardens. The whole estate forms the basis of the original Elsworthy Conservation Area, declared in 1973 and subsequently extended on the periphery.

4. The Council's reasons for refusing these applications are largely based on their opinion that both of the buildings proposed are excessive in bulk and poorly related to the adjoining houses. Both proposals would also result in the loss of an important area of private open space, of considerable amenity value, a point borne out by strong local feeling, and which contributes significantly to the character and appearance of the Conservation Area. Concern is also expressed about the detailed impact of the buildings on No. 19 and on the prominent trees and hedges on the frontages. Emphasis is particularly placed on local planning policies which seek to

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maintain the appearance of private gardens, resist the loss of important open spaces and urge rejection of buildings which are excessively bulky or out of scale with their neighbours.

5. In response to these points, on behalf of your clients it was emphasised that Government policy urges developers to make the best use of scarce urban land for housing development for which there is an accepted demand. In reflecting the scale and bulk of existing buildings, the proposals cannot be considered to be out of character in this Conservation Area and both schemes not only comply with all the relevant planning standards but are also compatible in design terms. The visual and amenity impact on No 19 and the surrounding houses would not be unsatisfactory in such a tightly-knit urban area and there would not be an unacceptable degree of overlooking or loss of privacy. Both schemes retain as much of the boundary vegetation as practicable and the Council's views are unnecessarily pessimistic on this issue. Moreover, this particular plot of land has not been specifically identified by the Council as worthy of protection and various reports on previous planning applications for this site accept that some form of development would be permitted. Neither scheme would have an adverse or dominating effect on important views of the street scene and both represent an acceptable use of underused and uncharacteristic area of side garden land.

6. In terms of planning policy, I consider that this is a case where the national and local policies which urge full and effective use of scarce urban land and emphasise the need to cater effectively for private housing demand have to be carefully balanced against the need to protect the particular character and distinctive qualities of this Conservation Area. Whilst there is an accepted demand for family houses such as your clients propose and a need for Conservation Areas to remain alive and prosperous, it is equally important to ensure that new development not only accords with the special architectural and visual features of this area but also respects the form and layout of existing buildings and other significant physical features. Given this background, I consider that the existing character of this Conservation Area and the contribution made by the appeal site are important considerations, along with the overall impact of your clients' proposals on the character and appearance not only of the area in general, but also as regards the detailed relationships with adjoining buildings in terms of visual bulk, design and layout.

Firstly, as to the character of this neighbourhood, I fully agree with the views advanced on your clients' behalf, and not disputed by the Council, that this Conservation Area is characterised by substantial detached residences, each in a distinctive Arts and Crafts style, generally set close together along mature tree-lined roads. I also agree that the principal focus of this estate is the communal garden on the opposite side of Wadham Gardens, around which are grouped a number of large detached houses of individual design. Moreover, apart from one or two examples of more recent buildings, some the result of war damage, and the sub-division of a good number of the houses into smaller dwellings or flats, the area retains most of the layout, general character and appearance of the original William Willett estate.

8. However, the significance of the appeal site as an important private open space on the edge of the estate should not, in my view, be underestimated. I agree that the useful historical evidence, submitted by local residents, as to whether this particular garden was deliberately planned as an integral part of the overall layout of the estate is somewhat inconclusive. Likewise, the site is not highlighted by the Council as warranting special protection, even though Local Plan policies do seek to generally resist the loss of private open spaces, recognising their amenity value to adjoining occupiers and to the public as a whole. Nevertheless, the site represents a very conspicuous plot of land, as yet not built up, on a prominent corner site at the eastern entrance of the estate.

ough it may not be a fundamental element in the original design, it clearly does much in forming the spacious appearance of this edge to the estate, and many of the surrounding properties are designed to have important aspects over the site, especially from the upper floors. Moreover, with the prominent hedge and pollarded trees enclosing the frontage, the site in its present undeveloped state constitutes a significant element in the street scene and makes a very important, if not indispensable, contribution to the character and appearance of this part of the Conservation Area.

9. Of course, I recognise that the preservation of this private garden for its own sake, even though it may be the preference of the Council and local residents, and arguments about the general principle of not developing the appeal site do not in themselves constitute sound reasons to turn down your clients' schemes. A major consideration is whether the proposals would unacceptably harm the character or appearance of this Conservation Area and, in terms of visual impact, both schemes have a number of significant points in their favour. Firstly, both proposals generally reflect the style and proportions of many existing buildings on the estate, without slavishly copying particular design features, and both match the height and ridge line of the adjoining property, No 19. The overall designs do not seem to be unacceptable to the Council and I agree that schemes such obvious high quality would be a positive asset in many neighbourhoods. Moreover, I understand that both schemes meet the technical standards of daylighting, plot ratio and density and I recognise the efforts made by your clients to overcome many of the Council's previous objections by reducing the scale of the buildings and the number of dwellings.

10. However, whichever scheme is considered, the overall scale of either of the buildings proposed would have a significant visual impact on this part of the Conservation Area, as the montage photographs clearly show. Matters of visual bulk did not specifically form a central part of the Council's case at the inquiry, but are an important consideration, reflected in the reasons for refusal. In general terms, both buildings being of a full 3-storeys, extending across almost the full width of the plot and being very close to the street frontages, could not fail to stand out in the street scene, even though at eye level the impact would be softened by the frontage trees and hedges. Both schemes have a high degree of site coverage, especially in relation to the depth of this plot, which is significantly less than most others on this side of Wadham Gardens. Moreover, the site is closely bounded on 2 sides by existing houses, both of which have intentional outlooks over the site, and the presence of this open area makes a significant contribution to the private space and general amenity of these residences.

11. In these circumstances, I take the view that to introduce a building of the general height and scale envisaged in either scheme would tend to crowd the setting of adjoining buildings and unacceptably encroach on to this intrinsically important area of private open space. Moreover, whilst not being particularly obtrusive or incongruous when viewed from the western end of Wadham Gardens, both buildings would tend to dominate this prominent corner site when seen at close quarters and from viewpoints to the south and east. In view of the restricted space around either of the proposed buildings and bearing in mind the proximity of the large houses adjoining and opposite, either of these substantial buildings would be seen as an overbearing and cramped development of this relatively small and constricted site. Both schemes would thus be out of line with the Council's adopted urban design policies which require careful consideration of aesthetic and environmental factors and urge rejection of buildings which are excessively bulky or out of scale with those in the locality. Rather than forming a logical enclosing or terminating element in the street scene as was suggested, in my opinion, both would tend to encroach on the comparatively uncrowded and open nature of this corner site and show a marked contrast with the more spacious surroundings, to the overall visual detriment of the Conservation Area.

12. As regards the detailed impact on No 19, again the historical evidence as to whether this side garden was an intentional part of the original layout is somewhat inconclusive and I accept that this house is almost alone in having such a large side garden. Nevertheless, as an important undeveloped space it contrasts markedly with the more closely-knit nature of many of the other houses on the estate and forms an important element in the relationship between the surrounding dwellings. From the various plans submitted and from my site inspection, the side windows and prominent bays on the eastern elevation of No 19 are clearly a significant feature of the design and my internal inspection of some of the ground floor accommodation also confirmed the importance of this outlook over the side garden. Moreover, this side elevation of the house, whilst a subsidiary feature in the design and set well back from the road frontage, can be clearly seen from viewpoints to the south and east, contributing to the general quality of townscape in this area. I therefore take the general view that either of the proposed buildings, in view of their bulk, height and siting, would materially harm the setting, integrity and individuality of this existing residence to the detriment of the Conservation Area as a whole.

13. My general views on the unsatisfactory nature of either scheme are confirmed by a detailed consideration of each of the proposals in relation to the visual and physical impact on the street scene and on adjoining buildings.

14. As regards the scheme for 4 houses, the fact that the new building would be physically linked to No 19 would totally alter the character and distinctive individuality of the original house, being seen as a substantial addition, significantly detracting from the design and integrity of this house. The rear building line and that along Lower Merton Rise would obstruct views to and from the side bay of No 19 and seriously diminish the current perception of this secluded garden from outside. The front building line to Wadham Gardens is noticeably forward of the adjoining house and, being very close to the site boundary would tend to be somewhat obtrusive in the street scene. The full 3-storey height, prominent roof line and horizontal emphasis of the design would draw attention to the general mass of the building and the large extent of site coverage. The scale and size of the building could not in any way be considered a subsidiary element to the original house and would have an overbearing effect on the adjoining houses and in the overall street scene. Furthermore, the loss of almost half the hedge line and a number of trees on the Lower Merton Rise frontage is a further point contributing to the general unacceptability of this scheme.

15. The second scheme, for 3 houses, stands more on its own, but again with similar height and wide extent of site coverage would equally tend to dominate the adjoining houses. The rear building line pays more respect to the outlook from the side bays of No 19, but overall views into and out of the site would be interrupted almost as much. The corner set-back does assist in maintaining an impression of some open space at the road junction, but in relation to the overall height and bulk of the building, would be seen as an insubstantial element in the street scene. The general lack of surrounding space and closeness of the buildings to the boundaries emphasise the unduly prominent scale of development, which though not especially incongruous or obtrusive, would detract from the more modest and spacious nature of the surroundings. Taken together, all these factors point to the general inappropriateness of the scheme to this prominent corner site.

16. As to the effect of either proposal on the existing trees and hedges, I recognise that there is a quite varied treatment of frontages on the estate, but I do consider that these particular trees and hedges are a most distinctive and important feature of this corner site. This view is given further weight by the protection of the trees along the Lower Merton Rise frontage by a 1957 Tree

ervation Order. I have no doubt that your clients would do their best to retain as many of the trees and hedges as practicable, and I recognise that there are probably ways of protecting these features during construction. Nevertheless, the distance from the windows and doors of both the proposed buildings to the frontage vegetation is very limited and, bearing in mind the height of the trees and hedges and the fact that the trees have already been extensively pollarded, I can foresee understandable pressures from new residents to remove some of this frontage vegetation to avoid overshadowing in the none too distant future. Although there are statutory controls to cover this situation, this eventuality would be to the serious detriment of the appearance of this street scene and to the Conservation Area as a whole. Whilst not sufficient to justify a refusal of planning permission, I consider that the serious likelihood of future harm to these trees and hedges as a result of either of your clients' schemes is certainly a contributory factor.

17. I have also considered the question of the impact of the proposals on more localised amenity, which although not a major part of the Council's case, was strongly raised by local residents. Of course, it is not the purpose of planning to safeguard private property rights as such or to protect the value of individual properties or the views to be had from them. Nevertheless, in view of their proximity and outlook, neighbours could not fail to be aware of the height, bulk and extent of either of the proposed buildings, and would doubtless suffer some impairment of living conditions, making these less pleasant houses in which to live. Whether this would be to such a significant degree as to warrant turning down your clients' schemes is questionable, especially as I understand both meet the necessary daylight, density and plot ratio requirements, but again this is a matter which contributes to the general unacceptability of these proposals.

18. Much was made at the inquiry of the general compatibility of the proposals, especially the second scheme, with the suggestions of Council officers for developing the site. There was also some criticism of certain aspects of the principles set out, such as provision for views which did not currently exist, building lines and boundary treatment, along with the spaces around and gaps between buildings. The various site constraints and the general principle of developing this site have not been considered by elected members, and of course, I can only consider your clients' schemes as placed before me. Nevertheless, I have borne in mind the officers' suggestions in considering these appeals, and I come to the conclusion that both of your clients' proposals are so much greater in terms of ground floor area, scale and bulk than that suggested in the Council's sketch scheme, that the Council are fully justified in refusing these applications in the context of the constraints already identified, notwithstanding the comments made when considering earlier planning applications.

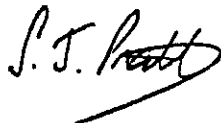
19. I therefore come to the conclusion that neither of your clients' schemes is acceptable on this prominent corner site by reason of the excessive bulk and scale which I consider would unacceptably dominate the street scene to the overall detriment of the generally spacious character of the surroundings and seriously detract from the setting, integrity and outlook of the adjoining house. Although I accept that both schemes would utilise a currently undeveloped plot of land within an urban area and that 3 or 4 houses would make a small, if rather insignificant contribution to overall housing needs, I do not consider that these aspects outweigh the adverse visual and amenity impact that both proposals would have, bearing in mind the long-standing policies and acknowledged interests of protecting the character and appearance of this distinctive Conservation Area.

20. I have also taken into account all the other evidence, submissions and representations made at the inquiry and in writing, including the views of local residents both on the original planning applications and at the appeal stage, but I find nothing of such importance to outweigh the considerations which lead to my decision on these appeals.

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21. For the above reasons, and in exercise of the powers transferred to me, I hereby dismiss both of your clients' appeals.

I am Gentlemen
Your obedient Servant



S J PRATT BA(Hons) MRTPI
Inspector