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64/20/6/8804706 [2948] Recd 20/8/90  
DISMISSED A/1092X/JLC/P

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Your reference  
CAM/876

Our reference  
T/APP/X5210/A/90/147296/P5

Date

16 AUG 90

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9  
APPEAL BY MR B KERSTEIN  
APPLICATION NO: PL/8804706/G4/20/6

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 creation of 11 self-contained flats, 6 Sherriff Road, West Hampstead. I have considered the written representations made by you and by the Council. I have also considered those representations made directly by interested persons to the Council which have been forwarded to me. I inspected the site on 26 June 1990.

2. From my inspection of the site and its surroundings, and from the representations made, I consider that the main issues in this case are:

a. whether the type of residential accommodation proposed would undermine the objectives of the Council's policies relating to the provision of non self-contained accommodation and family units;

b. the effect of the proposed development on the character of this building and its immediate surroundings; and

c. whether the proposed development would seriously harm the amenities or outlook of neighbouring residents.

3. Evidence relating to the past residential use of the appeal premises is not entirely clear, and I note that the Council have considered the details of this history as part of their assessment of a recent application for an Established Use Certificate. Until recently the property has apparently been in use as a house in multiple occupation. Refurbishment works have led to an internal rearrangement which now provides 8 self-contained units. Your client's proposal would extend this form of residential use to provide 11 flats.

4. I fully understand the objectives underpinning the Council's housing policies set out in the Adopted Borough Plan. I acknowledge that both non self-contained and family accommodation should remain significant components of the overall housing provision in this area, issues which Policies HG30 and 35 seek to address. However, the proposed scheme would lead to an increase in the housing stock in a Borough suffering from a severe housing shortage, and where the Council seek the provision of a range of residential accommodation. It would increase the number of small residential units, albeit in a self-contained form, reflecting the general aim of Policy HG35, and the thrust of the advice in paragraph 13 of Appendix A to Planning



Policy Guidance Note No. 9. In the absence of detailed information as to the present Borough-wide adequacy of non self-contained and family unit provision, it is difficult to judge the acceptability of this proposal for studio units. The onus is placed upon the local planning authority to demonstrate harm. On this issue they have not done so. On the basis of all these considerations, I do not find that this first issue contains a decisive objection.

5. I recognise that this site does not fall within a designated Conservation Area, and is not a listed building. I accept that the architectural features of buildings in the immediate area do not provide an overall coherent pattern of distinct merit. Buildings vary considerably in age and design. Some of the older Victorian houses, including the neighbouring property at No. 4, have been modified and extended with modern features in a way which has not always reflected their intrinsic character. Dormer windows of considerable size have been inserted in some properties including, most noticeably, those at second floor level in the adjoining property. The present rear elevation of your client's property is unprepossessing with a visually untidy mix of projections and windows of varying sizes and styles. I note that the proposed front dormers would match those on the adjoining property at No. 4, and the proposed rear elevation would reflect the style of the permitted rear extension to that property.

6. Nevertheless, I consider that the Council's concern on the second issue is not entirely misplaced. The fact that a neighbouring property has been permitted to extend in a manner similar to that proposed here does not necessarily justify an argument which seeks to dismiss the Council's objection as of little weight. I consider that the front elevation of the appeal property possesses pleasing Victorian features and proportions. I found the front bay and pediment of the appeal property to be of particular importance to its external design and character. The proposed relatively large dormer extension at second floor level immediately above this feature, in my judgement, would significantly reduce its prominence and seriously unbalance the composition of the front elevation. I further consider that the proposed flat-roofed extensions to the rear, with their large expanse of fenestration, would be of a design generally alien to the nearby area. Because of their scale and height, in my opinion, they would have a seriously adverse impact on the character of this building. I do not find these objections decisive in themselves. Nevertheless, they are factors which support the dismissal of your client's appeal.

7. On the eastern side of the property, the proposed rear extensions would not project significantly beyond the line of the existing elevations either to the side or rear. For this reason, I consider that the impact of the development on the outlook and amenities of residents occupying the flats in No. 4 Sherriff Road would not be seriously adverse.

8. However, I have reached the opposite conclusion in respect of No. 8 Sherriff Road to the west. I accept that the main windows in that property face either Sherriff Road itself or Hilltop Road to the side. The property has only one window on its southern elevation. Nevertheless, a garden and external amenity areas lie to the south. One flat has an entrance on the southern elevation at first floor level reached by an external staircase. The proposed rear extensions to that side of your client's property would be large and would project a considerable distance into the rear garden at both lower and upper ground floor and first floor levels. In my judgement, the bulk and height of this extension would significantly reduce the amount of light reaching the rear garden of the neighbouring house, and would be so visually dominant as to seriously harm the outlook from that garden. Given this firm conclusion, together with those objections on the second issue, I find your client's scheme unacceptable.

9. I have taken account of all other matters canvassed in the representations, including the general presumption in favour of planning permission set out in various national policy guidance; the previous condition of the building; the elevational appearance of St James' House; the potential increase in problems of overlooking from the large windows proposed within the rear extensions; and the references by some local residents to parking difficulties on nearby roads. However, I do not find these to be of such weight as to override those considerations which have led to my decision.

10. For the above reasons, and in exercise of the powers transferred to me, I hereby dismiss this appeal.

I am Gentlemen  
Your obedient Servant

*R. E. Watson BA (Hons)*

R E WATSON BA(Hons)  
Inspector