

HBKA

MINISTRY OF HOUSING & LOCAL GOVERNMENT

Ref. 676/40620/1095 L3.  
Our ref. AR/TP/1123/C

Whitehall,  
London, S.W.1.

Tel. VICTORIA 8540  
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15th March, 1954.

49/10157

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Gentlemen,

Town and Country Planning Act, 1947 - Section 16  
Appeal relating to Plot No. 3 Holly Walk, Hampstead

I am directed by the Minister of Housing and Local Government to say that he has considered the report of his Inspector, Mr. W. A. Severeux, F.R.I.B.A., following the local Inquiry into the appeal by Professor J. Yudkin against the London County Council's refusal to permit the erection of a detached two storey dwelling house and private garage on Plot No. 3, being part of the site of "Moreton", Holly Walk Hampstead, on the grounds that the siting in the position shown on the drawings accompanying the application would be unsatisfactory in relation to "Moreton".

In their notice of refusal of permission, the Council stated that they would be prepared to consider favourably a proposal to erect the house at the rear of the site, but not nearer than 20 feet to either the south or west boundaries. Further, that the siting of the house should be considered in relation to that of the house on the south-east plot, and that the vehicular access should be from the way-by being formed immediately to the south of the plot and that the existing enclosure next to Holly Walk should be retained.

At the Inquiry, it was stated on behalf of your client that he objected to siting the proposed house at the rear of the plot as required by the Council on the grounds that he would incur additional building costs amounting to about £1,000 for longer services, drive-ways and pathways. Moreover, a house erected in the position required by the Council would lack the normal privacy of a back garden and would suffer from dampness and loss of light and air owing to the fact that it would be built in a hollow and in the proximity of large trees, the routes of which would be likely to extend under its foundations.

(sic)

For the Council, it was pointed out that Holly Place included buildings listed under the provisions of Section 30 of the Act as being of special architectural or historic interest, and that "Moreton" is also a listed building, its best elevation facing south and overlooking the appeal site. It was contended, therefore, that great care is necessary in the siting of any new development. It was not considered essential for your client to provide a rear garden, and the Council took the view that if it were placed at the rear of the site the house would stand in a better relationship to the surrounding buildings, although it was stated that they would be prepared to allow the siting to be 30 feet from the western boundary instead of 20 feet as stated in their notice refusing permission.

The Minister has carefully considered the facts of this case, and the representations made at the Inquiry, and he notes that the only issue raised between the parties is that of the position of the building on the appeal site. The Minister has, therefore, confined his consideration of the appeal to this issue.

Messrs. Goodman and Derrick,  
Solicitors,  
No. 1, Mare Court,  
Temple,  
LONDON, E.C.4.



The Minister finds that the appellant's objections to a  
building of the house at the rear of the plot are reasonable,  
that no sufficient reason has been given for overriding them.  
He thinks however that it would be reasonable for both the house  
and garage to keep to a building line 40 feet from the middle  
of Holly Walk.

Accordingly, the Minister has decided to allow the appeal and  
thereby grants permission for the erection of a detached two  
storey dwelling house and private garage on Plot 3, being part of  
the site of "Moreton", Holly Walk, Hampstead, and the formation of  
a driveway to the highway, subject to the following conditions:-

- a) the said dwelling house and garage shall not extend  
beyond a line 40 feet from the middle of Holly Walk.
- b) the submission to and approval by the London County  
Council, or by the Minister in the case of disagreement,  
prior to the commencement of work on the site, of detailed  
drawings showing the layout plans and elevations of the  
proposed buildings.

This letter, which is issued as the Minister's formal decision  
on the appeal, does not purport to convey any consent or approval  
which may be required under any bye-law or under any Act other than  
the Town and Country Planning Act, 1947.

I am, Gentlemen,  
Your obedient Servant,

(Sdnd.) H. P. SUMMERS.

Authorised by the Minister  
to sign in that behalf.