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Your reference

Our reference

T/APP/X5210/A/84/014190/P5

Date

20 NOV 84

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9  
APPEAL BY THE HAMPSHIRE WELLS AND CAMPDEN TRUST  
APPLICATION NO:- E7/29/7/36263

1. I refer to this appeal, which I have been appointed to determine, against the decision of the Council of the London Borough of Camden to refuse planning permission for the erection of a dwelling house on land adjoining No. 9A Gainsborough Gardens, London NW3. I have considered the written representations made by you and by the council and also those made by other interested persons. I inspected the site on 29 October 1984.

2. Local residents, many of whom have made representations against the proposed development, have raised issues such as the possibility of an access being constructed from Christchurch Hill, the disturbance likely to be caused by construction works, the possibility of structural damage being caused by building operations, and the prospect of increased traffic congestion on local roads. These issues are relevant, no doubt, but to my mind they are not those which should determine this appeal. No application for an access from Christchurch Hill is before me for decision. Building works would clearly cause some local disturbance but that would be temporary, and as for increased congestion, the amount of traffic likely to be generated by one more dwelling would not be so significant that refusal would be justified on that account.

3. The decisive issues are those raised by the council, that is, the impact of the proposed building on the appearance of the locality and the effect on neighbouring dwellings and on the trees in the vicinity.

4. The appellants argue that they have revised their earlier proposals to reduce as far as possible the apparent bulk of the building and to relate its design more closely to the character of the adjoining buildings. Bearing in mind the size and character of these buildings I find that the revised proposals conform as far as might reasonably be expected to the massing and character of the neighbouring dwellings, but I note the extensive areas of glass on the south elevation from which the tall terrace houses of Christchurch Hill as well as adjoining gardens would be directly overlooked. Conversely, the proposed building would become one of the main features of the prospect from many of the houses in Christchurch Hill. It is not unreasonable to argue, as the appellants do, that being overlooked and having a prospect of other houses is already the accepted situation near the site and that in any event substantial trees intervene. But my inspection persuaded me that the degree to which overlooking and impingement on the view would arise would be greater than might reasonably be expected in this area where high standards of

residential amenity obtain. The deciduous trees, of course, offer an insubstantial screen in winter. I note in addition not only that the site adjoins the Heath where a public path gives access from Christchurch Hill, but also that an essential ingredient in the view from the public path, from this corner of the Heath, and from the lower part of Christchurch Hill and the houses on it is the prospect of the trees of Gainsborough Gardens seen through the site. The appellants say that this advantage is fortuitous as the site is clearly a vacant building plot in the original estate. My comment is that whatever its origins I have to consider what the effect of development would be some 100 years later than those origins.

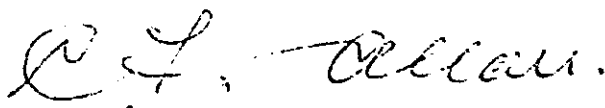
5. Any development of the site which would respect the massing and character of adjoining dwellings would bring the new building uncomfortably close to those dwellings. So it is in this case. Whereas the flank wall of No. 9A is pierced only by a glazed door and a small window at ground floor level, the flank wall of No. 8 is pierced by windows giving light to all floors. It may be, as the appellants argue, that few of these windows light main rooms, nevertheless it is my belief that the loss of light likely to be caused by the proposed development could not fail to detract substantially from internal character of adjoining dwellings and from the enjoyment of them by the occupiers.

6. As for the trees which give the locality its especially pleasant character, nothing of particular value need be lost on the site itself except the fine, rare Ginkgo tree on the frontage, but this, notwithstanding the appellants' efforts to retain it, might well be at risk and being well grown to 40 or 50 ft, it could not quickly be replaced. But it is to be remembered that the trees outside the site which afford some screen in summer are, because of age or accident, not necessarily permanent features of the scene.

7. I conclude that all the disadvantageous effects of the proposed development are those which in a modest degree are generally acceptable where additional building takes place in a residential area, but that in this case the adverse effects are so marked that in my opinion the amenities which local residents might reasonably expect to enjoy would be significantly impaired. When I note that this would occur in the Hampstead Conservation Area where particular regard must be taken of environmental character, and where the council's adopted "Policies for the Fringes of the Heath" require the preservation of views to and from the Heath and respect for the contribution made by adjoining roads, then I am in no doubt that on account of the adverse impact of the proposals on neighbouring dwellings and on the character of the immediate locality permission should be refused in this case.

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

I am Gentlemen  
Your obedient Servant



C F ALLAN CB ARIBA FRTP  
Inspector