

Appeal Decisions

Site visit made on 22 April 2014

by Philip Willmer BSc Dip Arch RIBA

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 23 May 2014

Appeal A Ref: APP/X5210/A/13/2206626
30 New End, London, NW3 1JA.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Tim Doyle against the decision of the Council of the London Borough of Camden.
 - The application Ref 2013/2930/P, dated 16 May 2013, was refused by notice dated 12 August 2013.
 - The development proposed is described as modest rear extension and loft conversion.
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Appeal B Ref: APP/X5210/E/13/2206632
30 New End, London, NW3 1JA.

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr Tim Doyle against the decision of the Council of the London Borough of Camden.
 - The application Ref 2013/3017/L, dated 16 May 2013, was refused by notice dated 12 August 2013.
 - The works proposed are described as modest rear extension and loft conversion.
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Decisions

1. The appeals are dismissed.

Main Issues

2. I consider the main issues to be:
 - a) the effect of the proposed works on the special architectural and historic interest of the listed building and thereby whether it would serve to preserve or enhance the character or appearance of the conservation area; and
 - b) whether the absence of a legal agreement to secure the submission and implementation of a construction management plan, would be likely to contribute unacceptably to traffic disruption and road safety hazards and be detrimental to the amenities of the area generally.
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Reasons

3. The property the subject of these appeals, 30 New End, is a three storey terraced house, listed grade II and located in the Hampstead Conservation Area.
4. According to the list description the property dates from the early C18. In my view, its special architectural and historic interest relates to the history of its development, its design and detailing and its double-pitched valley roof form. The dwelling has been extended to the rear with additions at ground, first and second floor level.

First main issue

5. The appellant proposes an extension to the rear of the existing dining and family rooms (already forming a full width addition) by about 1.1 metres at ground floor level. In addition, a 1.1 metre deep extension to the existing first floor addition, the rebuilding of the mansard roof addition at second floor level and the infilling of the valley roof, are proposed along with the insertion of new dormer and roof windows to provide accommodation in the roof void.
6. The extensions proposed at ground and first floor level are modest in themselves. However, when considered in conjunction with the earlier rear additions, they would add significantly to the overall mass so as to further visually subsume the original building.
7. The existing mansard roof addition at second floor level is modest in size and by reason of its three dimensional form, sloping walls, slate covering and dormer, when taken together with the ground and first floor additions, makes overall for a well mannered three storey addition. In contrast, bearing in mind that the design would also be vernacular rather than contemporary, the introduction of vertical brick faced walls, a window of identical proportions to that on the ground and first floors below and a flat roof would all, to my mind, result in an unattractive and bulky addition. This would detract from the architectural integrity of the original dwelling as extended and serve to reinforce the visual mass of the later rear additions.
8. From my inspection of the roof it would appear that at some time in the past, possibly as recently as the 1950's, the roof has been rebuilt raising its overall height. When undertaking these alterations the original internal gutter that runs from the inner valley to the outer parapet gutter was retained along with the 'M' form of the roof. The removal of the internal gutter would result in the loss of historic fabric.
9. While the roof timbers may not necessarily be original they certainly date from when the roof was replaced. Accordingly, in my opinion, they are of some significance as they are a record of the history of change of the building. I acknowledge that, as illustrated, save for the insertion of dormers and roof windows, when viewed from the street the roof would appear very little different in terms of its form and visual impact. However, and while the drawings are not detailed as to what is proposed in engineering terms, it is clear that the proposal would cause the loss of the majority, if not all, of the existing roof timbers, but most importantly the 'M' form of the roof.
10. For all these reasons I conclude, in respect of the first main issue, that the proposal would cause significant harm to the character, appearance and special

architectural and historic interest of the host building, and thereby the character and appearance of Hampstead Conservation Area

11. The National Planning Policy Framework (the Framework) requires great weight to be given to the conservation of designated heritage assets, which include conservation areas and listed buildings. It draws a distinction between substantial harm and less than substantial harm to such an asset. For the latter, which applies here, the test is that the harm should be weighed against public benefits, including securing the optimum viable use.
12. The undertaking of the works would provide some limited economic benefit. However, given the harm that has been identified I conclude that the public benefits would not outweigh this harm, or the conflict that the works would have with the objectives of Sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the Framework, Policy CS14 of the London Borough of Camden Local Development Framework-*Core Strategy* 2010 (CS) and Policies DP24 and DP25 of the Borough of Camden Local Development Framework-*Development Policies* 2010 (DP) as they relate to the quality of development, the preservation of the fabric and setting of listed buildings, and the preservation or enhancement of the character or appearance of conservation areas.

Second main issue

13. DP Policies DP20, DP21 and DP26 seek to minimise the impact of the movement of goods and materials in order to, amongst other things, protect the safety and operation of the highway network and, further, to manage the impact of development on occupiers and neighbours. The Council states that for some developments it considers that this requires control over how a development is implemented through a Construction Management Plan (CMP) secured by way of a S106 agreement.
14. The Council states that the development site would be constrained by being on a one-way street and in close proximity to a primary school. The proposal therefore has the potential to cause harm to local transport conditions and the amenity of neighbours. Accordingly, it has sought the submission of a CMP to outline how construction work would be carried out and how the work would be serviced with a view to minimising traffic disruption, avoiding dangerous situations and minimising the impact on local amenity.
15. The appellant has raised no objection to the need for a CMP and from what I have seen and read I believe that the Council's requirement is reasonable given the high-density urban location of the appeal site. However, whilst the CMP would regulate activities beyond the boundaries of the appeal site, there is nothing to indicate that the appellant would be unable to secure compliance with it or that it would require works to be carried out on land outside his control. Furthermore, this is a modest scheme, which is unlikely to have any impact on the wider highway network or area generally. The Council's supplementary planning document (Camden Planning Guidance 6) acknowledges that, for less complicated schemes, CMPs may sometimes be secured by using a condition. On the evidence before me, I conclude that the absence of a legal agreement to secure the submission and implementation of a CMP would not be likely to contribute unacceptably to traffic disruption or road safety hazards or be detrimental to the amenities of the area, as the submission and implementation of such a plan could be required by condition. However,

this does not alter my conclusion on the first main issue, which is sufficient in itself to justify dismissal of the appeals.

Other matters

16. The appellant has drawn to my attention that planning permission has recently been granted under the Council's reference 2013/7936/P for development at number 28 New Road, the adjoining property. The scheme design includes an infill roof extension to the double pitched 'M' shaped valley roof, with alterations to front and rear dormers, and the installation of a green roof as a replacement for an existing felted flat roof to the closet wing. Although number 28 is unlisted it is nevertheless situated in the conservation area from where, it is asserted by the appellant, the alterations to the roof would be visible, unlike that proposed at number 30.
17. Although numbers 28 and 30 are part of the same terrace, due to their frontages, height, siting on the road that slopes quite considerably at this point and their individual design, with number 28 already having loft space accommodation and dormer windows, they are very different in character and appearance. The works to the roof, if undertaken as permitted, would not therefore, in my opinion, look out of character or cause any significant harm to the character or appearance of the conservation area. In contrast, although the infilling of the roof at number 30 may itself be less visible, it would, as I have identified, cause significant harm to the listed building and thereby the conservation area.

Conclusions

18. The *planning practice guidance* was published on the 6 March 2014 and applies from the date of publication. The content of the guidance has been considered but in light of the facts in this case it does not alter my conclusions.
19. For the reasons given above and having regard to all other matters raised, I conclude that these appeals should not succeed.

Philip Willmer

INSPECTOR