
Appeal Decision

Site visit made on 5 August 2014

by **Peter Bird BSc DipTP MRTPI MRICS**

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

Decision date: 22 September 2014

Appeal Ref: APP/X5210/A/14/2218105
265 Goldhurst Terrace, London NW6 3EP

- 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 Ms Omer-Li Cohen against the decision of the Council of the London Borough of Camden.
 - The application Ref 2013/6990/P, dated 31 October 2013, was refused by notice dated 23 January 2014.
 - The proposed development is described as "Single Storey Rear Extension & Conversion of the Extension into a Self-Contained Studio Flat."
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appellant describes the development as involving the conversion of the extension into a self-contained studio flat. However, on the details before me, the accommodation to be contained in the proposed extension would be erected to be separate from that in the existing building. It is more accurate to consider the proposal as the erection of an extension to provide a self-contained unit rather than the conversion of that extension. The proposal also involves what the appellant's Design and Access Statement (DAS) refers to as the provision of an amenity space in the form of a rear garden. However, I consider this would involve the severance of the existing garden to the rear of the property to provide a separate area for the proposed flat.
 3. To address one of the Council's reasons for refusal, the appellant has submitted a unilateral undertaking. Work has also been undertaken on a bilateral planning obligation, but this was not completed in the time available for the consideration of this appeal.
 4. The appellant's DAS refers to Planning Policy Statement 1: *Delivering Sustainable Development* (PPS1), Planning Policy Statement 3: *Housing* (PPS3) and Planning Policy Guidance 13: *Transport* (PPG13). However, these have now been replaced by the relevant policies in the National Planning Policy Framework (NPPF) published by the Government in March 2012, clearly prior to the completion of the present planning application dated 31 October 2013. More recently via a Written Ministerial Statement on 6 March 2014, the Government announced the launch of the final version of its streamlined
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planning practice guidance (NPPG). In dealing with this appeal, I have taken into account the NPPF, NPPG and the Council's relevant planning policies in reaching my conclusion.

Main Issues

5. The main issues are firstly, the proposal's effect on the character and appearance of the host building and the garden to rear, bearing in mind the property is within the South Hampstead Conservation Area, and in so doing whether the proposal would preserve or enhance the character or appearance of this conservation area; and secondly, whether a planning obligation is justified in controlling on-street parking arising from the proposal.

Reasons

Character and appearance

6. No 265 Goldhurst Terrace is a sizeable detached three storey residential property, the upper storey being a mansard type roof. It is situated in a row of four properties of similar appearance towards the western end of Goldhurst Terrace within a predominantly residential suburb that contains the South Hampstead Conservation Area.
7. The conservation area is characterised mainly by large Victorian terraced and semi-detached properties. The short row of properties containing No 265 appears to be of the period characteristic of the conservation area. A significant influence on the conservation area's character and appearance is the landscaping to the frontages, but more particularly the gardens at the rear of the properties. This is reflected by the Council's *South Hampstead Conservation Area Appraisal and Management Strategy* (CAAMS), adopted in February 2011, which identifies one of the area's most prominent features is its vegetation – both to the front and rear of properties.
8. Just as the siting of dwellings adjacent to the curved line of the highway at this point in Goldhurst Terrace is staggered, so too the form of the appeal property's main building is arranged so as to incorporate a stagger in its footprint. Extending from the rear of the three storey building is a flat-roofed single storey projection of simple design. Adjacent to this projection and extending just beyond its rearmost face is a conservatory. The planning history of the property provided by the appellant indicates that planning permission has been granted for extensions previously, but drawings of these approved developments have not been provided. The Council considers that the historic footprint is formed of a main body of the dwelling which, according to the Council, measures some 13.6m deep (subject to the precise configuration of its footprint), behind which is the single storey rear projection some 6.3m deep.
9. No 265's existing ground floor is occupied as a separate flat from the upper floors and the proposed extension would abut the rearmost face of the single storey rear projection. The proposal would project some 8.75m into the rear garden, and be some 4.8m wide. The rear garden sits below the ground floor level of the present flat. With the difference in levels at the rear, the appellant points out that the extension would be some 1.6m at the highest point where it abuts the existing building and some 2.3m at the lowest ground level.

10. The proposal would increase the overall length of the rear projection from the main building to some 15m. This would be in excess of what seems to be the historic depth of the footprint of the body of the main building. The enlarged rear projection would be clearly disproportionate in length to that of the main building. Furthermore, the proposal's rudimentary flat-roofed (notwithstanding the use of a green roof) form would be exacerbated by windows, which would appear to be white uPVC, lacking sufficient regard for the design of the historic property. By abutting the existing rear projection, the present window in the rearmost face would be altered, the design and proportions of which would lack sympathy for those in the main building and would be inappropriate. Furthermore, the difference in levels would not overcome the increased length of the building or the intrusion into the present garden area.
11. The scale and appearance of the present rear projection is subservient to the historic main building. This balance is not outweighed by the lightweight structure of the adjacent conservatory. The present proposal would involve a significant reconfiguration of the footprint and form of the building when enlarged, which hardly seems to respect the historic building. The principle of a green roof would have a degree of sympathy for the vegetation of surrounding gardens. However, as part of the proposed structure it would compound the appearance of the amalgam of the enlarged rear projection. The proposal would not involve infilling or demolition, but this would not overcome the detriment by the juxtaposition of such a harmful alteration to the building.
12. The historic basis for the configuration of the rear of the Goldhurst Terrace properties and the extent of their rearward projection is not clear. At my visit I was able to observe the relationship of the proposal to the extent of the rearward projection of nearby properties and what appears to be considered as a "rear building Line". To relate the extension to the rearward projection of the adjacent property should not be the overriding determinant. To do so in this case reflects the proposed extension's excessive length in relation to the main building and the harmful intrusion into the rear garden.
13. To the rear of the proposed extension, a separate amenity space would be provided for the additional flat and thereby intrude further into the present garden area behind No 265. The proposal has been amended in particular by the removal of previously proposed 1.8m high timber fencing. In its place the appellant has suggested a suitable condition to secure the enclosure of this area by means of soft landscaping. However, the establishment of such planting to a height and density sufficient to secure the enclosure of this space for the reasonable enjoyment, particularly in terms of privacy, of the future occupiers of the flat would be uncertain. Moreover, such a scheme may detract from the present overall character of the garden area and also to the living conditions of the existing and future occupiers of the present ground floor flat.
14. NPPF Annex 2: Glossary describes the setting of a heritage asset as the surroundings in which a heritage asset is experienced. It goes on to point out that its extent is not fixed and may change as the asset and its surroundings evolve. This property and those adjacent along Goldhurst Terrace together with their garden areas, particularly to the rear, are a significant aspect of the South Hampstead Conservation Area so as to be considered of integral importance to this heritage asset. Whilst the proposed extension would not be visible from public places in Goldhurst Terrace or the surrounding area, the

appeal property is, nevertheless, within the conservation area and the surroundings in which this heritage asset is experienced, including the occupiers of the upper floors of No 265 and other surrounding dwellings which view the rear amenity space.

15. Even if the proposal would cause less than substantial harm to the significance of this designated heritage asset, NPPF paragraph 134 states in such a case, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. Any public benefit from this proposal is not clear. Should it be the addition of a dwelling then although no figures for housing supply are before me, the provision of a single studio flat would not make a significant contribution. Furthermore, being located to the rear does not overcome the proposal's harm to a significant feature of the property, the character and appearance of the existing building either individually or to its integral importance to the conservation area as a whole as a heritage asset. I consider that little weight can be attributed to the proposal in order to outweigh the harm to the designated heritage asset of the conservation area.
16. The appellant has referred to other extensions nearby. However, the full circumstances of these are not before me, particularly if they were granted planning permission after the publication of the Council's CAAMS, especially given that it drew attention to development pressures, including that from rear extensions. Furthermore, the limited details available of the planning permissions for earlier extensions to this property indicate that they predate the adoption of the CAAMS.
17. Amongst the considerations of Policy CS14 (Promoting high quality places and conserving our heritage) of the *Camden Core Strategy* (CS), the Council will ensure that Camden's places and buildings are attractive by requiring development of the highest standard of design that respects local context and character, and preserving and enhancing Camden's rich and diverse heritage assets and their settings, including conservation areas. This is elaborated in Policy DP24 (Securing high quality design) and Policy DP25 (Conserving Camden's heritage) of the *Camden Development Policies* (DP). It is not clear when these policy documents were adopted in relation to the publication of the NPPF. Nevertheless, I consider their basic aims and objectives in relation to this proposal to be consistent with the NPPF in terms of the quality of design and conserving and enhancing the historic environment.
18. I find that the proposal would be to the detriment of the character and appearance of the host building and the garden to the rear, and that it would be harmful to a designated heritage asset. Moreover, in so doing it would fail to preserve or enhance the character or appearance of the South Hampstead Conservation Area. The proposal would therefore conflict with CS Policy CS14 and DP Policies DP24 and DP25, together with the NPPF.

Planning obligation and conditions of on-street car parking

19. The submitted plans show hard surfacing at the front of the property containing a parking space for the proposed flat in addition to the two spaces, one for each of the existing units. No 265 is in a highly accessible area which has a public transport accessibility level (PTAL) 4 and is within a Controlled Parking

Zone. Despite this degree of accessibility and the provision of an additional off-street parking space, I consider that in the absence of appropriate control it would be reasonable to expect that future occupiers of the proposed flat might apply for a parking permit. Should such a permit be issued it would be likely to contribute to pressure for limited kerbside space in the surrounding area.

20. Paragraph 5.17 of the Council's Supplementary Planning Document *Camden Planning Guidance: Transport CPG7* states that in order to be able to maintain car-free and car-capped development over the lifetime of a scheme, the developer will be required to enter into a legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) which would permanently remove the entitlement to an on-street parking permit for each home created. In this appeal, I consider that such a planning obligation would be justified in addressing the potential for increased demand for kerbside parking space and that it would satisfy the tests of NPPF paragraphs 203 and 204 and as set out in the Community Infrastructure Levy Regulations 2010.
21. However, despite the appellant's willingness to address this issue, even if a satisfactory planning obligation was entered into, this would not overcome the appeal proposal's harm to the conservation area and its failure to preserve or enhance its character or appearance.

Conclusion

22. The Council has not raised objections to the standard of accommodation or the effect on the living conditions of the occupiers of adjacent residential property. However, these matters do not remove the harm that I have found or alter my conclusions on the main issues. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Peter Bird

INSPECTOR