
Appeal Decision

Site visit made on 7 October 2014

by D J Board BSc (Hons) MA MRTPI

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

Decision date: 14 November 2014

Appeal Ref: APP/X5210/A/14/2223502
50 Aberdare Gardens, London, NW6 3QA

- 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 Mrs Marta Ienco against the decision of the Council of the London Borough of Camden.
 - The application Ref 2014/3033/P, dated 30 April 2014, was refused by notice dated 2 July 2014.
 - The development proposed is alterations at roof level including installation of a roof light hatch and protective railings, in connection with use as a roof terrace for existing second floor flat.
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Decision

1. The appeal is allowed and planning permission is granted for alterations at roof level including installation of a roof light hatch and protective railings, in connection with use as a roof terrace for existing second floor flat at 50 Aberdare Gardens, London, NW6 3QA in accordance with the terms of the application, Ref 2014/3033/P, dated 30 April 2014 and the plans submitted with it, subject to the conditions in Annex A.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the building and whether it would preserve or enhance the character or appearance of the South Hampstead Conservation Area (CA).

Reasons

3. The appeal site is located within the CA which is characterised principally by large semi-detached and terraced late-Victorian properties. The appeal property is a three storey red brick property within a group of substantial semi-detached dwellings. The South Hampstead Conservation Area Character Appraisal and Management Strategy (SHCAMS) identifies that the large semi-detached properties are elaborately composed and include *'a range of fashionable late 19th century forms and details'*. Within the SHCAMS Aberdare Gardens is identified as being within the 'central wedge' area. This is described as properties with lively roofscapes, timber and ironwork porches, multi paned sashes and the gaps between the houses contributing to character. No 50 is identified within the CA character appraisal as being a positive contributor. It is part of the roofscape which contributes to the character of the CA. Accordingly, in terms of the National Planning Policy Framework (the Framework), the designated heritage asset concerned is the South Hampstead

Conservation Area. The appeal building is part of that designated heritage asset.

4. The new roof terrace would be for the use of the second floor flat. To form the roof terrace the works would include re profiling of the flat roof of the building behind the front parapet. This would lower the finished level of the new terrace. Railings would be positioned 1.5m back from the front face of the building. They would be set in about 1.2m from the side and rear elevations. Two new roof lights would be provided in the same position as existing ones. A new set of stairs would be provided to access the terrace. These would be enclosed by a glazed sliding hatch. The height of this would be below the top of the railings. It would extend up to the side wall of the building.
5. The roofscape of the terrace is visible within the street scene in both directions along Aberdare Gardens. The physical form of the staircase enclosure and railings would not be visible from ground level on the pavement directly outside the site. From longer range views the railings would be glimpsed above the parapet from some views. However, the set back from the front and the set down of the level of the new roof would serve to limit this. As such the proposals would not stand out from these views and consequently would not significantly alter the appreciation of the appearance of the building and its contribution to the group of properties within the wider CA. The overall impression of a strong frontage and roofscape would remain.
6. At the rear there would be some private views of the railings. There are already similar style railings on the existing first floor terrace at No 50. Therefore in terms of its relationship to the existing building the terrace would in fact utilise a material that is already on the building. I appreciate that the railings would sit atop the level of the existing roof. However they would not be solid in appearance. This in combination with the set back from the rear elevation would mean that they would not appear as a bulky, dominant or visually intrusive addition. For these reasons I do not consider that they would unduly impact on the appearance of the pair of semi-detached dwellings Nos 48 and 50.
7. I note that it is likely that there would be planters and domestic tables and chairs on the terrace. Nevertheless there would only be very limited public views of such items. Furthermore I note that the Council is concerned that there would be views of the terrace from surrounding flats. The properties on Goldhurst Terrace are some distance away. It may be possible to view some of the terrace from higher surrounding buildings. However, like views from the street, this would be limited and the set back of the railings and the substantial tree belt between the site and the properties beyond would serve to limit these views. As such the appreciation of the dwelling within the wider area would not be significantly diminished.
8. Therefore, in my judgement, the proposed additions would not have an adverse impact on the building and would have a neutral effect on the character, appearance and setting of the CA and so would preserve it. Therefore the proposal would not conflict with policies DP24 of the Camden Development Policies Document or CS14 of the Camden Core Strategy which require development to respect the character and proportions of building where alterations are proposed and preserve or enhance the character or appearance of conservation areas. There would also be no conflict with the SHCAMS or the

aims and objectives of the Camden Planning Guide 5 Roof, terraces and balconies which amongst other things indicate that in some cases roof terraces can be acceptable and that additions to buildings should be sympathetic in design and materials and not add significantly to the bulk of the building.

Other matters

9. Both parties have drawn my attention to other examples of roof terraces. In particular the approved development at Number 70 Aberdare Gardens¹. I note that the Council suggest that No 70 has a different roof profile to No 50. I appreciate that No 70 is a corner property and in this way differs from the appeal property. Nevertheless both properties have the same strong frontage with feature gable and dormer that contribute to the street scene. The Council have also pointed out that other roof additions are either subject to enforcement action or immune from such action. I have no detail about which properties are referred to. In any event I have come to my conclusions on the scheme before based on its merits and the evidence before me.
10. I have carefully considered the additional matters detailed in the representation from a near neighbour regarding noise and disturbance and further similar developments. There is no substantive evidence that the terrace would result in excessive noise and disturbance that would harm living conditions. There is no firm evidence before me to suggest that other properties would undertake similar developments as a direct result of this proposal being allowed. My conclusions are based on the site specific circumstances of the case and nothing in this decision would prevent the Council resisting unacceptable development elsewhere.

Conditions

11. The Council has suggested three conditions. I have considered these in light of the Planning Practice Guide and the tests of the Framework. In addition to the standard implementation condition it is necessary, for the avoidance of doubt, to define the plans with which the scheme should accord. In the interests of the character and appearance of the area a condition requiring the submission of samples of the materials is necessary and reasonable. I also consider that a condition to agree a scheme of hard and soft landscaping for the terrace, including any ancillary structures, would be necessary in this case. This is referred to by the appellant within the grounds of appeal as a means to control domestic paraphernalia.

Conclusion

12. For the above reasons and having regard to all other matters raised I conclude that the appeal should be allowed.

D J Board

INSPECTOR

¹ APP/X5210/A/12/2171056

Annex A

Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1072 ASU 001 A; 1072 ASU 002 A; 1072 ASU 003 A; 1072 ASU 004 A; 1072 ASU 005 B; 1072 APL 001 A; 1072 APL 002 A; 1072 APL 003 A; 1072 APL 004 A.
- 3) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the alterations to form a roof terrace hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) Notwithstanding the submitted plans no development shall take place until full details of both hard and soft landscape works for the roof terrace area have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include hard surfacing materials and the detail of minor artefacts and structures (eg. Planters, furniture, play equipment, refuse or other storage units, lighting etc). Development shall be carried out in accordance with the approved details.