



Appeal Decision

Site visit made on 1 April 2015

by **George Arrowsmith B, MCD, MRTPI**

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

Decision date: 1 May 2015

Appeal Ref: APP/X5210/W/14/3002019

The Studio, 126 Greencroft Gardens, London, NW6 3PJ

- 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 Messrs A Partridge and S Macmillan against the decision of the Council of the London Borough of Camden.
 - The application Ref 2014/4610/P, dated 8 July 2014, was refused by notice dated 19 September 2014.
 - The development proposed is replacement of existing two storey building, provision of two storey building with living area and study area above and a glazed single storey link to remainder of flat.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are whether the proposal would fail to preserve the character and appearance of the South Hampstead Conservation Area and whether it would cause overshadowing for neighbouring occupiers or harm their outlook.

Reasons

3. The appeal site is at the rear of a substantial late Victorian mid-terrace property in the South Hampstead Conservation Area. I read that the appeal building, which is described as a studio, was constructed in 1922, but it appears to be well maintained. It has the traditional appearance of a large pitched-roof garden shed. In August 2013 the Council granted a lawful development certificate relating to the use of the studio and the lower ground floor of the parent house as a residential flat. The area to the rear of the studio is an attractive garden with a substantial amount of hard surfacing. Although the studio is large it is integrated into its garden surroundings.
 4. There is another substantial building in the rear garden to the adjoining property at No 124. This is a more modern flat roofed structure which stands on a plinth but even so it is noticeably lower than the appeal building. Another significant difference is that it stands at the far end of No 124's garden whereas the appeal building is only just over 7m from the parent house's main rear elevation.
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5. The appeal proposal can be divided into two parts; the replacement of the existing building and the construction of a glazed single storey link between the replacement building and the parent house.
6. The main issue with the replacement itself is that an already large garden building would be replaced with one that would be even bigger. On the basis of the Council's figures, which are not contested, the length would increase from 7.6m to 9m and the width from 5.35m to 5.75m, an increase of just over a quarter in area.
7. The effect of the proposal on the height of the building is more complicated. The Council say that the height would increase from 5.2m to 6.32m. The appellants say that existing steps leading up into the building would be removed, with the implication that the increase in the building's height above ground level would be less than the Council assume. I have some reservations about the appellants' argument because they also say that the upper window on the south *elevation* "*will be at a similar height to the existing*". However, the submitted plans show that the apex of the replacement building's roof would be about 2.4m above the window sill while the existing roof apex is only about 1.5m above the existing sill. If the windows were actually at the same height above ground level this difference implies that the new roof would be higher than the existing. I accept that the height of the replacement building relative to its surroundings could be controlled through the imposition of a condition requiring details of finished floor levels. Nevertheless, the balance of probability is that there would be some residual increase in height above ground level.
8. I am sympathetic to the appellants' wish to upgrade their accommodation, especially their wish for cavity walls. However, I am also aware of the objective (expressed in the Hampstead Conservation Area Statement) that "*Any development of rear garden spaces should not detract from the general feeling of openness, and should ensure that most of the existing garden space is retained*". In the light of this objective I consider it likely that the erection of the existing appeal building would not have been permitted under the existing planning regime. Having said that, I do accept that, despite its size, the existing building has become settled into the fabric of the conservation area. I am nevertheless concerned that increasing its footprint and intrinsic height would inevitably detract from the general feeling of openness in this backland area. This is especially important given the duty imposed by section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.
9. The glazed single storey link would further increase the amount of built development in the garden although, being far lower than the replacement, it would be less intrusive. The Council have compared the link to a proposal for the retention of a glazed link at 14 Lawn Road, which was dismissed on appeal. I give limited weight to this earlier decision because there are several differences between the two cases. Whilst I do not accept that my decision should necessarily reflect that in the earlier appeal I cannot escape the conclusion that the link would increase the amount of development in a rear garden and in that respect would further detract from the general feeling of openness.

10. I conclude that the proposal would, albeit marginally, fail to preserve the character and appearance of the South Hampstead Conservation Area and would thus conflict with the objectives of policy CS14 in the London Borough of Camden Local Development Framework Core Strategy and policies DP24 and DP25 in the London Borough of Camden Local Development Framework Development Policies.
11. Given my finding that the proposal would only marginally fail to preserve the character and appearance of the conservation area I am satisfied that it would cause less than substantial harm to the significance of a designated heritage asset. In this regard I am aware that section 134 of the National Planning Policy Framework says that where a development proposal will lead to less than substantial harm to a designated historical asset the harm should be weighed against the public benefits of the proposal. In this case the public benefits are small, being related mainly to the proposal's energy saving benefits and the very limited public benefit of providing the appellants with more comfortable living conditions. Furthermore, I am not convinced that that improved living conditions could not be achieved in a way that would have less impact on the openness of the garden area.
12. The Council say that the increase in the building's length and height would be likely to result in increased overshadowing of neighbouring gardens. I have explained why I think that any increase in height would have less impact than expected by the Council but I am satisfied that the increase in length would have a small negative effect on overshadowing and outlook. Moving the replacement building closer to the boundary with No 124 would slightly increase overshadowing on that property and would have a small effect on its outlook. The support for the proposal expressed by some neighbours does not entirely remove my concerns or change my conclusion that there would be some conflict with the objectives of Development Policies DP26. These concerns are however secondary to those about the effect on the character of the conservation area.

George Arrowsmith

INSPECTOR