

Appeal Decision

Site visit made on 21 September 2015

by Chris Couper BA (Hons) DiP TP MRTPI

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

Decision date: 24 September 2015

Appeal Ref: APP/X5210/W/15/3035830
24 Goldhurst Terrace, London NW6 3HU

- 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 Simon Sprecher against the decision of the Council of the London Borough of Camden.
 - The application Ref 2014/7879/P, dated 22 December 2014, was refused by notice dated 21 April 2015.
 - The development proposed is the erection of a rear dormer to create an additional self-contained flat within the existing roofspace.
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Decision

1. The appeal is dismissed.

Procedural matter

2. Planning permission has been granted at the property for, in summary, a rear dormer, front rooflights and other alterations (ref: 2014/5025/P) ('permitted scheme'). Whilst the permitted scheme is referenced in the description of the development on the application form, it forms no part of this proposal, and I have therefore used the more succinct description given on the appeal form.

Main Issues

3. The main issues are: i) the effect of the proposed development on the character and appearance of the host building and the area, including whether it would preserve or enhance the character or appearance of the South Hampstead Conservation Area; and ii) the effect of the proposal on the safety and convenience of road users due to parking stress and congestion, and whether or not it would conflict with policies which promote sustainable modes of transport.

Reasons

Character and appearance

4. Goldhurst Terrace is a primarily residential street containing long terraces, and other buildings, of generally three or more storeys. Many of the properties have a similar form, style and appearance, and contain recurring architectural themes, such as vertically-proportioned windows, projecting bays and small front gables. Those elements, together with the largely unaltered front-facing
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rooflines provide a pleasing sense of cohesion to the streetscene. Goldhurst Terrace, Greencroft Gardens to the rear, and many of the streets to the west, lie within the South Hampstead Conservation Area ('CA').

5. I observed that the rear of the appeal property and other buildings on this road and Greencroft Gardens display considerably less cohesion and architectural detailing than their front elevations. I saw that there have been a considerable number of roof level alterations, including a large dormer on the neighbouring property, no. 26. I do not know the planning history of many of those, although the Council indicates that the dormer at no. 26, which it considers to have a negative impact on the area, was consented in 1987. That, it states, was before the CA was extended to include Goldhurst Terrace in 2010. It seems probable to me that a number of the other nearby roof alterations also pre-date the CA extension. However, the frequency of large dormers is not such that they are a characteristic of the area.
6. Paragraph 7.16 of the South Hampstead Conservation Area Character Appraisal and Management Strategy 2011 ('CAMS') sets out that dormer windows can damage the character of the area if they do not take into account the careful design of the original building and the neighbourhood. It continues that alterations should not result in increased visual bulk to the roof.
7. The Council's Design Supplementary Planning Document 2013 ('CPG1') provides further guidance on roof dormers at paragraphs 5.11 to 5.13. Amongst other matters it states that dormers should appear as separate small projections on the roof, that the dormer and windows should relate to the façade below, and that the presence of unsuitable dormers on neighbouring properties will not serve as a precedent for further similar development.
8. Although it would be set down from the ridge, and set-in slightly from the chimney, parapet and eaves, given the proportion of this property's rear roof slope that would be covered, this scheme would give the property a top-heavy appearance and would dominate its roof. Furthermore, the proportions of the dormer, and of the proposed bathroom window, would have a very horizontal emphasis, which would contrast unfavourably with the verticality on the façade below.
9. I note that the only difference to the proportions of this dormer compared to the permitted scheme would be its width. However, that greater width would significantly alter the balance of this elevation. The proposed dormer would not be visible from surrounding roads. Nevertheless, notwithstanding the presence of trees and landscaping, it would be seen from some of the rear gardens and upper floor windows of the properties on Greencroft Gardens, where it would harm the character and appearance of the host property and the terrace.
10. The appellant maintains that were the premises occupied as a single dwelling, the proposal would be permitted development. That may be so, but in common with many of the surrounding properties it is divided into flats, and I consider the permitted development rights for dwellings to be of limited relevance here.
11. In general terms policy CS14 of the Camden Core Strategy 2010 ('Core Strategy') and policies DP24 and DP25 of the Camden Development Policies 2010 ('DP') require development to be of the highest standard of design, respect the proportions of the existing building and the local context, and to

preserve and enhance heritage assets such as conservation areas. For the above reasons this proposal would conflict with those policies, and with the relatively recent guidance contained within the CAMS and CPG1.

12. It would also conflict with paragraphs 131 and 132 of the National Planning Policy Framework ('Framework') which state that account should be taken of the desirability of sustaining and enhancing the significance of heritage assets, and that great weight should be given to the conservation of designated heritage assets. However, although I have concluded that the scheme would harm the CA, having regard to the size of this proposal relative to the size of the CA, that harm would be less than substantial. In accordance with paragraph 134 of the Framework I have therefore weighed that harm to the significance of this designated heritage asset, against the public benefits of the proposal, including securing its optimum viable use.
13. This proposal would result in the creation of an additional top floor flat. Whilst that would meet the Framework's objective of delivering housing, the contribution this scheme would make would be modest. I have limited evidence to determine the precise need for housing here, and I conclude that the public benefits of the scheme do not outweigh the harm that I have found.

The safety and convenience of road users, and sustainability

14. In the interests of promoting sustainable transport and limiting parking congestion, various Core Strategy and DP policies seek to discourage the use of private motor cars. In view of the site's highly sustainable location close to public transport, and the very high overnight on-street parking demand, the Council states that this scheme should be subject to a s106 agreement to ensure that it would be car-free.
15. The appellant has indicated that he is willing to enter into such an agreement, which he states could be secured by a condition. Thus he maintains the scheme would not contribute to parking stress and congestion, and would comply with those policies.
16. I have not been provided with the proposed wording of a condition, and I have no legal agreement before me. The Planning Practice Guidance states, at ID 21a-010-20140306, that to ensure certainty and transparency in the planning process, a negatively worded condition limiting the development that can take place until a planning obligation or other agreement has been entered into is unlikely to be appropriate in the majority of cases. It states that it may exceptionally be appropriate in the case of more complex and strategically important development.
17. On the basis of the evidence before me, I agree with both parties that a legal agreement to ensure that the development would be car free is necessary. As I have not been provided with such an agreement, and as this scheme is not of a scale and complexity where a negatively worded condition requiring such an agreement would be appropriate, I conclude that the proposal would conflict with Core Strategy policies CS11 and CS19, and DP policies DP18 and DP19.

Conclusions

18. For the above reasons, the scheme would harm the character and appearance of the area, would adversely affect the safety and convenience of road users and would conflict with policies which seek to promote sustainable forms of transport. For those reasons, and having regard to all other matters raised, the appeal is dismissed.

Chris Couper

INSPECTOR