
Appeal Decision

Site visit made on 8 September 2015

by Geoff Underwood BA(Hons) PGDip(Urb Cons) MRTPI IHBC

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

Decision date: 24 November 2015

Appeal Ref: APP/X5210/W/15/3009553
10 Christchurch Hill, London, NW3 1LB

- 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 Nadir Khamissa against the decision of the Council of the London Borough of Camden.
 - The application Ref 2014/2116/P, dated 21 March 2014, was refused by notice dated 15 January 2015.
 - The development proposed is partial demolition of existing with rear addition, a mansard roof addition with alterations to the external envelope, and internal layout.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council and Appellant were given the opportunity to make comments in respect of the effect the proposal would have on the setting of the adjoining listed buildings in light of interested party representations. In his response the appellant provided new photomontage visualisations. Whilst I have noted them, I consider that they introduce nothing new which I did not have the benefit of seeing when I visited site, and I have therefore not relied upon them in reaching my decision.

Main Issue

3. The main issue raised by this appeal is the effect the proposed development would have on designated heritage assets; in particular the setting of the adjoining listed buildings, Nos 11, 12 and 13 Gainsborough Gardens, and the character and appearance of Hampstead Conservation Area (the CA), with particular reference to the detailed design of the proposal.

Reasons

4. Hampstead CA derives much of its significance from the rich and varied urban townscape which spreads out through a tight network of streets from the commercial centre of Hampstead. It covers an extensive area comprising a variety of streets and spaces, enhanced by mature trees both on roads and in gardens. The area includes formal terraces and compositions, such as that on the south west side of Christchurch Hill, and more informal and varied historic streetscapes, such as that on the north-east side of the street.

5. The individual buildings, predominantly of brick, and their relationship to one another make an important contribution to this character and appearance of the CA. Due to the topography and the arrangement of the streets, both front and rear elevations can make positive contributions to these characteristics. The townscape in the vicinity of the appeal site is attractive and varied in character, but is also sensitive to alterations to the rear and roofline of properties.
6. The appeal site itself is joined to No 12 Christchurch Hill, but sits slightly forward of the building line. It immediately adjoins No 13 Gainsborough Gardens, which presents its rear elevation and garden to Christchurch Hill. No 13 is a substantial late Victorian house of red-brown brick in an arts and crafts style and forms a short terrace with its two neighbours, all of which are Grade II listed. These buildings form a high quality composition by notable architect Horace Field and demonstrate superior craftsmanship and materials. They contribute to the planning and townscape interest of Gainsborough Gardens, an influential late Nineteenth Century development, and have strong group value with other houses in Gainsborough Gardens, all of which contributes to their significance.
7. The setting of these listed buildings is composed of their verdant surroundings to the front which extends to their rear gardens and the more tightly knit townscape along Christchurch Hill. The buildings here which immediately adjoin No 13, including the appeal site, are more modest and subservient to the listed buildings. Whilst the rear elevations of the listed buildings are less formal than those at the front, they are nonetheless attractive and contribute positively to both their setting and the character and appearance of the CA.
8. The existing house on the appeal site is set lower into the ground and positioned significantly closer to Christchurch Hill (to which it presents its front elevation) than the substantial mass of those large listed buildings which it abuts. It has a neutral effect on the character and appearance of the CA and on the setting of the adjoining listed buildings.
9. I agree with the appellant and the Council that the principle of a high quality contemporary, distinctive design could be appropriate for the site, and note the examples provided which illustrate sites where contemporary approaches have been developed elsewhere in the CA.
10. However, the appeal proposal has been considered on its own merits and there are aspects of the scheme which give rise to significant concerns in terms of their combined effect on those designated heritage assets. This is something to which I have given considerable importance and weight in having special regard to the desirability of preserving those listed buildings and their setting, and the character and appearance of the CA, in accordance with sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990. Paragraph 132 of National planning Policy Framework (the Framework) identifies that the significance of a heritage asset can be lost through, amongst other matters, development within its setting.
11. The proposal would incorporate pre-oxidised copper cladding, described as red/brown in colour, for roof and other details. Whilst I note that metal (predominantly lead) is used at roof level in the vicinity of the site and elsewhere in the CA, from my observations this is more typically for dressings such as flashings and the cheeks of dormers or flat roofed areas, rather than as

the main roofing material for pitched or mansard type roofs. Such roofs are generally of a different colour and appearance to that proposed in the appeal scheme.

12. Furthermore, the use of the pre-oxidised copper at ground floor around the door and as a boundary treatment enclosing the forecourt and facing onto Christchurch Hill would introduce a material which, by virtue of its texture and appearance in panel form, would create a harmful and unacceptable contrast to the facing materials and boundary treatments prevalent in the area. Although there is not a consistency in the design or materials of existing boundary treatments in the immediate vicinity, the proposal would create a particularly harsh metallic and alien appearance, even allowing for the material to further develop a patina over time.
13. Whilst I find the choice of brick adequately justified in the appellant's Design and Access Statement and that it would be acceptable in itself when considered with the range of bricks used in surrounding developments on Christchurch Hill and the rear of Gainsborough Gardens, the acceptability of this element alone does not lead me to a different conclusion in light of the harm the proposal would cause to the setting of the listed buildings and the character and appearance of the CA when considered as a whole.
14. The appearance of the top floor, by virtue of its design with very steeply angled, almost vertical, sides and materials, does not read as a mansard type roof but as a substantial, box like upper storey creating a discordant relationship to the rest of the building and its neighbours. I therefore agree with the Council that this would result in a dominant form and, notwithstanding being set behind a parapet, would appear bulky and in harmful contrast to the predominant form and materials in the roofscape of the surrounding area.
15. The fenestration of surrounding buildings typically have a vertical emphasis in terms of their proportions and orientation of sub-divisions through glazing bars. They are also typically regularly arranged in the façades of buildings with an harmonious balance between areas devoted to window openings and solid masonry. Whilst a degree of variety, contrast and innovation in the disposition of windows could be acceptable in a contemporary design in such a setting, that in the proposal, by virtue of their scale and alignment along with significant areas of unrelieved masonry, would result in an austere front elevation which would fail to respond positively to its surroundings.
16. Little evidence has been presented in support of the appeal¹ describing the significance of the listed buildings which the proposal would abut. However, I note the interested parties' Heritage Appeal Statement which illustrates that historically the appeal site was subservient in relation to the development of large villas around Gainsborough Gardens, a relationship which is maintained by the character and appearance of the current building and its immediate neighbours to the north-west.
17. Although abutting at ground floor level, the existing house is designed in a way that leaves a degree of separation at upper levels between it and No 13, an effect which emphasises the different main aspects of the two buildings and the subservient relationship of the existing house on the appeal site with its larger and more formal listed neighbour. The rear of the proposed property would

¹ As required by paragraph 128 of the Framework.

- extend at upper floor level towards Gainsborough Gardens, substantially obscuring the side of the bay which projects from the north-west gable of No 13.
18. The resulting built form, in creating a more substantial and unrelieved mass on the return elevation along the boundary with No 13 would change the relationship between the large houses on Gainsborough Gardens and the more incidental developments on Christchurch Hill in a harmful way. Although subtle, the loss of any gap between the upper floors of the proposed building and No 13 would further harm this subservient relationship, particularly when viewed from Gainsborough Gardens and from within the curtilage (rear garden) of No. 13.
 19. These elements would, both by themselves and cumulatively, result in harm to the setting of the listed buildings and the character and appearance of the CA and consequently to the significance of these heritage assets.
 20. For the reasons set out above the proposal would fail to comply with Local Development Framework: Camden Core Strategy 2010-2025 (CCS) policy CS14 which promotes high quality places and conserving heritage by, amongst other criteria, at a) requiring development of the highest standard that respects local context and character, and at b) preserving heritage assets.
 21. Similarly the proposal would conflict with Local Development Framework: Camden Development Policies 2010-2015 (CDP) policy DP25 which seeks to conserve Camden's heritage by, amongst other criteria, at b) permitting development that preserves and enhances the character and appearance of the CA and at g) not permitting development which would harm listed buildings' settings.
 22. Furthermore, by not appropriately considering the character, setting, context and the form and scale of neighbouring buildings, the materials used or providing appropriate boundary treatments, the proposal would fail to meet the design aims of CDP Policy DP24. I note that the supporting text to this policy welcomes high quality contemporary and innovative design where the context is not of an homogenous style (such as the appeal site) but for the reasons set out above, do not consider that the proposal would achieve this.
 23. Due to its relatively localised effect on the wider CA this harm to the significance of the CA would be less than substantial. Similarly, the harm I have identified to their setting would materially harm the significance of the listed buildings, but this too would be less than substantial. However, in the context of paragraph 134 of the Framework, no evidence has been brought to my attention that the proposal would have any public benefits or is needed to secure an optimum viable use for the property which would outweigh that harm.

Other Matters

24. The appellant refers to the close cooperation between his agents and the Council's officers in developing the proposal and that Council officers recommended that the application be approved but Council members are not bound to follow such advice. I have not found that the Council have attempted to impose architectural styles or particular tastes in their decision which would run contrary to paragraph 60 of the Framework.

25. I have considered the comments of neighbours regarding the effect the proposal would have on the amount of sun and daylight entering windows and gardens of neighbouring properties. However, I note the Council's conclusions following their assessment of the Sunlight and Daylight report; I see no reason to disagree that the living conditions of the occupiers of neighbouring dwellings would not be unacceptably harmed as a result of the proposal.
26. I note that the Council consider that a legal obligation would be necessary for certain requirements although no draft agreement has been submitted. However this, along with suggested conditions would not mitigate the harm outlined above and does not lead me to a different conclusion on the appeal.
27. The Council have not raised any objections to the proposal in respect of its effect on the trees within and adjacent to the site protected by a Tree Preservation Order. I have noted the appellant's arboricultural report and see no reason to disagree with its findings. However, again, this does not lead me to a different conclusion.

Conclusion

28. Having paid special regard to the desirability of preserving the setting of the adjoining listed buildings and to that of preserving or enhancing the character and appearance of Hampstead Conservation Area, as well as having had regard to all other matters raised, I conclude that the proposal would harm, albeit less than substantially, those heritage assets, contrary to CCS policy CS14, CDP policies DP24 and DP25 and the Framework. The appeal is therefore dismissed.

Geoff Underwood

INSPECTOR