

## Appeal Decision

Site visit made on 27 June 2016

**by Gareth Wildgoose BSc (Hons) MSc MRTPI**

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

**Decision date: 14 July 2016**

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**Appeal Ref: APP/X5210/W/16/3146519**

**103 Priory Road, London NW6 3NN**

- 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 Erkin Yildiz against the decision of the Council of the London Borough of Camden.
  - The application Ref 2015/7172/P, dated 21 December 2015, was refused by notice dated 16 February 2016.
  - The development proposed is a second floor rear and side extension.
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### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue of this appeal is the effect of the development on the character and appearance of the host building and South Hampstead Conservation Area.

### Reasons

3. South Hampstead Conservation Area is characterised by a group of predominantly residential streets with a distinctive quiet and verdant quality located between West End Lane to the west and Goldhurst Terrace to the east. The boundaries to the north are defined by Broadhurst Gardens and West Hampstead underground station, with a more irregular boundary to the south adjoining the neighbouring Priory Road Conservation Area and Belsize Road. The properties within the Conservation Area are a mix of large detached, semi-detached and terraced properties with some variety in property style, detailing and roof forms. Nevertheless, there is a broad consistency of scale, spacing of buildings, front building lines, palette of materials and a predominance of large rear gardens.
  4. The appeal property is a detached residential building on the western side of Priory Road. The building currently comprises of five self-contained flats, with previous side and rear extensions and a loft conversion which included the provision of front and rear dormer windows. The building is not listed, but is identified in the South Hampstead Conservation Area Character Appraisal and Management Strategy, February 2011 as being a positive contributor to the significance of the Conservation Area. The Council have recently granted planning permissions in 2015 for a single storey rear extension, two storey side extension, first floor rear extension and second floor rear infill extension.
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5. The immediate surroundings of the appeal site within Priory Road and the nearby Compayne Gardens comprise of a mix of detached and semi-detached residential properties of predominantly two and three storeys in height, with the intermittent presence of four storey properties. The site is within the northern section of the Conservation Area. The western side of Priory Road, where the appeal site is located, is within the Colonel Cotton character area, with buildings in this area characterised by a mid-Victorian style, detailing and the use of stock brick with stone or render and slate roofs. The rear elevations of the properties are more diverse in appearance with varied rear building lines and a range of extensions and alterations of differing style, depth and use of materials. The varied character of extensions and alterations are particularly evident to the rear elevation of the appeal property.
6. The appeal proposal comprises of a second floor side and rear extension with a mansard roof and dormer window at the side and a flat roof at the rear. The extension would occupy a significant proportion of an existing roof terrace associated to Flat 5 and would also be sited above a two storey side extension which has recently been granted permission by the Council.
7. The side projection of the extension would be set back from the front elevation of the existing building when viewed from Priory Road which would reduce its prominence in the street scene. However, the addition of a second floor extension would result in an increase in bulk and massing of built form at the side of the building which would harmfully enclose the existing spacing to 78 Compayne Gardens above first floor level. The harmful effect would be made worse by the introduction of a mansard roof form with a lower ridge height and a continuation of roof slope below the eaves of the existing roof. Although the proposed roof form is characteristic of some properties in the area, the relationship with the roof of the host building would appear awkward and would result in the side extension having an incompatible appearance when viewed from Priory Road. The effect on the character and appearance of the host building would be more harmful than the presence of a two storey flat roofed side extension and roof terrace.
8. The rear building line of the extension would align with an existing chimney and a glass balustrade would be provided to replace the existing black metal railings that currently enclose the roof terrace. The rear projection of the extension would also align with the existing main rear building line of 78 Compayne Gardens at the side. Furthermore, the height of the extension would not exceed the height of an existing three storey rear outrigger and an infill extension recently granted planning permission by the Council. However, the extension would increase the overall bulk and massing of additions to the rear elevation. In cumulative with other extensions at second storey level this would dominate and overwhelm the original roof form and the rear elevation of the host building. This harmful effect would be particularly emphasised by the extensive use of glazing to the rear elevation of the extension. As a consequence, the scale, proportions and design of the extension would result in it being viewed as an incongruous and insubordinate addition to the host building.
9. The harmful effect of the extension would be made worse by the detrimental contrast with the character and appearance of other buildings in the surrounding area. Extensive glazing, although an evident feature of roof lanterns and conservatories, is not a typical characteristic of the upper floor

windows of buildings within the surrounding area. Although the rear extension would be partially screened from public views by existing landscaping along Compayne Gardens, the harm to the character and appearance of the host building and those surrounding would be visible from nearby dwellings and rear gardens.

10. In reaching the above findings, I have taken into account the variation in style, scale and appearance of existing extensions and alterations to the host building, together with the extant planning permissions that offer the potential for further extensions. I have also considered the difference in style and appearance of surrounding properties and the presence of substantial extensions in the wider area. However, such a diversity of built form does not offer precedent for or justify the harmful effect of the proposed extension on the character and appearance of the host building and those surrounding.
11. I conclude that the development would harm the character and appearance of the host building together with those surrounding, and consequently would fail to preserve or enhance the character and appearance of the South Hampstead Conservation Area. The development is therefore contrary to Policy CS14 of the Camden Local Development Framework Core Strategy 2010-2025 (CS), adopted November 2010, Policies DP24 and DP25 of the Camden Local Development Framework Development Policies 2010-2025 (DP), adopted November 2010 and Policy 7.8 of The London Plan, March 2015 (as amended), together with the associated guidance within the Camden Planning Guidance 1: Design, July 2015 and the South Hampstead Conservation Area Character Appraisal and Management Strategy, February 2011. When considered together the policies seek to ensure new development is of a high standard of design which contributes positively in complementing and reinforcing local character through respect for scale, proportions, context, form and setting, whilst preserving or enhancing heritage assets, including Conservation Areas. The policies are consistent with the National Planning Policy Framework (the Framework).
12. As the site is in a Conservation Area, Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 Act requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of that area. Paragraph 131 of the Framework requires that account be taken of the desirability of sustaining and enhancing the significance of heritage assets, and of new development making a positive contribution to local character and distinctiveness. Rather than make the positive contribution desired by paragraph 131 of the Framework, the proposal would harm local character and distinctiveness. Paragraph 132 of the Framework states that when considering the impact of a proposal on the significance of designated heritage assets, great weight should be given to the asset's conservation.
13. The harm caused would be significant in terms of the effect on the host building and the immediate surroundings of the proposal. However, the harm would be less than substantial to the significance of South Hampstead Conservation Area as a whole. In these circumstances, paragraph 134 of the Framework requires that the less than substantial harm be weighed against any public benefits.
14. The public benefit suggested by the appellant is that the development would improve the internal living space standards of the appeal premises in

accordance with Policy CS6 of the CS, Policy DP2 of the DP and Policy 3.5 of The London Plan, whilst retaining adequate amenity space for residents. However, the gross internal floor area of the existing flat already exceeds the minimum requirements for 3 bedroom, 4 person accommodation within the nationally described space standard<sup>1</sup>, as adopted by minor alterations to The London Plan in March 2016. Furthermore, although I understand the wishes of the appellant to provide additional space for his family, the personal circumstances are not sufficient to outweigh the less than substantial harm that I have identified.

### **Other Matters**

15. It is common ground between the main parties that the development would not result in a detrimental impact on the living conditions of occupiers of neighbouring properties in terms of matters of privacy. Based on the evidence before me, together with my observations of the appeal property and those surrounding, I have no reason to take a different view. In addition, whilst I note that a daylight and sunlight assessment has not been provided, due to the position of the extension relative to surrounding windows in 78 Compayne Gardens and those which serve neighbouring flats in the host building, I consider it unlikely that neighbouring occupiers would be significantly affected by the development. However, the absence of concern in this respect is a neutral factor.

### **Conclusion**

16. I have considered the public benefits of the development in assessing the proposal against the main issue. I consider that the public benefits identified would not be sufficient to outweigh the harm to the character and appearance of the host building and the surrounding area, including the less than substantial harm to the significance of South Hampstead Conservation Area.
17. For the reasons given above and taking all other matters into consideration, I conclude that this appeal should be dismissed.

*Gareth Wildgoose*

INSPECTOR

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<sup>1</sup> As set out in Technical housing standards – nationally described space standard, March 2015