
Appeal Decision

Site visit made on 11 October 2016

by **J C Clarke BSc(Hons) BTP MRTPI**

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

Decision date: 1 November 2016

Appeal Ref: APP/X5210/W/16/3152238
109 Goldhurst Terrace, Camden, London NW6 3HA

- 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 Shyam Shah against the decision of the Council of the London Borough of Camden.
 - The application Ref 2016/0931/P, dated 18 February 2016, was refused by notice dated 27 May 2016.
 - The development proposed is a mansard roof including 6 dormers windows and one roof light.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Whilst the appeal form refers to the site address as being 'unit 1' within 109 Goldhurst Terrace, in accordance with normal practice my decision uses the address on the application form.

Main Issue

3. The main issue is whether the proposed development would preserve or enhance the character or appearance of the South Hampstead Conservation Area (the 'SHCA').

Reasons

4. As required by Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have paid special attention to the desirability of preserving or enhancing the character or appearance of the SHCA. In accordance with paragraph 132 of the National Planning Policy Framework (the 'Framework') I have given great weight to this matter. Whilst the Council has also referred to the effect on the character and appearance of the host property I have addressed this as part of my findings in relation to the SHCA.
 5. The SHCA provides a well preserved example of a leafy Victorian suburb, which is mainly residential in nature and which has a fairly homogenous scale and character. The area has a curving grid-iron layout and is characterised by large late-Victorian dwellings, of up to 4 or even 5 storeys in height, mainly arranged in grand terraces or as large semi-detached pairs, many of which are set back behind verdant front gardens along well established building lines.
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6. The dwellings in the SHCA use a variety of decorative brickwork and other design detailing. The area has an imposing and distinctive roof-scape including tall chimneys, gables and turrets, which in some cases terminate the corners of street frontages. The dwellings in Goldhurst Terrace generally have a simpler form than many in the wider SHCA but nevertheless also present an impressive frontage towards the street.
7. The appeal proposal relates to one of a group of 'back-land' buildings, to which access is gained through an archway off Goldhurst Terrace. Buildings within the group were, according to the South Hampstead Conservation Area: Character Appraisal and Management Strategy (SHCA: CAMS) previously used as stables and then a car repair workshop¹. Planning permission² has been granted more recently for change of use to form 8 dwellings. A building immediately to the south of the appeal site, also in a back-land location, has been converted to residential use.
8. The buildings at 109 Goldhurst Terrace are identified in the SHCA: CAMS as having a similar age to those in other parts of the SHCA, but as might be expected given their original function have a simpler and less imposing form than those fronting nearby streets. This simplicity of form, which avoids competing with the grandeur of the frontage buildings, has been retained in the conversion works which have been completed to date.
9. The appeal proposal would result in a third storey being added to the building, with a steeply inclined mansard style roof and 6 dormer windows, including 3 in the front elevation. These alterations would not have any connection with the style of the adjacent back-land buildings and would fail to reflect their simplicity of built form referred to above. They would also be prominently seen from the courtyard in front of the building and from nearby properties.
10. Buildings which surround the appeal site have been subject to a number of extensions. In particular, several dwellings facing Fairfax Place have large flat roofed dormer extensions at second floor level, at a similar or greater height than the proposed development, which are prominently visible from the appeal property and the neighbouring back-land area. The terraced dwellings facing Goldhurst Terrace also have flat roofed rear outriggers at second floor level. However, these features do not justify the introduction of a further style of roof in this location.
11. As stated in the SHCA: CAMS³, mansard roofs form a part of the mix of imposing and decorative roof styles within the SHCA. I have also noted the examples of where they occur elsewhere which have been provided by the Appellant. However, they do not form a predominant style within the SHCA as a whole or in the immediate surroundings of the appeal site. Their presence along the tops of some of the grand terraces and other buildings facing the highway frontages also does not justify their use within the 'back-land' setting of the appeal site. The fact that they are appropriately used in mews style developments in some other locations does not mean that the appeal proposal would be appropriate given the specific historic and architectural context of the appeal site.

¹ South Hampstead Conservation Area: Character Appraisal and Management Strategy, Camden Council 2011, paragraph 5.11

² Reference 2013/1308/P

³ South Hampstead Conservation Area: Character Appraisal and Management Strategy, Camden Council 2011, paragraphs 5.2 and 7.15

12. As stated by the Appellant, the scheme subject to planning permission 2015/4386/P (the 'approved scheme') would create a new pitched roof for the appeal property with a dormer window in each of the 4 elevations. That permission is still 'live' and could be implemented, and is identical to the appeal proposal in terms of the proposed changes up to the height of the eaves. However, whilst the roof which is now proposed would be set behind coping and a substantial gutter along two sides it would in overall terms be more bulky, have much steeper sides and have a larger number of dormer windows than the approved scheme.
13. The Appellant has argued that the proposal would comply with Camden Planning Guidance: Design (CPG 1), paragraph 5.15 of which states that mansard roofs are often the most appropriate form of extension for a Victorian dwelling. However, as the proposal would not help to re-unite any group of buildings or townscape, strengthen any established pattern of roof form or be architecturally sympathetic to the character of the appeal building it would not fall within the circumstances referred to in paragraph 5.7 of CPG1. As the building previously had a fairly shallow roof pitch⁴ the proposal would also contravene paragraph 5.8, bullet point 6 of CPG1. The Appellant's proposal to use slate as a roofing material, whilst positive, would also not lead to the design as a whole being acceptable.
14. For reasons which are set out above, I conclude that the proposal would harm the character and appearance of the SHCA. Due to the limited scale of the proposal in relation to that of the SHCA as a whole, this harm would be less than substantial. Under paragraph 134 of the Framework, where a proposal will lead to less than substantial harm to a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
15. In this context, the Appellant has argued that the proposal would benefit the privacy of occupiers of 9-13 Fairfax Place when compared to the scheme subject to permission 2015/4386/P. The approved scheme would form 2 first floor bedroom windows and one second floor loft level window which would face towards the rear elevations of numbers 9-13 Fairfax Place. Whilst there is a boundary wall between the appeal property and the rear gardens of 9-13 Fairfax Place this is not sufficiently high to prevent inter-visibility between the building and all the rear facing habitable room windows in 9-13 Fairfax Place particularly in the upper floors.
16. The current appeal proposal, unlike the approved scheme, would not include any window at second floor level facing towards 9-13 Fairfax Place. However, the proposed first floor windows would be in the same form and location as in the approved scheme and the second floor window in the approved scheme would only serve a loft space. Whilst I agree that the appeal proposal would have a lesser impact upon privacy levels within 9-13 Fairfax Place than that which would result if the approved scheme were to be implemented, this benefit would be of a limited nature.
17. The current appeal proposal would also improve the accommodation within the property, compared to the approved scheme, by enabling an additional bedroom, bathroom and walk-in wardrobe to be provided. This would represent a further modest, albeit material, benefit from the proposal.

⁴ See the submitted photographs in Appendix B of the Appellant's rebuttal statement

18. Having regard to all the points which are set out above, I consider that whilst the appeal proposal would lead to some material public benefits, these would not be sufficient to outweigh the harm, albeit less than substantial, that would be caused to the character and appearance of the SHCA. The granting of planning permission in these circumstances would conflict with Policy CS14 (a) and (b) of the Camden Core Strategy 2010-2025, Policies DP24 (a) and (b) and DP25 (b) of the Camden Development Policies 2010-2025, and the relevant provisions of the Framework related to this matter.

Other Considerations

19. I note that occupiers of nearby dwellings have objected to the appeal proposal due to concerns that it would cause harm to their living conditions. Whilst I agree that the proposed mansard roof would be prominently seen from the rear elevations of 9-13 (odds) Fairfax Place, its additional impact on the outlook from these dwellings compared to the approved scheme needs to be weighed against the improvement to privacy that I have already noted. I also agree that the proposal would not, having regard to its scale and siting when compared to that of the approved scheme, substantially reduce daylight or sunlight which is available for the occupiers of 9-13 (odds) Fairfax Place, or have any substantial effect on the living conditions of the occupiers of 10d Fairhazel Gardens or other nearby dwellings. These points do not, however, outweigh my earlier findings relating to my main issue.

20. Whilst the Appellant has referred to pre-application advice, my decision is based on my own assessment of the merits of the proposal.

Conclusion

21. I have found that the proposal would cause harm to the character and appearance of the SHCA which would not be outweighed by its public benefits. There are no other matters which indicate that planning permission should be granted. I therefore dismiss the appeal.

Jonathan Clarke

INSPECTOR