



**Appeal Statement  
11 Hampstead High Street  
London NW3 1PX  
January 2017**

## **1 Background**

- 1.1 Planning permission was granted for a roof extension including the addition of a rear terrace to form 1 x 2 bedroom flat and the conversion of the existing 3rd floor flat to 2 x 1 bedroom flats on 24 November 2014. This was subject to a Section 106 Agreement which was made on 22 May 2015 under reference 2013/7258/P, attached as Appendix 1 (Existing Consent) and Appendix 2 (Approved Plans), 2 separate plans by D R Joyner reference 3316 and 3295, A1 original size
- 1.2 For the avoidance of doubt it is assumed that the rear terrace is described in error on the draft approval notice and means the area to the front. There was a small "Juliet" balcony proposed to the rear
- 1.3 Work will start soon to implement that consent
- 1.4 The applicant submitted a new application to add a small projecting balconies to the rear of the new flat at roof level, both new flats at 3rd floor level and the existing flats at 1st and 2nd floor level on 8 August 2016 to the London Borough of Camden
- 1.5 This was registered under reference 2016/4427/P and consultation letters sent out. We did not receive an acknowledgement letter so attach at Appendix 3 (Registration) a copy of the Council's web page confirming registration
- 1.6 On 3 October 2016 we were contacted directly by one of the neighbours who objected to the rear balconies and agreed to omit these leaving 3 in all at the front. We advised Camden Council who acknowledged receipt by e-mail on 28 November 2016, attached at Appendix 4 (Correspondence)

## **2 The Proposals**

- 2.1 The original application was for the addition of small projecting balconies to the rear of the new flat at roof level, both new flats at 3rd floor level as well as the front and rear of the existing flats at 1st and 2nd floor level, attached at Appendix 5 (Original Proposals), 2 separate plans by CSM+Architects reference 4408\_03 and 04, A1 original size
- 2.2 The application was amended to be for the addition of small projecting balconies to the front new flat (or existing flat) at 3rd floor level as well as the front of the existing flats at 1st and 2nd floor level and that is the amended application this appeal is to determine, attached as Appendix 6 (Revised Proposals), single plan by CSM+Architects drawing 4408\_04A, A1 original size
- 2.3 The balconies will be constructed of a galvanised steel frame inserted in the existing window openings with a timber deck infill and a glazed balustrade to similar detail as that proposed for the new terrace at roof level
- 2.4 The balconies will be approximately 2380mm wide and project 1m from the face of the building. There are now 3 balconies in all
- 2.5 We asked Camden Council to comment on Condition 2 of the existing consent which requires all new materials to resemble the existing. We would like to introduce a high quality material for the fascia of the roof extension such as Tecu Bronze and also create an overhang. Comments were

invited regarding this suggestion and if the application could be amended to include this ie "fascia overhang to roof extension". This request does not form part of the appeal

- 2.6 We asked Camden Council to comment on Condition 3 of the existing consent which requires submission of details of the proposed glazed roof terrace balustrade to be submitted to and approved by the Council before any work is commenced on that part of the development. Comments were invited regarding the suitability of the design shown in this application for this purpose and if this application could be amended to clarify the position of the terrace and discharge this condition at the same time". This request does not form part of the appeal

### **3 Local Authority Response**

- 3.1 Following a telephone conversation with the case officer, the LAPD commented on 1 November 2016 (before we amended the application) to say that that the amount of balustrade and the design of the raised platforms would be unacceptable if erected to the front or rear elevation. They would set an unwelcomed precedent and what was proposed would be an Alien feature that would be detrimental to the Hampstead conservation area. He advised they had written up the application for refusal
- 3.2 We responded on 17 November 2016 confirming we omit the rear facing balconies and commenting as follows
- This is a poor quality building within the conservation area. It is our opinion the replacement of the upvc windows and metal railings with high quality components such as Velfac windows and clamped glass balustrades would enhance its appearance or at worst have a neutral impact
  - There is already a consent for a terrace on the new top floor which may have a similar balustrade, subject to discharge of condition
  - The proposed balconies do not project beyond the front of the building as this part of the elevation is set back
  - We might consider a small reduction in the projection of the proposed balconies, otherwise please determine the application on the basis of this information and the attached amended plan 4408\_04A
- 3.3 The LAPD replied on 28 November 2016 to say that they are not in support of the proposed "raised platform" (sic) to the front elevation. Further

***If you would like us to proceed with the application as stated in your email as the proposed works for the roof extension has not been implemented if you could apply for a variation of the approved plans under section 73 application and I'll determine your planning application accordingly***

- 3.4 We responded on the same date to say

***There seems to be some misunderstanding here. This is a stand alone application for Construction of seven (7) 1m deep balconies to flats (Class C3) at first, second and third level of 11 Hampstead High Street (Now 3 balconies to the front only) and has been registered as such. It has nothing to do with the already consented roof extension which was shown on the drawings to put these independent works in context***

***Please determine the stand alone application***

All the above is in Appendix 4 (Correspondence)

## **4 Grounds of Appeal**

- 4.1 The 3 balconies to the front elevation have nothing to do with the existing consent. The balcony at 3rd floor level could be constructed whether or not that consent was implemented. The balconies at first and second floor level have nothing to do with that consent and relate to flats which were not part of it. That is why we made a stand alone application, that is why it was registered as such and the suggestion that we should now apply for a variation is not correct as this application relates to flats which were not part of the existing consent
- 4.2 This is a poor quality building within the conservation area. It is our opinion the replacement of the upvc windows and metal railings with high quality components such as Velfac windows and clamped glass balustrades would enhance its appearance or at worst have a neutral impact
- There is already a consent for a terrace on the new top floor which may have a similar balustrade, subject to discharge of condition
  - The proposed balconies do not project beyond the front of the building as this part of the elevation is set back
- 4.3 We have not received the expected refusal notice so would like the Planning Inspectorate to determine the application
- 4.4 As we advised the LAPD we would consider a small reduction in the projection of the proposed balconies should the Inspector be minded to grant the appeal subject to this amendment