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# Appeal Decision

Site visit made on 26 June 2017

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

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

Decision date: 14 July 2017

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**Appeal Ref: APP/X5210/W/17/3169003**

**Maisonette 1st and 2nd Floor, 17 Hampstead Hill Gardens, London NW3 2PH**

- 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 Robert Stodel against the decision of the Council of the London Borough of Camden.
  - The application Ref 2016/5098/P, dated 17 September 2016, was refused by notice dated 2 December 2016.
  - The development proposed is to extend the height of the existing rear extension by one floor.
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## Decision

1. The appeal is dismissed.

## Procedural Matter

2. The Camden Local Plan (LP) was adopted on 3 July 2017. The main parties have had the opportunity to comment on the change in status of the document in terms of the relevance to their case. The Council have confirmed that upon adoption of the LP, the Camden Core Strategy (CS) and the Camden Development Policies (DP) have been superseded. As the policies of the CS and DP referred to in the Council's decision notice have been replaced and no longer form part of the development plan, I give them no weight. I, therefore, assess the proposal in terms of the relevant policies of the LP when determining this appeal.

## Main Issue

3. The main issue is whether the development would preserve or enhance the character and appearance of Hampstead Conservation Area.

## Reasons

4. Hampstead Conservation Area covers a relatively wide area with the rising topography of the hill towards Hampstead Heath informing the townscape and diversity of urban form, street patterns and the range and mix of buildings across a number of different sub-areas which together create its special character and historic significance. Hampstead Hill Gardens forms a loop between Pond Street and the rising topography of Rosslyn Hill with large detached and semi-detached houses arranged as a more spacious form of development than the surrounding denser urban form of neighbouring streets.
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5. No 17 is a two storey red brick double fronted building within a close knit group of dwellings (Nos. 13-21 odds) that have a broad consistency of scale, proportions, architectural detailing and features such as three front dormers, sash windows and entrances with pediments that provide a general rhythm to that side of the street. No 17, together with its surrounding group of buildings and unlike a number of properties further to the west, is not statutorily listed. However No 17, both individually and cumulatively with buildings surrounding, does make a positive contribution to the street scene, character of the area and, therefore, the historic significance of the Conservation Area.
6. The rear elevation of No 17 has the appearance of three storeys taking account of a basement level. It is not visible from public vantage points within the Conservation Area due to the orientation of surrounding properties on Hampstead Hill Gardens, the position of properties at the rear which face Heath Hurst Road and the respective differences in land levels. The rear elevations of Nos. 13-21 (odds) appear to originally have had an interrelated character consisting of two rear dormers and a red brick façade with a rhythm of windows with vertical emphasis to each floor. However, the uniformity has been somewhat eroded over time by flat roof extensions to the properties of varying scale and proportions at basement and ground floor level, use of render and the replacement, alteration to and addition of rear dormers and some windows on the facades.
7. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Paragraph 131 of the National Planning Policy Framework (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. 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.
8. The proposal consists of an additional extension above the existing two storey flat roof rear extension. It would introduce a catslide roof which would project from the current eaves of the main roof. The design of the extension would create demarcation within the rear elevation through a prominent projecting section located centrally and linking the middle dormer into the catslide roof. However, in doing so, the extension would create a narrow three storey addition to the main facade which would have an incompatible roof form and profile relative to the original character of the host building and those surrounding. The overall scale of the extension, together with its visual and physical linkage to the larger middle dormer projecting beyond the eaves level of the main roof, would appear incongruous and detract from the traditional appearance of upper floors and the coherence of the main roof profile. The visual effect would be worsened by retention of a window of smaller scale and proportions than those surrounding, which would emphasise the harmful departure of the extension from the predominant form and fenestration of the rear elevation. Matching materials would not mitigate the harmful effect.
9. Having regard to the above, the proposal would harm the character and appearance of the host building. Although the rear elevation of No 17 is well screened from public vantage points in the Conservation Area by surrounding

buildings, the extension and its harmful relationship to the host building would be visually prominent from a number of surrounding dwellings and rear gardens.

10. In reaching the above findings, I have taken into account the examples of existing extensions and alterations to the rear elevations of buildings in the local area, including those to No 17 and surrounding properties with different designs, scale, proportions and materials visible. However, to my mind, the presence of those examples which differ in character, design and overall height does not justify the further erosion of the original character of No 17 which would arise from the proposal. A number of previous appeal decisions relating to No 17<sup>1</sup> were drawn to my attention. However, each of those appeals related to proposals, including balconies and roof terraces, which were materially different to the development before me. I, therefore, necessarily determine this proposal on its own merits.
11. The harm caused would be considerable in terms of the character and appearance of the host building. However, it would be less than substantial to the significance of Hampstead Conservation Area as a whole given the screening of the rear elevation of No 17 from public vantage points and the variety of different additions and alterations to the rear elevations of No 17 and neighbouring properties which have already taken place. In such circumstances, paragraph 134 of the Framework requires that the less than substantial harm be weighed against any public benefits.
12. The appellant has indicated that there are no public benefits of the proposal, although there would be improvements to the layout of the building with an increase in living accommodation in the maisonette. The public benefits do not outweigh the great weight given to the conservation of Hampstead Conservation Area and the less than substantial harm to its significance which I have identified.
13. I conclude that the development would have a harmful effect upon and, therefore, would fail to preserve or enhance the character and appearance of the Hampstead Conservation Area. The proposal would conflict, therefore, with Policies D1 and D2 of the LP, together with the associated guidance within the Camden Planning Guidance 1: Design, July 2015 and the Hampstead Conservation Area Statement, October 2002. When considered together the policies seek to ensure new development is of a high quality design which contributes positively in complementing local character including details and materials, whilst preserving or enhancing the historic environment and heritage assets including conservation areas. The policies are consistent with the Framework.

### **Conclusion**

14. For the reasons set out above and having taken all other matters into account, I conclude that the appeal should be dismissed.

*Gareth Wildgoose*

INSPECTOR

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<sup>1</sup> APP/X5210/A/11/2148034, APP/X5210/A/11/2166837 & APP/X5210/A/12/2180875.