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# Appeal Decision

Site visit made on 25 October 2017

**by Richard Clegg BA(Hons) DMS MRTPI**

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

**Decision date: 12<sup>th</sup> December 2017**

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**Appeal Ref: APP/X5210/D/17/3178473**

**2 Inverforth Close, London, NW3 7EX**

- 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 Mrs G Shah against the decision of the Council of the London Borough of Camden.
  - The application Ref 2017/2057/P, dated 7 April 2017, was refused by notice dated 5 June 2017.
  - The development proposed is the erection of a roof extension, replacement and additional dormers, alterations to the existing fenestration, a rear extension into the internal courtyard, and reconfiguration of the internal layout.
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## Decision

1. The appeal is dismissed.

## Procedural matters

2. The Appellant has acknowledged that drawing ref FP118\_PL021 revision C shows the proposed southern elevation from the courtyard and it is not the existing elevation as titled.
3. In July 2017, after the appeal had been made, the Council adopted the Camden Local Plan. The Council's reason for refusal refers to policies from the Local Development Framework Core Strategy and Development Policies, which it advises have now been superseded. Accordingly the Appellant and the Council were given the opportunity to comment on the implications of the adopted Local Plan for their respective cases.

## Main Issue

4. Planning permission was granted in March this year for a large part of the alterations and extensions included in the appeal proposal, and at the date of my visit construction work was under way at the property. The present scheme additionally includes an increase in the width of the dormer on the east elevation of the rear wing and an additional dormer on the west elevation of the rear wing. Accordingly, I consider that the main issue in this appeal is the effect of the proposed dormer extension and additional dormer on the character and appearance of the area, including Hampstead Conservation Area and the setting of the adjacent listed buildings.

## Reasons

### ***Character and appearance***

5. Hampstead Conservation Area possesses considerable variety. The appeal site is located towards the northern end of the conservation area on higher land than the more built-up area to the south. The group of properties at Inverforth Close, together with Inverforth House, is largely contained by the open land of Hampstead Heath and The Hill, which is a registered garden (grade II\*). Gardens at Inverforth House (which form part of the registered garden) separate this imposing Queen Anne mansion from Inverforth Close. The dwellings on the Close are more modest in scale, and the use of low eaves in places and elements of articulation in the elevational treatment contributes to a pleasant and interesting street scene. The public part of the registered garden (The Hill Gardens) lies to the south and west of Inverforth Close. The Hill Garden Western Pergola (a grade II\* listed building) runs immediately to the south of the appeal site from the Hill Garden Central Temple Summerhouse (also a grade II\* listed building) which is positioned to the south of No 1 Inverforth Close. The upper part of the summerhouse and of part of the pergola are visible from the back of No 2, and I am satisfied that the Appellant's property is within the setting of these listed buildings.
6. The Appellant's property is attached to No 1 Inverforth Close: from Inverforth Close the two dwellings display symmetry in their appearance, and both have a projecting rear wing. The rear wing at No 1 has a pitched roof with a relatively wide dormer extending part way along the west elevation and a separate dormer on the east side of the roof. That at No 2 is largely flat, with a central hipped section. The rear wings of the two dwellings, together with a tall wall, contain an area of private amenity space for No 2, referred to as the courtyard. The wide dormer on the rear wing of No 1 runs above the courtyard (but has no windows facing it), and the dormer construction continues in the main rear elevation of the Appellant's property. Under the permitted scheme this part of the dormer construction would be deepened, and a pitched roof would be added to the wing at No 2. On its eastern elevation the roof would contain a dormer of comparable width to that at No 1. The single dormer on the western side of the roof would also reflect the appearance of the roof at No 1. In contrast, the current proposal would extend the width of the inner dormer by about 2.6m and add a second dormer to the outer facing roof plane.
7. Camden Planning Guidance 1 Design (CPG1) has been adopted as a supplementary planning document by the Council, and includes guidance on roof extensions and alterations. Alterations are likely to be acceptable where there is an established form of roof addition or alteration and where continuing the pattern of development would help to re-unite a group of buildings and townscape. Whilst the extant scheme is consistent with this general principle of CPG1 (notwithstanding a higher ridge line at No 1 and detailed differences in appearance), the wider dormer and additional dormer of the appeal proposal would not reflect the form of the roof at the rear of No 1. Paragraph 5.11 of CPG 1 sets out a series of criteria against which dormers should be assessed. Amongst other requirements, dormers should appear as separate small projections on the roof surface. I am concerned that the extent of dormer construction now proposed would dominate the roof form of the rear wing. At

- eaves level on the courtyard side, the dormer would extend for about 6m, leaving about 3m of roof plane to the end of the wing, with a smaller gap of about only 1m towards the upper part of the hipped roof. On the other side of the roof, a separate dormer is proposed, but this additional projection would disrupt the continuity of the greater part of the roof plane, and its position fails to align with windows on the ground floor, contrary to the guidance in CPG1. There is compliance with other criteria: in particular use would be made of matching materials and the dormers would not interrupt an unbroken roofscape. The Appellant also points to the variety in design of dwellings in Inverforth Close and argues that dormers are characteristic of the roofscape of the Close. However dormers with pitched roofs are evident at the head of the Close, enabling them to assimilate more readily with the host dwellings concerned, in contrast to the flat roofs of the dormers proposed at No 2. None of these existing dormers at the head of Inverforth Close is as wide as that proposed on the courtyard elevation of the rear wing. The design now proposed for the roof of the rear wing would not only be harmful to the appearance of No 2 Inverforth Close, but it would fail to achieve a satisfactory relationship with No 1, and the proposal would conflict with Policy D1 of the Local Plan which requires development to respect its local context.
8. The presence of the flat-roofed dormer on the west elevation of the rear wing would be visible from the end of Inverforth Close in the gap between No 4 and the garages adjacent to No 3. Although this is not a prominent view, the contrast between the proposed dormer and those on dwellings at this end of Inverforth Close would be apparent and would detract from the locality. Because of its adverse impact on No 2 Inverforth Close and its immediate surroundings, the proposed development would have a harmful effect on the character and appearance of the conservation area. It would thereby conflict with part (e) of Policy D2 in the Local Plan. Given the scale of the proposed development and its position, I consider that the harm caused to the significance of the conservation area would be less than substantial.
  9. I turn now to consider the effect of the additional dormer construction on the setting of the listed summerhouse and western pergola. The pergola is in an elevated position and affords views of the open land to the west and south, and towards Inverforth House to the east. However, on its northern side, a tall wall separates the pergola from the appeal site, preventing views of the dwelling at No 2 Inverforth Close. At its eastern end, a flight of steps leads up to the summerhouse. There is substantial vegetation alongside the steps, and only limited glimpses of part of the roof of No 2 are visible from the top of the steps by the summerhouse. From this restricted viewpoint, I do not consider that the wider dormer proposed on the eastern elevation of the rear wing would materially alter the glimpses of roofscape visible on the south side of Inverforth Close. The Council argues that the vegetation could be removed without consent, but there is nothing before me to indicate that this would be a likely occurrence. The pergola is within The Hill Garden: the nearby land to the south and west in the registered garden is at a lower level, and no vantage point of No 2 Inverforth Close other than by the summer house steps is evident from within the registered garden.
  10. The proposed additional dormer construction would not detract from the setting of the adjacent listed buildings. However I conclude that this development would cause harm to the character and appearance of Hampstead Conservation

Area, due to its adverse effect on No 2 Inverforth Close and its immediate surroundings in the conservation area.

### **Other matters**

11. The appeal site is part of an area of Metropolitan Open Land. Policy 7.17 of The London Plan explains that Metropolitan Open Land should have the same level of protection of development as the Green Belt. I note that, although the Council considers that the dormer extensions would result in a disproportionate addition due to their mass and bulk and the cumulative impact of extensions, it relates these matters to its concerns about design and external appearance. Having regard to the volume, floorspace and footprint of the proposed development, the Council explains that the increases are within the range which has been considered as proportionate. No objection is raised to the principle of the development within Metropolitan Open Land, and I have no reason to take a different view.
12. The extended and additional dormers would respectively be part of bedroom No 2 and a study. Under the permitted scheme, the study is simply served by a rooflight and the bedroom has a small dormer by the door and two additional rooflights. The dormers proposed would provide additional headroom, and I accept that they would also improve the outlook for people using those rooms. However there is nothing to indicate that the approved scheme would result in unsatisfactory living conditions: indeed I would not have expected planning permission to have been granted if this were the case. I attach limited weight to the enhanced quality of accommodation resulting from the dormers.

### **Conclusions**

13. Having regard to its conflict with Policies D1 and D2 of the Local Plan, the proposal would not accord with the Development Plan, taken as a whole. The proposal would cause less than substantial harm to Hampstead Conservation Area: nevertheless, having regard to the statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area, I give considerable importance and weight to the harm which would be caused to this heritage asset's significance. In accordance with paragraph 134 of the National Planning Policy Framework, this harm must be weighed against the public benefits of the development including securing its optimum viable use. I have no reason to think that the proposed dormer construction is necessary to facilitate residential use of the rooms concerned (above, para 12), and the proposal does not pass the paragraph 134 test. I have also taken into account the benefits to the occupants of No 2 Inverforth Close from improved living conditions in two first floor rooms. The limited weight attached to these benefits does not outweigh the harm to the conservation area, and other material considerations do not justify a decision being taken other than in accordance with the Development Plan.
14. For the reasons given above, and having regard to all matters raised, I conclude that the appeal should be dismissed.

*Richard Clegg*

INSPECTOR