



Appeal Decision

Site visit made on 24 September 2018

by Joanna Reid BA(Hons) BArch(Hons) RIBA

an Inspector appointed by the Secretary of State

Decision date: 8 October 2018

Appeal Ref: APP/X5210/D/18/3205555

2 Cannon Place, London NW3 1EJ

- 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 and Mrs Leahy against the decision of the Council of the London Borough of Camden.
 - The application Ref 2018/0847/P, dated 28 February 2018, was refused by notice dated 13 April 2018.
 - The development proposed is removal of an existing side extension and construction of a new side extension.
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Decision

1. The appeal is dismissed.

Preliminary matter and main issue

2. The appeal building is situated within the Hampstead Conservation Area. With this in mind, the main issue is whether the proposed development would preserve or enhance the character or appearance of the Conservation Area.

Reasons

3. The appeal site is on a prominent corner where Christchurch Hill slopes up to its junction with Cannon Place. The existing 3-storey plus basement and attic hipped roofed semi-detached Victorian-Italianate-style villa adjoins its broadly symmetrical pair at 4 Cannon Place. Due to its siting and the topography, which slopes down to roughly south east, the existing dwelling, and the openness and vegetation in its front, side and back garden, make a positive contribution to the character and the appearance of the Conservation Area.
4. The London Borough of Camden *Hampstead Conservation Area Statement* (CAS) divides the large and varied Conservation Area into sub areas. The site is within the Christchurch/Well Walk sub area, where, except for Christchurch Hill and New End Square, the main streets run more or less along the contours, and are linked by narrow footpaths, steps and lanes. The sub area is mainly characterised by the historic network of streets and spaces and the wide range of listed and historic buildings. The variety in the mostly C18 and C19 historic building types and styles close by, the use of traditional materials, and the verdant hillside gardens and spaces, are important to its appearance. These features of the Conservation Area contribute positively to its significance as an area of historic townscape.

5. Nearby listed buildings in the Conservation Area include Christ Church, 1 Cannon Place, and Christ Church primary school. The CAS identifies 2-10 (even) Cannon Place as buildings that make a positive contribution to the Conservation Area.
6. The existing modest lower ground floor side extension at the appeal dwelling would make way for the proposed side extension. The proposal would be set in a little from the front and back of the dwelling and the tallest part of its part flat part low-pitched roof would be lower than the front porch.
7. The closest parts of the extension would be parallel to the front and back of the existing dwelling, which would respect the alignment of most nearby buildings in Cannon Place. However, most of the extension would be at an angle to the existing dwelling, so its south west facing side wall would be roughly parallel to the side boundary wall in Christchurch Hill, and its north west facing front wall would be at an angle to Cannon Place. Thus, the proposal would be harmfully at variance with the historic linear development pattern in Cannon Place that broadly follows the contours.
8. At its widest, the extension would be over three quarters of the width of the existing dwelling; at its narrowest, the extension would be about double the width of the present side extension; and its depth, from front to back, would be more than three quarters of the depth of the present dwelling. Thus, the footprint of the extension would be substantial.
9. Due to its bulky massing, asymmetric form, incongruous alignment, the dominant vertical fins aside the south west facing window and the discordant proportions of its north west and south west facing windows, the extension would contrast starkly with the ordered character and handsome appearance of the classically proportioned historic dwelling. Thus, the proposal would be unacceptably unsympathetic to the character and the appearance of the existing dwelling. Moreover, due to its scale, alignment, form, bulk and siting, the proposal would detrimentally erode the verdant hillside garden at the side of the dwelling, which is important to the local character, and to the appearance, of the Conservation Area. For the same reasons, insofar as the appeal site is part of their wider settings, the proposal would detract from, and thus, fail to preserve, the settings of the nearby listed buildings.
10. Whilst the exercise of my statutory duty is not dependent on the ability of the public to appreciate the asset, the tall vegetation by the boundaries could partly screen the proposal in some views for the time being. However, because the extension would be at odds with the character of the dwelling, contrary to advice in the London Borough of Camden *Camden Planning Guidance Design CPG1* (CPG1) and Historic England Advice Note 2 *Making Changes to Heritage Assets*, it would harmfully intrude into the filtered views from Cannon Place, Christchurch Passage and Christchurch Hill, and some nearby buildings. So, whilst the proposal aims, amongst other things, to promote sustainability, and to help to raise the standard of design more generally in the area, it would fail to fit in with the overall form and layout of its Conservation Area surroundings.
11. The appellants' concerns about the Council's handling of the application are not relevant to my findings, but the representations in support of the proposal, including the appellants' concerns about a different side extension for which the Council granted planning permission, have been taken into account. I saw most of the nearby irregular-plan buildings at my visit, but most appear to

predate current heritage policy and guidance. There is also little information about them, or about the other contemporary-style developments within the Borough and beyond. So, I have dealt with the proposal before me on its merits and in accordance with its site specific circumstances, my statutory duty, and relevant local and national policy and guidance.

12. In the terms of the *National Planning Policy Framework* (Framework), the proposal would cause 'less than substantial harm' to the significance of the Conservation Area.
13. The public benefits of the proposal would include the replacement of fencing in the north west corner of the site with a wall and works to the verge in Christchurch Hill. However, they would not be enough to outweigh the less than substantial harm that the proposal would cause to the character and to the appearance of the Conservation Area. Moreover, insufficient clear and convincing justification has been put to me to show that the proposal would be necessary to preserve or to enhance the significance of the Conservation Area as an area of historic townscape.
14. Therefore, I consider that the proposed development would fail to preserve or enhance the character or appearance of the Conservation Area. It would be contrary to Policy D1 of the London Borough of Camden *Local Plan* (LP) which seeks high quality design, LP Policy D2 which reflects the thrust of the statutory duty with regard to conservation areas, guidance in CPG1 and the CAS, and the Framework which aims for heritage assets to be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.
15. For the reasons given above and having regard to all other matters raised, the appeal fails.

Joanna Reid

INSPECTOR