



Appeal Decision

Site visit made on 4 June 2019

by **A Blicq BSc (Hons) MA CMLI**

an Inspector appointed by the Secretary of State

Decision date: Tuesday, 18 June 2019

Appeal Ref: APP/X5210/W/19/3220178

1 Gayton Road, London NW3 1TX

- 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 B McKay against the decision of the Council of the London Borough of Camden.
 - The application Ref 2018/1611/P, dated 3 April 2018, was refused by notice dated 16 October 2018.
 - The development proposed is replacement boundary treatment. Installation of steel fence above brick wall on street frontage and new steel entrance door with side panel. (Retrospective).
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Decision

1. The appeal is allowed and planning permission is granted for installation of steel fence above brick wall on street frontage and new steel entrance door with side panel, (Retrospective) in accordance with application Ref: 2018/1611/P, dated 3 April 2018, and subject to the following condition:
 - 1) The development hereby permitted shall be carried out in accordance with Drawing Nos: Site Location; B.GR.E01; B.GR.P.02; B.GR.P.03.

Procedural Matters

2. I have used the Council's description of development as used on the decision notice in the heading above, as it more accurately describes the development before me.
3. There is duplication in the numbering of drawings showing the development. Although the site location plan has the same number as another drawing, I have distinguished it by use of its title.

Main Issues

4. The main issues are whether the development would preserve or enhance the character or appearance of the Hampstead Conservation Area (HCA).

Reasons

5. The appeal concerns the front boundary treatment of a what appears, from street level, to be a two-storey dwelling (Bosinney) built in a contemporary style close to the junction of the High Street and Gayton Road. The front boundary comprises steel panels with copper coloured coating mounted on a brick wall adjacent to Bosinney's front elevation. The steelwork is also used to form a contiguous entrance door to the dwelling.

6. I noted that Bosinney occupies a transitional position between the long terraces of Victorian dwellings on Gayton Road, and the commercial frontages of the High Street shops and other retail development, which also turn the corner into Gayton Road for a limited length. This observation is confirmed in evidence from the main parties, which reinforces my conclusions that Bosinney is situated between distinct areas of domestic and commercial character, representing different stages of Hampstead's evolution.
7. However, although Bosinney has the domestic scale of the Victorian terraces on Gayton Road, its clean lines, contemporary styling and the raised geometric brickwork, reminiscent of an engine turned finish, create a more commercial and slightly industrial character. I find this consistent with its position in Gayton Road and immediate context. Moreover, in allowing this dwelling, the Council has accepted that a contemporary styled structure is appropriate on this site.
8. I conclude that the significance of Bosinney in the HCA lies in providing an appropriate transition between two distinct character areas, and in its restrained scale and contemporary styling which complements the underlying building pattern.
9. The evidence before me indicates that the dwelling replaced a dilapidated cottage and small front garden, which at some point, contained an ash tree. The planning history suggests that the Council originally wished for the ash tree to be retained. However, the tree report undertaken around the time of the site purchase does not refer to any trees. Moreover, given the garden's size and the proximity of other significant built structures, it seems likely that the ash would have come under pressure for removal in the longer term even if it had been retained. As such, I give limited weight to the argument advanced in relation to the former ash tree.
10. Furthermore, although there is much in the evidence about the importance of retaining a reference to the former garden, there is nothing before me to indicate that the garden *per se* had particular significance in the HCA. I can appreciate that the cottage may have been a remnant of Hampstead's early and haphazard evolution but it remains that the Council gave permission for its garden to be removed. As such, the issue before me is the appropriateness of the front boundary treatment and entrance door with regard to the HCA.
11. The Council states that Bosinney's front boundary treatment should comprise a hedge or creeper-clad fence or trellis in order to mitigate the loss of the former garden. Nevertheless, it is apparent from the approved drawings that there would be very little root space and no access to soil other than within a planter. Consequently, it would be difficult to establish a hedge of any significance. In my experience, a hedge would not be a practical solution in this instance.
12. There would be room on the internal ledge for planters containing climbers which could grow over a trellis or fence, but climbers tend to be more vulnerable to damage, particularly when located at the back of a fairly narrow footway. They would also be likely to require periodic maintenance and I noticed that access from within the site could be hazardous. Even if a timber trellis or open brick wall was constructed, and climbers required by condition, it would be difficult to enforce their ongoing growth and establishment. As such, I am not satisfied that such a condition would be particularly practical, enforceable or reasonable.

13. Moreover, even if there was evidence to support the argument that the garden had significance in the HCA, a climber clad wall or fence would not, in my view, be a meaningful substitute for views of a garden and would not be necessary to make Bosinney acceptable in planning terms. In any case, the views of the existing potted palms over the steelwork seem to me to at least partially meet the expectations of the Council and local people with regard to views of vegetation.
14. Furthermore, the wall is a short and isolated stretch of boundary in a highly urbanised environment between buildings with elevations hard against the boundary. It is in a largely commercial context with very little precedent or indeed opportunity, for meaningful planting. Whilst I appreciate that planting can make a positive contribution to a street scene, in this situation it does not appear to me to be of particular importance for an appreciation of the HCA. I noticed that further along Gayton Road, the space between the low walls and railings separating the front elevations from the footway is occupied by the sunken light wells of semi-basements. There are very few dwellings with permanent planting of any significance in the street scene and even where there is vegetation, it is rather insignificant in the context of the scale and coherence of the architecture.
15. Having reasoned that there is nothing before me to support the argument that the former garden was of significance in the HCA, and also that a climber clad wall or trellis would not be necessary to make the host dwelling acceptable in planning terms, I now turn to the design of the steel panels and front door themselves.
16. Given the unique design of Bosinney, it is appropriate that its door and boundary treatment are primarily sympathetic to the host dwelling. Although the evidence before me contains unfavourable descriptions of the steelwork, I found its colour, patina and restrained design to be entirely harmonious with the host dwelling, and a confident piece of contemporary styling. Moreover, they are a seamless extension to Bosinney's front elevation. They are not particularly visible in long and oblique views along Gayton Road. Although Bosinney is rather more prominent in the street scene when viewed from the High Street, I am satisfied that the steelwork blends into the overall patchwork of finishes evident in the street scene at the top of Gayton Road, and relates sympathetically to Bosinney and the adjoining structures.
17. I can appreciate that the steelwork might appear semi-industrial. However, it is of very limited length, and in design and scale it complements the host dwelling. I disagree with the officer's report that it is incongruous and unsympathetic to Bosinney's special contemporary design. The locality's architectural coherence and diversity of materials are sufficiently robust to accommodate this development, which I find wholly in keeping with Bosinney.
18. The Council argues that Hampstead village has a historic residential character. However, I noticed that the High Street is a fairly bustling shopping centre with mixed use and has some utilitarian and distinctly commercial buildings amongst the period frontages. I have concluded that this is the character zone within which Bosinney sits.
19. With regard to the entrance door, the approved plan shows a plain door. The Council notes that if greenery is not appropriate then a simple black painted steel wall and door would be appropriate. I agree that this would be in keeping

with the host dwelling and the HCA, but it does not alter my reasoning with regard to what is before me. I appreciate that the Council and interested parties will disagree with my assessment of the steelwork. Nonetheless, it remains a matter of planning judgement.

20. The Hampstead Design Guide states that vegetation in front gardens should be retained and replanted where lost, but the front garden itself has been lawfully removed. The HCA statement notes that alterations to front boundaries can harm the character of the HCA, and highlights that boundary treatments can affect the architectural setting of buildings. However, there is very little before me to indicate the cottage's original boundary treatment, and in any case it remains that the dwelling has been built in a contemporary style. The modern design is considerate to its context, as required by the HCA statement.
21. I acknowledge that Paragraph 196 of the National Planning Policy Framework (the Framework) states that where a development will lead to less than substantial harm, this harm should be weighed against the public benefits of the proposal. Nonetheless, I have concluded that the development would not result in less than substantial harm.
22. Policy DH1 of the Hampstead Neighbourhood Plan (HNP) requires development to be sympathetic to established building lines and arrangement of front gardens, walls, railings or hedges, and to respond positively and sympathetically to the existing rhythm, proportion, height, scale, massing, materials and storey heights of surrounding buildings, amongst other considerations. HNP Policy DH2 requires development to seek to protect or enhance buildings or other elements which make a positive contribution to the HCA. I conclude that the development would accord with these requirements.
23. As such the development would preserve or enhance the character or appearance of the HCA. It would not be contrary to Policy D1 of the Local Plan (LP) which requires development to respect local context and character amongst other considerations, or LP Policy D2 which requires the preservation and enhancement of Camden's rich and diverse heritage assets. Nor would it be contrary to HNP Policies DH1 and DH2, as set out above.

Other matters

24. Planning permission for Bosinney was conditional upon a condition requiring the provision of a 'green' boundary treatment. However, the matter before me is not the breach of condition, but whether the proposed boundary treatment and entrance door, would preserve or enhance the character or appearance of the HCA. I have concluded that they would. Consequently, issues arising from the failure to comply with this condition, the site's history and other allegations are outside the scope of this appeal, which is determined on its own merits.
25. I also note that interested parties have raised a concern that an opportunity for introducing vegetation in this location would be lost if the appeal is allowed. However, this site is close to and primarily seen in the visual context of the busy High Street and I am satisfied that there is no overwhelming requirement for vegetation on this site. Moreover, there are street trees on Gayton Road which provide their own significant and positive contribution to the street scene.

26. Interested parties have raised concerns that this appeal would set a precedent. Nonetheless, each case is determined on its merits and in any case, it is the unique site-specific circumstances that are determinative in this instance. These are unlikely to be replicated.

Conditions

27. The Council has not suggested any conditions. As this is a retrospective application it is necessary for me only to ensure that the development is consistent with the drawings accompanying the application. This I have done.

Conclusion

28. In the light of the above, I conclude that the development is not contrary to the Local Plan, or national legislation and guidance. The appeal should therefore be allowed.

A Blicq

INSPECTOR