



Appeal Decision

Site visit made on 29 July 2019

by Adrian Caines BSc(Hons) MSc TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 August 2019

Appeal Ref: APP/X5210/D/19/3229284

1 Gayton Crescent, London NW3 1TT

- 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 Dr and Mrs Chan against the decision of the Council of the London Borough of Camden.
 - The application Ref 2018/3232/P, dated 9 July 2018, was refused by notice dated 26 February 2019.
 - The development proposed is addition of single storey glass canopy to rear elevation of residential property.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposal would preserve or enhance the character or appearance of the Hampstead Conservation Area (CA), within which the appeal site lies.

Reasons

3. Gayton Crescent lies just a short distance from the Hampstead High Street in an area characterised predominantly by Victorian terraced houses in gault brick with semi-basements and steps up to the front door. The London borough of Camden's Hampstead Conservation Area Statement identifies 1-15, 17-23 Gayton Crescent as buildings which make a positive contribution to the character and appearance of the CA. Notwithstanding the front parking adaptations to No 5, from the evidence before me and my own observations during my site visit, I have no reason to disagree.
4. The appeal property is the end of a terrace of three houses and is located on the corner of Gayton Crescent and Gayton Road. It splays away from the neighbouring end-of-terrace property 39 Gayton Road creating a gap between the buildings. The property is attractively articulated to the front and rear with decorative brick string courses and a well-ordered hierarchy of white-painted timber doors and sash windows in a symmetrical composition.
5. The significance of the appeal property is derived from the positive contribution to the CA made by its own architectural and historic detailing, as well as its contribution to the character and appearance of the wider area.

6. The proposed canopy addition would occupy the existing rear patio area above the basement living accommodation. The works would be of modern appearance with a clear glass roof supported by a metal frame and posts.
7. Whilst I acknowledge the intention for this structure to appear lightweight and to still allow views of the building through the glass roof, it would nevertheless be a substantial, shallow pitched addition of modern design, contrasting with the original form and style of the building. Moreover, it would protrude out to the side beyond the original main rear elevation. As a result, the integrity and well-balanced composition of the rear elevation would be unacceptably eroded.
8. I do not accept that the set in of the rear elevation and garden shrubbery in the gap to No 39 would prevent the protruding end of the canopy from being visible from Gayton Road. Furthermore, the canopy would be visible from the windows, balconies and gardens of a number of the neighbouring properties. Although private, these views of the canopy from surrounding properties would nevertheless be important as they also contribute to the character and appearance of the CA.
9. My attention was drawn to a structure at the rear of 44 Willow Road, but I do not have any details of how it came to exist, and in any case, it appears to be smaller and contained within the rear elevation so it is not directly comparable to the appeal proposal. In any event, the presence of other structures is not a reason, on its own, to allow unacceptable development. I have considered the appeal proposal on its own merits.
10. Hence, I find the insensitive scale and design of the proposed canopy would make for a disruptive addition to the host building and in this part of the CA. As a result, I conclude that the proposal would fail to preserve or enhance the character or appearance of the CA. This is contrary to Policies D1 and D2 of the London Borough of Camden Local Plan (2017), and Policies DH1 and DH2 of the adopted Hampstead Neighbourhood Plan (2018). Collectively, these Policies require new development to protect and/or enhance local character and the historic environment, including the buildings and features which make a positive contribution to it.
11. This harm to the CA as a designated heritage asset would be 'less than substantial' in the terms of paragraph 196 of the National Planning Policy Framework (the Framework) and is therefore required to be weighed against the public benefits of the scheme.
12. The proposed canopy would provide improved use of the patio for the occupants throughout the year, but that is a private, not public benefit, and therefore does not outweigh the significant harm that I have identified above.

Other Matters

13. I note that the Council did not raise concerns over the impact on neighbours and that there were no objections from No 2, but that does not justify the harmful effects of the proposal on the host building and the CA, and therefore, does not alter my decision.
14. The appellant raised concerns over the Council's handling of the application, but that is a matter to be taken up direct with the Council.

Conclusion

15. For the reasons above, I conclude that the proposal would fail to accord with the relevant policies of the development plan and the Framework, and therefore the appeal should be dismissed.

Adrian Caines

INSPECTOR