



## Appeal Decision

Site visit made on 30 July 2019

**by M Harris BSc (Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 22 August 2019**

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### **Appeal Ref: APP/X5210/W/19/3227873**

#### **42 Willow Road, London NW3 1TS**

- 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 Christopher Prior against the decision of the Council of the London Borough of Camden.
  - The application Ref 2018/5507/P, dated 10 November 2018, was refused by notice dated 4 February 2019.
  - The development proposed is the construction of spiral staircase, replacement of sash window with door, alteration to garden access.
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### **Decision**

1. The appeal is dismissed.

### **Procedural Matters**

2. The application was submitted in the name of Mr Christopher Prior however the appeal is by Dr Christopher Prior. Despite the difference in titles between the forms, it is clear from the appeal documentation that the applicant and appellant are the same individual and that the appeal can proceed as per the name and title of the original application.

### **Main Issue**

3. The main issue is the impact of the proposed development on the character and appearance of the building and wider Hampstead Conservation Area.

### **Reasons**

4. The appeal site is a three-storey end of terrace property, subdivided into two flats; the appeal property occupies the upper floors. The building is prominently located on the corner of Willow Road and Gayton Crescent within the Hampstead Conservation Area. I understand that the rear garden of the property is shared between both flats; the basement flat has direct garden access with the appeal property gaining access via a gate set in the wall of the side boundary, accessed from Gayton Crescent.
5. The Hampstead Conservation Area is recognised within the Council's appraisal to be of "considerable quality and variety" and I observed from my site visit that there is significant variance in both the street pattern and grain of the built environment together with individual building size/form. The topography and

- landscape is varied too with areas of high density development and others with more open landscape, including Hampstead Heath itself.
6. The overall significance of the area comes from this variance, noted at the point of designation in 1968 to relate to buildings of architectural interest, street pattern, topography and the open spaces.
  7. The appraisal specifically references No 42 Willow Road, noting that the rear elevations are visible from Gayton Crescent/Road and that the side wall of the appeal site is topped by "interesting curved coping bricks".
  8. Despite an earlier extension, this elevation clearly retains simple proportions with brick detailing including arched window heads visible from the street. In my judgement, this simplicity together with the proportions are key to the character of the building.
  9. The proposal takes the form of a balcony (which could reasonably be characterised as a staging balcony to access the stair, rather than one for sitting) and spiral staircase to the rear garden. To facilitate development, a section of the higher element of the existing garden wall to Gaydon Crescent would be extended beyond the rear elevation. The garden gate would also be moved further along within this new section of wall. By virtue of the prominent siting on the corner of Willow Road and Gaydon Crescent the proposals would be visible above the boundary wall.
  10. In contrast to the simple appearance of the existing elevation, the projection of the staircase from the first floor window would introduce a feature which would clutter and appear incongruous by virtue of its size and bulk. I appreciate that there may be other examples of 'juliet balconies' and extensions within the row but those examples are smaller than the spiral staircase proposed. Moreover, those other alterations are less prominent owing to their mid-terrace position
  11. Therefore, as a result of the siting in this highly visible location, together with the scale and bulk of the proposals, I find that the proposals would be detrimental to the character and appearance of the building and not reflecting the principles established within Camden Planning Guidance relating to 'Altering and extending your home' insofar as they expect development to be sensitive and appropriate to the context.
  12. I am mindful of examples cited by the appellant, including a spiral staircase attached to the modern white painted terraced block situated between Gayton Road and Gayton Crescent. As observed by both the Council and an interested party, this stair would appear to be part of the original construction and by virtue of its position on the building and distance from Gayton Crescent, the view is significantly diminished.
  13. The statutory duty in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 establishes the need to pay special attention to the desirability of preserving or enhancing the character or appearance of the designated area. In support, the National Planning Policy Framework (the Framework) addresses the importance of conserving heritage assets (paragraph 193), identifying that great weight should be given to the conservation of an asset, even where the potential harm to its significance is less than substantial. I have identified that the proposals would have a negative effect on the significance of the designated heritage asset and would

in turn result in less than substantial harm (as per paragraph 196 of the Framework).

14. Where harm would be less than substantial, paragraph 196 of the Framework requires that harm to be weighed against any public benefits of the proposal. I do not consider that the appellant's argument in respect of enhancing their private enjoyment of the property would be of public benefit nor do I consider that the private safety arguments put forward are justification for the harm caused.
15. In overall terms, the proposals would fail to preserve or enhance the character and appearance of the building and wider Hampstead Conservation Area, contrary to Policies D1 and D2 of the Camden Local Plan 2017 insofar as they seek to ensure development integrates and preserves local heritage and Policies DH1 and DH2 of the Hampstead Neighbourhood Plan 2018 regarding respecting and enhancing local character and protecting elements of the Conservation Area respectively.

### **Other matters**

16. Reference has been made to the timescales for receipt of consultation responses and the consequent validity of public comments. There is nothing before me to suggest that the Council's consideration has not followed due process. As such I have considered the observations of interested parties to the appeal and addressed these where necessary in my reasoning.
17. In respect of facilitating the convenient use of the garden together with matters of safety and the means of escape, whilst acknowledging the appellant's stated position, the previous subdivision of the building is outside of this appeal. In particular, I have no specific evidence before me to indicate that a second means of escape is critical and consider that this is not something which would justify the harm found.

### **Conclusion**

18. For the reasons given above, and taking all other matters into account, I conclude that the appeal should be dismissed.

*M Harris*

INSPECTOR