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## Appeal Decision

Site visit made on 11 February 2020

by **Alexander Walker MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 3<sup>rd</sup> March 2020

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**Appeal Ref: APP/X5210/W/19/3239874**

**Flat A, 124 Greencroft Gardens, London NW6 3PJ**

- 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 Iain Wilson against the decision of the Council of the London Borough of Camden.
  - The application Ref 2018/5202/P, dated 30 October 2018, was refused by notice dated 29 April 2019.
  - The development proposed is a rear ground floor extension with a planted roof and a new green roof to the existing extension.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are whether the development would preserve or enhance the character or appearance of the South Hampstead Conservation Area and the effect it would have on the living conditions of the occupants of 122 and 126 Greencroft Gardens, with regard to outlook, daylight/sunlight and light pollution.

### Reasons

#### *Conservation Area*

3. The site lies within the South Hampstead Conservation Area (the CA). Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
4. The CA comprises a number of predominantly residential streets consisting of a mix of large detached, semi-detached and terraced properties. Whilst there is variety in the style and form of properties, there is some consistency in their spacing, uniform building lines and verticality which make a positive contribution towards the leafy, historical suburban London setting.
5. Greencroft Gardens comprises a mix of property types, including detached, semi-detached and terraces. The appeal site is the basement level of a four-storey plus basement, mid-terrace property set within a block of four similar properties. Along this stretch of the road there are three other similar groups of terraces, two blocks lining each side of the road. Their uniform design makes a positive contribution to the character and appearance of the CA.

6. The appeal property has an existing single-storey, rear extension. The proposal would extend this out further and create a small courtyard area to allow natural light to enter the second bedroom.
7. In culmination with the existing extension, the proposal would extend approximately 7m from the original rear elevation of the building. As a result of its overall bulk, the extended part of the building would dominate the rear elevation and would fail to appear subordinate to the host building. Furthermore, its linear form would highlight the horizontal emphasis of the extension which would fail to respect the more vertical emphasis of the host building.
8. The South Hampstead Character Appraisal and Management Strategy (SHCAMS) (2011) states that 'the long, undeveloped rear gardens and private open spaces are central to the character and appearance of South Hampstead Conservation Area, and their preservation is of paramount importance'. It goes on to state that 'particular care should be taken to ensure that the attractive garden setting of the host building, neighbouring gardens and any private open spaces is not compromised by overly large extensions' and that 'alterations and extensions to the rear elevations of buildings in the conservation area should respect the historic pattern of development'.
9. The rear garden of the property is substantial and the extension would occupy only a small portion of it and would therefore not unduly harm the long garden characteristic of the CA. However, when read against the host building itself, it would dominate its rear elevation, creating an extensively long projecting feature that would appear incongruous. Whilst it would not be visible from the public domain, it would be from private views from neighbouring properties and from the appeal site itself.
10. The extension would have a green roof, which would mitigate its harmful bulk to some extent. However, it would nevertheless still be clearly read as an excessively large extension. By reason of its overall size, the extension would introduce a discordant note to the rear elevation of the building and the row of terraced properties.
11. Paragraph 196 of the National Planning Policy Framework (the Framework) confirms that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, in this instance the CA, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimal viable use. The proposed extension would have less than substantial harm to the significance of the CA. Whilst it would provide a form of accommodation suitable for a small family, which would be a public benefit, I do not consider that this outweighs the harm to the CA.
12. I conclude therefore that the proposal would fail to preserve or enhance the character of the CA. As such, it would fail to comply with Policies D1 and D2 of the Camden Local Plan (LP) 2017, which seek to ensure that new development preserves or enhances the historic environment and heritage assets.

### *Living Conditions*

13. The appellant has submitted a 'Daylight, Sunlight & Overshadowing Report', dated 10<sup>th</sup> September 2019, prepared by RSK. The findings of the report

confirm that although neighbouring properties would experience some loss of daylight availability, this would be negligible. The Council raise no objection to these findings. In the absence of any substantive evidence to the contrary, I find no reason to conclude otherwise.

14. The existing boundaries with the adjoining properties comprise high brick walls. The proposal would exceed the height of these walls; however, only marginally so, especially on the boundary with No 126 as that wall is slightly higher than the wall with No 122. Therefore, whilst it would rise above the boundary walls with the neighbouring properties, and therefore reduce the amount of daylight and sunlight serving these properties, it would not be to such an extent that it would have an unduly harmful effect on the living conditions of their occupants. For the same reason, it would not be unacceptably harmful to the outlook from these properties by creating an undue sense of enclosure.
15. In respect of light pollution, the proposal would utilise a large amount of glazing on the rear elevation, within the small courtyard area and through the roof lights. However, there is no evidence to suggest that the proposed internal lighting would be brighter than one would typically expect in a residential environment. Whilst there would be light spillage, there is no substantive evidence that this would be to such an extent that it would have any significant harm on the occupants of the neighbouring properties by way of light pollution. Furthermore, the appellant makes a compelling case that it is reasonable to conclude that any light spillage would be mitigated through the use of blinds or curtains, both within the appeal property and in neighbouring properties.
16. I find therefore that the proposal would not significantly harm the living conditions of the occupants of 122 and 126 Greencroft Gardens, with regard to outlook, daylight/sunlight and light pollution. As such, it would comply with Policy A1 of the LP, which seeks to protect residential amenity.

### **Conclusion**

17. I have found that the proposal would not significantly harm the living conditions of the occupants of the neighbouring residential properties. However, this is a neutral effect and does not weigh in favour of or against the proposal. Nevertheless, it would make a positive contribution, albeit a limited one, to the supply of accommodation for a small family, to which I attribute moderate weight in favour of the proposal. However, this does not outweigh the harm it would have on the character and appearance of the CA.
18. For the reasons given above, the appeal is dismissed.

*Alexander Walker*

INSPECTOR