



Appeal Decision

Site visit made on 18 December 2018

by **Helen O'Connor LLB MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 30 January 2019

Appeal Ref: APP/X5210/W/18/3213545 12 Willoughby Road, London NW3 1SA

- 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 Timothy Shallice and Maria Anna Tallandini against the decision of the Council of the London Borough of Camden.
 - The application Ref 2018/1723/P, dated 11 April 2018, was refused by notice dated 31 August 2018.
 - The development proposed is the rear infill of an existing closet wing at upper floor level to serve the existing flat.
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Decision

1. The appeal is allowed and planning permission is granted for the rear infill of an existing closet wing at upper floor level to serve the existing flat at 12 Willoughby Road, London NW3 1SA in accordance with the terms of the application, Ref 2018/1723/P, dated 11 April 2018, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawings numbered 026.P001, 026.P.101, 026.P.102, 026.P.103, 026.P.104, 026.P.105, 026.P.106, 026.P.107, 026.P.108; 026.P.201, 026.P.202, 026.P.203, 026.P.204, 026.P.205, 026.P.206, 026.P.207, 026.P.208 and 026.P.501.
 - 4) Detailed drawings of the proposed windows including sections at 1:10 (showing jambs, head and cill) and elevations at 1:20, including details demonstrating opening methods, shall be submitted to and approved in writing by the local planning authority before the relevant part of the work is begun. The relevant part of the works shall then be carried out in accordance with the approved details.
 - 5) All new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the existing building, unless otherwise specified in the approved plans.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the host building with particular reference to whether the proposal would preserve or enhance the character or appearance of the Hampstead Conservation Area.

Reasons

3. The Hampstead Conservation Area covers an extensive section of the historic village of Hampstead and surrounding area. Important contributory factors to its significance include the street pattern, and the quality and mix of buildings. The appeal property contributes positively to the significance of the conservation area as it is located in a terrace of tall Victorian Houses situated in a grid-like street layout. Indeed, Willoughby Road is identified as such in the Hampstead Conservation Area Statement.
4. The proposal is a modest infill extension on the rear elevation of 12 Willoughby Road to create additional living accommodation with a terrace above. The rear elevations of this terrace of housing contrast to the public, formal, more homogeneous character and appearance of the front elevations. There is still a strong rhythm in evidence at the rear, but a patchwork of alterations and variety of materials have emerged over time which results in a less formal private character and appearance. In this context, the proposal would be in keeping as there is more scope for, and evidence of, modest adaptation without losing the fundamental and positive characteristics of the building. Notwithstanding the concerns of the Council that it would have a harmful impact on the proportions of the building due to its bulk and form, the modest dimensions of the proposal would indicate otherwise.
5. The proposal would be similar in appearance to an existing infill extension directly adjacent at 14 Willoughby Road. The Council consider that the numerous extensions and alterations within the vicinity of the site do not set a precedent for the appeal proposal, and that the extensions at Nos 8 and 14 in particular are isolated examples of harmful alterations. I have assessed this proposal on its own merits, but have had regards to the existing context which includes alterations to the rear of the properties either side of the appeal property, as well as alterations to the lower floors at the rear of the appeal property itself. With the exception of No 8 which is of a substantially larger scale, in general I consider these to have a neutral impact which preserves the character and appearance of the Hampstead Conservation Area.
6. In support of the refusal reason the Council point to the specific advice set out in the Camden Design Planning Guidance Supplementary Planning Document, 2015 (CPG1). This advises that rear extensions that are higher than one full storey below roof eaves/parapet level, or that rise above the general height of neighbouring projections and nearby extensions, will be strongly discouraged. I have had regard to that general advice that applies in most, but by definition not all cases. However, CPG1 sets out further general principles including that where a higher extension is appropriate, a smaller footprint will generally be preferable. The appeal proposal will be higher than one full storey below the roof eaves, but on the other hand it will be lower than existing extensions on the building, and those at the neighbouring properties either side. It also has a

modest footprint. On that basis, and in this specific instance, I do not consider the proposal conflicts with the general advice in CPG1.

7. Given that I have not found harm to the existing character of the building it follows that it is not objectionable that the proposal will be visible from private views and glimpses from the public realm. The Council raises further concerns regarding the proportions and detailing of the windows. Whilst I find that the form and proportions of the overall proposal would be acceptable, I concur that the details of the windows are important and this can be secured by way of a condition to agree large scale details of the window design.
8. In reaching my conclusion I have given special attention to the desirability of preserving or enhancing the character or appearance of the Hampstead Conservation Area as a whole. For the reasons set out above, I find that the appeal proposal would have a neutral impact on the building, and would therefore preserve the character and appearance of the Hampstead Conservation Area and would not harm its significance as a designated asset. As such, it would not conflict with the conservation and design quality objectives of policies D1 and D2 of the London Borough of Camden Local Plan, 2017, or those of policy DH1 of the Hampstead Neighbourhood Plan, 2018.

Other matters

9. The Hampstead Conservation Area Advisory Committee considered that the proposal would lead to unreasonable levels of overlooking to adjacent residences. I note that the Council did not object to the proposal on this basis, and I conclude similarly that the relationship with nearby residences would be unlikely to be materially different from the situation with the existing terrace. I have seen no evidence to disagree with that view.
10. I have considered the effect of the proposed development on the setting of Rosslyn Hill Chapel which is a Grade II Listed Building. However, given that I have found no harm to the terrace or conservation area it follows that I find that the proposal would have no harmful impact on its setting.

Conditions

11. The Council has suggested four conditions which I have considered against advice in the National Planning Policy Framework and Planning Practice Guidance. In addition to the standard condition in relation to commencement of the development, I have added a condition requiring the development to be carried out in accordance with the submitted drawings in the interests of certainty. In addition, in order to safeguard the character and appearance of the conservation area it is necessary to have a condition requiring external materials to closely match the existing building; and for large scale details of the new windows to be specified and agreed.

Conclusion

12. For the reasons given above I conclude that the appeal should be allowed.

Helen O'Connor

Inspector