



Appeal Decision

Site visit made on 15 April 2021

by **P. D. Biggers** BSc Hons MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 May 2021

Appeal Ref: APP/X5210 /D/21/3267604 13C Gardnor Road, London NW3 1HA.

- 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 and Mrs Klein-Wassink against the decision of the London Borough of Camden Council.
 - The application Ref 2019/6281/P, dated 6 December 2019, was refused by notice dated 3 November 2020.
 - The development proposed is erection of roof extension to increase roof ridge height; erection of rear dormer windows; installation of rooflights to front and rear roofslopes; erection of first floor rear addition with installation of obscure glazed windows to first floor side and rear elevations.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of the development used above is not that on the application form. The description was varied with the agreement of the appellant as the original description did not clearly refer to the first floor rear extension. For the purposes of my determination I have therefore taken the revised description from the appeal form.

Main Issues

3. The main issues are whether the proposed development would have a detrimental effect on:
 - the character and appearance of the host building, its neighbours and the Hampstead Conservation Area;
 - the living conditions of the present and future occupiers of No 56 Flask Walk in terms of privacy, proximity, outlook and light levels.

Reasons

Character and Appearance

4. The appeal site is located on the west side of Gardnor Road in the Hampstead Conservation Area. The Road is an attractive tree lined cul-de-sac with predominantly terraced housing of 3 main storeys, basement and attic accommodation on both sides of the street. However, the appeal property is a smaller, two storey house (double fronted but shallow in depth) and one of a group of 3 at the upper end of the road. Because the road slopes from south west to north east the roofline of the group is stepped both at ridge and eaves responding to the slope.

5. The 3 houses in terms of their massing, scale and height are much smaller than others in the street but there is a collective uniformity and rhythm to them and attractive detailing in terms of window and door patterns, eaves and ridge tile patterning and parapet walls and chimneys. The three houses appear largely unchanged, at least in the street facing elevation, from what would have been their original form and the roof slopes in particular are unchanged. The 3 properties are identified as positive contributors to the Conservation Area.
6. No 13c is a shallow, single aspect house which backs immediately onto the courtyard garden wall to No 56 Flask Walk the main windows of which are between around 3 to 3.5 metres from the back wall of the appeal property.
7. The proposal would maintain the current eaves level and pitch to the front roof slope but the slope would extend further back to raise the internal height. Whilst this would retain the plane of the roof consistent with Nos 13 A and 13B and enable the retention of eaves and parapet wall details it would result in a ridge that no longer followed the horizontal alignment established by 13A and 13B and the stepped feature in the roof height would be lost. I have been invited to conclude that the changes to the ridge are modest, would not be readily apparent from street level, and that Gardnor Road is not a prominent street frequented by large numbers of the public and any change would have limited impact on the wider Conservation Area.
8. Whilst the horizontal shift in the ridge may not be so readily apparent from the street, the increase in height would be apparent from the opposite pavement in views up and down the road and certainly in all private views from the properties opposite in which the rhythm and coherence of the stepped roof design to the cottages would be lost. Moreover, just because a street is something of a backwater in the Conservation Area does not mean that its character and appearance is any less important. It is often the small details of a conservation area that together add to its overall character and quality and this is the case with these three cottages in Gardnor Road.
9. It has also been put to me that as the adjacent terrace from No 13 through to No 19 steps up to 3 storeys this would offset the impact of the raised roof. I am not persuaded by this argument as this group is fundamentally different in design to the cottages. The cottages stand together as a group and it is their coherent unchanged design that gives them their charm. For the same reasons, the introduction of 3 large rooflights, (albeit set flush) into a roofscape across the 3 cottages which is largely unaltered would again harm the rhythm and coherence of the cottages at roof level. The appellant considers that many examples of rooflights elsewhere in the vicinity would justify them in this case. However, in respect of the Gardnor Road terraces although there are cases of mansard roof extensions with rooflights set into the mansard slopes these are now a characteristic feature of these terraces and partially screened by the parapet to the roof. I acknowledge the more conventional rooflights on the rear of No 23 Spencer Walk are visible from Gardnor Road but this is a modern infill building to a completely different design. The fact is that there are no rooflights on the front slope to the 3 cottages which remains unchanged in its original form and I will therefore consider the impact of the proposal in this context.
10. Guidance in the *Hampstead Conservation Area Statement* (HCAS) in respect of roof extensions is clear. It states that where it would be detrimental to the form and character of the existing building particularly where the property forms part of a group or terrace which remains largely unimpaired or part of a symmetrical

composition where the balance would be upset roof extensions are unlikely to be acceptable.

11. These are the circumstances in this case where, together with the alteration to the ridge, the changes to the front roof slope to install the rooflights would damage the positive contribution these three cottages make as a group to the Conservation Area.
12. Turning to the proposed rear dormers, I note these have been revised to reduce their scale and whilst in some respects they meet the design advice for dormers in the *Camden Planning Guidance – Altering and Extending Your Home*, (CPG) in others they do not. In particular, because of the shallow pitch of the roof the dormers would be deeper and higher than the guidance advises meaning there would be less of a stand-off to the ridge and eaves making them more dominant on the rear roof slope – a roofscape which also remains largely unaltered other than small format skylights.
13. It has been put to me that the guidance in the CPG, stating that dormers which can only be achieved by raising the roof level are not acceptable, is not relevant in this case as the roof raise is only modest and of little impact. However, for the reasons above I am not satisfied that the roof raise would be of little impact and moreover, even if I were to accept the dormers to the rear would have little impact on the character and appearance of the Conservation Area, as discussed below they would give rise to other problems.
14. Regarding the small infill extension to the shower room at first floor level, whilst this would be entirely in keeping and it is open to me to reach a split decision, allowing the appeal in part, in this particular case this part of the proposal is physically linked to the work at roof level as the new rear roof slope would extend over the extension. This part of the proposal cannot therefore be implemented in isolation and a split decision would not be appropriate.
15. The loss of the stepped ridgeline, the insertion of the front rooflights and the dominance of deep dormers in a largely unchanged roofscape would therefore be harmful to the significance of this part of the Conservation Area and fail to preserve its established character. As such the proposal would be contrary to Paragraphs 193 and 194 in the *National Planning Policy Framework* (the Framework). For the same reasons it would also be in conflict with Policy D2 of the *Camden Local Plan* (CLP) which seeks to preserve and where possible enhance the significance of the Borough's conservation areas. Moreover, Policy DH2 of the *Hampstead Neighbourhood Plan* (HNP) states that this responsibility to preserve and enhance is particularly important in respect of buildings which make a positive contribution to the Conservation Area as is the case with the appeal property. Both the policies require account to be taken of Conservation Area Appraisals and as set out above the proposal would not meet the HCAS advice regarding roof extensions.
16. I accept that the harm to the significance of the heritage asset would be less than substantial and, in these circumstances, Paragraph 196 of the Framework states that the harm can be weighed against any public benefit. The appellant, in proposing the roof extension, argues that the enlargement of the house and enabling it to be dual aspect would be to the benefit of the housing stock generally. However as this is largely a private benefit for present and future occupants of the property it would have limited weight and would not of itself be sufficient to outweigh the harm to the significance of the Conservation Area from the proposal.

17. In addition to conflict with the policies applying to development in Conservation Areas the proposal would also, for the reasons above, fail to meet the design objectives of CLP Policy D1 and HNP Policy DH1 both of which require development to respect local context and character. The proposal would change the appearance of No 13C in a way which is not sympathetic to the surrounding context and the terraced group of which it forms a part, which is a particular requirement of Policy DH1 (2c).

Living Conditions

18. As part of the site inspection I have visited No 56 Flask Walk and viewed the proposals from the interior of the house and the rear courtyard. I acknowledge that the urban grain in this part of Hampstead is tight as a result of a high density of development and this is particularly true of the relationship between the Flask Walk properties and those in Gardnor Road.
19. The close proximity of the main windows of No 56 Flask Walk to the rear wall and roof of the appeal property has already been noted but the roof on No 13C is sloping away from No 56 and there are currently no windows in the rear elevation. Thus although the properties are in very close proximity the pre-existing situation is an acceptable one in terms of living conditions.
20. The dormer windows would be approximately 4 metres from the main living room windows of No 56 and at the same level. The appellant has proposed that the dormer windows would be obscure glazed up to 1.7 metres above finished floor level to avoid overlooking at close quarters. Whilst the obscure glazing would provide a physical break in views into and out of the dormer windows, it would not resolve the perceived impact on privacy for the occupants of No 56 as a result of the unusually close proximity of the two properties in particular as the top section of glazing is proposed to remain clear glazed. Moreover, obscure glazing would largely prevent any outlook for the proposed roof level habitable rooms created in No 13C. No mention is made of whether these windows would be opening or not and whilst they could be conditioned to be non-opening this would not be a satisfactory arrangement for reasonably sized bedrooms where the only other option would be the front facing rooflights.
21. No 56 Flask Walk also has living accommodation and open plan kitchen at ground level which looks out onto a small rear courtyard and the back wall of the appeal property. Currently, due to the existing roof pitch and height at No 13C and the fact that the main roof is set back behind the roof over the small rear offshoot at first floor level, the main roof does not intrude into the courtyard space to No 56. However, the effect of the roof raise, the revised extended roof slope taking in the rear offshoot and the dormers this additional mass would be intrusive and overbearing on the courtyard and the outlook from the ground floor living room windows.
22. With regard to light levels to No 56, the rear elevation faces east-south east. Given the heights and levels involved there would be no appreciable loss of sunlight to the upper levels in No 56. Regarding the ground floor this and the courtyard is already overshadowed by the existing boundary wall to No 13C and the higher 3 storey building at No 13 Gardnor Road. I am satisfied that the appeal proposal would not reduce light to this lower level to any significant extent.
23. Notwithstanding the conclusion with regard to light levels, for the reasons above the proposal would impact on the living conditions for present and future occupants of No 56 Flask Walk. Policy A1 of the CLP requires proposals to be

designed to ensure that the quality of life and amenity of occupiers and neighbours to a development is protected. Moreover, Policy DH1 of the HNP also requires development to respect local context and protect the amenity of neighbouring properties. The Council has recently produced *Camden Planning Guidance - Amenity* to assist in the implementation of CLP Policy A1 which amongst other things gives advice on overlooking and privacy and outlook relevant to this appeal. In respect of maintaining privacy the guidance is that it would "*not be acceptable for habitable rooms to have windows glazed exclusively with obscure glass*". Thus the mitigation proposed in this case to avoid overlooking would not be in accordance with the guidance. In respect of outlook the guidance states "*developments should ensure that the proximity, size or cumulative effect of any structures avoids having an overbearing and/or dominating effect that is detrimental to ... adjoining residential occupiers*". The appeal proposal fails this design guidance.

24. Taking the proposed changes to the rear elevation together and considering them against the CLP Policy A1 and HNP Policy DH1 and the guidance, the proposal would represent a material worsening in what is already a very close relationship between neighbouring properties which would result in harm to the living conditions for present and future occupants of No 56 Flask Walk.

Other Matters

25. I understand the appellants' wish to provide extended and improved accommodation by utilising the roof space and that in doing so they are seeking to make sustainable and effective use of an existing dwelling, an objective which is encouraged by the Framework in Section 11. I acknowledge that this national policy objective makes the principle of extending existing houses acceptable. However, paragraph 122 in the same section of the Framework states that this should not be at the expense of maintaining an area's prevailing character and setting and at paragraph 123 that it should not be at the expense of acceptable living standards. The argument that the proposal would allow sustainable and effective use of the dwelling in this case would not outweigh the harm to the character and appearance of this positive contributor in the Conservation Area nor justify the harm to living conditions that would arise for neighbouring occupants.

Conclusion

26. In reaching my decision I have had regard to the matters before me but for the reasons above the appeal should be dismissed.

P. D. Biggers

INSPECTOR