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## Appeal Decision

Site visit made on 24 February 2020

**by C Cresswell BSc (Hons) MA MBA MRTPI**

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

**Decision date: 27 March 2020**

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**Appeal Ref: APP/X5210/W/19/3238739**  
**190 Goldhurst Terrace, London NW6 3HN**

- 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 Joshua King against the decision of the Council of the London Borough of Camden.
  - The application Ref 2019/0158/P, dated 11 January 2019, was refused by notice dated 8 April 2019.
  - The development proposed is excavation of a basement to form an independent two bedroom dwelling.
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. The description of the development in the heading above is taken from the Appeal Form rather than the Application Form. This reflects the modified description of the proposal.

### Main Issues

3. The main issues in this case are:
  - whether the proposal would preserve or enhance the character or appearance of the South Hampstead Conservation Area.
  - whether the site provides a suitable location for the proposed development, having particular regard to the risk of flooding.

### Reasons

#### *Character and appearance*

4. The appeal property is situated within the South Hampstead Conservation Area, the significance of which is mainly derived from the architectural quality of the historic streets and buildings. This part of Goldhurst Terrace is characterised by large, older-style terraced properties with relatively ornate frontages. Because the properties on this side of the road have broadly consistent architectural styles, the street scene in this location displays an especially high degree of uniformity. This directly contributes to the quality of the Conservation Area in this location.

5. While adjoining properties in this part of the terrace are not identical to each other, they nonetheless share very similar architectural detailing and patterns of fenestration. Although some properties have open frontages and others are enclosed by gates, hedges, walls or railings, they are set back from the street a similar distance behind open gardens or courtyards. In the case of the appeal property, there are gates (in the form of railings) behind which there is an open courtyard which is used for parking. In this respect, the property is consistent in appearance with the adjoining neighbours.
6. Although the proposed lightwell would not be a highly prominent feature within the wider street scene, it would nonetheless be perceivable when standing outside the appeal property in Goldhurst Terrace. The extent to which the development could be seen would be exacerbated by the proposed railings which would run along part of the frontage before following the steps down to the basement level. Considering that the railings would be set forward of the front elevation and passers-by would, to some extent, be able to look downwards into the lightwell. Hence, the development would become a relatively noticeable addition to the front of the property.
7. There are already a set of gates at the front of the property through which the proposed lightwell and railings would be seen. However, even if the gates were closed, the development would still be noticeable from the street and would be read as visual clutter to the frontage of the property. It is noted that railings are present elsewhere in the street scene (including fences and roof terraces) but this does not change my assessment of the proposal.
8. Therefore, despite being a relatively small feature, the proposed development would visually distract from the frontage of the appeal property. The overall effect would be to disrupt the sense of consistency that currently exists at ground floor level along this part of the street. The qualities of the Conservation Area in this location would be eroded.
9. I am aware that planning permission<sup>1</sup> has already been granted for a lightwell at the front of the property and this represents a likely fallback position. However, this would feature a smaller lightwell and, most notably, does not propose similar railings at the front of the property. The approved scheme would therefore be less harmful than the appeal proposal.
10. My attention has been drawn to a number of other examples of lightwells and front railings in Goldhurst Terrace, some of which bear comparisons to the development being proposed in this appeal. However, these are not typical features along the part of the terrace on which the appeal property is situated. It therefore seems to me that a convincing precedent for such developments has not been established. I note the appellant's point that railings and lightwells can be visually acceptable within the Conservation Area. Yet while this may be the case, I have based my assessment on the part of the Conservation Area in which the appeal property is located.
11. While the development would be a relatively small feature in the context of the wider surroundings, it would nonetheless represent an incremental change which would erode the qualities of the Conservation Area. However, although the proposal would harm the Conservation Area, the harm would be less than

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<sup>1</sup> Council Ref: 2016/2689/P

substantial and in such circumstances the Framework<sup>2</sup> advises that this harm should be weighed against any public benefits. While the development would enable more spacious accommodation to be created (compared to that which would be provided under the previously approved scheme) such benefits would be mainly private in nature and would not outweigh the 'great weight' which the Framework assigns to the preservation of heritage assets.

12. I therefore conclude on this issue that the proposed development would not preserve or enhance the character or appearance of the South Hampstead Conservation Area. There would be conflict with Policies D1 and D2 of the Local Plan<sup>3</sup> which both seek to protect the historic environment.

### **Flooding**

13. The Camden Planning Guidance for Basements<sup>4</sup> indicates that the Council will not allow habitable rooms and other sensitive uses for self-contained basement flats which are at risk of flooding. This reflects Policies A5 and CC3 of the Local Plan, which make similar provisions.
14. While Environment Agency mapping shows the appeal property to be situated in Flood Zone 1 (with a low probability of flooding) the site nonetheless falls within a Local Risk Flood Zone (LRFZ) according to Map 6 of the Local Plan. This is defined in paragraph 8.59 of the plan as a discrete area of flooding which does not exceed the national criteria for a Flood Risk Area but still affects houses, businesses and infrastructure.
15. However, in this particular case, the appellant has commissioned engineers to carry out a bespoke flood risk assessment. The report concludes that the appeal property is at low risk of flooding from all sources, having taken a number of matters into consideration such as the flooding history of the area and variations in topography along Goldhurst Terrace.
16. Therefore, while there are clearly properties at risk of flooding within the LRFZ (including those which have flooded in the past) the very specific evidence for this particular property indicates that it is not prone to flooding. Hence, there would be no conflict with Policies A5 and CC3 of the Local Plan.
17. I conclude on this issue that the site would provide a suitable location for the proposed development with regard to flood risk.

### **Other matters**

18. I understand that the development proposed in the current appeal would create more spacious accommodation than would be the case if the previously approved scheme<sup>5</sup> were to be implemented. It would therefore make more efficient use of land, in line with the intentions of the Framework. However, as the increase in residential floorspace would not be particularly substantial, this benefit does not weigh heavily in favour of the proposal.
19. The Council's reasons for refusing the application include the absence of legal agreements for car-free housing (reason 3) and highways works (reason 4). In order to address these matters, the appellant has provided a signed

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<sup>2</sup> National Planning Policy Framework, February 2019.

<sup>3</sup> Camden Local Plan 2017

<sup>4</sup> Camden Planning Guidance: Basements, March 2018.

<sup>5</sup> Council Ref: 2016/2689/P

unilateral undertaking. However, as I am dismissing the appeal for other reasons, I have not considered this any further.

**Conclusion**

20. I have found that the proposal would be acceptable in terms of flood risk. However, it would harm the Conservation Area and the Framework assigns this great weight. The benefits of the development would not be sufficient to overcome this harm.

21. For the above reasons, I conclude that the appeal should be dismissed.

*C Cresswell*

INSPECTOR