



Appeal Decision

Site visit made on 3 August 2021

by R Satheesan BSc PGCert MSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 August 2021

Appeal Ref: APP/X5210/C/20/3262767

Flat 4, 70 Aberdare Gardens, London NW6 3QD

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr Giles Gale against an enforcement notice issued by the Council of the London Borough of Camden.
 - The enforcement notice was issued on 1 October 2020.
 - The breach of planning control as alleged in the notice is without planning permission: Installation of timber frame structure to the main roof of the building
 - The requirements of the notice are:
 1. Completely remove the timber frame structure to the main roof of the building;
 2. Remove any result debris from the site and make good any resulting damage.
 - The period for compliance with the requirements is 3 months.
 - The appeal is proceeding on the grounds set out in section 174(2) (a) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Decision

1. The appeal is dismissed, the enforcement notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Procedural Matters

2. Further revisions have been made to the National Planning Policy Framework during the course of my consideration of the appeal and a revised version was published in July 2021 (the Framework). I have invited the main parties to comment on the Framework and have taken account of any responses from them in my determination of the appeal.
3. The site visit procedure was altered from an accompanied site visit to an access required site visit, as the Council Officer was not present when I arrived at the appeal site during the pre-arranged time and date. Both parties were subsequently written to explaining the change in procedure. As such the appeal will be determined on this basis.

Main Issue

4. The main issue is whether the unauthorised development preserves or enhances the character or appearance of the South Hampstead Conservation Area (SHCA).

Reasons

South Hampstead Conservation Area (SHCA)

5. The appeal site relates to a top floor flat of a 3-storey Victorian semi-detached building which is located in a prominent location on corner of Aberdare Gardens and Fairhazel Gardens, within the South Hampstead Conservation Area (SHCA).
6. With regards to the effect on designated heritage assets, Section 72(1) of the Act requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.
7. The National Planning Policy Framework, 2021 (the Framework) advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. Paragraph 199 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 200 of the Framework states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
8. The South Hampstead Conservation Area Character Appraisal and Management Strategy, 2011 (CAMS) states that South Hampstead is a well preserved example of a leafy residential Victorian suburb, characterised by large, semi-detached and terraced late-Victorian properties, in red or gault (white / cream) brick, with a particularly distinctive and attractive roofscape including decorative gables to the frontage, steep mansard roofs with original dormers and tall chimneys which all harmonise with the host building. Houses comprise a variety of decorative treatments including terracotta panels and brickwork ornamentation, tiled and patterned footpaths, delicate ironwork, and elaborate timber doors and windows. The serene character of the SHCA is further enhanced by lush green front gardens, wide streets with mature trees, and the private open spaces behind houses which make a positive contribution and provide visual and practical amenity for many residents. The appeal building forms part of a group of similarly designed semi-detached properties which shares many of the above positive characteristics, and therefore makes a positive contribution to the significance of the SHCA.
9. The CAMS also highlights that the original, carefully designed roofscapes play a very important role in maintaining the character of the SHCA. I observed during my site visit that this group of semi-detached properties are largely unimpaired by prominent extensions and alterations above the roof. The current unauthorised development which rises clearly above the roof, introduces an overly dominant and visually discordant feature. In particular the timber framed structure is clearly visible from a number of public vantage points along Fairhazel Gardens and results in a structure which is noticeably higher than neighbouring properties in the street. In addition, I do not consider that the existing vegetation obscures views of the structure.
10. Furthermore, the timber framed structure, erected for the purpose of supporting climbing plants appears more appropriate to a garden setting and

not a feature one would usually see above the roof of a traditional property. Therefore, the timber framed structure is intrusive and harms the character and appearance of the host building, the pair of semi-detached properties and detracts from the qualities of the SHCA.

11. In the terms of the Framework and paragraph 202, the harm that the development causes to the significance of the designated heritage asset, that is the SHCA, would amount to less than substantial harm. Accordingly, this should be weighed against the public benefits of the development.
12. The appellant states that the timber structure contributes to the Council's ambitions for greening, biodiversity and improving the quality of outside space and also that the practical needs of providing support for plants must be considered. However, these modest benefits are insufficient, in my view, to outweigh the harm I have identified to the SHCA and to which I afford considerable importance and weight. Furthermore, an existing roof garden, with potted plants already exists at the appeal site and therefore many of these purported benefits (e.g., a green roof, biodiversity, enhanced outside space) can be achieved without the need for a timber framed structure on the roof. There are also alternative measures which could be explored to provide support and anchor for plants on the roof which do not result in harm to the SHCA.
13. I therefore conclude that the unauthorised works result in visually discordant and incongruous additions, which are harmful to the character and appearance of the SHCA, as a whole. As such, it fails to preserve or enhance the character or appearance of the SHCA, contrary to policies D1 and D2 of the London Borough of Camden Local Plan (2017). Amongst other things these state that the Council will seek to secure high quality design in development and will require that development: a. respects local context and character; b. preserves or enhances the historic environment and heritage assets, including conservation areas.
14. It would also conflict with the relevant requirement of the Framework which seeks to conserve and enhance the historic environment. Finally, it would not preserve or enhance the character or appearance of the conservation area as required by Section 72(1) of the Act. This carries considerable weight and importance to my decision.

Conclusion

15. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

R Satheesan

INSPECTOR