



Appeal Decision

Site visit made on 6 January 2022

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 January 2022

Appeal Ref: APP/X5210/D/21/3276911

94 South Hill Park, London NW3 2SN

- 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 David Crossland against the decision of London Borough of Camden.
 - The application Ref 2020/2175/P, dated 2 July 2020, was refused by notice dated 26 March 2021.
 - The development proposed is erection of a side extension at first floor level to facilitate lift; enlargement of ground floor rear roof terrace; alterations to rear ground fenestration; formation of new second floor rear roof terrace.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of development from the Council's Decision Notice as this includes reference to the ground floor roof terrace referred to in the Council's second reason for refusal.
3. On 20 July 2021, the Government published its revised National Planning Policy Framework ('the Framework'). It replaces the previous version published in February 2019. The Framework represents the Government's up-to-date planning policies for England and how they should be applied. I have had regard to the Framework in reaching my decision.
4. On my site visit, I observed that the ground floor rear roof terrace had been installed. I am therefore considering this element of the appeal retrospectively.

Main Issues

5. The main issues are 1) whether the proposed side extension would preserve or enhance the character and appearance of the South Hill Park Conservation Area (SHPCA) and 2) the effect of the ground floor rear roof terrace on the living conditions of the occupants of 92 South Hill Park with regard to privacy.

Reasons

Character and appearance of SHPCA

6. The appeal property is a grand semi-detached property with a basement and roof level accommodation. It is located on the western side of South Hill Park and sits adjacent to a footpath that leads to Hampstead Heath which is to the rear of the site. It is within the South Hill Park Conservation Area that is

characterised by its substantial semi-detached villas with notable decorative features and the relationship of the properties with both Parliament Hill and Hampstead Heath.

7. The appeal property has an existing ground floor single storey side extension. Although it is visible from the street-scene and from views within Hampstead Heath, it is nevertheless a relatively innocuous addition to the property
8. The appeal property displays a pleasant degree of symmetry with the adjoining semi-detached property. It also shares the same positive characteristics with the similar property that it sits adjacent to on the other side of the footpath which also has a similarly sized and sited single storey ground floor side extension.
9. The gap between the appeal property and 96 South Hill Park allows for both views from South Hill Park into Hampstead Heath including the ponds, and views from within Hampstead Heath into the SHPCA. The gap widens above the ground floor side extensions to each property, allowing a wider-angle view to be experienced. These views are positive features of the SHPCA and are specifically referred to in the SHPCA Statement (2011).
10. Due to its size and siting, the proposed first floor extension would cause a notable reduction in the size of the gap between the properties and therefore reducing the views in either direction, diminishing and harming their significance. It would also significantly unbalance the pair of semi-detached properties and also the appeal property's homogeneous relationship with no. 96 that are also positive features.
11. I therefore find that for the reasons outlined above, the proposed side extension would fail to preserve or enhance the character and appearance of the SHPCA. It would be contrary to Policies D1 and D2 of the Camden Local Plan (2017) and Policies DH1 and DH2 of the Hampstead Neighbourhood Plan (2018). Collectively, these policies require that development is of high-quality design, that preserves or enhances the character or appearance of the conservation area.
12. The development would also be contrary to the Framework, which requires, amongst other things, that development is of high-quality design, sympathetic to local character whilst sustaining and enhancing the significance of heritage assets.

Living conditions

13. The development includes a ground floor rear roof terrace. Owing to the topography of the site it occupies a somewhat elevated position relative to the surrounding area.
14. The evidence shows that planning permission¹ exists for a ground floor rear roof terrace. The approved plan however shows a markedly different layout of the roof terrace from that which has been installed, with the balustrade projecting almost in line with the doorway with a chamfered edge. This is unlike the development that I observed on site where the balustrade was sited right to the edge of the flat roofed section upon which the terrace is located.

¹ Application ref: 2019/4828/P

15. Due to its siting and the limited amount of screening, the existing roof terrace allows for high direct views into the rear windows of the adjoining property. Such views cause significant harm to the privacy of the occupants of the adjoining property.
16. I therefore conclude that the ground floor rear roof terrace has an unacceptable impact on the living conditions of the occupants of 92 South Hill Park with regard to privacy. It is contrary to Policy A1 of the Camden Local Plan (2017) and Policy DH1 of the Hampstead Neighbourhood Plan (2018). Collectively, these policies seek to ensure that development protects the amenity of neighbouring properties having regard to, amongst other things, privacy.

Other Matters

17. I note the appellants reasons for seeking to install a lift in the property due to the medical circumstances of the occupants. I have considered these in accordance with the Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010 which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. I have also had regard to rights conveyed within the Human Rights Act.
18. The improvement of accessibility within the property in light of the occupants needs and those of any future occupants is a matter of significant weight in favour of the appeal. It has not however been demonstrated that less intrusive internal alterations to improve the accessibility of the property have been considered. This reduces the weight to be given to such circumstances.
19. It therefore does not follow from the PSED that the appeal should succeed. I am required to pay special attention to the desirability of preserving or enhancing the character and appearance of the SHPCA in accordance with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Therefore, whilst I have given weight to these matters, they do not outweigh the harm that would be created were the appeal to be allowed.

Planning Balance and Conclusion

20. Having regard to paragraph 202 of the Framework, I find that the harm to the SHPCA is relatively localised and therefore the proposed development would cause less than substantial harm to the significance of the designated heritage asset. When combined with the harm to living conditions, I do not find that this harm is outweighed by the improvement in accessibility or any other public benefits of the proposed development.
21. The proposed development would therefore conflict with the development plan and there are no other considerations, including the Framework, that outweigh this conflict.
22. For the reasons set out above, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

A M Nilsson

INSPECTOR