
Appeal Decision

Site visit made on 14 February 2017

by Daniel Hartley BA Hons MTP MBA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 17 February 2017

Appeal Ref: APP/N5090/D/16/3164524

4 Spaniards End, Hampstead, London NW3 7JG

- 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 Wright against the decision of the Council of the London Borough of Barnet.
 - The application Ref 16/3873/RCU, dated 10 June 2016, was refused by notice dated 21 September 2016.
 - The development proposed is the demolition of a garden shed and the building of a new shed.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The proposed shed has already been erected, although not all of the doors accord with what is shown on the submitted plans.

Main Issue

3. The main issue is whether or not the proposed development would preserve or enhance the character or appearance of the Hampstead Garden Suburb Conservation Area.

Reasons

Site and Proposal

4. The appeal site comprises a mid-terraced two storey dwelling house which has a large front garden and falls within a predominantly residential area. There was previously a flat roofed timber built shed positioned in the front garden and abutting the boundary with Spaniards End. It measured approximately 1.1 metres in width, 3.3 metres in length and 2.1 metres in height. This has now been demolished. The appeal proposal relates to the erection of a new brick built shed, which has already been erected, located in a very similar position to the shed that was demolished, and measuring about 2.2 metres in width, 4.8 metres in length and 2.2 metres in height.

Conservation Area

5. The appeal site falls within the Hampstead Garden Suburb Conservation Area (CA). It falls within Area 17 of the Council's Hampstead Garden Suburb
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Conservation Area Character Appraisal Statement (CAS). The CAS states that in respect of this part of the CA the *"layout, with low density housing set well back from the road gives a pleasant, verdant environment. The road itself is private, and is a cul-de-sac. There is therefore very little traffic movement or disturbance. The trees are of particular importance"*. The CAS goes on to say that materials and detailing is mostly of a high standard, and those buildings with poor or badly maintained materials stand out in contrast. Collectively, the aforementioned features add positively to the distinctive character and appearance of this part of the CA.

6. I agree with the Council who state in their delegated officer report that *"as far as the increase in size is considered the newly constructed outbuilding does not dramatically differentiate from the previous structure"*. In terms of the scale and massing of the appeal development, I do not consider that it causes harm to the CA when considered against the previous shed which, until recently demolished, was positioned in a very similar location.
7. I acknowledge that the appeal building is built out of brick and that the previous shed was built out of wood. The use of brick is not in itself unacceptable, particularly as the immediate dwellings within Spaniards End have brick front facades. However, and notwithstanding the appellant's comment that they have applied a stain to the brick, I was able to see as part of my site visit that the brick was essentially a regular deep brown colour which starkly contrasted with the bricks to the front facade of the host dwelling and the boundary walls (and the front facades of the neighbouring properties) which included a mixture of more muted tones of brown/yellow, orange and grey.
8. Given the use of brick, I consider that it is necessary for such a material to match the brick used on the front elevation of No 4 Spaniards End. I accept that the boundary wall fronting Spaniards End would provide some screening of the development, but when seen from more localised viewpoints (eg. from neighbouring properties or from Spaniards End if the gate was left open), and in the context of the materials used on the front façade of the dwelling (and boundary walls), the appeal building neither preserves nor enhances the character and appearance of the CA. I do not have enough information from the appellant whereby I could form a view as to whether it would be possible to apply a permanent/different stain to the brick which would make it acceptable. Any such consideration would clearly need information about the longevity of such a stain. Furthermore, I have not been provided with any evidence which might suggest that it would not be possible to source bricks that would match those used on the host dwelling.
9. In the context of Paragraphs 133 and 134 of the National Planning Policy Framework (the Framework), I conclude that the harm to the significance of the CA is less than substantial. However, I do not consider that there are any identified public benefits sufficient to outweigh that harm. I have considered the representations made by the appellant, but none of the matters raised outweigh my conclusion on the main issue.
10. In conclusion, and based on the information that accompanies the appeal, whilst the scale and massing of the building is acceptable, the colour of the brick used in the construction of the walls of the shed is such that the development fails to preserve or enhance the character and appearance of the

CA. For this reason, the proposal is contrary to the conservation and design aims of Policies 3.5, 7.4 and 7.6 of the London Plan 2016; Policies CS NPPF, CS1 and CS5 of Barnet's Local Plan (Core Strategy) Development Plan Document 2012; Policies DM01 and DM06 of Barnet's Local Plan (Development Management Policies) Development Plan Document 2012; the Council's Residential Design Guidance Supplementary Planning Document 2013 and the CAS.

Other Matters

11. I have taken into account comments made by other interested parties many of which have been addressed above.
12. Reference has been made to increasing the height of the boundary wall which fronts the road. This development is not the subject of this appeal and it would be open to the Council to investigate such a matter as part of its planning enforcement responsibilities. However, the existence or otherwise of a higher boundary wall would not alter my overall conclusion on the main issue.
13. None of the other matters raised outweigh my conclusion on the main issue.

Conclusion

14. For the reasons outlined above, and taking into account all other matters raised, I conclude that the proposal would not accord with the development plan for the area. Therefore, the appeal should be dismissed.

Daniel Hartley

INSPECTOR