

Appeal Decision

Site visit made on 27 February 2017

by Susan Ashworth BA (Hons) BPL MRTPI

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

Decision date: 24th March 2017

Appeal Ref: APP/X5210/D/16/3162475

1 Gayton Crescent, London NW3 1TT

- 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 Dr Otto Chan against the decision of the Council of the London Borough of Camden.
 - The application Ref 2016/3309/P, dated 5 June 2016, was refused by notice dated 25 August 2016.
 - The development proposed is 1) Flat roof attic dormer extension; 2) Metal railings to front wall; 3) Two decorative lions to be placed next to front door entrance.
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Decision

1. The appeal is allowed and planning permission is granted for a flat roof attic dormer extension; metal railings to front wall and two decorative lions to be placed next to front door entrance at 1 Gayton Crescent, London NW3 1TT, in accordance with the terms of planning application Ref 2016/3309/P, dated 5 June 2016 and in accordance with the following conditions:
 1. The development hereby permitted shall, insofar as it relates to the railings, begin within three years of the date of this permission.
 2. The development hereby permitted shall be carried out in accordance with the following approved plans: 1533 L 145 rev A, insofar as it relates to the fence and lion position; front railings photograph; lions photograph and in relation to the dormer window to plans: 1533 L 234, 1533 L 240, 1533 L 241, 1533 L 242, 1533 L 245.

Preliminary Matters

2. At the time of my site visit the dormer window at the rear of the property had already been constructed. In addition the two decorative lion sculptures were in place on either side of the entrance door, unfixed to any structure. I have dealt with the appeal on the basis that it is partly retrospective.
 3. The Decision Notice refers to the dormer window and railings only. The decorative lions are structures which the Council considers do not require planning permission unless they are fixed in place. However, whether or not planning permission is required is not a matter for me to determine in the context of an appeal made under the terms of s78 of the above Act. Accordingly it is incumbent on me to determine the proposal as submitted.
 4. The Council's officer report suggests that the dormer did not reflect the application plans and it seemed to me that there was a discrepancy on and
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between the submitted drawings. During the course of the appeal, at my request, the appellant provided corrected drawings of the structure as built. It is clear that what has been built on site is what was considered by the Council and what the appellant is applying for. I have dealt with the appeal on that basis.

Main Issue

5. The main issue in this case is the effect of the proposed development on the character and appearance of the host building and whether it preserves or enhances the character or appearance of the Hampstead Conservation Area.

Reasons

Dormer Window

6. 1 Gayton Crescent is an end-of terrace house sited in a prominent location adjacent to the junction of Gayton Crescent and Gayton Road. The site lies within the Hampstead Conservation Area. The property, which has four storeys plus accommodation in the attic, lies in a terrace of three similar dwellings. The terrace is set back from the road and front gardens are enclosed by boundary walls. The dwelling, which is constructed in brick with an impressive triple height bay to the front elevation, has retained much of its original character and appearance and as such makes a positive contribution to that of the Conservation Area.
7. To provide guidance to developers, the Council's Planning Guidance 1, Design, sets out circumstances in which dormer windows might be considered acceptable. The Guidance states that the addition of roof dormers should be sensitive changes which maintain the overall structure of the existing roof form. Hampstead Conservation Area Statement also sets out guidelines for development in order to preserve local character.
8. The roof of the terrace has a hipped form and is characterised by substantial chimney stacks along the party lines. At No 1, the appeal property, there is a side facing dormer window in the hipped end, formed by a continuation of the ridge line, and chimney stacks on both the hipped end and on the party line with No 2. As a result of the presence of the dormer and chimney stacks, the roof across the whole terrace is not symmetrical or completely unbroken.
9. The dormer which forms the subject of this appeal has a flat roof and sits just below the ridge. Whilst it does not meet the Council's guidance in that it is not set 500mm below the ridge, it reflects the position of the existing dormer structure. It does not occupy the full width of the roof slope or extend across the hip and its external materials are tiled to match the existing building. The window itself is slightly wider than those below but the glazing bar pattern is similar and, although it has a wide fascia, it does not appear unduly out of proportion with the roof structure or rear elevation considered as a whole. The structure extends up to the chimney stack but nevertheless remains a subservient feature on the rear of the building. Its scale is such that it does not appear overly dominant on the property. Consequently it maintains the character of the existing building.
10. The Conservation Area is characterised by semi-detached and terraced properties of a similar age set out in a regular pattern. An exception to this is a modern 1960's development located opposite the site. Dormer windows on

the front of properties are a feature of properties on Gayton Road, as recognised in the Hampstead Conservation Area Statement, and are not an unusual feature in the area.

11. Part of the dormer window in question can be seen from Gayton Road, although it is partly obscured by the chimney. Nevertheless it does not appear as an unduly prominent structure and is only glimpsed in a gap between buildings rather than from a wider area. Given the number of dormer structures that are apparent on Gayton Road it does not appear out of place.
12. At the rear, the dormer window is visible from surrounding private dwellings and I have taken account of a recent appeal decision provided by the Council¹ which notes that the significance of a Conservation Area does not rely only on elements that can be seen from the public realm. However, in the wider context of the appeal site there are unusual roof alterations at Nos 4 and 5 Gayton Crescent which include inverted roof terraces and railings. Whilst these structures are not original, and may not have had the benefit of planning permission, they are now part of the character and appearance of the Conservation Area. In wider views the dormer would be seen in the context of the terrace as a whole where it would appear as a subservient feature. As such, I am satisfied that the development preserves the character of the Conservation Area.

Railings

13. Boundary walls and railings are also a characteristic feature of the area. Along Gayton Crescent I noted that walls varied in terms of their height and on Gayton Road a high proportion of properties have railings as a means of enclosure. The boundary treatment at the appeal site presently comprises a low wall with brick piers at either end. The proposal seeks to construct decorative black cast iron railings along the wall between the piers, not exceeding the height of the lower of the two. The railings would be well proportioned so that they would remain subservient to the structure as a whole, and would be traditionally detailed. Consequently they would not harm the character or appearance of the host property. For similar reasons, and given the presence of other railings in the area, the railings would preserve the character and appearance of the Conservation Area.

Sculptures

14. The lion sculptures, which are white, have been positioned adjacent to the entrance door on top of a balustrade. As a result of their small scale when viewed adjacent to that of the building, their neutral colour and their position close to the dwelling and set back from the highway, they are not unduly visually intrusive, either in relation to the setting of the building or the street scene.
15. I have taken into account the comments of the neighbouring resident that the structures are inappropriate in a Conservation Area. However, whilst they are an unusual feature, they are minor garden structures of a reversible nature that, for the reasons set out, preserve the character of the Conservation Area.

¹ Appeal ref: APP/X5210/W/16/3141776

Conditions and Conclusion

16. The Council has suggested conditions in the event of the appeal being allowed, which I have considered. In the interests of proper planning and to provide certainty I have imposed the standard time limit condition in relation to the proposed railings only and have specified the approved plans. As the dormer window is already in place, a condition specifying that matching materials are used in the development is unnecessary.
17. For the reasons set out above and subject to these conditions, I conclude that the three elements of the proposal would preserve the character and appearance of the host property and that of the Hampstead Conservation Area. Consequently the proposal is in accordance with Camden Core Strategy Policy CS14 and Camden Development Policies DP24 and DP25 which require new development, amongst other things, to respect local character and context; respect the character and proportions of existing buildings and preserve or enhance the character or appearance of a Conservation Area.
18. Taking all other matters raised into account, the appeal is allowed and planning permission is granted subject to the above conditions.

S. Ashworth

INSPECTOR