
Appeal Decision

Site visit made on 29 March 2017

by Roy Merrett BSc(Hons) DipTP MRTPI

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

Decision date: 26 April 2017

Appeal Ref: APP/X5210/W/3167008

11 Hampstead High Street, London NW3 1PX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr M Greene, Farlane Investments Ltd against the Council of the London Borough of Camden.
 - The application Ref 2016/4427/P, is dated 8 August 2016.
 - The development proposed is the construction of 3 balconies to the front elevation of the building at first, second and third floor levels and replacement windows and glass balustrade panels to the rear elevation of the building at first, second, third and fourth floor levels.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of 3 balconies to the front elevation of the building at first, second and third floor levels and replacement windows and glass balustrade panels to the rear elevation of the building at first, second, third and fourth floor levels at 11 Hampstead High Street, London NW3 1PX in accordance with the terms of the application Ref 2016/4427/P, dated 8 August 2016, subject to the conditions below:-
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan; 4408/04A (excluding the alterations shown to the front and side elevations of the 'future flat and terrace' at fourth floor level).
 - 3) No development shall commence until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Procedural Matter

2. The appellant has confirmed in his statement that the application was amended to exclude the balconies at the rear of the building, so that only three balconies are proposed. These balconies would be at the front of the building at first, second and third floor levels. For clarification, I therefore consulted the Council
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and appellant regarding appropriate wording for the amended description of development, as set out in the fourth bullet point above.

3. Whilst disputed by the Council, the appellant has confirmed that he regards the above description of development to be accurate. I am satisfied that the amended wording adequately describes the development proposed.

Main Issues

4. The main issues are the effect of the development on i) the character and appearance of the Hampstead Conservation Area (CA) and the setting of nearby listed buildings at Nos 9, 9a and 14 Hampstead High Street and ii) the living conditions of neighbouring occupiers with particular regard to overlooking and privacy.

Reasons

Heritage Assets

5. Hampstead High Street, in the CA, is a wide and verdant sloping street, characterised by many fine historic buildings of varied architecture. The appeal site includes the first, second and third floors of the building which are in residential use. These upper floors of the building, which are significantly recessed in relation to the frontage of the ground floor bank and adjacent street, are characterised by a relatively bland and functional elevation which includes strong geometric lines of brickwork panels. In overall terms the building lacks the fine architectural detail evident in much of the wider surroundings. Indeed, the Hampstead Conservation Area Statement identifies the building materials of the bank at Nos 11 - 13 as paying no regard to the character of the area, with the shop front specifically cited as detracting from it.
6. The proposed front balconies would be limited in projection and would incorporate glazed balustrades. Whilst it was apparent from my visit that this type of feature is not a characteristic of the immediate area, the relatively small scale of the proposed balconies, in their set back position and edged in translucent glazing, would give the development a recessive appearance. The scale of glazing would also be proportionate to the more extensive use of glazing in the ground floor bank frontage.
7. Accordingly the development would be respectful of rather than dominant in relation to its surroundings. At the same time, although the development would not particularly draw the eye for the above reasons, it would nevertheless, with the glazed balustrades and folding access doors to the balconies, introduce a degree of restrained contemporary detailing that would, despite the removal of the existing metal balustrades, enhance the existing functional appearance of the building. The proposed replacement windows and glass balustrade panels to the rear elevation of the building do not raise any contentious issues.
8. In accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990 I have a statutory duty under section 72(1) to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA. For the reasons set out above, the development would preserve the character and appearance of the CA.

9. I have a further duty under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to consider the effect of the proposal on the setting of Nos 9,9a and 14, Hampstead High Street, which are Grade II listed buildings. It seems to me that the special interest of these buildings derives from their age, form and appearance. The elements of setting that contribute to their significance include their relationship with the street.
10. No 14 adjoins the appeal site, but with an even greater set back from the street frontage, being situated behind the ground floor unit of No 15, which fronts the street. The close proximity of the appeal site places it within the setting of No 14 when viewed from the street. The difference in age, scale and design between the two buildings already appears somewhat stark and incongruous. However the limited scale and recessive character of the proposed development means that harm would not be caused to the setting of that building.
11. Nos 9 and 9a project substantially forward in comparison to the appeal site so that the building frontage in both cases is immediately adjacent to the street. Again, the limited scale and recessive character of the proposed development would not result in harm to the setting of these buildings.
12. For the above reasons the proposal would not be in conflict with Policies CS1, CS5 and CS14 of the London Borough of Camden Core Strategy 2010; Policies DP24 and DP25 of the London Borough of Camden Development Policies 2010 (DP) and the Council's Design Planning Guidance which seek to promote high quality design whilst protecting Camden's heritage.

Living Conditions

13. The Council and third parties raised concerns that the proposal would result in overlooking of neighbouring property leading to a loss of privacy. In response the appellant amended the proposal to exclude the introduction of balconies at the rear of the appeal site.
14. From the information before me and my visit, it seems to me that the design and position of the proposed front balconies would be such that they would not allow the internal or external amenity spaces of adjacent properties to be overlooked. I conclude that the proposal would not result in harm to the living conditions of neighbouring residents or occupiers with particular regard to overlooking. Accordingly it would not conflict with Policy DP26 of the DP insofar as it seeks for development to avoid such an impact.

Other Matter

15. The Council has raised the concern that the proposed balustrades would need to be enlarged to meet the requirements of the building regulations. However, I am only able to deal with the information and evidence before me and the building regulations remain a separate area of control. Accordingly this concern is not a matter for my deliberations in this appeal.

Conditions and Conclusion

16. For the above reasons, I conclude that the appeal should succeed and planning permission be granted.

17. Conditions specifying the plans and requiring details to be agreed of the materials to be used in the external surfaces of the development are needed to safeguard the character and appearance of the area.

Roy Merrett

INSPECTOR