

## Appeal Decision

Site visit made on 26 June 2017

**by Gareth Wildgoose BSc (Hons) MSc MRTPI**

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

**Decision date: 17 July 2017**

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**Appeal Ref: APP/X5210/W/17/3172729**

**Flat 4,11 & 13A Langland Gardens, London NW3 6QD**

- 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 Mrs Pritibha Chauhan against the decision of the Council of the London Borough of Camden.
  - The application Ref 2016/3661/P, dated 1 July 2016, was refused by notice dated 2 December 2016.
  - The development proposed is '*erection of infill roof extensions to 11 and 13 Langland Gardens including 10 new rooflights, erection of first floor rear extension to 13 Langland Gardens and installation of glazed balustrades above existing ground floor and proposed first floor rear extensions to create 2 x roof terraces*'.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The site address and description of development provided by the application form have been updated by subsequent documents. The site address and description of development included in the Council's decision notice have been used by the appellant. The updated site address is accurate and I adopt it accordingly. However, the submitted plans include a minor error in the annotated addresses relating to the respective rear elevations which had been transposed into the description of development provided by the Council's decision notice. For the avoidance of doubt, I have adopted the revised description given in the Council's statement of case which correctly attributes the extensions proposed to No 13 and accurately reflects the proposal before me. I am satisfied that the appellant and interested persons are not prejudiced by such a change and I proceed to determine the appeal accordingly.
  3. The Camden Local Plan (LP) was adopted on 3 July 2017. The main parties have had the opportunity to comment on the change in status of the document in terms of the relevance to their case. The Council have confirmed that upon adoption of the LP, the Camden Core Strategy (CS) and the Camden Development Policies (DP) have been superseded. As the policies of the CS and DP referred to in the Council's decision notice have been replaced and no longer form part of the development plan, I give them no weight. I, therefore, assess the proposal in terms of the relevant policies of the LP when determining this appeal.
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## **Main Issue**

4. The main issue is whether the development would preserve or enhance the character and appearance of the Redington Frogna Conservation Area.

## **Reasons**

5. Redington Frogna Conservation Area covers an area to the west and south west of the historic centre of Hampstead on sloping land in those directions toward Finchley Road. It has a predominantly residential and suburban character, with historic significance derived from the layout and density of large detached and semi-detached properties of varied architectural styles influenced by the topography and verdant setting with substantial rear gardens being a common feature.
6. Langland Gardens slopes downward toward Finchley Road at the south western edge of the Conservation Area. A majority of three storey semi-detached properties face Langland Gardens, including Nos. 11 and 13, that have a broad consistency of appearance in terms of scale, proportions, characteristic red brickwork, dutch style gables with decorative detailing, entrance porches and projecting bay windows set back behind generous front gardens which in many cases include trees, hedges and shrubs. Some taller buildings are located close to Finchley Road on lower land levels at the entrance to the Conservation Area with the three storey properties providing a complementary transition towards higher land levels at the junction with Frogna Lane. Although a number of properties have converted roofspaces with a variety of dormers on roof slopes, the architectural style and character of properties facing Langland Gardens, including Nos. 11 and 13, display a broad consistency and make a positive contribution to the significance of the Conservation Area.
7. The rear elevations of properties on the western side of Langland Gardens, together with buildings which face Frogna Lane and Finchley Road, enclose a large area of triangular shaped private open space with an abundance of trees that is accessible from the rear gardens of individual properties. The rear elevations of the buildings appear to originally have had an interrelated character with symmetry of proportions, fenestration and detailing that provided an overall balance to each semi-detached pair. However, a number of individual rear facades have been subsequently extended and altered with built form and fenestration of different scale, proportions, architectural style and detailing. In contrast, the distinctive roof profiles of the semi-detached pairs consisting of a flat roof section visible at the rear with traditional pitched roof slopes to the front and side of each property, aside from limited exceptions, are largely unaltered and provide a complementary rhythm and harmony to the Conservation Area.
8. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Paragraph 131 of the National Planning Policy Framework (the Framework) requires that account be taken of the desirability of sustaining and enhancing the significance of heritage assets, and of new development making a positive contribution to local character and distinctiveness. Paragraph 132 of the Framework states that when considering the impact of a proposal on the significance of designated heritage assets, great weight should be given to the asset's conservation.

9. Nos. 11 and 13 have previously been subdivided into flats. The original roof form and profile of both properties is largely unchanged with the front and side dormers having the appearance of traditional features given similarity to a number of surrounding properties. The rear elevations of both properties consist of a three storey façade with a part flat and part pitched section of roof above which contribute to the distinctive roof profile. Similarly to surrounding properties, the rear façades have been subject to previous extensions, together with the replacement of and alterations to some windows and the introduction of balconies. Those changes are particularly apparent to No 11 which has a two storey flat roof extension and roof terrace which adjoins the boundary, including windows of contrasting scale and proportions to those on the main façade. Despite a single storey extension and balcony, the rear elevation of No 13 retains a more traditional appearance to upper floors with a characteristic sequence of windows.
10. The appeal proposal includes extensive roof alterations to both properties which would create a mansard roof, with installation of rooflights to the front, side and rear roof slopes. Minor changes are also proposed to existing side dormers that provide light to each stairwell. The resultant changes to the main roof of the properties, although retaining symmetry as a pair, would alter the overall roof profile with an increase in bulk and massing toward the rear. The new roof would also have a section with a lowered eaves level that would disrupt the consistent eaves line that is a characteristic feature at the rear of the buildings by increasing the depth of the roof. The resultant visual effect would detract from the architectural style and coherence of the rear elevations of Nos. 11 and 13 and the overall rhythm and consistency of roofs visible at the rear of properties which face Langland Gardens on its western side. The inclusion of rooflights to the existing front and side elevations and side dormers would not appear out of place, given their presence elsewhere along Langland Gardens. However, the rear rooflights would draw attention to the incongruous roof profile arising from the roof alterations. I, therefore, consider that the development would harm the character of the host properties and the area.
11. Having regard to the above, the Council have not expressed specific concern in terms of the first floor extension to No 13 subject to an alteration to the balustrade, or to the proposed change to the window at second floor level of No 13. In that respect, the extension could reinstate a degree of balance of built form when combined with the existing extension at No 11. However, in doing so, when taken together with changes to the second floor window and existing extensions to both properties with contrasting windows, the cumulative effect would be incompatible additions and alterations to the rear elevation of No 13 which would subsume its traditional appearance. The extensions and alterations to the rear elevation of No 13, therefore, add to my concerns in terms of the effect on the character and appearance of the appeal properties.
12. The rear elevations of Nos. 11 and 13 would be well screened by surrounding buildings from public vantage points in the Conservation Area including the Langland Gardens, Frognal Lane and Finchley Road street scenes. However, the development and its harmful relationship to the host properties would be visible from surrounding dwellings, rear gardens and the communal private amenity space. The proposed materials would not mitigate the harmful effect.
13. In reaching the above findings, I have taken into account that there are extensive roof alterations and rear extensions to a neighbouring semi-detached

pair (Nos. 7 and 9). However, roof extensions and alterations of that nature are very much in the minority. I also observed that the rear elevation of the neighbour to the opposite side (No 15) has a contemporary rear extension that has incorporated the entire elevation and there are also other large extensions, balconies and a variety of window styles to the rear elevations of other properties nearby. Nevertheless, I do not have the full circumstances which led to previous extensions and alterations to neighbouring properties, or those to the appeal properties, being accepted. In any case, the presence of unsympathetic extensions to the existing properties and to those surrounding does not justify the further erosion of the character of the host buildings and the area that would arise from the appeal proposal. I have, therefore, determined the appeal on its own individual merits.

14. The harm would be considerable in terms of the character and appearance of the host properties. However, it would be less than substantial to the significance of Redington Frognal Conservation Area as a whole when taking account of the screening of the rear elevations and rear roof profile of Nos. 11 and 13 from public vantage points, together with the variety of different additions and alterations to the rear elevations of neighbouring properties which have already taken place. In such circumstances, paragraph 134 of the Framework requires that the less than substantial harm be weighed against any public benefits.
15. The appellant has indicated that there would be improvements to the layout of the building with an increase in living accommodation through the introduction of additional bedrooms for two existing flats. I understand and sympathise with the appellant's wish to improve the living accommodation in that respect. However, the public benefits do not outweigh the great weight given to the conservation of Redington Frognal Conservation Area and the less than substantial harm to its significance which I have identified.
16. I conclude that the development would have a harmful effect upon and, therefore, fail to preserve or enhance the character and appearance of the Redington Frognal Conservation Area. The proposal would conflict, therefore, with Policies D1 and D2 of the LP, together with the associated guidance within the Camden Planning Guidance 1: Design, July 2015 and the Redington / Frognal Conservation Area Statement, 2004. When considered together the policies seek to ensure new development is of a high quality design which contributes positively in complementing local character, whilst preserving or enhancing the historic environment and heritage assets including conservation areas. The policies are consistent with the Framework.

## **Conclusion**

17. For the reasons set out above and having taken all other matters into account, I conclude that the appeal should be dismissed.

*Gareth Wildgoose*

INSPECTOR