
Appeal Decision

Site visit made on 7 August 2017

by Rachael A Bust BSc (Hons) MA MSc LLM MEnvSci MInstLM MCMI MRTPI

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

Decision date: 01 September 2017

Appeal Ref: APP/X5210/W/17/3173928

Flat 4, 4 Aberdare Gardens, London NW6 3PY

- 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 & Mrs Peter Latham against the decision of the Council of the London Borough of Camden.
 - The application Ref 2016/6954/P, dated 16 December 2016, was refused by notice dated 8 March 2017.
 - The development proposed is the creation of roof terrace with installation of railings and skylights.
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Decision

1. The appeal is allowed and planning permission is granted for the creation of roof terrace with installation of railings and skylights at Flat 4, 4 Aberdare Gardens, London NW6 3PY in accordance with the terms of the application, Ref 2016/6954/P, dated 16 December 2016, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: 26 OS 01 (OS map); 26 GA 01 (Proposed Layout); 26 GA 02 (Proposed Section AA & CC); 26 GA 03 (Prop'd Front and Rear Elevat'n); 26 GA 04 (Proposed Side Elevation); and 26 3D 01 (3D Computer Image), all dated December 2016.
 - 2) The railings and their supports hereby approved shall be painted black and maintained in that colour thereafter.

Preliminary and Procedural Matters

2. Since the appeal was submitted, saved Policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and saved Policies DP24 and DP 25 of the London Borough of Camden Local Development Framework Development Policies, as referred to in the Council's reason for refusal have been superseded. The London Borough of Camden Local Plan 2017 (CLP) was adopted on 3 July 2017. The Council's appeal statement confirms that Policies A1, D1 and D2 are now applicable. I note that no material changes have been made to the adopted version of these policies since their submission. The main parties have had the opportunity to comment on these policies. I am required to determine this appeal on the basis of the development plan and national policy which are in place at the time of my decision. Accordingly I have determined the appeal on the basis of the CLP and the National Planning Policy Framework (the Framework).

3. From my site visit I saw that the original slightly stepped profile of roof had been replaced with a smooth sloping resin bonded surface. The roof has in effect been slightly lowered as confirmed by the Design and Access Statement. The central skylight and hatch, without glazing, were already in place, along with a row of balustrades, without railings, on the rear part. I have therefore determined this appeal on the basis that the development has already commenced.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the host property and whether it would preserve or enhance the character or appearance of the South Hampstead Conservation Area.

Reasons

5. No 4 Aberdare Gardens is located within the South Hampstead Conservation Area (SHCA) which is characterised principally by large semi-detached and terraced late-Victorian period properties. No 4 is a three-storey red brick semi-detached property which has been sub-divided into 4 self-contained flats. The building is attached to No 6 and has a mansard style roof with red vertically hung tiles in fishscale and rectangular patterns which create a visual break from the dominance of the brick structure. The roof has a substantial flat area with prominent chimney stacks. No 2 Aberdare Gardens is a 3-storey detached property located to the west of No 4. There is a noticeable gap between these properties such that No 4 appears in some views as the first property on the southern side of Aberdare Gardens.
6. The South Hampstead Conservation Area Character Appraisal and Management Strategy (MS) identifies that Aberdare Gardens is located within the 'central wedge' character area. The MS describes this area as having properties with attractive, lively and varied prominent roofscapes, timber and ironwork porches, multi-paned sashes and the gaps between houses contributing to character. Accordingly, in terms of the Framework, the SHCA is a designated heritage asset and the appeal building is part of that designated heritage asset.
7. According to Drawing No 26 GA 01 the railings would be set back from the front and rear elevations by 1.2 metres, set in from the western gable end by 1.7 metres and adjoin the party wall with No 6 to the east. Within the roof a central skylight would be included to provide light into the proposed bathroom. A glazed sliding roof hatch would provide access to the internal staircase into Flat 4.
8. As identified by the Council and interested parties, the roofscapes on properties in Aberdare Gardens have been subject to limited change. The combination of the long rear gardens on Aberdare Gardens and Goldhurst Terrace together with mature trees would largely screen views of the appeal proposal from the rear. The roof of No 4 is visible within the street scene in both directions along Aberdare Gardens. The presence of the front parapet and party wall to No 6 would largely obscure views of the railings when approaching from the east. I find that the combination of the 2 chimney stacks, stepped roof parapet and the 1.7 metres set back of the proposed railings would minimise the visual impact of the enclosure from the west. Consequently the proposed railings would not detract from the strong frontage, the mansard roof and the overall character and architectural quality of the appeal property.

9. The modest height and permeable nature of the railings would not materially harm the roof profile, or the composition of the building. In turn, the structure would have a negligible visual impact on the street scene, and as such would not harm the character and appearance of Aberdare Gardens or this part of the SHCA. The skylight and roof hatch are low level structures and would not be visible from ground level or from neighbouring properties.
10. Accordingly, I conclude that the appeal proposal would not harm the character and appearance of the host property and would preserve the character and appearance of the SHCA. There would be no conflict with Policies D1 and D2 of the CLP, which seek to ensure, amongst other things, that development respects the local context and character, is of a high quality design and preserves or enhances heritage assets.
11. I have had regard to the statutory duties set out in 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. For the reasons above, I conclude that the effect of the proposal on the SHCA would be neutral.

Other matters

12. There is some dispute over whether railings and roof terraces are a feature within this locality. From the public domain, given the scale of the buildings and the nature of roofs, it is not generally possible to see whether such structures are in place or not. From the rooftop of No 4 I saw that there was a timber fence on the rooftop of another property on the same side of Aberdare Gardens. However, I do not know whether it is a lawful development or not. The appellants have provided details of roof terraces to 2 nearby properties which were allowed on appeal.¹ Whilst I viewed both these properties on my site visit and found them to be of similar character to the appeal property, I am required to determine this appeal on its planning merits.
13. I have also been referred to a dismissed appeal in Greencroft Gardens. However, no details have been provided to enable a comparison to be made with this appeal.
14. I acknowledge the concerns regarding the implementation of elements of this proposal. It is not a reason in itself to dismiss this appeal. The appeal proposal as a whole has been judged against the development plan and material considerations. There has been mention of planning enforcement proceedings; however this is a matter for the Council.
15. Whilst the Council considers that there would be no impact on the living conditions of the occupiers of nearby properties, some residents have raised concerns regarding noise and disturbance, loss of privacy and light. Both Aberdare Gardens and Goldhurst Terrace benefit from deep rear gardens with a range of mature trees and substantial back-to-back separation distances between properties. In these circumstances, there would be no material reduction in nearby occupiers' living conditions of surrounding properties.

¹ APP/X5210/A/12/2171056 70 Aberdare Gardens, London NW6 3QD, dated 2 July 2012; and APP/X5210/A/14/2223502 50 Aberdare Gardens, London NW6 3QA, dated 14 November 2014.

Conditions

16. The Council has suggested 3 conditions. Where necessary and in the interests of precision, I have amended them to accord with the Planning Practice Guidance.
17. As the development has already commenced the standard time limit condition is not necessary. A condition requiring the development to be carried out in accordance with the approved plans is necessary to provide certainty.
18. A requirement for all new external work to be carried out in materials that resemble the existing is neither precise nor enforceable, since the appeal proposal involves elements which are not presently found on the host property. As the plans already state the materials to be used, the only matter to be controlled is the colour of the railings.

Conclusion

19. Having regard to all matters raised, I conclude that the appeal should succeed and planning permission should be granted subject to conditions.

Rachael A Bust

INSPECTOR