
Appeal Decisions

Site visit made on 9 January 2018

by Debbie Moore BSc (HONS) MCD MRTPI PGDip

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

Decision date: 7th February 2018

Appeal A: Ref: APP/X5210/W/17/3181918

16 New End Square, Hampstead, London NW3 1LN

- 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 Curtis Waibel against the decision of the Council of the London Borough of Camden.
 - The application Ref 2017/2150/P, dated 12 April 2017, was refused by notice dated 21 July 2017.
 - The development proposed is described as "a glazed link between the house and the garden studio and a number of minor modifications to the interior arrangement and the fenestration to the rear".
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Appeal B: Ref: APP/X5210/Y/17/3181944

16 New End Square, Hampstead, London NW3 1LN

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr Curtis Waibel against the decision of the Council of the London Borough of Camden.
 - The application Ref 2017/2832/L, dated 12 April 2017, was refused by notice dated 21 July 2017.
 - The works proposed are described as "a glazed link between the house and the garden studio and a number of minor modifications to the interior arrangement and the fenestration to the rear".
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Appeals A and B: Decisions

1. Both appeals are dismissed.

Procedural Matters

2. The Council states that the proposal incorporates apparently unauthorised works to the ground floor of the house. However, it is unclear what this means. Consequently, I have confined my considerations to the proposals which are before me, as set out in the application forms and shown on the application plans.
3. I saw from my site visit that the upper floor window on the rear elevation (Plan Ref NES16-E005), shown as 'existing UPVC casement window to be removed', is constructed from timber. I have, therefore, dealt with the proposal on the basis that it is to replace the timber casement with a sash window. Also, the first floor, side facing, bathroom window (Plan Ref NES16-E004) has been inaccurately drawn as wider than it is at present. I have treated the proposal as

being to replace the existing UPVC casement window with a timber window, without widening the opening.

Main Issues

4. The main issues common to both appeals are whether the proposal would:
 - (i) preserve the grade II listed building, No 16 New End Square, and;
 - (ii) preserve or enhance the character or appearance of the Hampstead Conservation Area.

Reasons

5. No 16 New End Square is a mid-terraced house dating from the 18th Century, located within the Conservation Area. It has 19th and 20th Century alterations. The building's architectural interest and significance lies in its age as a Georgian townhouse, and its architectural form with distinct proportions of the front façade, as well as its historic associations with a local artist.
6. Despite post war reconstruction due to bomb damage, the rear elevation contains remnants of what appears to be original brickwork. The current plan form of the main house replicates forms typical of the period,¹ in particular, the two rooms per floor and the size and scale of the rear closet wing. Evidence demonstrates that the closet wing was built in the early 20th Century and was relocated from the north to the south side of the rear elevation. The interior and finish of the closet wing are modern. The brick garden wall denotes the position of the historic property boundary but is of limited architectural interest in itself. The rebuilding work is a record of the evolution of the building and illustrates later phases of development.
7. A former purpose built artist's studio, built around 1927, is located at the rear of the garden. The form of the studio is closely related to its function due, primarily, to the high set windows and rooflight. The studio was built for one of the property's more notable residents, the landscape painter W. H Clause, and is of historic interest due to its associations with a former inhabitant.
8. The Council's Conservation Area Statement (2002) describes the quality and mix of buildings which contribute to the area's special character. The short Georgian terrace containing the appeal building is a fine example of the architectural development of Hampstead. No 16 contributes positively to the character and appearance of this part of the Conservation Area, enhanced by its position within the terrace, and the 19th Century lamp posts and stone setts of New End Square. I consider that the architectural composition of the studio curtilage building is consistent with its location and former use, and it also contributes positively to the character and appearance of the Conservation Area.
9. The proposal is to construct a glass fronted link between the studio and the closet wing, abutting the garden party wall. The garden wall would be raised in height to support a permanent flat roof, finished in copper. A new opening would be created in the studio wall through the removal of part of one of the two windows and the wall below. A window would be removed from the rear of the closet wing and the opening would be widened. The internal wall

¹ As described in the publication 'London terrace houses 1660-1860', English Heritage (now Historic England)

arrangement would be altered, including removing some modest sections of walls forming a sink alcove, a partition wall to the WC, and widening the door to the bathroom on the first floor. There would be some changes to the internal levels. The floor of the closet wing would be raised to provide level access to the glazed link, and the first floor bathroom floor level would be extended into the threshold of the landing entrance door.

10. The development and associated works would result in a physical link between the closet wing of the house and the studio. Although these are 20th Century constructions, they contribute to the significance of the heritage assets as they provide a record of the building's former use and evolution, whilst also having architectural and historic interest. The proposal would erode the plan form of the house, which reflects that typical of the period, in that the closet wing would essentially become a level route to the new link and studio. The studio would be compromised by the alterations to its front elevation, which would affect one of the windows and the symmetry of its principal elevation. This would detract from its evidential value as a detached artist's studio.
11. I appreciate that the design of the proposal has progressed since previous schemes were rejected and efforts have been made to mitigate the impact of the proposal. However, despite the system of folding glazing, the link would be permanent with a solid roof to reduce light spill. I appreciate that the contemporary design would enable the structure to be read as a modern addition, but the design and materials would not respect its historic context. Overall, I consider that the proposal would have a harmful impact on the significance and special interest of No 16 New End Square, which is a grade II listed building.
12. The proposed structure would not be visible from public viewpoints and its effect would be limited to the immediate locality. Nonetheless, the proposal would adversely affect the architectural composition of the buildings. It would infill part of the relatively modest rear garden and erode the space between the buildings. This would harm the Conservation Area because it would detract from this example of the architectural development of Hampstead, the form of which is a key feature of the Conservation Area.
13. The windows to be replaced do not contribute to the special interest of the house or the significance of the heritage assets, No 16 New End Square, a listed building, and the Hampstead Conservation Area, being constructed from modern materials and of a non-sympathetic design. The proposed replacements have potential to result in a positive impact, however, the design details are limited. Therefore, on the basis of the evidence before me, I consider that the impact of the window replacement would be neutral.

Conclusion

14. I conclude that the proposed works and development would fail to preserve No 16 New End Square, a grade II listed building, and the character and appearance of the Hampstead Conservation Area. Consequently, the proposal would be contrary to Policies D1 and D2 of the Camden Local Plan 2017 and paragraphs 7.4, 7.6 and 7.8 of the London Plan 2016 which, amongst other things, seek to preserve or enhance the historic environment and heritage assets. Moreover, the proposal would not accord with the requirements of the statutory tests in the Planning (Listed Buildings and Conservation Areas) Act 1990; which require the decision maker to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses, and preserving or enhancing the character or appearance of a conservation area.
15. Whilst the harm to the significance of the designated heritage assets would be less than substantial in terms of national policy, I attach great weight to the assets' conservation. Although there are private benefits in that the proposal would enhance the use of the property, the public benefits of the proposal in this instance are limited and do not outweigh harm identified above.
16. For the reasons given above, the appeals are dismissed.

Debbie Moore

Inspector