



Appeal Decisions

Site visit made on 31 August 2020

by Alison Scott BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 September 2020

Appeals Ref: APP/X5210/W/20/3252028 & APP/X5210/W/20/3252033 7 and 8 Oak Hill Park Mews, London NW3 7LH

- The appeals are made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeals are made by Mr Richard Farr against the decisions of the Council of the London Borough of Camden.
 - The applications Ref 2019/6143/P and 2019/6144/P, dated 9 December 2019, were refused by notices dated 16 March 2020.
 - The development proposed is: New planters (with associated stainless steel guarding) to existing roof terrace and front and side extensions and associated alterations to building fenestration – previously consented application 2014/7160 and sliding box roof light and plantroom at roof level and above front and side extensions – previously consented 2017/3844; & New clear structural glass guarding to existing roof terrace and front and side extensions and associated alterations to building fenestration – previously consented application 2014/7160 and sliding box rooflight and plantroom at roof level and above front and side extensions – previously consented application 2017/3844.
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Decision

1. The appeals are dismissed.

Procedural Matters

2. The appeals relate to two slightly differing proposals at the same site and therefore both appeals have been linked together as one.
3. Whilst permission has previously been granted for extensions to the site¹ the only area of the proposal before me that is in dispute by the parties is the roof features and has been included on the plans with the works that have been granted permission independently.
4. Relating to these appeals, permission was sought by the appellant for a steel and cable balustrade behind planters and another planning application sought consent for a glass balustrade to surround the perimeter of the third floor level of the mews houses.²

¹ Application Ref: 2017/3844/P

² Application Ref 2019/6143/P & 2019/6144/P

Main Issues

5. The main issues are:

- The effect of the proposal on the character and appearance of the Hampstead Conservation Area; and
- The effect of the proposal on the living conditions of neighbouring occupiers with respect to loss of privacy.

Reasons

Character and Appearance

6. The appeal site is a pair of modern three storey flat roofed and semi-detached houses in the Oak Hill area of Hampstead. They are located in the Hampstead Conservation Area (CA) characterised by its topography, the Heath and the range and mix of buildings and street patterns. The site is located in the Branch Hill/Oak Hill sub area of the CA, developed around plain but substantial Italianate villas and other 1960's grouping of flats, pleasantly arranged amongst the grassy slopes and mature trees.
7. As the site is located within the CA, the National Planning Policy Framework advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. Paragraph 193 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation and the more important the asset, the greater the weight should be. Harm to or loss of the significance of a designated heritage asset from its alteration or destruction, or from development within its setting requires clear and convincing justification.
8. Also, in accordance with the statutory duty set out in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have paid special attention to the desirability of preserving or enhancing the character or appearance of the CA.
9. As the site is located on elevated land, it is seen in short range views and longer range views through Oak Hill Park. The appeal site is prominent due to its elevated position and standalone setting amongst other buildings that are largely clustered together.
10. The proposed planters would be positioned on the third floor and behind the existing parapet upstand, and would extend around the perimeter of the roof including the extensions previously approved, and located very close to the edge. Even though they are proposed to be at approximately 400mm in height, and be visible at in the region of between 150-200mm above the existing parapet, the proposed design would nonetheless visually extend the height of the mews building, which already has a strong vertical emphasis. Their positioning and solid configuration would create a visually cluttered and bulky appearance to the roofscape.
11. The proposed steel and cable balustrade would be set back behind the planters and would appear lightweight in construction and virtually invisible amongst the planting. The glass balustrade of approximately 1100mm would reflect those previously approved to the second floor, and in the location proposed,

would also appear as a lightweight form of enclosure and substantially hidden by the planters.

12. I have considered the design advice within the Council's Camden Planning Guidance (CPG) Altering and extending your home 2019, and CPG Design 2019. Whilst I find the barrier enclosures by themselves would be lightweight in appearance, the inclusion of the planters with their positioning close to the edge of the roof, would add bulk to the overall building's mass. It would not contribute positively to the dwellings, and as a consequence would result in harm arising to the character and appearance of the CA as a heritage asset.
13. On this basis, the proposals would conflict with the London Borough of Camden Local Plan 2017, Policies D1 and D2 in their aims to secure high quality design and to preserve and enhance the historic environment, as well as Policies DH1 and DH2 of the Hampstead Neighbourhood Plan 2018 in its purpose for development to respect and enhance the character and local context including respond positively to height, scale and mass, and to enhance the CA and to protect and enhance buildings which make a positive contribution to the CA.

Living Conditions

14. The third floor external space has been granted a certificate of lawfulness by the Council for its use as an external terrace³. There will be an accepted expectation that a level of noise and disturbance would arise as result of this space being used as an outdoor terrace given there are residential properties surrounding the appeal site and the close relationship with these.
15. However, should I be minded to allow the appeal, the new area of roof that has been granted as a result of the approved extensions would not benefit from this certificate of lawfulness. The erection of a balustrade does not permit this particular space to be used as an outdoor terrace either.
16. Therefore, I do not find that the erection of balustrade would result in a level of harm arising to the living conditions of the occupiers of No's 87, 89, 91 and 93 Frognal including No 1 Oak Hill Park Mews. It would not conflict with policy A1 of the London Borough of Camden Local Plan 2017 in its aims to protect amenity of occupiers and neighbours.

Other Matters

17. Currently there is limited enclosure to the roof edges and I appreciate the health and safety implications associated with this. However other means of enclosure, including temporary, could be explored by the appellant that allows the area to be safely secured.
18. The objector comments on the proposal affecting their 'amenities and quality of life'. However, as I am dismissing the appeal, there is no requirement to comment on this further. Their concern regarding loss of value is not within my remit to comment.

³ Application 2015/6853/P & 2015/6855/P

Conclusion

19. Based on the proposals before me, the appeals are dismissed.

Alison Scott

INSPECTOR