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## Appeal Decision

Site visit made on 20 October 2020

**by M Cryan BA(Hons) DipTP MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 24 November 2020**

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### **Appeal Ref: APP/X5210/W/20/3249994**

### **13 Woodchurch Road, London NW6 3PL**

- 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 N Family Holdings (N Family Club) against the decision of the Council of the London Borough of Camden.
  - The application Ref 2019/5088/P, dated 4 October 2019, was refused by notice dated 13 March 2020.
  - The development proposed is described as 'the erection of a single storey, ground floor rear extension, in conjunction with permission ref: 2019/2851/P'.
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### **Decision**

1. The appeal is allowed and planning permission is granted for the erection of a single storey, ground floor rear extension at 13 Woodchurch Road, London NW6 3PL in accordance with the terms of the application, Ref 2019/5088/P, dated 4 October 2019, subject to the conditions in the attached schedule.

### **Procedural Matter**

2. The description of development in the banner heading above is taken from the planning application form. However, the reference to the earlier planning permission is not descriptive of the development proposed, and I have therefore omitted this in my formal decision.

### **Main Issues**

3. The main issue is whether or not the proposed extension would preserve or enhance the character or appearance of the South Hampstead Conservation Area, having particular regard to its effect on:
  - The character and appearance of the host building; and
  - Open space provision.

### **Reasons**

4. The appeal site is within the South Hampstead Conservation Area (the Conservation Area). I therefore have a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the Area. As heritage assets are irreplaceable, the National Planning Policy Framework (the Framework) states that they should be conserved in a manner appropriate to their significance (paragraph 184). It goes on to advise that any harm or loss requires clear and convincing justification (paragraph 194) and

that any harm that is less than substantial must be weighed against the public benefit of the proposal (paragraph 196).

5. The significance of the Conservation Area derives, in part, from its status as a well-preserved example of a leafy Victorian suburb. It is predominantly residential in nature, and characterised by large semi-detached and terraced late-Victorian properties. Green front gardens contribute strongly to the area's verdant character, while the open spaces of private rear gardens and communal gardens between terraces of houses and blocks of flats are valuable in terms of the visual relief they provide, their role as amenity spaces for residents, and as wildlife corridors which contribute to biodiversity.
6. The area around the appeal site was developed in the mid-Victorian period, slightly earlier than the majority of the rest of the Conservation Area, by Colonel Henry Perry Cotton. It is characterised by large two and three storey detached buildings, of which No 13 Woodchurch Road is typical example. It was originally a private dwelling but is now in use as a children's nursery. It forms part of a cohesive group of similar properties from Nos 11 to 19 Woodchurch Road, and is identified in the 2011 Conservation Area Character Appraisal and Management Strategy (the CAMS) as making a positive contribution to the Conservation Area.
7. The appeal property already has a single-storey rear extension, which occupies much of one side of the rear garden (now used as outdoor play space). Under a recent planning permission<sup>1</sup>, among various other works to the property the existing rear extension has been reclad and remodelled by infilling a small central lightwell and installing an external canopy to provide a covered walkway. The appellant now wishes to erect a further extension to the rear of the existing extension, to provide additional space for childcare accommodation.

#### *Character and appearance of the host building*

8. The proposed development would lengthen the existing rear extension by a further 4.3m or so, occupying the majority of a fenced-off area used as a storage enclosure. It would have the same width and roof height as the existing extension. The proposed extension would be brick built with vertical timber cladding, with large bifold sliding doors opening onto the covered walkway. It would therefore reflect both the form and materials of the existing extension.
9. The neighbouring property to the east (No 11), which is also in use as a nursery and pre-school, has an outbuilding in its rear garden adjacent to the boundary with the appeal property. The end wall of the proposed extension would be aligned with that of the outbuilding at No 11. The remaining space between the end of the proposed extension and the rear property boundary would accommodate air conditioning equipment approved under the earlier planning permission. No 15 to the west also has an outbuilding within its rear garden close to the boundary with the appeal property, although the proposed extension would not have an especially close relationship with that, nor would there be any significant changes in terms of separation distances.

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<sup>1</sup> Camden reference 2019/2851/P

10. I note the advice in the CAMS that alterations and extensions to the rear elevations of buildings in the Conservation Area should respect the historic pattern of development, and preserve the character and historic features of existing buildings. No 13 already has a greater built mass at its rear than either of its immediate neighbours, and this would be increased further by the proposed development. I acknowledge also that incremental additions to buildings can cumulatively lead to harmful overdevelopment. On its own therefore, considering the extensions already in place to the host building, the appellant's argument that at only 23m<sup>2</sup> and a single storey the proposal is modest in scale carries little weight in the scheme's favour.
11. However, the proposed extension would be in a discreet location within the rear garden which would not be seen from public spaces. Because of its siting in relation to the existing extensions, boundary fences and the mature vegetation and trees in the surrounding area, it would have a relatively limited visual impact when seen from neighbouring buildings. By effectively 'squaring off' the host property in line with the neighbouring outbuilding of No 11 it would largely be set against existing buildings. It would not therefore be a bulky or otherwise discordant feature, nor would it detract from the existing rear elevation of the host building. Indeed, the proposed design and materials mean that it would read as a cohesive and coherent addition to the existing ground floor extension. I therefore find that the proposed extension would not be harmful to the character and appearance of the host building.

#### *Open space provision*

12. The Council has stated that the proposal would reduce the extent of openness of the rear garden, and that this would both be harmful in its own right, and detrimental to the character of the Conservation Area. In this respect, I note the advice in the CAMS that the loss of private open spaces is unlikely to be acceptable due to the positive contribution they make to the character and appearance of the Conservation Area, and that any development of rear garden spaces should not detract from the general feeling of openness while also ensuring that most of the existing garden space is retained.
13. The information before me suggests that the size and scale of the existing rear extensions and outbuildings at Nos 11, 13 and 15 already makes them somewhat unusual in the context of their immediate surroundings. The rear garden of the appeal property comprises areas of hardstanding, artificial grass, and children's play equipment, as well as the fenced storage area where the proposed extension would be built. While the space as a whole undoubtedly has the green and leafy feel which is characteristic of the Conservation Area, from what I saw at the time of my site visit this came from the trees in the surrounding spaces rather than from within the appeal site. I accept the Council's argument that the building and appeal site as a whole make a positive contribution to the Conservation Area. However, in my view the rear space makes only a limited contribution to the open and verdant character of the Conservation Area, and this would not be significantly altered by permitting this development to go ahead.
14. The Council is also concerned that allowing the rear extension would set an unwelcome precedent for future development in rear gardens and open spaces within the Conservation Area. However, the appeal proposal relates specifically to a site which is in use as a childcare setting, and where the existing garden

space has been developed and adapted in a particular way to suit that use. These circumstances would be unlikely to arise in other spaces which are currently in use as gardens (whether private or communal) for residential accommodation elsewhere in the Conservation Area. I therefore find that the proposal would represent overdevelopment of the site, and it would not be significantly harmful to the character or quality of open space provision.

#### *Overall effect on the Conservation Area*

15. Taking the above points together, I conclude that the character and appearance of the South Hampstead Conservation Area would be preserved. The proposal complies with the requirements of Policies D1 and D2 of the 2017 Camden Local Plan (the CLP), which together seek to ensure that 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. It also complies with the provisions of the Framework which seek to conserve and enhance the historic environment. As I do not find that the proposal would cause harm to or loss of the heritage assets, it is not necessary to apply the public benefit test set out in paragraph 196 of the Framework.
16. The proposal also complies with Policies A2 and A3 of the CLP, which among other things seek to protect open spaces including gardens which have nature conservation, townscape, or amenity value, or which make a significant contribution to the character and appearance of Conservation Areas.

#### **Conditions**

17. I have considered the conditions suggested by the Council having regard to the tests in the Framework and the advice in the Planning Practice Guidance. Where necessary I have altered the ordering and proposed wording in the interests of clarity and effectiveness.
18. In addition to the standard time limit condition (1) I have specified the approved plans so as to provide certainty (2). Conditions requiring trees to be protected during construction work in line with the approved arboricultural report (3) and tree planting and landscaping to be carried out in accordance with previously approved details (5) are necessary in the interests of protecting the character and appearance of the area, to ensure that the development does not have an adverse effect on existing trees, and to comply with Policies D1, D2, A2 and A3 of the CLP. A condition requiring materials to match the existing buildings as closely as possible (4) is necessary in to protect the character and appearance of the area and to comply with Policies D1 and D2 of the CLP. Conditions in respect of noise from plant and other machinery (6 and 7) are necessary to protect the living conditions of nearby occupiers and to comply with policies A1 and A4 of the CLP.
19. Finally, although the proposal is for additional childcare space, the appellant is quite clear that this is not intended to permit more children to be accommodated on the site, and that in line with permission 2019/2851/P the capacity of the nursery is to remain at 100 pupils. The Council has indicated that an increase in pupil numbers above 100 could lead to an unacceptable increase in local road traffic, and as the need for such a limit is not disputed by the appellant I have not had to address this matter in determining this appeal. I therefore consider that the imposition of a condition limiting pupil numbers

(8) is necessary to ensure that the use of the additional space does not result in an unacceptable increase in vehicular traffic and local traffic congestion, and to comply with Policies T1 and T2 of the CLP.

### **Conclusion**

20. For the reasons given above I conclude that the appeal should be allowed subject to conditions.

*M Cryan*

Inspector

### **Schedule of Conditions**

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans and other documents:
  - 001 (Site Location Plan and Block Plan);
  - 002 (Existing Site Plan);
  - 150 (Existing Ground Floor);
  - 151 (Existing First Floor);
  - 250 (Existing Sections AA & BB);
  - 251 (Existing Section AA);
  - 252 (Existing Section BB);
  - 253 (Existing Section CC);
  - 003 P-1 (Proposed Site Plan);
  - 211 P-1 (Proposed South Elevation);
  - 100 P-1 (Proposed Ground Floor);
  - 101 P-1 (Proposed First Floor);
  - 201 P-1 (Proposed Section AA);
  - 202 P-1 (Proposed Section BB);
  - 203 P-1 (Proposed Section CC);
  - AIA/MF/044/19 (Arboricultural Survey & Impact Assessment);
  - 190503-R001 (Acoustic assessment of proposed new mechanical services equipment); and
  - 19060 (Planning, Design and Heritage Statement).
- 3) Prior to the commencement of works on site, tree protection measures shall be installed and working practices adopted in accordance with the arboricultural report by Marcus Foster Arboricultural Design and Consultancy ref. AIA/MF/044/19 dated 7th May 2019. All trees on the site, or parts of trees growing from adjoining sites, unless shown on the permitted drawings as being removed, shall be retained and protected from damage in accordance with BS5837:2012 and with the approved protection details. The works shall be undertaken under the supervision of the project arboriculturalist.

- 4) All new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the existing building, unless otherwise specified in the approved application.
- 5) Hard and soft landscaping, including the planting of trees (1x *Corylus Columna* and 1x *Nyssa Sylvatica*) shall be carried out in accordance with the details approved under permission ref: 2019/5441/P dated 15/01/2020. The relevant part of the works shall not be carried out otherwise than in accordance with the details thus approved.
- 6) Prior to use, machinery, plant or equipment at the development shall be mounted with proprietary anti-vibration isolators and fan motors shall be vibration isolated from the casing and adequately silenced and maintained as such.
- 7) The external noise level emitted from plant, machinery or equipment at the development with suggested mitigation measures hereby approved shall be lower than the lowest existing background noise level by at least 10dBA, by 15dBA where the source is tonal, as assessed according to BS4142:2014 at the nearest and/or most affected noise sensitive premises, with all machinery operating together at maximum capacity.
- 8) The total numbers of pupils accommodated at the nursery/pre-school shall not exceed 100, following the erection and occupation of the classroom hereby approved.

--End of schedule of conditions--