
Appeal Decision

Site Visit made on 9 August 2021 by S Witherley CIHCM MRTPI

Decision by Chris Preston BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 October 2021

Appeal Ref: APP/X5210/W/21/3271950

15 Flat 3, New End, London NW3 1JD

- 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 Ali Amini against the decision of the Council of the London Borough of Camden.
 - The application Ref 2020/3115/P, dated 13 July 2020, was refused by notice dated 12 October 2020.
 - The development proposed is *Erection of a bi-sloped combination roof with a crown top, dormer window, 2x rooflights and installation of chimney stack to side elevation.*
-

Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The effect of the proposal on the character and appearance of the appeal property, including whether the proposed development would preserve or enhance the character or appearance of the Hampstead Conservation Area (CA) in which it is located.

Reasons for the Recommendation

4. The appeal property is the upper flat located in a converted three-storey end of terrace building. It sits on a prominent corner with its main elevation overlooking New End and its flank overlooking the pedestrian walkway leading up to Elm Row.
5. The Conservation area statement – *Hampstead*, notes the significance of the CA, in as far as it relates to this appeal, derives from the historic layout, architectural detail and social history associated with many of the buildings.
6. Within the area, there is variety in the age, style, and form of properties with some consistency in their spacing, uniform building lines and verticality. This makes a positive contribution towards the historical suburban London setting and collectively makes a positive contribution to the character and appearance of this part of the CA and the CA as a whole. I also consider that a contributory factor to this part of the CA is the traditional and unaltered roof profiles of properties No. 9 to No. 15 which overlook New End. These properties have a

number of attractive and repeating features including projecting firebreaks, chimney stacks and unaltered shallow pitched roofs with No. 15 having a distinctive hipped roof which is highly visible in views from the east of the appeal site.

7. The proposal seeks to incorporate a mansard roof which would extend up beyond the existing ridge line of No. 15 and align with the ridge height of the adjoining property No. 17. It would sit behind a restored chimney stack which would extend upwards from an original external chimney stack located on the flank wall towards the front part of the property and which is truncated at eaves level.
8. Notwithstanding that the proposed mansard roof would sit behind the proposed chimney stack, that it would align with the neighbouring roof addition of No. 17, it would sit above the existing ridge line of the original roof and create an odd, juxtaposed feature with its stepped height mid-way along the hipped section of No. 15. The increase in ridge height, along with its bulk and forward position would irrevocably change and break up the traditional formation and roof profile of No. 15 and would significantly disrupt the relatively unaltered and prominent roofline to the front of No.s 9 to 15.
9. It is noted that the proposed chimney would replicate a previous chimney and end wall which was removed. However, I am not convinced that the proposed chimney stack is in any way traditional to the building as no evidence of the original chimney stack, its height, proportions, and design have been submitted. I do not consider therefore that the proposed chimney would achieve a sympathetic restoration of what was previously there, particularly as its main intention appears to be to reduce the visibility of the proposed mansard roof, which is not considered to be a traditional feature upon this roof scape. A generalised assertion of what the chimney may have looked like based on others in the area is not sufficient justification to warrant its approval.
10. Despite the appellant's argument that the proposed roof extension would be viewed mainly from uphill towards No. 17 – No. 21 and *would remove the unsightly prominence of the end wall between No.s 15 and 17 while restoring the prominence of the end chimney stack of No. 15*, it would still nevertheless be seen in views and replacing one unsightly end wall and prominent roof extension with another is not justification to allow this form of development. Moreover, those would not be the only views of the proposal which would also be viewed in the context of the run of properties from No. 9 to 15 where the unaltered roofline is clearly visible.
11. The appellant asserts that many of the original features of No. 15 have been lost, no evidence of this has been provided. Nevertheless, even with the loss of some original historic features, this does not mean it is appropriate or justifiable to allow further incremental erosion of the building's historic form, character, or appearance. For the reasons discussed above, I do not agree that the historic character and appearance along with the appeal properties historic value have been irrevocably lost.
12. The unbroken and unaltered roof profile of No. 15 and its adjoining neighbours No. 9 – 15 are considered to be of heritage value and make a positive contribution to this part of the CA and the CA as a whole. Thereby very much worthy of preservation. I attach limited weight to the presence of the other roof extensions in the area, particularly those located upon No. 17 – 21 given

that they are not visible in long views along New End, and they do not encroach on the original roof profile of No 15.

13. It is noted that the appellant would consider conditions to ensure the materials of the proposed roof would be natural slate, however, this factor alone does not override the significant harm that would arise as a result of the proposal to the character and appearance of the host building and the surrounding area for the reasons noted above. I attach no weight to this matter.
14. The harm that the proposed development would cause to the significance of the CA would be less than substantial. However, there would be no public benefits that would outweigh that harm. It is understood that the proposal would provide additional living space for the appellant and their family. Nevertheless, these personal benefits do not equate to public benefits and do not therefore provide sufficient justification for the proposal given the identified harm. The proposal, therefore, causes harm that is not justified or outweighed, as required by paragraph 202 of the National Planning Policy Framework (the Framework).
15. The proposal would have an unacceptable effect on the character and appearance of the appeal property and the surrounding area. It would fail to preserve or enhance the character or appearance of this part of the CA or the CA as a whole. Thus, it would be contrary to Policies D1 and D2 of the Camden Local Plan (2017) and Policies DH1 and DH2 of the Hampstead Neighbourhood Plan (2018). These policies seek to ensure, amongst other things, that development is of a high quality and standard of design and preserves or enhances the character and appearance of the historic environment, including CAs.
16. The Council have not referenced the Camden Planning Guidance – Home Improvements (Jan 2021) (CPG) in their reason for refusal, however, they have provided me with copies of the guidance. The guidance is clear that a more flexible approach is to be taken where there is evidence of unbroken roof lines and where it is considered that the heritage value of a building has been lost due to previous developments and therefore not worthy of preservation. However, for the reasons given, the proposal would be viewed in the context of the relatively unaltered roofline to the front of Nos 9 to 15 and would cause harm for the reasons set out.

Conclusion and Recommendation

17. For the reasons given above and having had regard to all other matters raised, I find that there are no material considerations that indicate the decision should be made other than in accordance with the development plan. I recommend that the appeal should be dismissed.

S Witherley

APPEAL PLANNING OFFICER

Inspector's Decision

18. I have considered all the submitted evidence and the Appeal Planning Officer's report and, on that basis, I agree with the recommendation and shall dismiss the appeal.

Chris Preston

INSPECTOR