



Appeal Decision

Site visit made on 20 December 2023

by David English BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th March 2024

Appeal Ref: APP/X5210/W/23/3324495

42 Willow Road, Camden, London NW3 1TS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Dr Christopher Prior against the Council of the London Borough of Camden.
 - The application Ref. is 2022/4887/P.
 - The development proposed is a secluded clear glass cover to a sky well.
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Decision

1. The appeal is dismissed and planning permission for a secluded clear glass cover to a sky well is refused.

Preliminary Matters

2. The description of the development I have used in the banner heading above and in my Decision is taken from the planning application form rather than the description given in the Council's evidence and in the appeal form since this describes the development for which permission was sought.
3. As the proposal is in the Hamstead Conservation Area (the CA), I have had special regard to the obligations placed on decision makers under section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
4. The Government published a revised version of the National Planning Policy Framework (the Framework) in December 2023. Whilst this made certain revisions to aspects of national planning policy, the provisions in respect of the main issue in this case are largely unchanged. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework from the parties, and that no party would be disadvantaged by such a course of action.
5. The appeal results from the Council's failure to determine the planning application within the prescribed period. As a result, there is no formal decision on the application. However, the Council provided a statement setting out the reasons why it would have refused planning permission had it been empowered to do so. I have taken this, along with other evidence before me, to inform the main issue.

Main Issue

6. The main issue is whether or not the proposed development would preserve or enhance the character or appearance of the Hampstead Conservation Area.

Reasons

7. The appeal property is a four-storey house located at the end of a short, sloping, terraced section of Willow Road comprising similarly proportioned properties, each of which have short sunken front gardens onto which basement windows face. The front gardens are generally bounded to the sides by low brick walls and by metal railings attached to taller brick piers along their front boundaries. This form of layout is common to many dwellings in the vicinity, including in parts of Gayton Crescent onto which the gable wall and boundary wall of the appeal property abuts.
8. The significance of the CA is derived from its association with the street pattern of the original Hamstead Village which is retained and is reflected in the fragmentation of the street blocks and the close and irregular grouping of buildings. Its significance also derives from the local topography which gives rise to the complex of narrow streets and steps characteristic of Hamstead Village; its proximity to the unique open space of Hampstead Heath; the range, mix and quality of buildings which offer many interesting examples of the architectural development of London; and from the area's historical association with clean water and fresh air.
9. The proposal would comprise a glazed canopy with black metal glazing bars attached to the front wall of the building and would be supported on raised glazed panels that would be positioned on the front boundary wall. The structure would largely cover the sunken front garden area. In these respects, the proposal would introduce an alien feature covering this small front garden which would result in development that would be uncharacteristic of, and out of keeping with the prevailing open appearance of the sunken small gardens to the fronts of nearby properties. These features collectively are an important and distinctive element in the terrace, which is specifically noted in the Hamstead Conservation Area Statement (published October 2002) (the HCAS) as making a positive contribution to the character and appearance of the CA.
10. The change that would arise to the appearance of the street from the introduction of the proposal, which would disrupt the consistency in appearance and layout of the sunken front garden areas to the buildings in this short terrace, would be unduly harmful. In the terms used in the Framework, I judge that this harm would be less than substantial.
11. Thin hedging behind the metal railings to the front boundary to the property currently provides some screening to the front garden. However, glimpsed views are still possible through the hedging and from the pavement alongside the front entrance to the appeal property. Moreover, it would not be possible to ensure the permanent retention of the existing hedge, nor would it be appropriate to introduce further forms of screening behind the railings which themselves are important and distinctive features at the boundaries of dwellings in the CA, as noted in the HCAS.
12. The appellant has provided photographs of various examples of other nearby glazed alterations to buildings in their evidence. Although no further information regarding the addresses or planning status of the examples is given, I recognised some from the photographic evidence during my site visit, including the glazed porches to properties in the same section of Willow Road as the appeal property, and the property shown as 'Image 4' in the appellant's comments on the Council's case. However, the examples I saw during my site

visit did not appear to be directly comparable with the proposal before me either in their design or appearance, or in their context. Accordingly, I attach little weight in my assessment of the appeal to those examples cited by the appellant and, in any event, I have determined the case before me on its own merits.

13. I recognise that glazed development may be appropriate in conservation areas, and that the Council found a previous proposal for a glazed rear extension at the appeal property to be acceptable¹. However, this in itself does not justify harmful development such as that proposed at the front of the appeal property.
14. The CA is relatively large, and the harm I have identified is mainly restricted to the short terrace of which the appeal building forms a part. However, the appeal site is located in a prominent position where the proposal would be visible from public vantage points along Willow Road. As such, the proposal would cause undue harm to the appearance of the building and the terrace as a whole, the aesthetic value of the terrace and the appeal property, and hence the significance of the Conservation Area as a whole.
15. Paragraph 205 of the Framework requires that, when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. Paragraph 206 of the Framework goes on to advise that any harm to the significance of a designated heritage asset (from its alteration) should require clear and convincing justification. In this case the harm to the significance of the CA is less than substantial but, nevertheless, is of considerable importance and weight.
16. In these circumstances, paragraph 208 of the Framework indicates that where a development proposal will lead to less than substantial harm to a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
17. The appellant has identified benefits in terms of the convenience the proposal would give in accessing other rooms in the building, the prevention of litter and other detritus from entering the front garden and drains, and the benefit of increased security. However, each of these features of the proposal give primarily private benefits accruing to the appellant or future occupiers of the building, rather than public benefits, and these would not overcome the great weight that should be given to the conservation of designated heritage assets. Furthermore, I have seen no substantive evidence of any heightened security risk in terms of burglaries in the locality sufficient to justify the proposal or overcome the harm I have identified.
18. For these reasons, and in the absence of any defined or substantiated public benefit, the proposed development would fail to preserve or enhance the character or appearance of the Hamstead Conservation Area and it would cause less than substantial harm to the significance of the CA. This therefore fails to satisfy the requirements of the Act, the intentions of the Framework in respect of conserving designated heritage assets, and conflicts with Policies D1 and D2 of the Camden Local Plan (2017) and Policies DH1 and DH2 of the Hampstead Neighbourhood Plan 2018-2033 (October 2018) which collectively, in summary, amongst other things, seek to ensure high quality design in development; and that development in conservation areas preserves or enhances the character or

¹ Council Ref. 2021/1641/P

appearance of the conservation area; is sympathetic to established building lines and arrangements of front gardens; responds and contributes positively to the distinctiveness and history of the area; and it protects and/or enhances buildings which make a positive contribution to a conservation area.

Conclusion

19. For the reasons given above, there are no material considerations of such weight, including the Framework, that indicate the proposal should be determined otherwise than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

David English

INSPECTOR