



Appeal Decision

Site visit made on 14 November 2023 by M Long BA (Hons) MSc MRTPI

Decision by L McKay MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 March 2024

Appeal Ref: APP/X5210/D/23/3326076

3 Keats Close, Camden, London NW23 2RP

- 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 Sebastian Bull against the decision of the Council of the London Borough of Camden.
 - The application Ref 2023/1179/P, dated 20 March 2023, was refused by notice dated 15 May 2023.
 - The development proposed is new dormer to rear roof slope.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matters

3. The Government published on 19 December 2023 a revised version of the National Planning Policy Framework (Framework). Whilst I have had regard to the revised national policy as a material consideration, planning decisions must still be made in accordance with the development plan unless material considerations indicate otherwise. In this instance, the issues most relevant to the appeal remain unaffected by the revisions to the Framework. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework, and that no party would be disadvantaged by such a course of action.

Main Issue

4. The main issue is whether the proposal would preserve or enhance the character or appearance of the Hampstead Conservation Area (CA).

Reasons for the Recommendation

5. The CA derives significance from a variety of factors including the range, excellence and mix of buildings. The appeal property is part of a group of size dwellings built at the same time and designed with a great deal of uniformity and symmetry, much of which remains despite some alterations at ground floor level. The roofscape of these six properties is largely in its original form, albeit with a limited number of rooflights which do not alter the overall roof form.

Due to the enclosed nature of Keats Close, there are very limited public views of the site, however it is visible from numerous private properties along Heath Hurst Road and Wentworth Mansions.

6. The Hampstead CA Statement recognises the appeal property as part of a group of six dwellings which make a positive contribution to the special character and appearance of the CA. While this document is of some age, there is no substantive evidence before me that it is out of date in respect of its references to Keats Close and the immediate surroundings. Therefore, it provides useful guidance in respect of this part of the CA. The CA Statement sets out that alterations and additions to roofs in the CA have resulted in a steady erosion of character and appearance and that further inappropriate erosion will be resisted. It further notes that the roofscape changes street to street, and great care is needed in respect of context.
7. The Home Improvements Camden Planning Guidance (January 2021) seeks to ensure proposals do not adversely impact the wider built environment. It provides guidance on roof extensions including dormers. It sets out a flexible approach to development on an unbroken roofline, giving weight to existing older extensions and those allowed under permitted development, including in CAs. However, it sets out that the design of a dormer should have a form and scale appropriate to the roof being extended, maintain even distances to the roof margins and consider the hierarchy of window openings, with the type, design and alignment of windows relating to the ones below.
8. While a sizeable proportion of the rear roof slope would remain unaltered, the proposed dormer's overall size and minimal set down from the ridgeline would mean that it would be a prominent feature in this roofscape, which currently has no dormers within it. Consequently, the proposal would be a discordant addition to the largely unaltered roofscape that would reduce the sense of unity across the group of six properties at roof level. Furthermore, the width of the proposed windows would exceed those below and therefore would not relate sympathetically to the hierarchy of windows on the rear elevation.
9. Although views from public vantage points would be very limited, the proposal would be clearly visible from the windows and balconies of surrounding dwellings. In these private views, the proposal would be a harmful addition to the roofscape. The chimney stack would partially block views of the dormer from one side; however, this would not sufficiently mitigate the harm that would arise from the unobstructed views from other directions.
10. Overall, therefore, the design of the proposed dormer would harm the character and appearance of the appeal property and the group of which it is part. It would consequently harmfully reduce the contribution that the appeal dwelling and wider group make to the character and appearance of the CA.
11. The symmetry between the appeal dwelling and attached neighbour has been somewhat diminished by extensions at the ground floor level. Nevertheless, this does not justify a harmful addition at roof level that would be detrimental to the character and appearance of the CA.
12. There are numerous roof extensions in the vicinity of the site, including on Heath Hurst Road. However, these extensions are situated on separate terraces where roof dormers now form part of their character and appearance. They are of very different design to the group of six properties in Keats Close, which

benefit from a largely unaltered roofscape. Therefore, the existence of dormers nearby does not justify the harm that the appeal proposal would cause to this specific group of properties and, accordingly, the CA.

13. The Appellant has directed my attention to rear dormer proposals at 1 Gayton Crescent and 37 and 39 Rudall Crescent, which were allowed at appeal. These schemes were, in part, found acceptable because of existing roof dormers at the appeal property or terrace that had already disrupted the roofline. This is not the case for the group of six properties in Keats Close. In any event, each appeal must be considered on its individual planning merits.
14. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention is paid to the desirability of preserving or enhancing the character or appearance of CAs. Due to the limited scale of the appeal scheme, the extent of its harm to the CA as a whole would be less than substantial. Nevertheless, this harm is a matter which carries considerable weight. In such circumstances, paragraph 208 of the Framework indicates that this harm should be weighed against the public benefits of the proposal.
15. The proposal would improve the living space available to the appellant and their family, however this is a private benefit for a single household. There would also be local economic benefits associated with the construction of the dormer, which would be public benefits but would be very minor in scale, so would carry limited weight. Overall, these benefits would not outweigh the harm to the character and appearance of the CA.
16. Given the above, the proposal would not preserve or enhance the character or appearance of the Hampstead CA. As such, it would be contrary to the Camden Local Plan, adopted 2017, specifically Policies D1 and D2 which seek to secure high quality design that preserves or enhances the historic environment and heritage assets, including CAs. There would also be conflict with the Hampstead Neighbourhood Plan 2018-2033, adopted 2018, specifically Policy DH2 which seeks development proposals that protect and/or enhance buildings which make a positive contribution to a CA. The proposal would not benefit from the support of Policy DH1, which seeks to prevent development proposals that fail to respect and enhance the character of the area.

Other Matters

17. There is submitted evidence pertaining to a scheme from 1980 in which a rear extension and loft dormer were proposed. It appears that planning permission was granted for the erection of an extension over a garage but in a separate informative on that decision, the Council stated the dormer would have constituted permitted development and that planning permission was not required for those works. Therefore, it is not clear that planning permission was granted for the dormer. In any case, there is no substantive evidence before me that the garage part of the permission was implemented, or that the dormer shown on those plans could lawfully be built at this time.
18. Furthermore, since then permitted development rights have changed and could no longer be used to realise the appeal scheme. National and local planning policies have also changed, therefore it is not unreasonable that the approach to dormers in a CA has altered. Consequently, I give this matter limited weight in the consideration of this appeal, which would not outweigh the harm identified above.

Conclusion and Recommendation

19. The proposed development would be contrary to the development plan, when considered as a whole. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

M Long

APPEAL PLANNING OFFICER

Inspector's Decision

20. I have considered all the submitted evidence and my representative's recommendation and I agree with the recommendation set out above. On that basis the appeal is dismissed.

L McKay

INSPECTOR