

Appeal Decision

Site visit made on 26 July 2024

by H Marriott MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th August 2024

Appeal Ref: APP/X5210/W/24/3339476

Flat 3, 70 Canfield Gardens, Camden, London NW6 3ED

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Ms Krystle Omeara against the decision of the Council of the London Borough of Camden.
 - The application Ref is 2023/4336/P.
 - The development proposed is replacement of existing wooden balustrades with glass balustrades.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal site, Flat 3 at 70 Canfield Gardens (Flat 3), is a residential property located in the South Hamstead Conservation Area (CA). In considering whether to grant planning permission, I have had regard to my statutory duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
3. The Council's decision notice refers to the rear roof terrace at 1st floor level. It is clear from the submitted plans that the replacement balustrades would be located on the rear roof terrace serving Flat 3. I have considered the appeal on this basis.

Main Issue

4. The main issue is whether the character or appearance of the South Hampstead Conservation Area would be preserved or enhanced.

Reasons

5. The CA designation encapsulates a residential suburb of South Hamstead, with the majority of the streets positioned in an east to west alignment. Its gently curving grid-iron pattern is partly bound by a tube line to its north and an overground trainline to its south. The special interest of the CA is derived from the large, semi-detached and terraced late-Victorian dwellings which tend to be fronted in red brick with yellow stock brick to the sides and rear. Buildings in the CA contain distinctive and decorative features including delicate iron work, elaborate timber doors and timber sash windows, gables

and tall chimneys. Mature trees and vegetation to the front and rear of buildings provide a verdant quality to the area. Consequently, the pattern of development, cohesive building types, decorative features, soft landscaping and traditional materials are important components that contribute to the significance and special interest of the CA as a whole.

6. The South Hamstead Conservation Area Character Appraisal and Management Strategy February 2011 (CAA) also confirms that private rear open spaces and long, undeveloped rear gardens are overlooked by whole streets of residents also form an important aspect of the area's significance.
7. Flat 3 is located in the rear part of the first floor of a large 3.5 storey semi-detached building which reflects many of the qualities of the CA's built form. In particular, it is faced in red brick with distinctive gable, fenestration pattern and bay window features. Decorative iron work is located around a first-floor roof terrace to the front of the building. The rear is faced in yellow stock brick with red brick detailing and timber sash windows. The building has been modified and extended to the rear including extensions at ground level and a roof terrace at first floor level. Despite this, the appeal building shares characteristics with other dwellings located in the wider CA and therefore contributes positively to the area's cohesive character and appearance.
8. Whilst located on a similar position, the proposed frameless 1.1 metre high glass balustrades would be slightly higher than the existing timber balustrades that they would replace. The existing timber balustrades have a horizontal emphasis created by its position which spans the full width of the rear of the dwelling. Despite this, its natural timber materials are reflective of the wooded areas that be seen within the rear gardens of dwellings to the rear of Canfield and so the existing timber balustrades make a neutral contribution to the CA.
9. In contrast, the glass balustrades would be an eye-catching modern addition to the building by virtue of its elevated position at first floor level and glazing spanning the full width of the host dwellings rear elevation, visually jarring with its brickwork façade. This alteration would not relate well to the existing character or appearance of both the existing building or that of buildings within the wider area particularly given that the use of glass on the existing building is mainly limited to historic window and door apertures. Whilst there is an existing glass extension located below the terrace, its ground floor position reduces its prominence and does not justify further glass additions to the building.
10. The Council's Home Improvements Camden Planning Guidance (2021) (SPD) advises that for traditional buildings, metal railings are preferred and that glass balustrades could be appropriate for modern buildings. The appeal building is a historic building and whilst the proposed glass balustrades would be transparent, it would still be visible from the rear of many of the dwellings located along Canfield Way and Compayne Gardens. Whilst it may increase the visibility of its historic rear façade in comparison to the existing timber balustrades, it would conversely increase views of domestic paraphernalia including tables, chairs and planters which would likely be located on the terrace visible from the wider CA. Whilst glass may have

similar low maintenance and resilience qualities to railings, its transparency would also likely be affected by sun reflection and the need to regularly maintain it clean, and such issues are identified in the SPD.

11. For these reasons, the proposal would represent an incongruous addition uncharacteristic of the area, failing to respect local character and context. The fact the terrace cannot be seen from the street does not outweigh the harm to the significance of the CA derived from its prominence from and the importance of views from the rear gardens highlighted in the CAA. While the impact of the proposal would be relatively localised, the proposal would fail to preserve or enhance to the character or appearance of the CA as a whole.
12. It follows that the proposal would fail to accord with the statutory presumption under s72(1) of the Act and there would be some harm to the significance of the CA as a designated heritage asset. Given the scale and nature of the proposal, the degree of harm to the significance of the CA would be less than substantial. Paragraph 208 of the of the National Planning Policy Framework (the Framework) this harm should be weighed against the public benefits of the proposal.
13. The proposal would mainly be a private benefit to the appellant. Limited public benefits would derive from the work generated during construction. The Framework indicates great weight should be given to the conservation of a designated heritage asset. The public benefits of the proposal would not outweigh the less than substantial harm identified, leading to conflict with the historic environment protection policies of the Framework.
14. I conclude that the proposed development would not preserve or enhance the character or appearance of the CA. In this regard it would fail to accord with Policies D1 (Design) and D2 (Heritage) of the Camden Local Plan 2017 (LP) insofar as they seek development to preserve or enhance the historic environment and to comprise of details and materials that are of high quality and complement the local character.
15. The Council advise that since issuing its decision, the Draft Camden Local Plan Regulation 18 Consultation Version (January 2024) (DLP) has been published. Despite the limited weight it carries at this stage, there are similar requirements in the emerging plan policies and so this does not alter the conflict identified with the LP.

Other Matters

16. Even though there might be examples of glass balustrades in situ along the rear terrace at 44, 76 and 78 Cranfield Gardens, the Council have advised that these permissions predate current policies and guidance including the CAA. My attention has also been drawn to a more recent approval of a glass balustrade at 95 Canfield Gardens although this does share the same characteristics as the appeal proposal given that it is located at ground floor level and on the opposite side of the street to the application site. My attention has also been drawn to a large glass balustrade installed in Somerset House and other examples where glass and historic buildings have been used successfully in London. I do not know the planning circumstances behinds these examples and similarly, they do not share the same characteristics of the appeal proposal and are not directly comparable.

17. In any event, the principle of replacement balustrades is not in dispute, rather it is the design and materials I have found would cause harm to the character and appearance of the CA. Therefore, even if glass balustrades and other types of glass additions have been approved elsewhere or even if these simply have not been applied for recently within the immediate context, this does not alter my finding in respect of the specific circumstances of the appeal proposal and the current development plan requirements.
18. The appellant suggested to the Council that they would be willing to amend the proposal to be a mixture of glass and timber. Whilst noting the appellant's frustration that the Council allegedly failed to engage in negotiation in this regard, this is not a matter for me to consider as part of the appeal and I have made my decision on the basis of the merits of the proposal before me, the most relevant local and national planning policy and my own observations and planning judgement.

Conclusion

19. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above the appeal should be dismissed.

H Marriott

INSPECTOR