



Appeal Decision

Site visit made on 10 December 2024

by **C Skelly BA (Hons) MSc MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22 January 2025

Appeal Ref: APP/X5210/W/24/3349817

Flat 1st And 2nd Floor, 34 Compayne Gardens, London NW6 3DP

- 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 Compayne Gardens Trust against the decision of the Council of the London Borough of Camden.
 - The application Ref is 2022/4765/P.
 - The development proposed is conversion and vertical extension of the maisonette at 34A Compayne Gardens to create four 2 bedroom flats.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The revised National Planning Policy Framework (the Framework) was published on 12 December 2024. I have sought comments from both parties in this regard and this has informed my decision.
3. Because the appeal site lies in the South Hampstead Conservation Area (CA), I have had special regard to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCAA).

Main Issues

4. The main issues are:
 - the effect of the proposed development on the character and appearance of the host building and the surrounding area, including the South Hampstead CA within which the site lies;
 - whether the proposal would secure appropriate contributions towards affordable housing; and
 - the effect on the free-flow of traffic, with particular regard to the availability of on-street parking.

Reasons

Character and Appearance

5. The appeal site is a three-storey terrace property with lower ground floor located on the north side of Compayne Gardens, within the South Hampstead CA. The property is split into two flats and the appeal relates only to 34A, a five-bedroom maisonette, which occupies the first and second floors. The property has a full

height bay and recessed element to the front which makes it appear separate from No 32. The rear of the property is of more simple design with large sash windows and looks onto an area of open space.

6. Nos 26-32 Compayne Gardens have a similar appearance to the appeal property. They share similar fenestration detailing, front entrances and a full-length angle bay window with hipped roof. This regular appearance of the street scene is interrupted by the more modern apartment block which forms part of the Broadhurst Gardens development, before the pattern resumes. On the other side, the site adjoins a taller, mansion block, which sits on the corner with Fairhazel Gardens. This is an example of one of many such corner mansions which are a key characteristic of the area. The roofscape is another important element with nos 26-34 following the same uninterrupted pattern of similar height, which contrasts with the taller, more ornate turrets and gables of the adjoining corner mansion block.
7. The CA covers an extensive area from West End Lane to the west, the Metropolitan line to the north, Belsize Road to the southwest and the rear boundaries of properties of Fairfax Place/Marston Close/Naseby Close to the east. Its significance is derived from its large, terraced, late-Victorian properties in red brick with particularly distinctive and attractive roofscape including turrets, gables and tall chimneys. The appeal site forms part of a uniform terrace, with full height angled bays and consistent roofscape, which retains its traditional appearance. It therefore contributes positively to the character of the CA.
8. According to the South Hampstead Conservation Area Character Appraisal and Management Strategy (February 2011) (CAMS) the character of the CA is enlivened by variety at roofscape level, which is carefully designed to balance the height and mass of properties and yet retain an attractive, homely character. The CAMS makes specific reference to the corners on Fairhazel Gardens which terminate the corners of streets in grand Victorian style with turrets. Changes to roof profiles has been identified in the CAMS as a matter which can be damaging to the character of the CA, which relies on the wide variety of roof forms.
9. The proposal would involve the upwards extension of the host property to provide four separate two-bedroom flats. The extension would create two additional floors of habitable space increasing the height of the building to almost the same as the adjoining property at no 36.
10. The adjoining corner mansion block has clearly been designed to reflect its prominent corner position at the end of two terraces. In comparison with the appeal site, the mansion block has different colour brick, window designs, front door entrance detailing, gables and a pitched roof over its full height angled bay. Therefore, despite being physically attached to the corner mansion block, I consider that the appeal property relates both visually and architecturally to the terrace of Nos 26-32 rather than to the corner mansion house at no 36.
11. The proposal would not alter the style or design of the existing roof. However, the increased height to the building would create a stepped roof form, which would appear at odds with the existing character. This would contrast with the consistent pattern of the street scene and its roofscape, undermining the planned historic layout of the area. The proposed upward extension would alter its relationship to the adjoining corner mansion block, competing with its scale. Given that the

building makes a positive contribution to the significance of the CA and that the proposal would cause harm to the appearance of the roofscape, the proposed development would fail to preserve or enhance the character or appearance of the CA.

12. The appellant has referred me to the arrangement of buildings on the corner of Canfield Gardens and Fairhazel Gardens, Greencroft Gardens and Fairhazel Gardens and Canfield Gardens and Compayne Gardens. I agree that these mansion blocks turn the corner to meet with a block of a similar height and have a stepped character. However, I observed that these properties have a different appearance to both the mansion house and the wider terrace and therefore, the stepped appearance does not appear out of place. They are not directly comparable to this case where the host property is the same appearance as the terrace but different to the mansion block. I also note that the Council considers that these features are part of the original planned layout of the CA. Photographs have also been provided at paragraph 4.3.16, however the location of these buildings is not identified, and I have not been provided with any details as to whether these are traditional features or any further background information relevant to the case.
13. The appellant also cites examples of where roofs have been altered through rear dormers. I noted on my site visit that although there are examples of rear dormer extensions along Compayne Gardens, the overall roof height of the terrace was maintained. This would not be the case with the proposal.

Heritage Balance

14. The proposal would harm the character and appearance of the host building which contributes positively to the CA, I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight. Paragraph 215 of the Framework states that where harm is identified to the significance of designated heritage assets and their setting, it should be weighed against the public benefits of the proposal.
15. The proposal would create three additional two-bedroom dwellings, for which there is high demand in the local area. The site is located in an area of excellent transport accessibility and would support the development of under-utilised land and buildings, both of which are supported by the Framework. I attribute modest weight to these benefits. There would also be some economic benefits during the construction phase and the associated increase in activity in the supply chain. Given the scale of the works the public benefit accruing from this would be limited.
16. Taken overall, I attribute modest weight to the public benefits of the proposal, which is insufficient to outweigh the less than substantial harm to the CA. Given this and the above, I conclude that the proposal would fail to satisfy the requirements of the LBCAA, paragraph 210 of the Framework, and conflicts with Policies D1 and D2 of the Camden Local Plan (2017), which amongst other things seek to ensure that new development achieves the highest standard of design and preserves and where appropriate, enhances Camden's rich and diverse heritage assets.

Affordable Housing

17. Policy H4 of the LP includes a target of providing 5,300 additional affordable homes by 2030/31. In order to achieve this a contribution to affordable housing is required from all developments that provide one or more additional homes and provide a total addition to residential floorspace of 100sqm GIA or more.
18. The appellant has agreed to provide an affordable housing contribution of £142,800 in line with the Council's requirements and a draft S106 has been prepared. However, this has not yet been signed by the relevant parties. In the absence of a signed s106 agreement I cannot be certain that the proposal would secure appropriate contributions towards affordable housing. The proposal therefore does not comply with policy H4 of the LP, which seeks amongst other matters to ensure that development maximises the supply of affordable housing.

Parking

19. The appeal site is located within a Controlled Parking Zone where there is significant parking pressure. The proposal makes no provision for on-site parking and there is potential for it to generate demand for further on-street parking, which could result in illegal parking which in turn would have implications for the free-flow of traffic. Policy T2 of the LP, amongst other things requires that all new development in the Borough to be car-free. The policy includes a list of measures by which this will be achieved including not issuing car parking permits in connection with new developments and the use of legal agreements to ensure that future occupants are aware that they are not entitled to such permits.
20. The appellant has submitted a draft s106 legal agreement which seeks to secure the car-free development as required by the Council. However, as this has not been signed by the relevant parties, I cannot be certain the proposal would not harm the availability of on-street parking. The proposal therefore conflicts with policy T2 of the LP which seeks to limit the availability of parking and requires all new developments to be car free.
21. The appellant has suggested that car parking could be controlled through the use of an appropriately worded condition. Planning practice guidance¹ states that in exceptional circumstances negatively worded conditions requiring a planning obligation or other agreement to be entered into before certain development can commence may be appropriate, where there is clear evidence that the delivery of the development would otherwise be at serious risk. As there are no such exceptional circumstances in this case, the most appropriate mechanism to secure car-free development is through a planning obligation.

Other Matters

22. A number of third parties have raised comments in relation to loss of large homes, loss of daylight/sunlight, loss of privacy and increased overlooking. These matters were addressed in the Council's Delegated Report and have not been included in the Council's reasons for refusal. I concur with the Council's findings in this regard.

¹ Paragraph: 010 Reference ID: 21a-010-20190723

Conclusion

23. I have identified harm to the CA, affordable housing and parking provision. These harms are not outweighed by the benefits which I have identified. The proposal therefore conflicts with the development plan. There are no material considerations that indicate that the appeal should be made other than in accordance with the development plan.
24. Accordingly for the reasons given above the appeal should be dismissed.

C Skelly

INSPECTOR