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Dear Ms Dun,

Appeal site: Howitt Close, Howitt Road, London, NW3 4LX
Appeal by: Daejan Properties Limited
Proposal: Erection of mansard roof extension to create 7 self-contained flats (Class C3)

I refer to the above appeal against the Council's refusal to grant planning permission on 03/08/2022. The Council's case is largely set out in the officer's delegated report. The report details the application site and surroundings, the proposal, relevant planning history, consultation responses and provides an assessment of the proposal. A copy of the report was sent with the questionnaire and is attached at Appendix A.

In addition to the information sent with the questionnaire, I would be pleased if the Inspector could take into account the following information and comments before deciding the appeal.

1. Summary

- 1.1. Howitt Close is a 3 storey, L-shaped, purpose-built block of flats dating from the 1930's at the southern end of Howitt Road, adjacent to the junction with Glenilla Road. It is constructed with brown bricks with a white rendered third (top) floor and red brick detailing around the windows. It features stepped bays and a flat roof with overhanging eaves. The main entrance, at the centre of the L-shape, features paired columns and a decorative iron balcony above, with the name of the building above at third floor level.
- 1.2. The application site is within the Belsize Conservation Area and the building is identified within the Belsize Conservation Area Statement (2003) as making a positive contribution to the character and appearance of the area.
- 1.3. The surrounding area is residential in character. The houses along Glenloch, Glenmore and Howitt Roads are two storey red brick terraces with a basement and an attic storey within a slate-faced mansard. At roof level the party walls are expressed

as upstands with shared chimneys located at the ridge that step up the street. The terraces are of similar design but show variations. In the wider area there are larger paired Victorian villas (e.g. along Belsize Park Gardens) and a number of purpose-built flats (e.g. Manor Mansions on Belsize Park Gardens; Straffan Lodge on Belsize Grove and Sussex House on Glenilla Road, as well as Howitt Close). Howitt Road slopes down from Haverstock Hill such that Howitt Close is at the bottom of the slope and appears a similar height to the neighbouring two storey terraced buildings.

1.4. The planning application which is the subject of this appeal sought permission for the following proposal: "*Erection of mansard roof extension to create 7 self-contained flats (Class C3)*".

1.5. The application was refused by the Council on 3rd August 2022 for the following reasons:

1. *The proposed roof extension, by reason of its detailed design, bulk, massing, height, materials and undue prominence, would compromise the form, character and appearance of the host building and would thus harm the character and appearance of the streetscene and Belsize Conservation Area, contrary to policies D1 (Design) and D2 (Heritage) of the London Borough of Camden Local Plan 2017.*
2. *In the absence of detailed drawings of the proposed solar PV panels, it has not been adequately demonstrated that the proposed development would minimise the effects of climate change or meet the highest feasible environmental standards, contrary to policy CC1 (Climate change mitigation) of the London Borough of Camden Local Plan 2017.*
3. *The proposed development, in the absence of a legal agreement to secure a contribution to affordable housing, would fail to maximise the contribution of the site to the supply of affordable housing in the borough, contrary to policies H4 (Maximising the supply of affordable housing) and DM1 (Delivery and monitoring) of the London Borough of Camden Local Plan 2017.*
4. *The proposed development, in the absence of a legal agreement securing a Construction Management Plan, implementation support fee and Construction Impact Bond, would be likely to give rise to conflicts with other road users and be detrimental to the amenity of the area generally, contrary to policies A1 (Managing the impact of development), T4 (Sustainable movement of goods and materials) and DM1 (Delivery and monitoring) of the London Borough of Camden Local Plan 2017.*
5. *The proposed development, in the absence of a legal agreement to secure the new dwellings as "car-free", would be likely to contribute unacceptably to parking stress and congestion in the surrounding area, contrary to policies T2 (Parking and car-free development) and DM1 (Delivery and monitoring) of the London Borough of Camden Local Plan 2017.*

2. Relevant Planning History

- 2.1. **2022/3635/P**: Erection of roof extension to create 7 self-contained flats (Class C3). **Decision pending.**
(The Council has taken the decision not to determine this application until the outcome of the appeal is known as the appeal decision will form a material consideration in the determination of the application).
- 2.2. **TP948/12543**: The construction of an additional floor at third floor level containing fourteen self-contained flats. Refused 29/06/1961.

Reasons for refusal:

1. *The proposal would not accord with the provisions of the Administrative County of London Development Plan as regards density or persons per acre, the density as proposed being considerably in excess of that provided for in this area.*
 2. *The proposal would not comply with the Council's daylighting standards next the south-eastern and south-western boundaries of the site and would have the effect of preventing the access of adequate light across these boundaries to the detriment of adjoining land.*
 3. *The proposal would result in overdevelopment of the site.*
 4. *Owing to the lack of car parking facilities to the existing building, the proposed addition would further aggravate the parking position.*
- 2.3. **TP948/70566**: The erection of a steel flue pipe at the rear of the premises known as Howitt Close, Howitt Road, Hampstead, and the retention of the structure for the period allowed under the London Building Act, 1930. **Granted 07/07/1937.**

3. Planning Policy Framework

National Planning Policy Framework (NPPF) 2021 and National Planning Practice Guidance (NPPG)

- 3.1. The National Planning Policy Framework (NPPF), which was first published in 2012, was most recently updated in July 2021. The NPPF provides a national planning policy framework against which all planning applications and decisions must be made. It sets out the government's planning policies for England and how these are expected to be applied.
- 3.2. Chapters 1, 2, 4, 5, 9, 11, 12, 14, 15 and 16 are most relevant to the determination of the appeal.
- 3.3. The National Planning Practice Guidance (NPPG) provides Government guidance on a number of subjects related to planning.

Development Plan

- 3.4. The current development plan in relation to the appeal site comprises the London Plan 2021 and the Camden Local Plan 2017. The Council's adopted and emerging site allocations documents do not list the appeal site.

London Plan 2021

- 3.5. The current London Plan was published in January 2021. It is a strategic planning document in London. The Mayor produces the plan, which is applicable to all 32 London boroughs and the Corporation of the City of London. Boroughs' local development documents must be in general conformity with the London Plan, and it is legally part of the development plan that has to be taken into account during planning decisions.
- 3.6. Chapters 1, 3, 4, 7, 8, 9 and 10 are most relevant to the determination of this appeal.

Camden Local Plan 2017

- 3.7. The Local Plan was adopted by the Council in July 2017 and replaced the Core Strategy and Camden Development Policies documents as the basis for planning decisions.
- 3.8. Policies G1, H1, H4, H6, H7, C5, C6, A1, A2, A3, A4, D1, D2, CC1, CC2, CC3, CC4, CC5, T1, T2, T3, T4 and DM1 are most relevant to the determination of the appeal.
- 3.9. The full text of each of the policies has been sent with the questionnaire documents.

Supplementary Guidance

Camden Planning Guidance

- 3.10. Camden Planning Guidance (CPG) provides advice and information on how the Council will apply its planning policies. The documents were created following extensive public consultation.
- 3.11. The following documents are most relevant to the determination of the appeal: Access for All (2019); Air Quality (2021); Amenity (2021); Biodiversity (2018); Design (2021); Developer Contributions (2019); Energy efficiency and adaptation (2021); Housing (2021); Public open space (2021); Transport (2021); Trees (2019); Water and flooding (2019).
- 3.12. Copies of the above CPG documents were sent with the questionnaire.

Belsize Conservation Area Statement 2003

- 3.13. The Belsize Conservation Area Statement was adopted in April 2003. The statement defines the special interest of the conservation area in order that its key attributes are understood and can be protected, and so that measures can be put in place to ensure appropriate enhancement. The purpose of the document is to provide

a clear indication of the Council's approach to the preservation and enhancement of the conservation area. The statement is for the use of local residents, community groups, businesses, property owners, architects and developers as an aid to the formulation and design of development proposals and change in the area. The document is used in the assessment of planning applications for proposed developments in the Belsize Conservation Area.

- 3.14. The application site is within sub-area 4 ('Glenloch') of the conservation area, which incorporates Glenloch, Glenmore, Glenilla and Howitt Roads. Sub-area 4 is described on pages 25 and 26 of the Conservation Area Statement. Specific reference to the appeal site is made on page 31 (list of buildings which make a positive contribution to the conservation area).

London Borough of Camden Housing Delivery Test - Action Plan dated August 2022

- 3.15. The London Borough of Camden Housing Delivery Test – Action Plan (Appendix B) was most recently updated in August 2022. It identifies the main issues that have affected delivery rates in Camden over the last 3 years and sets out a series of actions that the authority is, or will be, undertaking to try to address them and boost housing delivery within the borough.

Camden Planning Statement on the Intermediate Housing Strategy and First Homes (March 2022)

- 3.16. This Planning Statement was adopted in March 2022 following a formal consultation period, and sets out the Council's position in relation to the First Homes Written Ministerial Statement dated 24 May 2021. It is not considered to have any relevance to the appeal scheme.

4. Comments on the appellant's Statement of Case

- 4.1. The appellant's grounds of appeal are summarised below and addressed beneath as follows:

- Whether the proposed development would preserve or enhance the character or appearance of the Belsize Conservation Area;
- Whether the proposed development would minimise the effects of climate change or meet the highest feasible environmental standards, having regard to climate change policies (PV panels);
- Reasons for refusal 3, 4 and 5 (section 106 legal agreement);
- Other matters.

Whether the proposed development would preserve or enhance the character or appearance of the Belsize Conservation Area

- 4.2. The application site is within the Belsize Conservation Area, wherein the Council has a statutory duty, under section 72 of The Planning (Listed Buildings and Conservation

Areas) Act 1990 (as amended), to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.

- 4.3. Specifically with regards to heritage, Policy D1 of the Camden Local Plan requires development that preserves or enhances the historic environment and heritage assets in accordance with Policy D2 (Heritage); and Policy D2 states that the Council will preserve and, where appropriate, enhance Camden's rich and diverse heritage assets and their settings, including conservation areas. The policy further notes that the Council will not permit development that results in harm that is less than substantial to the significance of a designated heritage asset unless the public benefits of the proposal convincingly outweigh that harm.
- 4.4. Policy D2 of the Local Plan accords with the guidance in the National Planning Policy Framework (NPPF), which states: "*When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance*" (paragraph 199). Paragraph 202 guides that: "*Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use*".
- 4.5. The fact the building is identified in the Belsize Conservation Area Statement (BCAS) as making a positive contribution to the character and appearance of the conservation area means the building is already recorded by the council as a "*non-designated heritage asset*" for the purpose of decision making. Paragraph 203 of the NPPF states: "*The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.*"
- 4.6. It is worth stating that the appellant's appeal statements make extensive reference to pre-application advice and a subsequent planning application that has been submitted in relation to the appeal building. However, these are not directly relevant to the Inspector's consideration and determination of this particular appeal and therefore the Council's statement will only consider the refused scheme which is the subject of this appeal and not the acceptability of a roof extension in general.
- 4.7. The chief harmful impacts identified in the first reason for refusal are the impact on the host building - a building which makes a positive contribution to the Belsize Conservation Area, as identified by the BCAS - and the impact on the character and appearance of the Belsize Conservation Area itself. In brief, the chief point of contention in heritage terms is whether a mansard is an appropriate manner of extending the host building upwards and what the impact of such an extension is on the form, character and appearance of the host building, and the character and appearance of the conservation area.

- 4.8. In general, the significance of this part of the conservation area is as a domestic scale Edwardian suburb with interwar blocks contributing to this significance through quiet and sensitive massing, composition and materials. The BCAS does not define the precise aspects of the appeal site which form its positive contribution to the conservation area but it does define what forms the positive elements of the character and appearance of the conservation area as a whole. It is worth noting that the 'Glenloch' sub-area, including Howitt Road and Howitt Close, were developed by one developer, the Glenloch Insurance Co / Glenloch Investment Co. (page 10, BCAS). Howitt Road was developed first (in and around the period of WWI) and then in the inter-war period Howitt Close was built.¹
- 4.9. The general character of the area is very relevant to the assessment of Howitt Close as a positive contributor. The BCAS states (Council's emphasis in bold): "*The character of Belsize is largely derived from mid-19th century Italianate villas. Within the Conservation Area there are, however, a number of distinct areas of varying character and appearance. These differences are caused by a combination of the following: land use, the density of development, the scale and style of buildings, their construction materials, the period of development, local topography and the predominance of gardens and trees. This Statement divides the area into six sub areas. In most cases the sub areas have a distinct, broadly uniform character, although there are pockets of development that depart from the general character*" (page 11).
- 4.10. With regards to sub-area 4 'Glenloch' (of which the appeal site forms a part), the BCAS states: "*This is a distinct area of Edwardian terraced housing developed by the Glenloch Insurance Company close to Belsize Park Underground Station and Haverstock Hill. There is a clear change in character on entering this area from both Belsize Avenue and Belsize Park Gardens from the larger, grander, villa development to more modest family housing of a much smaller scale and tighter grain. These streets fall at a constant gradient to Glenilla Road which is flat. The houses along Glenloch, Glenmore and Howitt Roads are two storey red brick terraces with a basement and an attic storey within a slate-faced mansard. At roof level the party walls are expressed as upstands with shared chimneys located at the ridge that step up the street. The terraces are of similar design but show variations. All have three light, two storey bays and dormers and utilise render and white painted timber frames to provide contrast. The upper portions of windows are sub-divided by glazing bars, some with a decorative sunrise motif. The elevations give strong rhythm and consistency to the terrace except where this is interrupted by inappropriate alteration. Many front doors still have stained glass of Art Nouveau design. The plots are small with tiny rear gardens and narrow frontages...*" (page 25).
- 4.11. It is clear that the prevailing character of Howitt Road and its environs is pre-1920 terraced housing of two storeys with a roofline defined by chimneys and slate faced mansards. It is also clear that Howitt Close is the opposite of this character, i.e. it is a 1930's purpose-built block of flats with a flat roof and no chimneys. The fact that Howitt Close is included in the list of positive contributors in the area demonstrates that its positive contribution derives not from its *resemblance* to the prevailing pre-

¹ For the purposes of brevity rather than accuracy the terraced houses on Howitt Road are hereafter referred to as "Edwardian."

1914 housing, but instead from its *difference* to that, i.e. what the BCAS defines as “*pockets of development that depart from the general character*” by reason of “*scale and style of buildings, their construction materials, the period of development, local topography.*”²

- 4.12. Within the appellant’s Heritage Statement (Appeal) at pages 20-24 and inclusive of figures numbered 6, 7, 8, 9, 10, 11 and 12, a contention is made that many inter-war blocks of flats were constructed with mansard roofs. It is also stated (para 6.11, page 22) that the Council has placed undue weight on the fact that the appeal building was not designed to have a mansard and that instead (presumably) greater weight should be given to the argument that buildings can evolve over time. Clearly the Council does not dispute that the role of Development Management is to allow buildings to evolve over time. However, there are buildings and areas where certain forms of evolution may be undesirable, or require especially careful management. It is with this sensitivity in mind that the relevant designations on the site were made, i.e. the appeal building is a positive contributor within a conservation area. This is not to say that a positive contributor in a conservation may never be altered (although generally speaking the less alteration that occurs to a positive contributor the less harm there will be). Where alteration is considered then the Council’s statutory obligation is to consider the impact such alteration would have on the character and appearance of the conservation area.
- 4.13. The appeal building is a positive contributor. Thereby it can be securely inferred that as the building stands it makes a positive contribution and does not require any enhancement which exceeds routine like-for-like repair. In order for any alteration beyond that to be acceptable it would have to meet both the general requirement for such alteration to preserve or enhance the contribution which the site makes to the character and appearance of the conservation, and specifically to comply with any relevant guidance.
- 4.14. In respect of the appeal scheme, the relevant guidance is that within the BCAS which relates to roofs (both extant and as proposed for extension). With regards to new development, the BCAS notes on page 36: “*The majority of applications for planning permission within the Belsize Conservation Area involve minor alterations and extensions to existing dwellings. This can have a cumulative impact on elements that contribute to the character and appearance of buildings, streets and areas as a whole. **The most noticeable changes within the area often result from one or more of the following: Roof extensions - particularly the addition of overly large, inappropriately proportioned dormers, and the addition of mansard roofs***” (emphasis added).
- 4.15. Guideline BE19 (on page 40) states: “*New development should be seen as an opportunity to **enhance** the Conservation Area. All development should respect existing features such as building lines, **roof lines, elevational design**, and, where*

² In respect of this matter the Twentieth Century Society is in agreement with the BCAS and they note in their representation to the Council “*We believe the building’s flat roof is a key part of its interwar character and appearance and distinguishes it from neighbouring buildings in a way that contributes to the variety and interest of the sub-area. The proposed mansard roof will harm the building’s architectural interest and uniqueness.*”

appropriate, **architectural characteristics, detailing, profile and materials** of adjoining buildings. Proposals should be guided by the UDP in terms of the appropriate uses and other matters such as density and parking standards” (emphasis added).

4.16. Guideline BE26 (on page 41) states: “... Roof extensions and alterations, which change the shape and form of the roof, can have a harmful impact on the Conservation Area and are unlikely to be acceptable where:

- **It would be detrimental to the form and character of the existing building**
- *The property forms part of a group or terrace which remains largely, but not completely unimpaired*
- *The property forms part of a symmetrical composition, the balance of which would be upset*
- **The roof is prominent, particularly in long views”** (emphasis added).

4.17. Guideline BE27 (also on page 41) states: “Further dormers or ‘velux’ type windows at the rear will normally be allowed if sensitively designed in relation to the building and other adjacent roofs. Dormers at the front, side and prominent rear elevations will not be allowed where a cluster of roofs remains largely, but not necessarily completely, unimpaired.”

4.18. Guideline BE28 (also on page 41) states: “The retention or reinstatement of any architecturally interesting features and characteristic decorative elements such as gables, parapets, cornices and chimney stacks and pots will be encouraged.”

4.19. From the above guidelines, it is clear that the alteration of existing roofs by means of extension is subject to an extensive range of considerations regarding acceptability and that, as set out in the Council’s officer’s report, the appeal scheme failed to meet these considerations on the side of acceptability. Paragraph 5.14 of the officer’s report states: “The proposed mansard has been presented as making the building more contextual to its neighbours; however, it is unclear why this would be seen as a benefit as the application building would be more prominent than currently and the existing flat roof is characteristic of inter-war development and therefore aids in the legibility of the application building. Furthermore, the existing building has remained largely unaltered since its initial construction and therefore the flat roof forms part of the established character of the streetscene and local area. In essence, the proposals neither repair nor restore any previous historical condition, nor do they help better reveal or enhance the existing historic or architectural character of the area. As such, officers do not consider that the proposed works would enhance the character and appearance of the streetscene or Belsize Conservation Area.”

4.20. On the basis of the BCAS, the Council does not accept the substantive part of the argument set out within the appellant’s Heritage Statement (Appeal) at pages 20-24 and inclusive of figures numbered 6, 7, 8, 9, 10, 11 and 12. The general fact that other blocks of inter-war flats had mansard roofs is not relevant to the specific fact that Howitt Close did not have one, and in its extant state is a positive contributor. It cannot reasonably be the case that the marker for acceptable development in a conservation area is what makes a building generally more similar to other buildings

of its type elsewhere, or even within the same conservation area. The duty to preserve or enhance the character and appearance of a conservation area must be what preserves or enhances the individuality of local character in the context of that particular conservation area.

- 4.21. The appellant's Heritage Statement (Appeal) notes at para 6.10 that the Council is flawed in identifying that inter-war blocks in the area have flat roofs because the blocks in question are identified as being neutral and negative contributors. In neither instance is the negative or neutral contribution identified as resulting from a flat roof; indeed the only negative contribution noted is the scale of Sussex House compared to its neighbours (BCAS, page 26), which is relevant to this appeal only insofar as the appeal scheme also increases the scale of the appeal site in relation to its neighbours. The Council's statement that inter-war buildings in the immediate area have flat roofs remains a matter of fact. There are also some inter-war buildings in the area which have mansard roofs, such as Tudor Close. But again these buildings were built with a mansard; indeed the BCAS notes that "*Hillfield Court and Tudor Close date from the 1930s and are well-maintained, attractive blocks typical of this period but distinctly different in their detailed execution with Hillfield Court being larger in scale. Both estates appear to be largely unaltered since construction*" (p.14). Again, the variety between building forms, in this case of the same period, is seen as a positive aspect of the character and appearance of the conservation area.
- 4.22. In the appellant's Heritage Statement (Appeal) at para 5.14 it is stated that the building has a hybrid character and that its distinctive character "*is not in our view its flat roof.*" Given that the rest of the assessment of that character in para 5.14 is chiefly focused on the similarity of Howitt Close to the style and materials of its Edwardian neighbours it is unclear why the appellants contend that the flat roof does not contribute to the distinct character of Howitt Close. It is agreed that the eaves could conceal a (very) shallow pitched roof but that is not what exists and it is not what the appeal scheme presents.
- 4.23. The appellant's Heritage Statement (Appeal) concludes that Howitt Close was rejected for statutory designation by Historic England and is therefore "*not of special interest*" (para. 7.3). To be clear, the Council has always been of the opinion that the building is not of the very high level of special interest necessary to achieve statutory designation on the National Heritage List for England. It at no time suggested that this was the case, or implicitly or explicitly encouraged the site to be put forward for statutory designation. This does not mean Howitt Close has no interest whatsoever and the Council has identified it as being a positive contributor to the conservation area since at least 2003. In any case, the decision by Historic England was undertaken after the appeal scheme was refused and played no part in the determination of the application.
- 4.24. The appellant's Heritage Statement (Appeal) also concludes that: "*Whilst its flat roof is part of the original design, this does not preclude sensitive adaptation*" (para. 7.4) and that many interwar blocks in London have mansard roofs and the proposed mansard would be "*sympathetic in terms of bulk, massing and height*" and "*integrate successfully with the surrounding Edwardian context*" (para. 7.4). As already noted, the Council does not disagree that many interwar blocks in London have mansards; however, what is in dispute is why Howitt Close should now have a mansard and why

replicating the form of other buildings would alter the local character and distinctiveness of Howitt Close.

4.25. The appellants also suggest that the Council has erroneously interpreted section 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), i.e. their statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. Reference is made to the South Lakeland case. The Council has had every regard to the duty to preserve or enhance the character and appearance of the conservation area. Relevant to this matter is the case dismissed by Mrs Justice Andrews in *Spitfire Bespoke Homes Ltd v Secretary of State for Housing Communities and Local Government* [2020] EWHC 958 which involved a claim for statutory review under section 288 of the Town and Country Planning Act 1990. In this instance the claimant's primary contention was that the inspector erred in his application of section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, which required him to "*pay special attention to the desirability of preserving or enhancing the character or appearance of [the conservation area]*". Mrs Justice Andrews said "Preserving" in this context meant "doing no harm to" under her reading of: *South Lakeland District Council v Secretary of State for the Environment* [1992] 2AC 141 per Lord Bridge at 150A-G. The Council has identified harm in the delegated report and therefore the definition of preservation has not been misapplied in the assessment of the appeal scheme.

4.26. It is true that the South Lakeland case does indeed find that new works of alteration can be undertaken in a conservation area without harming character and appearance although Lord Bridge's chosen example for new works of preservation was "works of reinstatement", which would also meet the criterion for enhancement. Indeed this occurs constantly, for example reintroducing historically appropriate boundary railings to a site which lost its original railings. In the South Lakeland case, the Inspector concluded that the building of a new vicarage within the grounds of the existing vicarage and in the Cartmel Conservation Area was not going to cause harm to the appearance or character of the area. Equally, the Inspector made no finding that it was either improving or protecting the area from future harm. The House of Lords decided that, nevertheless, a finding that **no harm** was going to be caused meant that the area was being preserved. Lord Bridge approved the reasoning of Mann LJ in the Court of Appeal, in particular quoting this passage: *Neither 'preserving' nor 'enhancing' is used in any meaning other than its ordinary English meaning. The court is not here concerned with 'enhancement,' but the ordinary meaning of 'preserve' as a transitive verb is 'to keep safe from harm or injury; to keep in safety, save take care of, guard': Oxford English Dictionary (2nd ed, 1989). vol 11, p 404. In my judgment, character or appearance can be said to be preserved where they are not harmed. The statutorily desirable object of preserving the character or appearance of an area is achieved either by a positive contribution to preservation or by development which leaves the character or appearance unharmed, that is to say, preserved.*³ The summary of this is that, **if there is no harm in a development, then there can be no reason for refusing it.** Thus, the idea of preservation having to be positive has been

³ Decision in the House of Lords in *South Lakeland District Council v The Secretary of State for the Environment* [1992] 2 AC 141 (at p150) part of the speech Lord Bridge of Harwich, quoted with approval from the judgment of Mann L.J. in the Court of Appeal

firmly rejected since at least 1992. It is also long-established that a finding of harm is equivalent to finding a failure to preserve.

- 4.27. Whether a mansard roof on a previously flat-roofed positive contributor falls under an interpretation of *preservation* of character and appearance is a matter for the Inspector to consider under the definition of “doing no harm to.” The Council has made it quite clear that the scheme was refused because it was not seen as an enhancement and that there was harm caused, i.e. it did not meet the test for preservation long-established in case law. Reason for refusal no. 1 clearly states that **harm** has been found and the officer’s report explains what the terms of this harm are considered to be, in association with the relevant local guidance. The Council considers that the refusal of planning permission was based on a correct interpretation of planning law and policy.
- 4.28. The proposal is considered to cause ‘*less than substantial*’ harm to the character and appearance of the Belsize Conservation Area (a designated heritage asset) under the tests of the NPPF and therefore paragraph 202 of the NPPF requires the harm to be weighed against the public benefits of the proposal. As noted in the officer’s report (Appendix A), the Council considers that the public benefits of the scheme (i.e. the provision of additional permanent, self-contained housing in the borough and the payment in lieu of affordable housing) would not outweigh the considerable weight and importance given to the harm to the significance of the conservation area.
- 4.29. The proposal is also considered to cause harm to the character and appearance of the host building (a non-designated heritage asset) and paragraph 203 of the NPPF requires a balanced judgement to be made having regard to the scale of any harm and the significance of the heritage asset. The Council does not consider the harm to the host building to be outweighed by the benefits of the proposal. As such, the Inspector is respectfully requested to dismiss the appeal on this basis.

Whether the proposed development would minimise the effects of climate change or meet the highest feasible environmental standards, having regard to climate change policies (PV panels)

- 4.30. Policy CC1 of the Local Plan requires all development to minimise the effects of climate change and encourages all developments to meet the highest feasible environmental standards that are financially viable during construction and occupation. The policy promotes zero carbon development and requires all development to reduce carbon dioxide through following the steps in the energy hierarchy; and expects all developments to optimise resource efficiency.
- 4.31. An Energy and Sustainability Statement was submitted with the application, which stated that the development would achieve a 20% CO₂ reduction against Part L (2013 Building Regulations) from on-site renewables (after all other energy efficiency measures have been incorporated) by incorporating photovoltaics (PV) into the design. It was stated that the PV panels would reduce CO₂ emissions by a further 25.21% giving an overall CO₂ emission reduction of 28.64%.

- 4.32. However, the proposed drawings submitted with the application did not illustrate any PV panels, which meant they had not been assessed properly from a heritage and design perspective and on this basis, the Council did not consider that the appellant had adequately demonstrated that the proposed development would minimise the effects of climate change or meet the highest feasible environmental standards.
- 4.33. The appellant notes in their appeal statement that: “*This issue can be adequately addressed by the imposition of a planning condition...*” (para 5.15) and then highlights the subsequent planning application at the site which officers have recommended for approval, subject to a condition requiring the submission of final details of the solar PV. However, the key difference between the two applications is that the second application (not the subject of this appeal) provides an indication of the proposed locations and extent of the PV panels, thereby helping officers to understand the potential visual impact on the host building and the wider area. The final details required by the condition will also include details of metering to monitor the energy output from the approved renewable energy systems.
- 4.34. The plans included in the appellant’s Appendix 17 illustrate the indicative location and extent of the proposed PV panels, which are considered to be acceptable by the Council. Provided the Inspector is willing to accept the revised plans, the Council does not wish to pursue this issue.

Reasons for refusal 3, 4 and 5 (section 106 legal agreement)

- 4.35. The Council’s reasons for refusal numbers 3, 4 and 5 relate to the absence of a legal agreement to secure: (3) a contribution to affordable housing; (4) a Construction Management Plan; and (5) car-free housing. Despite the appellant suggesting that additional reasons for refusal not previously discussed with them were added to the decision notice (paragraph 5.3 of their statement), these are standard reasons for refusal when a section 106 cannot be entered into (because the application is unacceptable for different reasons) and, as noted in Informative 2 on the Council’s decision notice, these reasons for refusal could be overcome if the appellants were to enter into a section 106 legal agreement to secure the relevant measures.
- 4.36. Despite suggesting otherwise in their original (now superseded) appeal statement, the appellant is willing to enter into a section 106 legal agreement to secure the relevant measures outlined in the previous paragraph. A draft section 106 legal agreement was not provided with the appeal documents; however, the appellants are in contact with the Council’s Legal team and the Inspector will be updated in due course.
- 4.37. Notwithstanding the above, the Council has provided evidence in Appendix C to demonstrate that the suggested obligations are justified against relevant planning policy and meet the tests laid out in the Community Infrastructure Levy (CIL) Regulations 2010, in particular Regulation 122(2), which requires that for a planning obligation to constitute a reason for granting planning permission it must be:
- (a) *necessary to make the development acceptable in planning terms;*
 - (b) *directly related to the development; and*

(c) fairly and reasonably related in scale and kind to the development.

Other matters

- 4.38. In their appeal statement, the appellant outlines the application process from pre-application through to this current planning appeal and they highlight the fact that the Council changed their position between the pre-application submissions and the formal planning application. Whilst this is not relevant to the determination of the appeal, the Council would nevertheless like to clarify the fact that they raised concerns about the proposed roof extension even at pre-application stage and officers have never ruled out the principle of a roof extension at the building. However, the design needs very careful consideration in order to work successfully and not cause undue harm to the host building and wider area.
- 4.39. It is also worth reiterating the fact that further information about the building came to light during the course of the formal planning application, once the application was made public. For example, the Twentieth Century Society, the Belsize Conservation Area Advisory Committee, the Belsize Society and local residents all provided further information about the history of the building, thereby helping officers to further understand its significance. Paragraph 195 of the NPPF requires local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) **taking account of the available evidence and any necessary expertise** (emphasis added). The Council considers that it has worked proactively with the appellant throughout the application process, in line with the requirements of paragraph 38 of the National Planning Policy Framework.
- 4.40. The appellant also makes extensive reference in their statements to the subsequent planning application at the appeal site (application reference 2022/3635/P), which is currently pending determination. The Council has taken the decision not to determine that particular application until the outcome of this appeal is known as the appeal decision will form a material consideration (i.e. the Inspectors comments on the principle of extending at roof level).
- 4.41. Finally, the appellant refers to the delays experienced by them throughout the planning process; however, they have chosen to appeal the Council's decision to refuse application reference 2021/3839/P, rather than await the outcome of the subsequent application on which officers had made a draft recommendation for approval.

5. Conclusion

- 5.1. Based on the information set out above, and having taken account of all the additional evidence and arguments made, the proposal is considered to be contrary to Policies D1 and D2 of the Camden Local Plan 2017.
- 5.2. The information submitted by the appellant in support of the appeal does not fully overcome or address the Council's concerns.

5.3. The Statement of Common Ground, which will be agreed and submitted to PINS by 09/06/2023, will include the following:

- Full list of suggested conditions;
- Agreed list of drawings.

5.4. If any further clarification of the appeal submission is required please do not hesitate to contact Kate Henry on the above direct dial number or email address.

Kind regards

Kate Henry

**Principal Planning Officer
Planning Solutions Team**

APPENDIX A – Officer’s delegated report

Delegated Report		Analysis sheet	Expiry Date:	17/11/2021
		N/A / attached	Consultation Expiry Date:	24/10/2021
Officer			Application Number(s)	
Kate Henry			2021/3839/P	
Application Address			Drawing Numbers	
Howitt Close Howitt Road London NW3 4LX			Please refer to draft decision notice	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Erection of mansard roof extension to create 7 self-contained flats (Class C3)				
Recommendation(s):	Refuse planning permission			
Application Type:	Full Planning Permission			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	00	No. of responses	95	No. of objections	95
Summary of consultation responses:	<p>Site notices were displayed on 29/09/2021 (consultation expiry date 23/10/2021) and a notice was placed in the local press on 30/09/2021 (consultation end date 24/10/2021). The consultation period was later extended to allow local residents additional time to comment.</p> <p>Objections have been received from 95 individuals (36 within Howitt Close; 11 on Howitt Road; 15 on Belsize Park Gardens, including 4 from Manor Mansions; 7 on Belsize Grove, including 6 from Straffan Lodge; 2 from Glenmore Road; 3 from nearby roads, 1 from an address elsewhere in London and 20 unspecified addresses), summarised as follows:</p> <p><u>Heritage and design</u></p> <ul style="list-style-type: none"> • Impact on conservation area (identified as positive contributor). • Impact on 38-44 Belsize Park Gardens – Howitt Close built in original rear gardens of these 4 villas and its height already causes considerable overshadowing. • Existing building does not appear unfinished and is essentially unaltered over the decades since it was built. • Original building was designed to have a flat roof and is a landmark, attractive art deco building. • The only other two buildings worthy of art deco note in the area are the Isokon building and 2 Willow Rd, Hampstead, now run by the National Trust - both have flat roofs. • There are other flat-roofed buildings from similar period in the locality. • A mansard roof is not characteristic of art deco buildings. • Additional height is harmful / mansard roof will ruin the building – top-heavy, bulky, excessively high dormer windows, resultant building will appear cramped in the street scene. • Building originally designed not to dominate Howitt Road. • The existing 3rd floor appears as the ‘top’ and the elegantly detailed, overhanging roofs further reduce the apparent height of the block. • Partial brick façade is sympathetic to the Edwardian houses surrounding it. • Distant views not been considered. • Taking away views of sky. • Where will plant / tank room be re-housed? • Previous application for roof extension refused. <p><u>Impact of additional housing</u></p> <ul style="list-style-type: none"> • Local area already densely populated. • The street does not have the infrastructure to cope with additional housing. • Local roads already congested. • Impact on parking. • Impact on waste and recycling / already inadequate provision for waste storage. 					

Trees and landscaping

- Very tall perimeter planting all around Howitt Close currently successfully screens the building from its close neighbours - the planting will need to be removed to make way for scaffolding.
- Lawn to front of building will be ruined during construction period by erection of welfare buildings.
- Prevents future ability to have a rooftop garden, with its associated biodiversity benefits.
- Impact on trees.

Impact on neighbours

- Impact on neighbouring properties (Howitt Road, Belsize Park Gardens, Belsize Grove, Glenmore Road) – dominant, imposing, loss of privacy, loss of light.
- No daylight / sunlight report.
- Disruption during construction period (many local residents now working at home and the existing building is quiet and peaceful, detrimental impact on wellbeing of existing residents).
- CMP is only in draft form.
- Council fails to consider cumulative impact of approvals at different buildings (32 and 34 Glenilla Road and numbers 53 and 57 Glenmore Rd).
- Additional comings and goings from additional residents.

Housing considerations

- No affordable housing provided.
- 7 flats whereas 14 on other floors – not most efficient layout to provide more housing.
- Benefits of extra housing do not outweigh harm.

Other

- Leaseholder is notoriously dishonest / poor reputation.
- Developer doesn't intend to build out, just wants to increase the value of the building.
- Failure to consult with residents prior to application.
- No benefits to existing residents (e.g. extending leases, abolishing ground rents, improving communal areas, reducing service charges).
- Values of existing flats will decrease.
- Party Wall Act will be breached.
- Rights to light legislation.
- No lift to 3rd floor – will they apply for this later.
- Structurally not possible / fragile rooftop / foundations of building will need strengthening.
- Subsidence at adjacent buildings.

Officer comment

The points relating to heritage and design, the impact of additional housing, trees and landscaping, impact on neighbours and housing considerations will all be considered in the officer's report below.

	<p><i>The comments listed in the 'Other' section above are not relevant planning considerations and cannot therefore be taken into consideration in the determination of the application.</i></p>
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Belsize CAAC

Objection from Belsize Conservation Area Advisory Committee,
summarised as follows:

- Howitt Close is a non-designated asset in the Belsize Conservation Area and makes a contribution to its character and appearance.
- The building has a distinct architectural character and visual appearance which is typical of the Art Deco style of the 1920's and some other developments of this period. It has deep projecting bays and a parapet formed by the flat roof which projects over the elevations. The design, style, use of brick with red brick dressings and the white rendered top floor give it a unified appearance and are consistent with the neighbouring buildings. The white render helps to reduce the scale of the block and leads the eye from the red brick of the Howitt Road housing into the white stucco buildings of Belsize Park Gardens. The elegantly detailed overhanging roofs further reduce the apparent height of the block.
- The building is set within a spacious garden with tall hedges to the boundary which successfully screen it from its neighbours. It is typical of the area, with its variety of front gardens, garden trees, street trees and generous greenery. It is on a prominent corner at the wide junction with Glenilla Road. Its position in Howitt Road reflects the topography, which slopes down from Haverstock Hill to Belsize Park Gardens. In height, bulk and materials it is a pleasing neighbour to the 1890's terraced housing in Howitt Road and Glenilla Road.
- The proposed additional storey with dormer windows would be out of keeping with the date, design and style of the building. It would alter its architectural character by removing the flat roof and its projecting bays, which is a typical and characteristic detail of this style of building. It would be obtrusive and dominate the scale and appearance to the surrounding buildings in Howitt Road and Glenilla Road. The proposals are top heavy, bulky, have excessively high dormer windows and their subdivision and materials are unknown. The application does not include any evidence of where buildings of this type have been extended in a manner that is in keeping with their style, age and design.
- The applicants' Design and Access Statement states that the building "*sits at a low point Additionally, the flat roof contributes to its diminutive form which is visually subservient to the neighbouring terrace houses*". It and the surrounding houses are all three storey. The reason it appears "*diminutive*" is that it has a flat roof and the surrounding houses have pitched roofs. This is no justification for the addition of another storey.
- The four 'villas' in Belsize Park Gardens (38-44) originally sat in a large garden. As a result there are no 'back-to-back' buildings to their rear creating space to the next building (as is common elsewhere with the semi-detached buildings in this conservation area). This series of 'villas' is unique and as such should be acknowledged with their outlook and surroundings protected as part of the conservation area. Howitt Close as it stands fills up the original gardens of the 'villas', sitting tight along the rear garden walls and rising up a full three stories. It already forms a cliff-like wall. Its windows look directly into those of the four 'villas', and its height already causes considerable overshadowing and compromises the open gardens. The additional height would cause even more overlooking and loss of light. It would also significantly diminish long

views from the four 'villas'.

- There is no indication of how the existing plant/tank rooms will be housed, nor is there any information in the application as to whether a double roof will be needed for structural work to strengthen the building (see the 1961 proposal for a roof extension). Both of these may increase the height further and should be considered at this planning stage as they have a physical impact on the proposal. The foundations may also need strengthening, which would require extensive excavation. This would diminish planting in the 'garden' and has not been considered or explained in the application. On the proposed drawings the trees in Howitt Road appear to have been felled to make way for scaffolding and construction access. The building would then become completely exposed to all the neighbours through this erosion of the landscaping. There is no indication that this is being considered or that the trees will be replaced.
- The densities in this particular part of Belsize are exceedingly high, with many existing properties already converted into student/hostel accommodation (two of the four 'villas' adjacent to Howitt Close). The conversion of existing properties increases the strain on amenities (including rubbish collection) and creates clusters of overcrowded transient peoples. The proposal detracts not only living conditions but also the material qualities of this highly valued and acclaimed conservation area. Why add more tiny units here? For the sake of seven small flats (accessed from narrow dark corridors) the whole area will be compromised and visually blighted by this 'ugly' development. The four 'villas' will be significantly devalued by this proposal, with their original character and current qualities compromised.
- The proposal sets a dangerous precedent for unnecessary and inappropriate ad-hoc additions of floors. How many other similar buildings in the Belsize Conservation Area will suffer the same abuse?

Belsize Society

Objection from Belsize Society, summarised as follows:

- The proposal would cause very significant harm to an important building within the Belsize Conservation Area.
- In the Belsize Conservation Area Statement there are a number of highly relevant statements.
- Building is identified as positive contributor – presumption in favour of retention.
- Belsize Conservation Area retains much of its architectural integrity - the majority of the area retains the essence of the character and appearance that would have prevailed in the 1930's.
- Conservation Area Statement says: Roof extensions and alterations, which change the shape and form of the roof, can have a harmful impact on the Conservation Area and are unlikely to be acceptable where:
 - It would be detrimental to the form and character of the existing building
 - The property forms part of a group or terrace which remains largely, but not completely unimpaired
 - The property forms part of a symmetrical composition, the balance of which would be upset
 - The roof is prominent, particularly in long views
- The proposals would be detrimental to the form and character of the existing building, the property forms part of a group or terrace (Howitt Road) which remains largely, but not completely unimpaired, the property forms part of a symmetrical composition, the balance of which would be upset and the roof is prominent, particularly in long views. On this basis Camden should refuse the application.
- The proposal will damage a well-preserved, unique 1930's building of considerable architectural merit and significance.
- The bulking-up of the building by the addition of an extra storey will destroy the architectural integrity of a heritage asset, adversely affect the visual appearance of the neighbourhood and profoundly harm the Conservation Area.
- Howitt Close was very carefully designed in 1932 to suit its specific location and, internally and externally, it remains fundamentally undamaged and unaltered by changes since construction. It has maintained its architectural integrity over the best part of a century and is unspoilt by major additions or changes. After surviving intact the second world war, unlike some Howitt Road properties, and escaping infelicitous developments in the post WWII era, it would be deeply ironic if the building were to be desecrated in the 21st century whilst defined as a building making a positive contribution to the special character and appearance of the Belsize Conservation Area, and apparently subject to the protections of a Conservation Area.
- This L-shaped building was clearly designed to make optimal use of the space available, but without dominating its prominent position at the junction of Howitt Road and Glenilla Road, with Belsize Park Gardens a stone's throw away. Aesthetically it was designed to blend with the earlier Edwardian terraced housing in the neighbouring streets that predated it, whilst proclaiming its era of construction through its overall form and Art Deco flourishes. The proposal to add a fourth level and mansard roof would destroy the proportions of the building and make Howitt Close, at present perfectly adjusted to its vicinity within streets of terraced Edwardian houses, an over-

prominent and jarring presence.

- The Heritage Statement commissioned by the applicant implies that the flat roof of Howitt Close is something of an aberration in Howitt Road but, rather than an aberration, the flat roof should be seen as a conscious choice by the architect to restrict the height of the building.
- At three storeys, Howitt Close is already at the maximum height to blend in aesthetically with the neighbourhood.
- The applicant's Heritage Statement downplays the architectural uniqueness of the building and makes no mention of the excellent state of authenticity and preservation of the building.
- Belsize Society strongly disagrees with the statement in the Heritage Statement that "*the addition of the mansard storey would be considered to represent an overall enhancement to the character and appearance of the Conservation Area*". It considers that the flat roof, coupled with the deep eaves, comprise distinctive and attractive features of Howitt Close.
- The building in its present form is highly valued in the neighbourhood and the addition of a fourth storey and mansard roof would be inflicting substantial harm on a heritage asset.
- Howitt Close is the only mansion block in its immediate vicinity and the extra storey would add bulk to what is now a well-proportioned and not over-dominant building. The closest visible mansion block to Howitt Close is Sussex House, a short distance away on Glenilla Road, which is singled out in the Conservation Area Statement as a negative feature: "*an oppressively large block*" and "*an overbearing flat block significantly larger than the other buildings in the street*". The proposed works would make Howitt Close into an oppressively large block, significantly larger than the other buildings in the street.
- The applicant's Heritage Statement discusses the blocks (Glenloch Court, Wimborne Mansions, Banff House and Moor Court) on the junction of Glenloch and Glenmore Roads, although these are completely out of sight from Howitt Close and its surroundings. These blocks are four storeys high with flat roofs. The implication is that these blocks are classified as "neutral contributors" to the conservation zone as a result of their flat roofs. In reality it is not the lack of a mansard roof that makes these blocks less attractive and emphasises each building's bulk and height but the fact that they are four storeys high and tower above the surrounding terraces - as Howitt Close would do with the addition of a fourth storey. Part of the visual unattractiveness of these blocks in their context is because they are disproportionately tall for the width of the streets in which they are located. An extra storey on Howitt Close would have a similar effect at the bottom of Howitt Road: the block would loom above the street making it over-dominant in contrast to its current harmonious presence.
- The applicant's Heritage Statement attempts to downplay the impact of the additional storey on the views towards Howitt Close from the north-east, south and north-west but it does not make it clear that there will be an adverse effect on these views. Howitt Close is already visible for the length of Glenilla Road as far as Belsize Avenue but in its present form it could be taken at a distance for a terrace of houses. It fits perfectly in its setting at present, the height and width of an extra storey would make it over-dominant.
- The applicant's Heritage Statement refers to the "*utilitarian style of the western elevation*" but this is highly subjective and unjustified. This façade is entirely in harmony with the rest of the building and its

slightly simpler design complements the glimpse of the front and view of the eastern wing, which can be seen simultaneously from the north-western approach. Again from the north-east Howitt Close can be seen from a considerable distance up Howitt Road but, as from the north-west approach along Glenilla Road, it could be a view of terraced houses until one approaches fairly close to the mansion block. From Belsize Park Gardens and the southern approach along Glenilla Road, Howitt Close is already a significant presence and an additional storey would harm the streetscape along this stretch of the road.

- The statement in the application '*the existing eaves present an almost unfinished appearance*' is meaningless given that the building was completed in the 1930's by a highly regarded architect who clearly intended the building to appear as it still does, a beautifully designed block which makes a very positive contribution to the Conservation Area.
- Belsize Society notes that the applicant has refined its proposal on three occasions to try to make it less obtrusive. It is clear from the illustrations in the application that it is impossible to make a proposal of this kind acceptable in design terms, the proposed dormers and vast extent of tiling ruin the subtle gentle appearance of the existing building design.
- Historical significance - Howitt Close was constructed between 1932 and 1934. A 'Notice of new buildings, drainage works, and apparatus in connection therewith' dated 27 October 1932 was filed with the Borough of Hampstead. This Notice was signed by Henry F Webb & Ash and the same business is shown as the owner of the site/building. Howitt Close first appears in the General Rate book for Belsize Ward made 6 April 1934, which shows that the 46 flats in the building were fully occupied by tenants as at March 1934, by which time the building was owned by London Mayfair & District Properties Ltd.
- The applicant's Heritage Statement incorrectly dates the property ("*represents a 1920s addition, "constructed in a single phase, between 1920 and 1935" and "possibly indicates that the building was constructed in the early 1920s"*") and, as such, the statement cannot interpret correctly either the individual significance of the building or its importance within its historical context.
- A construction date between 1932 and 1934 means that Howitt Close was contemporaneous with the (Grade I listed) Isokon flats, located less than half a mile away on the east side of Haverstock Hill. The design of the Isokon flats was developed 1929-1932 and they were officially opened in July 1934, shortly after Howitt Close was first occupied. A huge amount has been written about the Isokon building – a project "*to design an apartment building and its interior based on the principle of affordable, communal and well-designed inner-city living... But it was not a working class building – it was aimed at intellectual, working middle class people.*" The Howitt Close flats were also intended to provide compact living spaces for the middle classes. The original plans for the building were titled 'Proposed Block of Small Type Flats.' Howitt Close had a restaurant from the very beginning in the lower ground floor, with 'Ash & Fitch' (presumably the caterers) occupying the restaurant and associated accommodation at April 1934. The famous Isobar restaurant in the Isokon building was not opened until 1937, when the communal kitchen in the block was converted into a restaurant. The impetus

behind Howitt Close was similar to that of the Isokon building and, with its contrasting architectural style, it provides context for a modernist building like the Isokon flats. Without good comparable examples like Howitt Close, which remains very close to its 1930s state, the significance of the Isokon flats is diminished.

- It is notable that the business 'Henry F Webb & Ash' was the original owner and developer of Howitt Close. There can be no doubt that the Henry F Webb concerned was the architect Henry Frederick Webb (1879-1953) who designed Elm Park Court, Pinner, constructed in 1936 and now Grade II listed. Elm Park Court is considered one of the icons of the form of modernism which took hold in 'Metro-land' in the 1930s, a form of modernism which owes more to Art Deco than to the later 'brutalist' strand of modernism. Whilst the green and white colour-scheme of Elm Park Court gives it a very distinctive character, its Art Deco heritage is apparent and the development has a number of features in common with Howitt Close. Over and above its intrinsic architectural merit, Howitt Close is significant as another building designed by HF Webb, an architect important to north-west London as the designer of the iconic Grade II-listed Elm Park Court.
- In contrast to the well-publicised and dramatic history of the Isokon Building with its celebrity tenants – "*Very few pre 1945 tenants do not have a Wikipedia entry*" - Howitt Close has had a quiet history, and remarkably little has been written about it. It is understood that it was used as residential accommodation for civil servants at some point and further research could reveal an interesting story of an early example of inner city, partly communal living for the middle classes. In contrast to the Isokon Building, which fell into an appalling state of disrepair under Camden Council's ownership and required total refurbishment, Howitt Close has remained in a reasonable state of repair over the past 90 years, partly because it lacks some of the structural design faults which contributed to the Isokon's deterioration. Howitt Close, as a pleasing and highly suitable presence in its location, has been taken for granted over the best part of a century, at least until the threat to the architectural integrity of the building posed by the current planning proposal. It forms a highly valued and important part of the Belsize Conservation Area and should not be altered as proposed. Belsize Society believes that it is only a matter of time before Howitt Close becomes highly valued and rightly appreciated for its distinctive architecture and its well-preserved authenticity, leading to listed status – unless, that is, the current planning proposal succeeds in desecrating the building before then. It is vital that the building is preserved unviolated for posterity.
- It would be a breach of the terms and principles of the Belsize Conservation Area if a unique, extremely well-preserved architectural gem like Howitt Close is wantonly desecrated for the sake of a few additional flats.

Twentieth Century Society

Objection from Twentieth Century Society, summarised as follows:

- Howitt Close is an interwar T-shaped block of flats, located on a corner site where Howitt Road meets Glenilla Road in Belsize Park. Glenloch, Glenmore, Glenilla and Howitt roads were created in the early 20th-century on the site of a large 1860s house called The Woodlands. The Belsize Conservation Area Statement (2003) describes the 'Glenloch Area' as a "*distinctive area of Edwardian terraced housing developed by the Glenloch Insurance Company close to Belsize Park Underground Station [opened 1907] and Haverstock Hill*" (p.25).
- British History Online (BNO) expands on this, outlining its development in the interwar period: "*Glenloch Investment Co. was responsible for the Woodlands estate, where houses were still being built in Glenilla Road in 1923-4 and blocks of flats were put up, Glenloch Court in 1927 and Banff House and Howitt Court in 1932.*" This is almost certainly Howitt Close which was built on the site of the Woodlands estate between the Ordnance Survey (OS) map was published in 1920 and revised in 1935. A 1932 archive document relating to the building includes the name of the architect's practice, Henry F. Webb & Ash. Howitt Close is a 3-storey, brown brick building with distinctive stepped bays, red brick dressings, rendered upper storey and flat roof with projecting eaves. Its entrance bay features a porch with paired columns and decorative iron balcony, and period lettering reads 'Howitt Close'.
- The 1920s and 30s saw the construction of more blocks of flats nearby, including Gilling Court (1932) and Holmfield Court (1933) on Belsize Grove built by the Bell Properties Trust, and Hillfield Estates' Hillfield Court and Mansions (1934) fronting Haverstock Hill and Tudor Close (1935) behind, all of which are included within the boundaries of the Belsize Conservation Area.
- Howitt Close is a good example of an interwar block of flats and is clearly of architectural merit. The Belsize Conservation Area Statement (2003) identifies Howitt Close as a building which makes a positive contribution to the character and appearance of the conservation area (p.30).
- On 'Roof Extensions', the Belsize Conservation Area Statement states that "*Roof extensions and alterations, which change the shape and form of the roof, can have a harmful impact on the Conservation Area*". Such extensions "*are unlikely to be acceptable where: It would be detrimental to the form and character of the existing building*" (p.41). We agree with the Belsize Conservation Area Advisory Committee (BCAAC) who have objected to the proposed extension on the grounds that it "*would be out of keeping with the date, design and style of the building*" and would be 'obtrusive' and dominant.
- The applicant claims that the flat roof is "*uncommon within the Conservation Area sub-area and does not contribute positively to the character and appearance of the area*" (Heritage Statement, p.3). We believe the building's flat roof is a key part of its interwar character and appearance, and distinguishes it from neighbouring buildings in a way that contributes to the variety and interest of the sub-area. The proposed mansard roof will harm the building's architectural interest and uniqueness.
- Object due to the harm caused to a non-designated heritage asset and to the character of the conservation area.

Site Description

Howitt Close is a 3 storey, L-shaped, purpose-built block of flats dating from the 1930's at the southern end of Howitt Road, adjacent to the junction with Glenilla Road. It is constructed with brown bricks with a white rendered third (top) floor and red brick detailing around the windows. It features stepped bays and a flat roof with overhanging eaves. The main entrance, at the centre of the L-shape, features paired columns and a decorative iron balcony above, with the name of the building above at third floor level.

The application site is within the Belsize Conservation Area and the building is identified within the Belsize Conservation Area Statement (2003) as making a positive contribution to the character and appearance of the area.

The surrounding area is residential in character, predominantly featuring Edwardian semi-detached and terraced housing on Howitt Road, Glenmore Road and Glenilla Road; and larger paired Victorian villas and purpose-built flats (e.g. Manor Mansions) on Belsize Park Gardens. Howitt Road slopes down from Haverstock Hill such that Howitt Close is at the bottom of the slope and appears a similar height to the neighbouring two storey buildings.

Relevant History

TP948/12543: The construction of an additional floor at third floor level containing fourteen self-contained flats. **Refused 29/06/1961.**

Reasons for refusal:

- 1. The proposal would not accord with the provisions of the Administrative County of London Development Plan as regards density or persons per acre, the density as proposed being considerably in excess of that provided for in this area.*
- 2. The proposal would not comply with the Council's daylighting standards next the south-eastern and south-western boundaries of the site and would have the effect of preventing the access of adequate light across these boundaries to the detriment of adjoining land.*
- 3. The proposal would result in overdevelopment of the site.*
- 4. Owing to the lack of car parking facilities to the existing building, the proposed addition would further aggravate the parking position.*

TP948/70566: The erection of a steel flue pipe at the rear of the premises known as Howitt Close, Howitt Road, Hampstead, and the retention of the structure for the period allowed under the London Building Act, 1930. **Granted 07/07/1937.**

Relevant policies

National Planning Policy Framework (2021)

London Plan (2021)

Camden Local Plan (2017)

- G1 Delivery and location of growth
- H1 Maximising housing supply
- H4 Maximising the supply of affordable housing
- H6 Housing choice and mix
- H7 Large and small homes
- C5 Safety and security
- C6 Access for all
- A1 Managing the impact of development
- A2 Open space
- A3 Biodiversity

A4 Noise and vibration
D1 Design
D2 Heritage
CC1 Climate change mitigation
CC2 Adapting to climate change
CC3 Water and flooding
CC4 Air quality
CC5 Waste
T1 Prioritising walking, cycling and public transport
T2 Parking and car-free development
T3 Transport infrastructure
T4 Sustainable movement of goods and materials
DM1 Delivery and monitoring

Camden Planning Guidance

Access for All (2019)
Air Quality (2021)
Amenity (2021)
Biodiversity (2018)
Design (2021)
Developer Contributions (2019)
Energy efficiency and adaptation (2021)
Housing (2021)
Public open space (2021)
Transport (2021)
Trees (2019)
Water and flooding (2019)

Belsize Conservation Area Statement (2003)

Assessment

1. The proposal

1.1. Planning permission is sought for the following:

- Mansard roof extension to create 7 flats

1.2. The proposed mansard roof would measure 3.3 metres tall and would be constructed with red clay roof tiles. The dormers would be constructed with standing seam zinc panels and the windows within would be steel double glazed windows, coloured grey.

1.3. The proposed dwelling mix is as follows:

Flat 1	2-bed-4-person
Flat 2	2-bed-3-person
Flat 3	2-bed-3-person
Flat 4	1-bed-2-person
Flat 5	3-bed-4-person
Flat 6	2-bed-3-person
Flat 7	2-bed-4-person

1.4. A new bin store and bike store (16 spaces) would be provided to the west of the building, accessed from Glenilla Road.

2. Planning considerations

2.1. The key considerations material to the determination of this application are as follows:

- The principle of development / land use
- Housing (including affordable housing, dwelling mix, quality of living accommodation)
- Heritage and design
- Trees and landscaping
- Biodiversity
- Impact on neighbours
- Transport considerations
- Energy and sustainability

3. The principle of development / land use

3.1. Policy G1 of the Local Plan promotes the most efficient use of land in the borough and housing is regarded as the priority land use of the Local Plan. As such, the creation of 7 additional housing units is welcomed.

3.2. An application for a roof extension at the building was refused in 1961 (application reference TP948/12543, dated 29/06/1961 - see Planning History above) for reasons including density, daylight impacts, overdevelopment and lack of car parking facilities. Planning policy has changed considerably in the intervening decades and therefore this application must be assessed on its merits and against current policy. The principle of development is considered to be acceptable, subject to the detailed considerations below.

4. Housing

Affordable housing contribution

4.1. Policy H4 expects a contribution to affordable housing from all developments that provide 1 or more additional homes and involve a total addition to residential floorspace of 100 sqm GIA or more.

4.2. The proposed development involves the creation of 7 additional homes and a total addition to residential floorspace of 616 sqm.

4.3. Targets are based on an assessment of development capacity whereby 100 sqm GIA of housing floorspace is generally considered to create capacity for one home and a sliding scale target applies to developments that provide one or more additional homes and have capacity for fewer than 25 additional homes, starting at 2% for one home and increasing by 2% for each home added to capacity. In this case the target is 12%.

4.4. Where development has the capacity for fewer than 10 additional dwellings, the Council will accept a payment-in-lieu of affordable housing. A rate of £5000 per sqm GIA is applied. On this basis the contribution would be as follows:

$$[\text{Additional residential floorspace (GIA)} \times 12\%] \times \text{£}5000$$

$$[616 \times 12\% = 73.92] \times \text{£}5000 = \text{£}369,600$$

4.5. If the application were otherwise considered to be acceptable, the financial contribution would be secured by section 106 legal agreement. The lack of an agreement to secure the affordable housing contribution forms a reason for refusal.

Dwelling mix

- 4.6. Policy H7 of the Local Plan aims to secure a range of homes of different sizes that will contribute to the creation of mixed, inclusive and sustainable communities and reduce mismatches between housing needs and existing supply. The policy requires that all housing development, including conversion of existing homes and non-residential properties, contributes to meeting the priorities set out in the Dwelling Size Priorities Table (DSPT); and includes a mix of large and small homes. The policy then goes on to note that the Council will take a flexible approach to assessing the mix of dwelling sizes proposed in each development.
- 4.7. The proposed development provides 5x 2-bed units, 1x 1-bed unit and 1x 3-bed unit and therefore meets the aims of the DSPT insofar as 2-bed market units have high priority and the proposal provides a mix of large and small homes. The proposal is therefore considered to be acceptable in this respect.
- 4.8. A comment has been made that the proposal does not provide the most efficient layout for providing new housing (i.e. more could be provided with an altered layout). However, officers consider that a good mix of dwelling sizes has been achieved. It is worth noting that flats on the lower floors fail to meet modern day space standards and so there is no option to copy the floorplan from lower floors.

Living standards for future occupiers

- 4.9. Policy D1 of the Local Plan seeks to secure high quality design in development, including a high standard of living accommodation [clause (n)]. The supporting text to the policy notes that all residential developments should be designed and built to create high quality homes. The Council will seek to ensure that residential development (both new build and change of use) is self-contained with its own secure private entrance; has good ceiling heights and room sizes; is dual aspect except in exceptional circumstances; has good natural light and ventilation; has good insulation from noise and vibration; has a permanent partition between eating and sleeping areas (studio flats are acceptable where they provide adequate space to separate activities); incorporates adequate storage space; incorporates outdoor amenity space including balconies or terraces; and is accessible and adaptable for a range of occupiers. The supporting text also notes that new dwellings and conversions to residential use will be expected to meet the Government's nationally described space standard.
- 4.10. The proposal would provide the following:

Unit	Dwelling type	Floorspace (sqm)	Required standard (sqm)
Flat 1	2-bed-4-person	75	70
Flat 2	2-bed-3-person	77	61
Flat 3	2-bed-3-person	69	61
Flat 4	1-bed-2-person	57	50
Flat 5	3-bed-4-person	78	74
Flat 6	2-bed-3-person	71	61
Flat 7	2-bed-4-person	70	70

- 4.11. The Government's nationally described space standards are set out in the final column of the table above. All of the units would exceed the required space standards, which is

welcomed.

- 4.12. All of the proposed new units would be self-contained with their own secure private entrances. The new units would be accessed via the main entrance to the host building and via the existing communal staircases which would be extended upwards to the new fourth floor.
- 4.13. The new units would have good ceiling heights (between 2.3 and 2.5 metres) and room sizes and all would have good layouts, including a permanent partition between eating and sleeping areas and the incorporation of adequate storage space, which is welcomed.
- 4.14. Flats 3 and 4 would be single aspect. Flat 3 would face to the front (north) of the building and Flat 4 would face to the rear (south). On the basis that it is difficult to avoid single aspect units due to the floorplan (which is being extended upwards) and taking into consideration the fact there are numerous other single aspect units within the same building, this is considered to be acceptable. Flat 3, which is a 2-bed unit, would have pleasant views to the front of the building and along Howitt Road and Flat 4, the 1-bed unit, would have views towards to the rear of properties on Belsize Park Gardens. Whilst the views from Flat 4 may not be as pleasant as views along the road, this unit does at least benefit from being south-facing and it should therefore receive good natural light.
- 4.15. The other new units would mostly have good natural light and ventilation. Flat 3, the north-facing, single-aspect flat, may suffer from a lack of natural daylight; however, its elevated position should at least prevent overshadowing from neighbouring buildings. Both Flats 3 and 4 (the 2 single-aspect units) benefit from a number of windows serving different rooms, to aid with natural ventilation throughout the units.
- 4.16. The proposed layout is considered to be suitable to prevent noise transfer between units. If the application was otherwise considered to be acceptable a suitable planning condition could require the submission of details of adequate noise insulation between the separate dwellings.
- 4.17. None of the units would have access to private outdoor amenity space; however, this can be said of the existing units in the host building and the application site is within walking distance of Hampstead Heath and Primrose Hill. There is also a small amount of communal open space surrounding the host building.
- 4.18. A comment has been made about the provision of adequate waste storage to serve the new dwellings. A bin store would be provided adjacent to the bike store, accessed from Glenilla Road. If the application was otherwise considered to be acceptable, final details of waste storage could be agreed by condition.
- 4.19. Overall, the proposals are considered to be acceptable in this respect.

5. Heritage and design

- 5.1. The application site is within the Belsize Conservation Area, wherein the Council has a statutory duty, under section 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. The Belsize Conservation Area Statement (BCAS) (2003) identifies Howitt Close as making a positive contribution to the character and appearance of the conservation area.
- 5.2. Policy D1 of the Camden Local Plan seeks to secure high quality design in development which respects local context and character; preserves or enhances the historic environment and heritage assets in accordance with Policy D2 (Heritage); and comprises details and materials that are of high quality and complement the local character. Policy D2 seeks to preserve and, where appropriate, enhance Camden's rich and diverse heritage assets, including

conservation areas. The policy notes that, in order to maintain the character of Camden's conservation areas, the Council will take account of conservation area statements, appraisals and management strategies when assessing applications within conservation areas.

- 5.3. Paragraph 199 of the National Planning Policy Framework (NPPF) guides that: "*When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance*". Paragraph 202 then guides that: "*Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use*".
- 5.4. The application site is within sub-area 4 ('Glenloch') of the conservation area. The BCAS notes that this is a distinctive area of Edwardian terraced housing developed by the Glenloch Insurance Company close to Belsize Park Underground Station and Haverstock Hill. Generally, the houses in the area are smaller in scale and there is a tighter grain than elsewhere in the conservation area, where larger, grander, villa development is more common. No specific reference is made to Howitt Close in the Conservation Area Statement, other than the fact it is listed as a positive contributor. This is not to say that the building is not a significant building within the conservation area.
- 5.5. With regards to significance, whilst the majority of buildings in the immediate vicinity are terraced Edwardian houses and semi-detached Victorian villas, Howitt Close is distinctive as a piece of post-1918 development. Its scale and materials respect the general character of its neighbours in terms of the façade, but the form of the building reflects its inter-war construction. It appears to have been developed in the early 1930's (certainly prior to 1934 when an application was submitted for alterations to a flue) and seems to have been designed by the firm of Henry F. Webb and Ash. Although different in form from the terraces in Howitt Road, Howitt Close is not an anomaly within the wider Belsize Conservation Area. The Glenloch Investment Company which erected Howitt Close was also responsible for erecting Glenloch Court and Banff House on Glenmore Road around the same time, both of which also have flat roofs. Sussex House, on Glenilla Road, is another example of a flat-roofed housing block. Flat roofed inter-war blocks of flats are therefore part of the prevailing character of this part of the conservation area.
- 5.6. The existing building (which has a distinct architectural character and has remained largely unaltered since it was first built) was originally designed with two brick storeys below a white rendered third storey and a flat roof with overhanging eaves. The two-plus-one composition, with the pale storey above a darker mass below, along with the local topography whereby the land slopes down Howitt Road towards the application site, means that although the application building is a storey taller than its closest neighbours, it does not appear overly bulky or prominent in the street scene. In addition, the building has a domestic scale akin to that of the neighbouring buildings through the use of set-backs and stepped bays to break up the overall mass into smaller sections that are roughly the same width as the plots on the street. The use of red brick and render further give the building a domestic feel and help the building respect its local context.
- 5.7. The applicant's Heritage Statement acknowledges that the existing building "*sits comfortably within its position*" (para 3.16) and "*the flat roof of the building contributes to its diminutive form which is visually subservient to neighbouring terraced houses, despite its greater overall size*" (para 3.16). However, the statement then goes on to suggest that, particularly when viewed from the west, the building has an "*unfinished appearance*" due to the lack of a pitched or mansard roof (para 3.17).
- 5.8. Officers disagree that the existing building appears in any way unfinished. As noted above, the

building was designed by a firm of architects and the flat roof was a conscious choice, most likely in order to reduce the building's prominence amongst the older properties in the vicinity¹. As noted at pre-application stage, officers consider the existing building to be a "*complete composition of considerable charm which through good design suits its context well*". On this basis, and as explained to the applicant at pre-application stage, officers consider that it will be very challenging, though not necessarily impossible, to extend the building upwards without causing harm both to the character and appearance of the host building itself and also the wider area, including the Belsize Conservation Area.

5.9. The BCAS sets out guidelines for future development within the conservation area. With regards to roof extensions, Guideline BE26 states: "*Roof extensions and alterations, which change the shape and form of the roof, can have a harmful impact on the Conservation Area and are unlikely to be acceptable where:*

- *It would be detrimental to the form and character of the existing building*
- *The property forms part of a group or terrace which remains largely, but not completely unimpaired*
- *The property forms part of a symmetrical composition, the balance of which would be upset*
- *The roof is prominent, particularly in long views*" (page 41)

5.10. Furthermore, Guideline BE16 highlights that the choice of materials is important and Guideline BE18 notes that original brickwork should not be painted, rendered or clad unless this was the original treatment (page 40).

5.11. Contrary to Guideline BE26, the proposed mansard roof extension, by reason of its bulk and massing, would change the shape and form of the existing roof significantly as the roof is prominent, particularly in long range views along Howitt Road and from the junction with Glenilla Road. Furthermore, contrary to Guideline BE16, the choice of materials is not considered to be appropriate to the host building. As noted above, the existing building features two brown brick storeys below a white rendered third floor. The introduction of clay tiles above the rendered third, 'top' floor is not considered to be appropriate to the style or historical development of the host building.

5.12. As noted above, there is a statutory obligation to demonstrate that the proposed works would preserve or enhance the character or appearance of the conservation area. The works would not preserve the character and appearance of the area because there is a perceptible change. As such, this assessment must consider whether the proposals would enhance the character and appearance of the conservation area.

5.13. Whilst there is no policy which prohibits roof extensions in principle, officers do not consider that the proposed mansard roof would enhance the character and appearance of the conservation area. This is because the proposed design of the mansard has not been properly reconciled with the scale, proportions and original design of the host building. The proposed mansard roof is considered to be overly tall and top-heavy; many of the dormers equal, and in some cases exceed, the width of the principal windows on the façade below, resulting in further disruption to the architectural cohesion of the building.

5.14. The proposed mansard has been presented as making the building more contextual to its neighbours; however, it is unclear why this would be seen as a benefit as the application building would be more prominent than currently and the existing flat roof is characteristic of inter-war development and therefore aids in the legibility of the application building. Furthermore, the existing building has remained largely unaltered since its initial construction

¹ A number of consultation responses have suggested that Howitt Close was built within the original rear gardens of properties on Belsize Park Gardens; however, historical maps don't appear to demonstrate this. It appears that the plot of land went from being a field to being a vacant site.

and therefore the flat roof forms part of the established character of the streetscene and local area. In essence, the proposals neither repair nor restore any previous historical condition, nor do they help better reveal or enhance the existing historic or architectural character of the area. As such, officers do not consider that the proposed works would enhance the character and appearance of the streetscene or Belsize Conservation Area.

5.15. The proposals are considered to cause 'less than substantial' harm to the character and appearance of the Belsize Conservation Area and the Council considers that the public benefits of the scheme (i.e. the provision of additional permanent, self-contained housing in the borough and the financial contribution to affordable housing) would not outweigh the harm that would be caused. The application is recommended for refusal on this basis

6. Trees and landscaping

6.1. Policy D1 of the Local Plan seeks development which incorporates high quality landscape design and maximises opportunities for greening, for example through planting of trees and other soft landscaping. Policy A3 of the Local Plan seeks to protect and secure additional trees and vegetation. The policy notes that the Council will resist the loss of trees and vegetation of significant amenity, historic, cultural or ecological value including proposals which may threaten the continued wellbeing of such trees and vegetation. The Council will also require trees and vegetation which are to be retained to be satisfactorily protected during the demolition and construction phase of development.

6.2. The proposed development does not involve the loss of any trees from the site; however, concerns have been raised about the impact on vegetation around the edge of the building and the grassed areas to the front during the construction period as scaffolding will be required and the draft Construction Management Plan indicates the use of the area at the front for a 2 storey welfare cabin.

6.3. If the application was otherwise considered to be acceptable, a planning condition could require the submission of details of tree protection methods during the construction period. With regards to damage caused to the area at the front of the building, it would be in the interests of the building's management company to restore the site to its former condition following the completion of the works, particularly if they are looking to sell the new flats. Furthermore, if the site was not tidied up following the works, the Council could choose to serve a Section 215 notice if it felt that the site was having an adverse impact on the character and appearance of the area.

6.4. Overall, the proposals are considered to be acceptable in this respect.

7. Biodiversity

7.1. Policy A3 of the Local Plan also aims to support the London Biodiversity Strategy and the Camden Biodiversity Action Plan (BAP) by ensuring that Camden's growth is accompanied by a significant enhancement in the borough's biodiversity. The policy notes that the Council will assess developments against their ability to realise benefits for biodiversity through the layout, design and materials used in the built structure and landscaping elements of a proposed development, proportionate to the scale of development proposed.

7.2. A comment has been made that the proposed development prevents any future application to use the roof as a roof terrace being submitted; however, each application must be assessed on its own merits.

7.3. If the application was otherwise considered to be acceptable, a planning condition could require the provision of bird and bat boxes at the site as part of the development. A mansard roof extension is not considered to be suitable to incorporate a green wall and/or roof.

8. Impact on neighbours

- 8.1. Policy A1 of the Local Plan seeks to protect the quality of life of occupiers and neighbours. The policy notes that the factors to consider include: visual privacy and outlook; sunlight, daylight and overshadowing; artificial lighting levels; impacts of the construction phase; and noise and vibration. Policy A4 also seeks to ensure that noise and vibration is controlled and managed.
- 8.2. The main properties that are likely to be affected by the proposals are the properties in the existing building (Howitt Close), and neighbouring properties on Howitt Road, Glenilla Road, Belsize Park Gardens and Belsize Grove.
- 8.3. It is not considered that the proposed development would give rise to unacceptable levels of overlooking to neighbouring properties. The existing flats within the building already have views to the neighbouring properties on Howitt Road, Belsize Park Gardens and Belsize Grove and, whilst the additional floor level may impact on perceived levels of overlooking from the building to its neighbours, the separation distances roughly comply with or exceed those outlined in CPG Amenity (i.e. > 18 metres). The separation distance between the host building and the buildings to the south on Belsize Park Gardens is approximately 19 metres; the separation distance between the host building and Straffan Lodge (on Belsize Grove) is in excess of 30 metres; and although the properties on the opposite side of Howitt Rose (to the north / north-west) are only a minimum of 17 metres away, this is considered to be acceptable as a similar relationship exists between the front-facing elevations of other properties in the street.
- 8.4. It is not considered that the proposed roof extension would impact harmfully on the outlook from neighbouring properties. This is due to the fact it is only single storey in height and due to the separation distances outlined above.
- 8.5. It is not considered that the proposed works would cause significant loss of sunlight or daylight or overshadowing to neighbouring properties. This is on the basis that the building is only being extended up by one storey and taking into consideration the orientation of the building, the separation distances to neighbouring buildings and the path of the sun. There may be some impact to No. 57 Howitt Road as it is located directly to the north of the application building; however, the rear of this building would still continue to receive sunlight in the morning and it is already likely to be overshadowed in the afternoon as a result of both the application building and No. 57 itself.
- 8.6. It is not considered that the proposed development would cause undue harm as a result of artificial lighting. If the application was otherwise considered to be acceptable a planning condition could require the submission of details of any external lighting proposed.
- 8.7. It is not considered that the proposal would cause undue harm in terms of noise or general comings and goings. The number of residential units in the building is increasing by 7, which is not significant. Any noise associated with the additional dwellings is likely to be considered acceptable in this built-up residential area.
- 8.8. There is likely to be some impact during the construction period. A draft Construction Management Plan (CMP) has been submitted with the application. If the application was otherwise considered to be acceptable, a final Construction Management Plan (including implementation support fee) and Construction Impact Bond would be secured by section 106 legal agreement, to help mitigate the impact on local residents. The lack of a section 106 agreement to secure this forms a reason for refusal.

9. Transport considerations

- 9.1. The application site has a PTAL rating of 3 (average) and is within a Controlled Parking Zone (CA-B Belsize: Mon-Fri 0900-1830; Sat 0930-1330; Sun n/a).

Cycle parking

9.2. Policy T1 of the Local Plan promotes sustainable transport by prioritising walking, cycling and public transport in the borough. For this proposal, the London Plan requires 2 spaces per dwelling and an additional 2 visitor spaces (14 + 2 = 16). The plans indicate proposed cycle storage adjacent to Glenilla Road; however, no further details have been provided. If the application was otherwise considered to be acceptable the final details could be secured by condition.

Car free

9.3. Policy T2 of the Local Plan seeks to limit the availability of parking and requires all new developments in the borough, including redevelopments (and changes of use) with new occupiers, and including where dwellings are created as part of an amalgamation or subdivision, to be car-free (i.e. future occupiers would not be able to apply for parking permits for the local area). If the application was otherwise considered to be acceptable, the new dwellings would be secured as car-free through a section 106 legal agreement. The lack of a section 106 agreement to secure this forms a reason for refusal.

Construction impact

9.4. Policy T4 of the Local Plan promotes the sustainable movement of goods and materials and seeks to minimise the movement of goods and materials by road. As noted above, a draft CMP has been submitted with the application, which the Council's Transport Officer is satisfied with. If the application was otherwise considered to be acceptable a final Construction Management Plan (including implementation support fee) and Construction Impact Bond would be secured by section 106 legal agreement, to mitigate the impact on the local highway. The lack of a section 106 agreement to secure this forms a reason for refusal.

10. Energy and sustainability

10.1. Policy CC1 of the Local Plan requires all development to minimise the effects of climate change and encourages all developments to meet the highest feasible environmental standards that are financially viable during construction and occupation. The policy promotes zero carbon development and requires all development to reduce carbon dioxide through following the steps in the energy hierarchy; and expects all developments to optimise resource efficiency.

10.2. Policy CC2 requires development to be resilient to climate change by adopting climate change adaptation measures, for example not increasing and wherever possible reducing surface water run-off through increasing permeable surfaces and use of Sustainable Drainage Systems; incorporating bio-diverse roofs, combination of green and blue roofs and green walls where appropriate; and measures to reduce the impact of urban and dwelling overheating, including application of the cooling hierarchy. The policy also notes that the Council will promote and measure sustainable design and construction and will expect new build residential development to use the Home Quality Mark and Passivhaus design standards.

10.3. An Energy and Sustainability Statement has been submitted with the application. It notes that the proposed development would incorporate a range of passive and active energy efficient measures, exceeding current Building Regulations 2010, Part L (2013 edition with 2016 amendments) requirements for the levels of insulation and air tightness, the installation of high-performance glazing, heat recovery ventilation, waste water heat recovery and energy efficient lighting. The implementation of such measures would reduce CO2 emissions by 4.59%.

10.4. The statement also notes that the development would achieve a 20% CO2 reduction against Part L (2013 Building Regulations) from on-site renewables (after all other energy efficiency measures have been incorporated) by incorporating photovoltaics (PV) into the

design. The PV panels would reduce CO2 emissions by a further 25.21% giving an overall CO2 emission reduction of 28.64%. Notwithstanding the claims in the Energy and Sustainability Statement, the proposed drawings do not illustrate solar PV panels and therefore these have not been assessed from a heritage and design point of view. On this basis, the applicant has failed to adequately demonstrate that the proposed development would minimise the effects of climate change or meet the highest feasible environmental standards and the application is recommended for refusal partly on this basis.

10.5. The statement also notes that the development would achieve a maximum internal water use of 105 litres per day per person. If the application was otherwise considered to be acceptable, this could be secured by condition.

Recommendation: Refuse planning permission for the following reasons-

1. The proposed roof extension, by reason of its detailed design, bulk, massing, height, materials and undue prominence, would compromise the form, character and appearance of the host building and would thus harm the character and appearance of the streetscene and Belsize Conservation Area, contrary to policies D1 (Design) and D2 (Heritage) of the London Borough of Camden Local Plan 2017.
2. In the absence of detailed drawings of the proposed solar PV panels, it has not been adequately demonstrated that the proposed development would minimise the effects of climate change or meet the highest feasible environmental standards, contrary to policy CC1 (Climate change mitigation) of the London Borough of Camden Local Plan 2017.
3. The proposed development, in the absence of a legal agreement to secure a contribution to affordable housing, would fail to maximise the contribution of the site to the supply of affordable housing in the borough, contrary to policies H4 (Maximising the supply of affordable housing) and DM1 (Delivery and monitoring) of the London Borough of Camden Local Plan 2017.
4. The proposed development, in the absence of a legal agreement securing a Construction Management Plan, implementation support fee and Construction Impact Bond, would be likely to give rise to conflicts with other road users and be detrimental to the amenity of the area generally, contrary to policies A1 (Managing the impact of development), T4 (Sustainable movement of goods and materials) and DM1 (Delivery and monitoring) of the London Borough of Camden Local Plan 2017.
5. The proposed development, in the absence of a legal agreement to secure the new dwellings as "car-free", would be likely to contribute unacceptably to parking stress and congestion in the surrounding area, contrary to policies T2 (Parking and car-free development) and DM1 (Delivery and monitoring) of the London Borough of Camden Local Plan 2017.

**APPENDIX B – London Borough of Camden Housing Delivery Test - Action Plan
dated August 2022**

London Borough of Camden Housing Delivery Test - **Action Plan**

August 2022

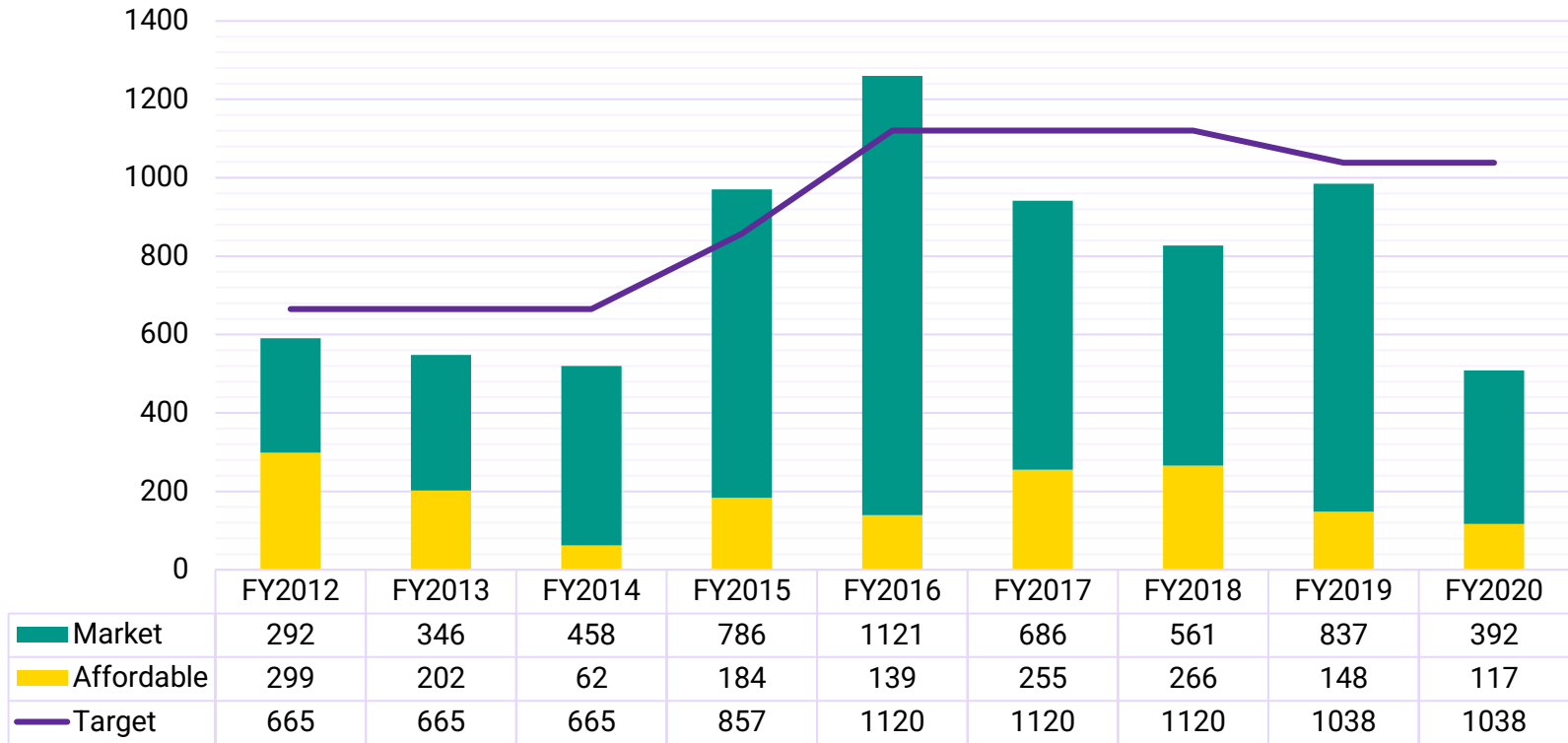
Between 2018/19 and 2020/21 –
We had a target of
2891 new homes to
be built in Camden.
2202 were
delivered.



The Housing Delivery Test (HDT) is an annual measurement of housing delivery in the area of relevant plan-making authorities introduced by the government. In 2021, the measurement for Camden was **76%*** - which means that Camden has to produce an action plan and apply a 20% buffer to our 5 year housing land supply.

This action plan identifies the main issues that have affected delivery rates in Camden over the last 3 years and sets out a series of actions that the authority is, or will be, undertaking to try to address them and boost housing delivery within the borough.

*proportion of homes delivered compared to the target



This graph shows the total number (net) of self-contained dwellings completed between 2012/13 and 2020/21. This has then been broken down to show how many market and affordable units were delivered in each financial year. Figures for 2021/22 were not available at the time that the action plan was published.

Format of the action plan

1. Understanding Camden

Sets out information about what Camden is like as a place and some of its challenges and opportunities

3. Delivering new homes

Provides information about the Council's Community Investment Programme as well as outlining some of the delivery challenges that may need to be overcome once permission is granted.

2. Planning in Camden

Explores the development context in more detail including documents within the Development Plan and statistics relating to decision making.

4. Review and next steps

Sets out key actions that the Council will be undertaking over the next 12 months.

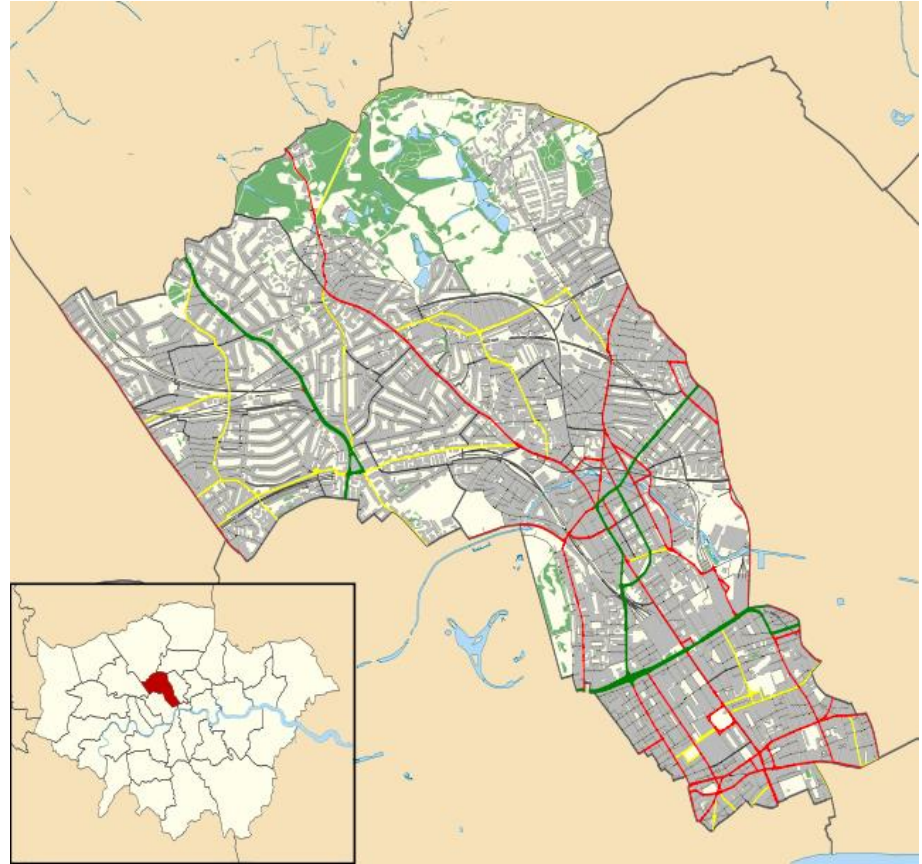
1. Understanding Camden



Camden is a borough of immense contrast and diversity. The borough is home to almost a quarter of a million people, a third of a million jobs, and a diverse spectrum of people and places compacted into 22 sq km of central London

Business centres such as Holborn, Euston and Tottenham Court Road contrast with attractive residential districts such as Hampstead and Highgate, thriving Belsize Park, the open spaces of Hampstead Heath, Parliament Hill and Kenwood, the youthful energy of Camden Town, subdivided houses in Kentish Town and West Hampstead, as well as areas of relative deprivation.

The 2021 Census shows that Camden has a resident population of 210,100. Camden has the 6th largest population churn in the UK, due to large migration in and outflows. In the year to mid-2020, ONS estimates total migration inflow to Camden of 41,100 people, a total outflow of 32,600, with the net effect of an additional 8,500 people. A sizeable proportion of movement is the annual transfer of students to/from Camden, both internationally and within the UK.



Camden is a very attractive place to live, which in turn has an impact on the cost of living. The cost of housing in Camden is the third highest in the country. The average house price being £895,902 in September 2021 – 3.2 times the average price for England & Wales and 1.8 times the average price for London. As a result, affordable housing is often cited in Camden's residents' surveys as the factor most in need of improvement in the borough.

At March 2022 there were 7,017 households on the Council's Housing Waiting List of which 67% are showing as living in overcrowded conditions.

In Camden we want to make sure that new homes being built in the borough address the needs of people who have less choice over housing options first. Affordable housing products, especially larger units, can have an influence on a scheme's viability and in certain situations, particularly on commercial schemes, the Council has sought a lower overall number of new homes on a site to secure a greater percentage of affordable units to better address the housing needs of local people.

Every part of Camden has areas of relative affluence alongside areas of relative poverty. The gap in healthy life expectancy between the poorest and richest parts of the borough is too wide – poorer citizens have a significantly shorter life expectancy than those who are better off.

Camden has one of the most dynamic economies in the UK and is home to many global businesses and academic/public institutions. Camden is home to the second highest number of businesses in London after Westminster and is 3rd highest in the UK. There were 37,680 businesses registered in Camden in 2021, a growth of 56% since 2008 and a 2.4% increase on 2020.



Knowledge Quarter Innovation District and key development sites

Camden's geographic position in central London, and the business environment developed, have enabled it to become one of the most important business locations in the country. Revised ONS estimates of Gross Value Added (GVA) show that Camden added £34.4bn to the national economy in 2018, an increase of 93% on 2008, growing faster than Central London (54%), Greater London (45%) or UK (34%).

Geographically, 60% of jobs are located south of Euston Road; almost a quarter (24%) are concentrated in the central Camden Town/ Euston/Regent's Park/Somers Town areas, while the remainder of Camden's jobs (16%) are scattered across town centres and employment sites in north and west Camden including Hampstead, Kentish Town and Swiss Cottage.

Camden's role as a key employment destination and as home to the Knowledge Quarter Innovation District means that when larger development sites come forward there is pressure for those sites to be used for employment rather than housing.

Camden has a rich architectural heritage, almost 50% of the land area falls within a conservation area, recognising their architectural or historic interest and their character and appearance. In addition to the large number of heritage assets there are over 280 designated public and private spaces. These spaces are critical to sustainability and wellbeing providing places to relax, socialise, enjoy sport and take part in physical exercise.

CONSERVATION AREAS &
ARTICLE 4 DIRECTIONS HERITAGE AND CONSERVATION
NEIGHBOURHOOD PLANS

You can check if your property is listed or in a conservation area on the Council website [here](#) or type in Conservation Areas in the search bar on the website.

CONSERVATION AREAS

-  Conservation Area
-  Conservation Area with Article 4

1. Alexandra Road Estate
2. Bertholmew Estate
3. Besize
4. Bloomsbury
5. Camden Broadway
6. Camden Square
7. Camden Town
8. Charlotte Street
9. Dartmouth Park
10. Denmark Street
11. Elsworthly
12. Etton
13. Fitzjohns/Netherhall
14. Fitzroy Square
15. Hampstead
16. Hanway Street
17. Harwood Street
18. Hatton Garden
19. Highgate
20. Holly Lodge Estate
21. Inkerman
22. Jeffreys Street
23. Kelly Street
24. Kentish Town
25. Kings Cross/ St. Pancras
26. Kingsway
27. Mansfield
28. Parkhill and Upper Park
29. Primrose Hill
30. Priory Road
31. Redington/Frogna
32. Regent's Canal
33. Regent's Park
34. Rooster

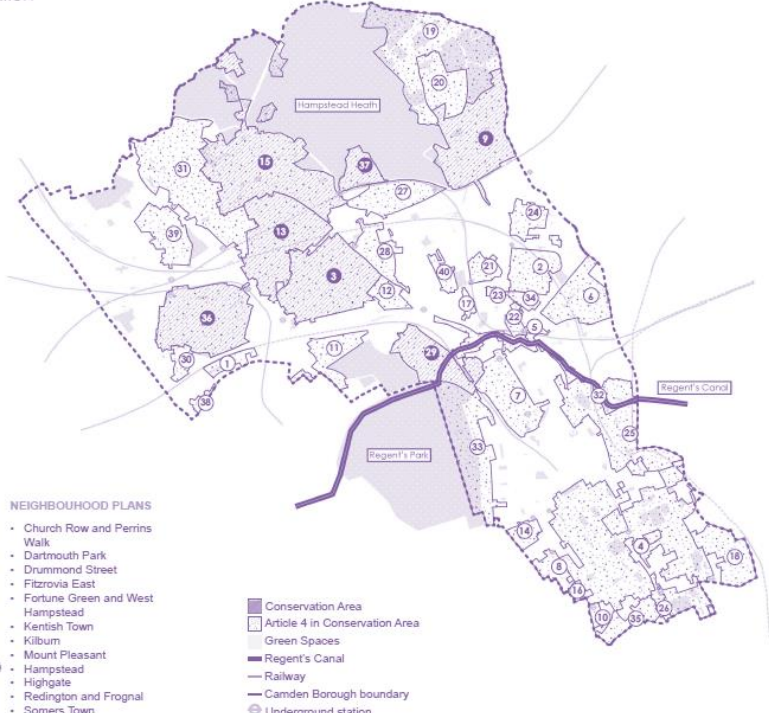
35. Seven Dials Estate
36. South Hampstead (formeley Swiss Cottage)
37. South Hill Park Estate
38. St. John's Wood
39. West End Green
40. West Kentish Town

Article 4

9. Only for no. 33 York Rise
13. Only for the Cottage no.
37. Only for nos. 32-56 (even) and 72-80 (even) South Hill Park
- 67 Fitzjohns Avenue

NEIGHBOURHOOD PLANS

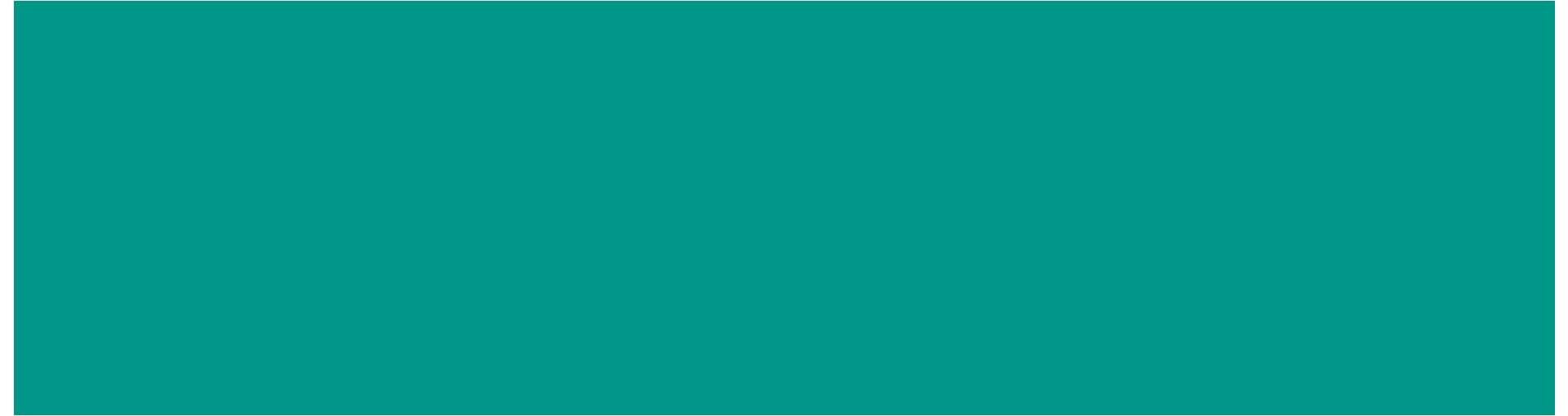
- Church Row and Perrins Walk
- Dartmouth Park
- Drummond Street
- Fitzrovia East
- Fortune Green and West Hampstead
- Kentish Town
- Kilburn
- Mount Pleasant
- Hampstead
- Highgate
- Redington and Frogna
- Somers Town



Camden also has large areas of Metropolitan Open Land (MOL) which is important to the whole of London, as well as the Borough, and provides attractive, visual breaks to the built-up area, keeping land permanently open. This designation is broadly equivalent to the Green Belt.

The cumulative impact of historic and environmental development considerations in Camden has an impact not only on the total number of development sites likely to come forward but also on options for their potential redevelopment. The Council knows that sites in the borough need to work harder in terms of delivering more but this needs to be balanced against safeguarding the amenity of residents; the environment; heritage and other characteristics that make a place special.

2. Planning in Camden



Camden's Development Plan



There are a number of plan documents that need to be taken into consideration when assessing developing proposals including the Camden Local Plan 2017 and London Plan 2021. Other plan documents adopted by the Council include:

- Site Allocations Plan 2013
- Fitzrovia Area Action Plan 2014
- Euston Area Plan 2015

Since the Site Allocations Plan and the Euston Area Plan were adopted there have been a number of changes to the planning context and local priorities, as such both Plans are currently in the process of being reviewed and updated by the Council.

There are also currently 7 made Neighbourhood Plans in the borough – the most in London – with more being prepared.

Camden Local Plan 2017

The Camden Local Plan was adopted by the Council in July 2017. The Local Plan is the key strategic document in Camden's development plan. It provides the basis (with other statutory development plan documents) for the Council's planning decisions and sets the framework for future development in the borough allowing the Council to manage Camden's growth to enable the delivery of its priorities and meet the needs of residents and businesses. Policy H1a in the Plan recognises self-contained housing as the priority land use in Camden.

The Plan also sets out a series of ambitious policy requirements to encourage additional homes to be provided as part of mixed use schemes and maximise the number of affordable homes being provided in the borough. Policy H2 for example requires 50% of all additional floorspace over 200sqm to be developed as self-contained housing where it meets set criteria within the Central London Area and designated centres.

There is a legal requirement for all policies in local plans and spatial development strategies to be reviewed at least once every five years to assess whether they need updating, and to then update them as necessary. The assessment should include consideration of changes to local circumstances and national policy. The Council has commenced an update of the Camden Local Plan, with initial public engagement on the Local Plan review envisaged to take place at the end of 2022.



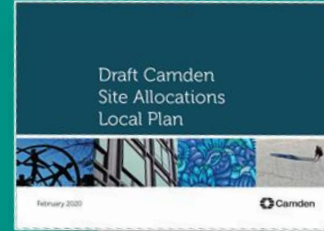
The Council has adopted a suite of supplementary planning documents alongside the Local Plan. These documents set out further detail about how the policies in the Plan should be applied. In March 2022 the Council adopted a Planning Statement on the Intermediate Housing Strategy and First Homes and in January 2021 the Council updated the Camden Planning Guidance document for Housing. The update increased Payment in Lieu (PiL) rates for offsite affordable housing and market housing (Policies H2 and H4) and provided more flexibility for off-site provision to reduce reliance on PiL.

Site Allocations Plan Review

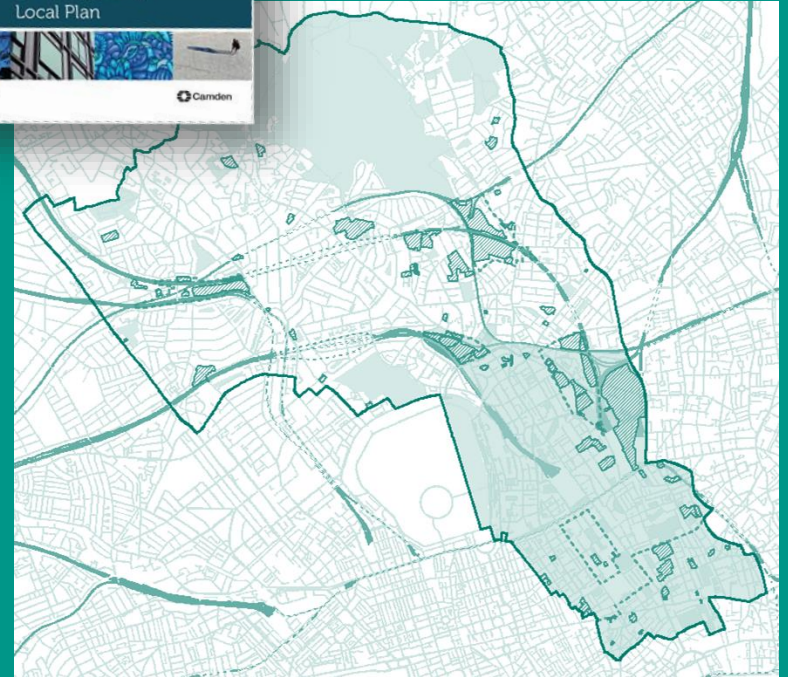
The new Site Allocations Local Plan builds on Camden's existing Development Plan by setting out policies for how identified areas/sites should be developed in the future. Each policy is unique so that it can respond to local and site specific issues and opportunities. Policies set out things like proposed land uses, key design considerations and how many homes the site should deliver.

In preparing the Site Allocations Local Plan the Council identified and assessed over 220 sites. The majority of sites discounted through the assessment process had either recently been developed (or were due to be completed soon) or had an anticipated capacity (net gain) of less than 10 residential units or a 1000sqm employment floorspace.

The emerging plan allocates over 90 individual development sites throughout the borough. Consultation on the draft Site Allocations Local Plan took place in Spring 2020, with further engagement undertaken in December 2021/January 2022. The Council now intends to progress the Site Allocations Local Plan alongside the Local Plan review.



Map showing development sites and areas in Camden for more please visit:
www.camden.gov.uk/site-allocations



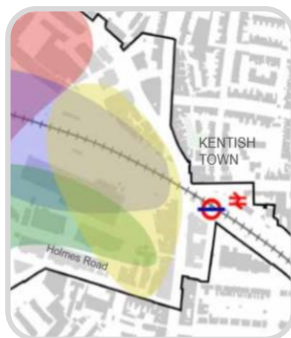
In total the plan identifies land for over 10,000 new homes (although it should be noted that some of the allocated sites in the plan already have planning permission).

Area Frameworks

Over the last few years the Council has been preparing a number of supplementary planning documents to help bring forward development in the boroughs designated growth areas.

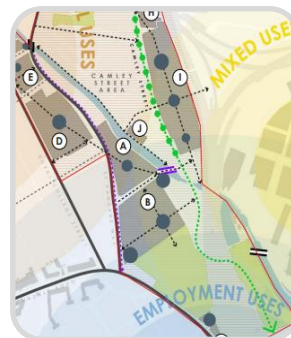
These frameworks set out a range of design/planning principles and infrastructure requirements. Local stakeholders such as residents, businesses and landowners are/have been involved in the preparation of the framework documents to ensure that principles set out within them are appropriate.

Area frameworks are a material consideration and have been used to help shape pre-application discussions and planning applications.



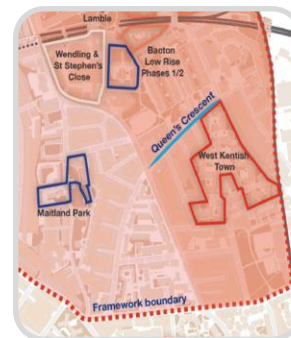
Kentish Town Planning Framework

- Adopted in July 2020
- Now a material planning consideration



Canalside to Camley Street SPD

- Adopted as an SPD in Nov 2021 following extensive community engagement.
- Now a material planning consideration.



Gospel Oak to Haverstock Community Vision

- Early engagement kicked off in autumn 2020.
- Consultation on the draft Vision took place at the end of 2021 and finished in Jan 2022.
- The draft Vision is now being updated and the final Community Vision is expected to be adopted as an SPD in autumn 2022.



West End Lane to Finchley Road SPD

- Adopted as an SPD in Sept 2021 following extensive community engagement.
- Now a material planning consideration.

Euston Area Plan

Strategic Principle EAP1 in the 2015 Euston Area Plan states that between 2,800 and approximately 3,800 additional homes along with the provision of appropriate replacement homes across the plan area in a mix of unit sizes. The Plan also states that at least 75% should be provided as permanent self contained homes.

The screenshot shows the Euston Engagement Hub website. At the top, there is a navigation bar with the Camden logo, 'Euston Engagement Hub', 'Latest news', and a 'Menu' icon. The main heading reads 'Welcome to the Euston Engagement Hub'. Below this, a sub-heading says 'We want Euston to be more than just a station, share your views to help improve your neighbourhood in Euston.' There are two buttons: 'Have your say' and 'Learn more about the projects at Euston'. The page features three main content blocks: 1. 'Euston engagement map' with a map and the text 'What matters to you at Euston? Use our map to show us where and why.' 2. 'Euston Area Plan (EAP) review' with an image of a building and the text 'We are preparing to review the Euston Area Plan and want to provide an opportunity for you to share your thoughts on a range of topics.' 3. 'How can we support you with engagement?' with an image of people and the text 'Due to the COVID-19 outbreak it is harder to meet with you face-to-face, so we are trying new ways to get your community involved.'

Euston Area Plan Review:

The Euston Area Plan (EAP) is the key planning document for Euston. The plan was jointly developed by Camden Council, the Greater London Authority and Transport for London and adopted in 2015. A lot has happened since and in order to ensure that policies reflect up to date information, constraints, opportunities and local priorities we are undertaking a partial update to the EAP. Areas of the focus are:

- Viability and constraints
- Euston Station design
- Land use
- Sustainability
- Health and well-being

Decision making in Camden

The Planning Service at Camden work to an exceptionally high standard and consistently work pro-actively with applicants to secure high quality development that meets the aims and ambitions of the development plan and improves the economic, social and environmental conditions of the area.

Throughout the Covid-19 pandemic the Planning Service has worked hard to ensure that applications can continue to be determined and that pre-application discussions can still take place - including the use of video conference software to host planning committees and design review panels.

In quarter 1 of the 2022/23 financial year 775 applications and 76 pre-apps were submitted. This is a reduction on the 906 applications received in quarter 1 of the 2021/22 financial year and may be a reflection of the level of uncertainty in the economy at present.



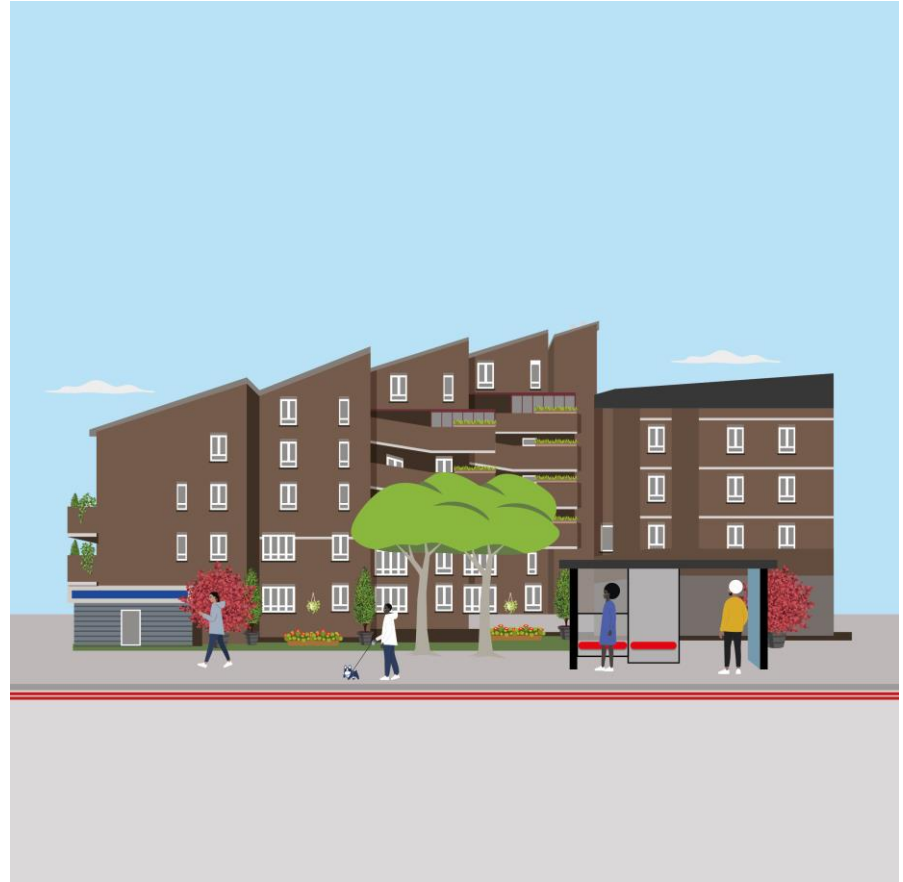
Local planning authorities should approach decisions on proposed development in a positive and creative way. They should... work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.



The number of dwelling units permitted in Camden has varied a lot over the last 10 years. In the years 2012/13 and 2014/15 the high number of new dwellings permitted is primarily due to schemes involving student accommodation¹ coming forward in the borough and a handful larger residential applications being taken forward by the Councils Community Investment Partnership (CIP) team. ¹ Historically student units used to equate to one dwelling in terms of delivery calculations but this has now changed. The current calculation is 2.5 non-self contained units = 1 dwelling.

In the last 4 years the number of new homes being approved has fallen below the number of new homes needed to meet our housing target. This is due to a number of factors including:

- Increased number of applications for non-residential uses coming forward outside of town centres and the Central Activities Zone (as well as inside)
- Larger growth sites taking longer to reach the application stage than expected
- Prioritising the delivery of affordable homes when negotiating new housing as part of a primarily commercial scheme (Local Plan Policy H4)



Planning obligations

The Community Infrastructure Levy (CIL) is a charge collected from new developments, which funds facilities such as:

- roads and transport
- education
- medical
- sport, recreation and open spaces

The CIL applies to all proposals which add 100m² of new floorspace or an extra dwelling. This includes bringing vacant buildings back into use. The amount to pay is the increase in floorspace (m²) multiplied by the rate in the CIL charging schedule.

Camden collects two types of CIL: the Mayoral CIL and the Camden CIL.

The Council adopted a new Community Infrastructure Levy Charging Schedule in 2020.



Having the right infrastructure provided at the right time is essential to supporting additional housing and ensuring that existing residents see the benefit of additional housing. Camden CIL is essential in helping to facilitate these infrastructure improvements. Camden CIL is spent as follows:

- 70% on strategic projects across Camden
- 25% on local projects
- 5% on administration costs

This approach is set out in more detail in the Council's Infrastructure Funding Statement, which is updated annually.

3. Delivering new homes



Potential delivery issues

Camden is a relatively built up borough in the inner London area and there are almost no greenfield site opportunities – other than some small scale infill sites on existing estates, which means that the vast majority of new development takes place on brownfield sites that are already in some form of use. Developing a brownfield site generally means that the initial site preparation stage of a development will take longer as existing uses may need to be moved to an alternative site/or a different part of the site to enable preparation works including partial/full demolition of buildings to take place.



There are also issues where larger development sites are in multiple ownerships or there are small pieces of land blocking a larger development proposal from coming forward.

Case Study

King's Cross is one of the largest and most exciting redevelopments in London. The 67-acre site has a rich history and a unique setting. What was an underused industrial wasteland is being transformed into a new part of the city with homes, shops, offices, galleries, bars, restaurants, schools, and even a university.

To date 1532 units have been either been completed or meaningfully commenced and there are still several development parcels to come forward with a reserved matters planning application.



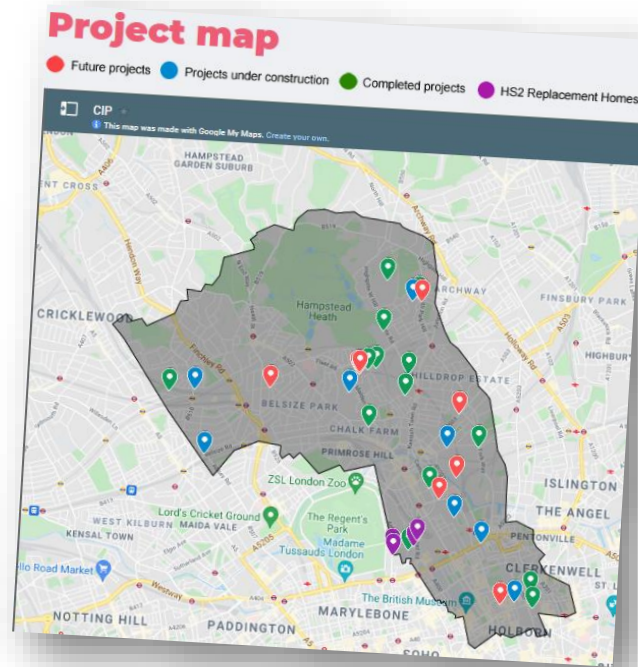
Community Investment Programme

The Community Investment Programme (CIP) is an ambitious plan by the Council to invest over £1 billion in homes, schools and community spaces in Camden. It's our answer to government spending cuts – an innovative way to continue to building in our communities despite massive reductions in central government funding.

Through the programme we're building 3,050 new homes, including 1,100 council homes and 300 at genuinely affordable Camden Living rents. We're also investing in 48 schools and children's centres and providing 9,000m2 of improved community space – the equivalent of 35 tennis courts.



CIP is helping to fund improvements to 22,500 existing council homes as part of the Council's Better Homes Programme. Each scheme is designed in partnership with residents and delivered directly by Council, this gives local people the chance to have their say and shape plans for their community.



To date we have built 1,160 new homes through CIP and have housed over 1,028 people, including 453 children.

We have built 618 council homes and Camden Living Rent homes for key workers and bought back 70 council homes through TAPP.

We've invested £165 million into schools and children's centres including the completion of three new primary school buildings. We've also built new community facilities like the St Pancras Community Centre and the Greenwood Centre - Camden's first Centre for Independent Living, run by disabled people, for disabled people. As well as refurbishing old hostels into state of the art accommodation and training facilities for homeless people.

In addition to CIP, we have built a further 99 council homes paid for by HS2, allowing tenants of blocks subsequently demolished by HS2 to move directly into right size new homes on the Regent's Park Estate and building an additional 33 council homes.

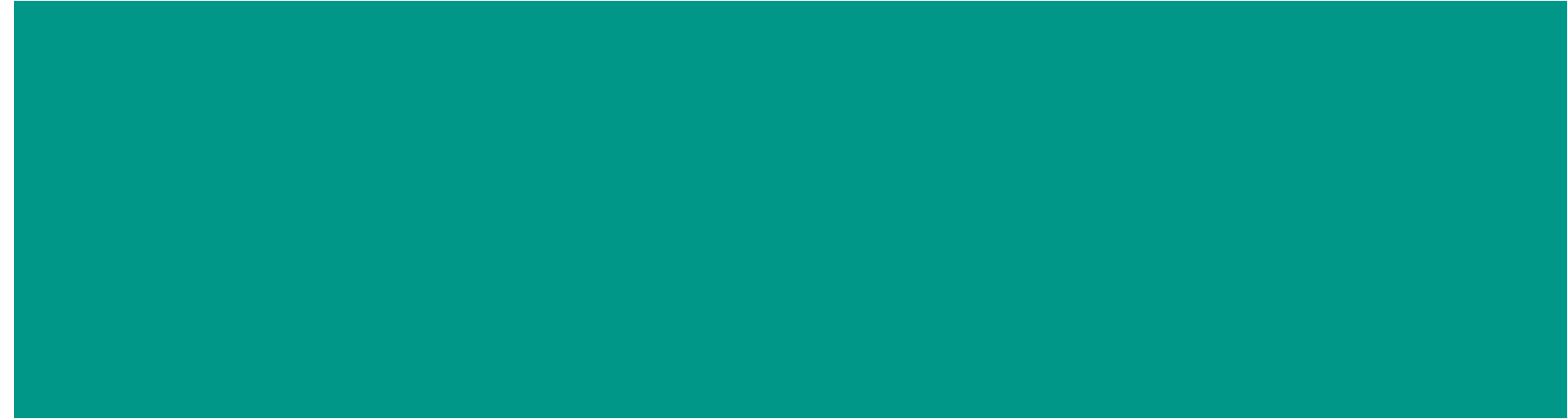


Camden Living Rent homes

The Council are currently in the process of building 300 Camden Living Rent homes to make it possible for teachers, nurses and local people earning around £30,000 to £40,000 to afford to rent in Camden. It's our way of helping people who may not qualify for a council home but who also struggle to afford the cost of renting or buying on the open market. These homes for lower rents help maintain Camden's mixed communities and provide greater security to tenants than the private rented sector.



4. Conclusions/Next steps

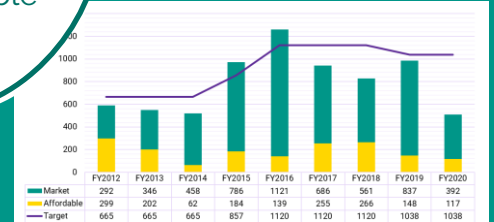


Main barriers to housing delivery in Camden

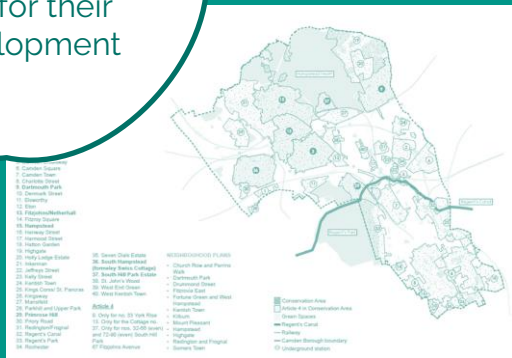
Competition for land against other more profitable land uses

The need to make sure that the types of **homes coming forward** are fit for purpose and meet needs

Availability of sites and scope for their redevelopment



Length of time taken for applications for larger scale development sites to come forward



Key actions	Timescale	Responsibility
Support the Community Investment Programme across DM, Planning Policy and Regeneration and Place to implement their ambitious programme of development in the borough	Ongoing	LB Camden Planning Service
Resist applications for commercial developments outside of the Central Activities Zone, Knowledge Quarter and designated town centres.	Ongoing	LB Camden Planning Service
Keep indicative capacities for development sites under review within emerging plan documents.	Ongoing	LB Camden Planning Service
Explore opportunities to use technology to monitor housing delivery and predict future completions more effectively.	Ongoing	LB Camden Planning and IT Services
Progress the review of the Camden Local Plan, the Site Allocations Local Plan and the Euston Area Plan.	Ongoing	LB Camden Planning Service
Use existing relationships and networks with landowners, developers and agents to gather market intelligence and identify potential barriers/challenges to housing delivery.	Quarterly	LB Camden Planning Service
Ensure that the planning service is suitably resourced (including specialists) so that comprehensive advice can continue to be provided in a timely way throughout the pre-application and planning application process.	Ongoing	LB Camden
Continue to make the case to the Government for greater support and funding to enable more local authority-led house building.	Ongoing	LB Camden
Explore opportunities to use our compulsory purchase powers as a way to accelerate the delivery of key housing sites.	Ongoing	LB Camden

Planning Policy and Implementation

London Borough of Camden

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London

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APPENDIX C – Suggested S106 heads of terms and justification

Affordable housing

Camden has a particularly large requirement for additional affordable homes, estimated by the Camden SHMA to be around 10,000 homes for the 15-year Plan period.

The provision of affordable housing is a policy priority in Camden and a priority of Government that is supported by Government policy as well as development plan policy. Policy H4 of the Local Plan seeks to maximise the supply of affordable housing in the borough. A contribution towards affordable housing is expected from all developments that provide one or more additional homes and involve a total addition to residential floorspace of 100 sqm GIA or more. The proposed development involves the creation of 7 additional homes and a total addition to residential floorspace of 616 sqm.

Targets are based on an assessment of development capacity whereby 100 sqm GIA of housing floorspace is generally considered to create capacity for one home and a sliding scale target applies to developments that provide one or more additional homes and have capacity for fewer than 25 additional homes, starting at 2% for one home and increasing by 2% for each home added to capacity. In this case the target is 12%.

Where development has the capacity for fewer than 10 additional dwellings, the Council will accept a payment-in-lieu of affordable housing. A rate of £5000 per sqm GIA is applied. On this basis the contribution would be as follows:

$$[\text{Additional residential floorspace (GIA)} \times 12\%] \times \text{£}5000$$

$$[616 \times 12 \% = 73.92] \times \text{£}5000 = \text{£}369,600$$

CPG Housing explains that the Council's payment-in-lieu rates are informed by 2019 research. The Council commissioned research to update the standard payment in lieu rates for housing and affordable housing for consistency with the Camden Local Plan Financial Viability Study October 2015.

The principle guiding payments-in-lieu of housing / affordable housing is that they should be value neutral in terms of their impact on the value of the development proposed on the application site. In other words, the value of the application site for a wholly non-residential / market housing development, following deduction of the required payment in lieu of housing / affordable housing, should be the same as its value for a development including a policy compliant percentage of housing / affordable housing. This principle is consistent with the London Plan, which indicates that payments-in-lieu should provide no financial incentive to the applicant relative to on-site provisions.

The CPG guides that applicants will need to submit a financial viability assessment to justify making a lower payment than required by the guidance. Payments-in-lieu of housing will be paid into the Council's affordable housing fund. Payments-in-lieu boost the funds available to the Council's Community Investment Programme, which is regenerating Council housing estates to create more and better affordable homes (including larger and more energy efficient homes), and so also contributes to enhanced health and wellbeing.

The payment-in-lieu meets the requirements of the CIL Regs insofar as: without the provision of affordable housing the development would be contrary to development plan policy and Government policy and it is therefore necessary to make the development acceptable in planning terms; the provision of affordable housing is directly related to the development; and the figure of £369,600 is fairly and reasonably related in scale and kind to the development.

Construction Management Plan and implementation support fee and construction impact bond

Policy T4 of the Local Plan promotes the sustainable movement of goods and materials and seeks to minimise the movement of goods and materials by road, and Policies A1 and A4 seeks to minimise the impact on local amenity from the demolition and construction phases of development.

Due to the nature of the proposed development (i.e. building atop an existing residential housing block on a constrained site in a built-up residential area), the proposal is likely to lead to a variety of amenity issues for local people (e.g. noise, vibration, air quality). The Council needs to ensure that the development can be implemented without being detrimental to amenity or the safe and efficient operation of the highway network in the local area. A Construction Management Plan (CMP) is therefore required, including a support contribution to cover the costs of Council staff time in reviewing, inspecting, monitoring and (if necessary) discussions to agree amendments and enforcement, and a Construction Impact Bond.

CMPs set out a package of measures and practices that are required to manage the impact of a scheme's demolition, excavation and construction works. Developers are required to identify any potential negative impacts within the CMP and must set out the mitigation measures required. The level of detail contained within a CMP should be proportionate to the scale and / or complexity of the development. To assist developers in providing the right information, the Council has created a CMP Pro-forma which is tailored towards the specific needs of the borough. The criteria in the Pro-forma are drawn from relevant aspects of Transport for London's (TfL) Construction Logistics Plans and follow TfL's construction safety best practice guidelines. Construction Logistics and Cyclist Safety scheme (CLOCS) standards and Camden's Minimum Requirements for Building Construction also form the basis for the Pro-forma criteria. The Pro-forma is available on the Council's website. The Council also expects developers to sign up to the Considerate Constructors Scheme and follow guidance within Camden's Considerate Contractors Manual.

Planning Practice Guidance (PPG) states that conditions requiring works on land that is not controlled by the applicant often fail the tests of reasonability and enforceability (PPG, Use of Conditions paragraph 009). Conditions can only lawfully be used to control matters on land within the developer's control, whereas many of the CMP provisions will relate to off-site requirements (e.g. traffic generation from removal and delivery of materials to the site which could result in traffic disruption and dangerous situations for pedestrians and road users). As such, a Section 106 Agreement (rather than a condition) is the most appropriate mechanism to secure a CMP. This is in accordance with the supporting text to Policy A1 of the Local Plan, which states that a CMP will usually be secured via planning obligation

(paragraph 6.16). It is considered more appropriate for the CMP to be secured via s106 obligation in the interests of legal certainty, and to ensure the CMP is enforceable.

The Council considers that the plan must be secured as a 'live' working document in order to remain acceptable / fully mitigate the impacts of development. This allows for the operator to make submissions and request amendments to the initially approved plan as and when matters arise that require attention rather than having to wait until pre-ordained review points. Conversely, should the Council be made aware of any issues relating to the CMP there is an expectation that amended arrangements should be agreed swiftly, without the need for a formal application to agree amendments. This flexibility and responsiveness is considered a key aspect.

A CMP implementation support contribution of £4,075.60 is also required to cover the costs of Council staff time in reviewing and approving the submitted CMP, the ongoing inspection and review of the plan during the construction works, and discussions to agree any amendments during the lifetime of the construction. This can take a large amount of time and this is a cost which should be covered by the developer who benefits from the planning permission rather than the tax payer. The amount of this contribution has been calculated to reflect the scale of the development and the complexity of the CMP. This level of contribution is explained on the Council's website.

In requesting the support contribution the Council has had regard to the decision in *Oxfordshire CC v Secretary of State for Communities and Local Government and others* [2015] EWHC 186 (Admin), however, that case was in relation to seeking monitoring expenses incurred in respect of one off payments made prior to commencement and which required no ongoing monitoring. The support fee requested in this instance relates to specific ongoing monitoring/management costs and so is in accordance with that case.

Construction activity can cause disruption to daily activities; however, a well-run site that responds to the concerns of residents can greatly improve the situation. Whilst most sites deal quickly and robustly with complaints from residents, and reinforce the requirements of the CMP with site operatives, there can be situations where this does not occur and officers in the Council are required to take action. CPG Developer Contributions states that: "In respect of developments raising particularly complex construction or management issues where the Council will have to allocate resources to monitor and support delivery of obligations the Council may require payment of an upfront financial bond which the Council can draw upon if needs be". The securing of a bond has received significant support, it fosters a confidence with residents that there is a clear incentive for contractors to abide by the CMP. The bond will be fully refundable on completion of works, with a charge only being taken where contractors fail take reasonable actions to remediate issues upon notice by the Council. In this case a Bond of £7,500 is sought, which is the standard amount for "low impact / small developments" (e.g. below 10 dwellings).

The CMP requirements comply with the CIL Regulations as they ensure that the development is acceptable in planning terms to necessarily mitigate against the transport impacts of the development. They are also directly related to the development and fairly and reasonably related in scale and kind as they relate to managing impacts to neighbours and on the surrounding highways from construction at the site.

Car-free housing

It is intended that the new flats would be secured as car-free, restricting future occupiers from obtaining on-street parking permits.

The roads adjoining the site are within Camden Council's controlled parking zone (CPZ) "CA-B Belsize", which operates Monday to Friday 0900-1830 and Saturday 0930-1330.

The Council's car free policy is not merely aimed at reducing parking stress and traffic congestion. It plays a fundamental part in our efforts to address air quality problems in the borough by encouraging a reduced reliance on motor vehicles. It also plays an important part in our efforts to encourage active and healthy lifestyles by encouraging and promoting trips by sustainable modes of transport. This includes walking and cycling, in addition to public transport. Walking and cycling helps to improve the health and wellbeing of people who live and/or work in and/or visit the borough.

Policy T2 (Parking and car-free development) of the Local Plan states that the Council expects all new development to be car free. This means no car parking spaces should be provided within the site (other than essential spaces) and that occupiers are not issued with on-street parking permits.

A planning obligation is considered the most appropriate mechanism for restricting access to parking permits as it relates to matters outside of the development site and the level of control is considered to go beyond the remit of a planning condition. Further, use of a Section 106 obligation, which is registered as a land charge, is a much clearer mechanism than the use of a condition to signal to potential future purchasers of the property that it is designated as car free and that they will not be able to obtain a parking permit. This part of the legal obligation stays on the local search in perpetuity so that any future purchaser of the property is informed that residents are not eligible for parking permits.

Furthermore, the Section 106 legal agreement is the mechanism used by the Council to signal that a property is to be designated as "Car Free". The Council's control over parking does not allow it to unilaterally withhold on-street parking permits from residents simply because they occupy a particular property. The Council's control is derived from Traffic Management Orders ("TMO"), which have been made pursuant to the Road Traffic Regulation Act 1984. There is a formal legal process of advertisement and consultation involved in amending a TMO. The council could not practically pursue an amendment to the TMO in connection with every application where the additional dwelling (or dwellings) ought properly to be designated as car-free. Even if it could, such a mechanism would lead to a series of disputes between the council and incoming residents who had agreed to occupy the property with no knowledge of its car-free status. Instead, the TMO is worded so that the power to refuse to issue parking permits is linked to whether a property has entered into a "Car Free" Section 106 Obligation.

The Council has also carefully reviewed the decisions of Westminster City Council v SSCLG and Acons [2013] and R (Khodari) v Kensington and Chelsea Royal London Borough Council [2017]. In those cases, the planning obligation was found not to comply with the strict terms of s106(1) of the Town and Country Planning Act 1990. This can be distinguished from Camden's wording, which relates the car free obligation to a restriction on the use of the development in a specified way (i.e. not to occupy the development when holding a

parking permit). The Council's view is therefore that the wording of its car free obligation falls within S106(1). Further, the Council's wording is fair and reasonable as anyone in breach would simply need to relinquish their permit to comply with the terms of the planning obligation. In any case, the obligation is also to be made pursuant to Section 16 of the Greater London Council (General Powers) Act 1974 and so the car free restriction will also be secured under that section, as referred to in the *Khodari* decision.

The site is adequately accessible by public transport to ensure that future residents could sustain a car-free lifestyle, reliant on sustainable modes of transport without undue disruption. The Council therefore considers that securing the car free provisions are necessary, directly related, and fairly and reasonably related in scale and kind to the development and can only be dealt by way of planning obligation.