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# Appeal Statement of Case

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Erection of an additional storey to 2 mews buildings

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Units 8-9 Pratts Mews, Camden, London, NW1 0AD

**Planning Application Reference Number**

**2023/0446/P**

Appeal Statement

Unit 7, Hawthorn BP, 165 Granville Road, NW2 2AZ

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### **1. Introduction**

- 1.1 Dimensions Planning have been instructed by the appellant, Mr Leo Kauffman to submit a planning appeal in response to the LB of Camden Council's decision to refuse planning permission (reference 2023/0446/P) under delegated powers. The description of development on the decision notice is for a "Erection of an additional storey to 2 mews buildings".
- 1.2 This appeal statement should be read alongside the submitted forms and the suite of plans. This statement (grounds) will set out the policy compliance of the proposed development having regard to the National Planning Policy Framework and the relevant Development Plan Policies.

### **2. The Site and Surroundings**

- 2.1 The appeal site is formed of two buildings, No 9 and No 8 on Pratts Mews, a modest single entry Mews off Pratts Street. Both buildings are three storey located to the end of the Mews and back on to the east/rear of properties fronting Camden High Street. The site is within the designated Camden Town Conservation Area. The site is highly sustainable and well served by public transport.

### **3. Relevant Planning History**

#### **3.1 Address – 8 Pratts Mews**

Reference – 2006/1716/P

Description – Erection of a mansard roof extension and additional storey to the front of No 8 to provide a 1 x 1 bed flat and studio at second floor.

Decision – Granted 29-09-2006

#### **3.2 Address – 1- Pratts Mews**

Reference – 2016/5942/P

Description - Erection of roof extension to create second floor level, with associated Installation of rooflights and alterations to rear elevation to office building (Class B1).

Decision - Granted 03-02-2017

#### **3.3 Address – No 78 Camden High Street**

Reference – 2014/3469/P

Description - Conversion of upper floor levels (C3) above existing shop (A1) and 2 x 1 bed flats including a part three and part two storey rear extensions with communal amenity space at roof.

Decision – Granted 30-05-2014

#### **3.4 Address – No 14/15 Pratts Mews**

Reference – 9003354

Description – Erection of additional storey at third floor level for use for purposes within Class B1

Decision – Granted 05-09-1990

#### **3.5 Address – 1-6 Regents House Pratt Mews**

Reference – 2013/7739/P

Description - demolition of existing building and erection of a 3 storey mixed use building including office (B1a) at ground floor level and 1x 1 bedroom studio unit , 5 x 2-bedroom and 2 x 3-bedroom self-contained flats (Class C3) on upper floors

Decision – Granted 12-02-2015 Subject to legal agreement

#### **4. Background to the Appeal:**

4.1 The planning application to which the appeal relates was validated by the London Borough of Camden on the 20<sup>th</sup> March 2023. The planning application form described the development as “the development scheme seeks the erection of a single storey mansard roof extension”. The Local Planning Authority (Camden) subsequently changed the description to “Erection of an additional storey to 2 mews buildings”. No agreement or request was sought by the council for the change of description. In addition, the planning application was not backdated to the date of submission.

4.2 The planning application was refused based on two (2) refusals reason:

(1) The proposed development, by reason of its size, bulk, and location would be an incongruous and dominant addition which would harm the character and appearance of the host building and the mews terrace of which it is part, causing harm to the significance of this part of the Camden Town Conservation Area contrary to policies D1 (Design) and D2 (Heritage) of Camden's Local Plan 2017.

(2) The increased enclosure of properties to the rear would have a detrimental impact on neighbouring light levels, outlook, privacy, and sense of enclosure, which cumulatively would cause harm to the amenity of nearby properties, contrary to Policy A1 (Managing the impact of development) of the Camden Local Plan 2017.

4.3 The Appeal statement (grounds) will challenge the Council's decision to refuse the planning application, by refuting the reason for refusal and demonstrate that the proposal complies with adopted planning policy.

#### **5. Planning Policy Context**

The Local Development Framework for the appeal application is as follows:

- NPPF (2021)
- London Plan (2021)

- Camden Local Plan (2017) Home improvements, Amenity and Design Planning guidance SPD (Adopted 2021)
- Camden Town Conservation Area Appraisal and Management Strategy (2007)

### National Planning Policy Framework (NPPF) 2021

- 5.1 The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.
- 5.2 The National Planning Policy Framework (NPPF) was adopted July 2021. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth. Section 11 of the NPPF provides guidance in relation to making effective use of land, with Paragraph 121 stating that “Local planning authorities, and other plan-making bodies, should take a proactive role in identifying and helping to bring forward land that may be suitable for meeting development needs, including suitable sites on brownfield.
- 5.3 The NPPF states that “good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities ... being clear about design expectations, and how these will be tested, is essential for achieving this”. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.
- 5.4 The determination of planning applications is judged against National Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise,

and that the planning system does not exist to protect the private interests of one person against another.

5.5 The Local planning Authority relies heavily on Policies D1 (Design) and D2 (Heritage) in the assessment of refusal reason one. Refusal reason two is solely on Policy A1 (Managing the impact of development).

5.6 Policy A1 (Managing the impact of development)

The Council will seek to protect the quality of life of occupiers and neighbours.

We will grant permission for development unless this causes unacceptable harm to amenity. We will:

a. seek to ensure that the amenity of communities, occupiers and neighbours is protected;

b. seek to ensure development contributes towards strong and successful communities by balancing the needs of development with the needs and characteristics of local areas and communities;

c. resist development that fails to adequately assess and address transport impacts affecting communities, occupiers, neighbours and the existing transport network; and

d. require mitigation measures where necessary.

The factors we will consider include:

e. visual privacy, outlook;

f. sunlight, daylight and overshadowing;

g. artificial lighting levels;

h. transport impacts, including the use of Transport Assessments, Travel Plans and Delivery and Servicing Management Plans;

i. impacts of the construction phase, including the use of Construction Management Plans;

j. noise and vibration levels;

k. odour, fumes and dust;

l. microclimate;

m. contaminated land; and

n. impact upon water and wastewater infrastructure.

- 5.7 Policy D1 (Design) expects the following criteria to be achieved
- a. respects local context and character;
  - b. preserves or enhances the historic environment and heritage assets in accordance with Policy D2 Heritage;
  - c. is sustainable in design and construction, incorporating best practice in resource management and climate change mitigation and adaptation;
  - d. is of sustainable and durable construction and adaptable to different activities and land uses;
  - e. comprises details and materials that are of high quality and complement the local character;
  - f. integrates well with the surrounding streets and open spaces, improving movement through the site and wider area with direct, accessible and easily recognisable routes and contributes positively to the street frontage;

## **6. Grounds for Appeal**

- 6.1 For avoidance of doubt the two (2) matters in dispute between the appellant and the Local Planning Authority are the impact on the character of Pratts Mews, the significance of the conservation area and the perceived harm in regard to loss of outlook and light to occupiers of flats on the upper floors of Camden High Street. The officer delegated report seeks to justify the two reasons for refusal and is referred to within this appeal statement.

### **Impact on design and Heritage (Refusal Reason 1)**

- 6.2 The delegated officer report gives significant weight and relies heavily on the adopted Camden Town Conservation Area Appraisal and Management Strategy (CTCAA) (2007) to justify the harm of the development to the Camden Town conservation area and Pratts Mews setting. While the Camden Town conservation area appraisal (CTCAA) is a material consideration, the contents of which is guidance and the assessment was undertaken and adopted 16 years ago. Since the adoption of the CTCAA appraisal the immediate Pratts Mews has undergone significant changes and redevelopment. To a great extent the

Camden Town conservation area appraisal has been superseded by precedent developments on Pratts Mews and lacks a current or updated version to take account of the physical changes to Pratts Mews and the wider location. To this end, the apparent default stance from the LPA whereby developments over two storey, which according to the LPA caters for, and includes two storey buildings with mansard roofs should be refused.

- 6.3 The upward mansard projection and reformation of the existing mansard floor to create a flush brick elevation would continue the natural progression of Pratts Mews which is located towards the end of the Mews. The site of No 9 is identified as a building of positive contribution and therefore appropriate protection is applied to the building to conserve and enhance the conservation area. Importantly, the appeal site was approved for the existing mansard roof extension post the adoption of the CTCAA and as such, the identification of the appeal site as a positive contributor was not a restriction to upward development. A similar agreement can be made for the historic (now lapsed) approval on No 10 Pratts Mews.
- 6.4 The delegated report concludes in Para 3.12,
- 6.5 ...“the principle of an additional storey on the two existing mews buildings is not considered to reveal or enhance the character and appearance of the mews or the wider conservation area, rather it is considered to upset the modest scale which is fundamental to the humble nature and typology of a mews. Overall, the proposal is considered to harm the character and appearance of the host buildings, the mews of which they are part and the wider conservation area. The harm to the significance of the conservation area is less than substantial. The proposal is therefore contrary to Policies D1 (Design) and D2 (Heritage) of the Camden Local Plan 2017”.
- 6.6 The two storey buildings between 13-10 (inclusive) provide the “*predominantly two-storey buildings give the narrow passages their special scale*” and create the special character of the Mews. The appeal site No 10 Pratts Mews would not harm the Mews and Camden Town conservation area by the upward projection.



- 6.7 The planning weight assigned to the positive group of properties 9, 10, 11, 12, and 13 is based on the visual context of Pratts Mews prior to upward mansard extensions at No 9 Pratts Mews or the other identified sites on Pratts Mews (see site history). The designation of the positive buildings was part of 2007 Camden town appraisal document which is now largely out of date due to the recent historic development. The proposed mansard roof extension is appropriate for the location and would not harm the views along the roof tops of the Mews which in any event are not identified in the CTCAA as protected vistas. The proposed mansard roof extension would not harmfully disrupt the visual integrity of the Mews and on balance would not be against the aspirations and content of core planning policies in the Camden Local Plan (2017) policies D1 (Design) and D2 (heritage)

### **Neighbouring Amenity impact (Reason 2)**

- 6.8 The rationale for the LPAs refusal on amenity grounds was based on the proximity of the mansard roof extension to the rear windows of flats on Camden High Street (none of the units were identified by name in the delegated report) in terms of outlook, enclosure and loss of light. The delegated report identifies the fact two glazed access doors to the rear facades of No 8 and No 9 are currently located on the level below that to which the proposed mansard roof is proposed. Nevertheless, the LPA contend the dormers would “look directly across towards habitable windows, and thus overlook, at close range in the case of no 9, is increased” (Para 4.3 of delegated report).
- 6.9 The delegated report makes the statement “any additional storey to nos 8 and 9 Pratt Mews would be considered to further exacerbate an undue sense of enclosure to those facing into the space between the taller buildings in a way which is considered harmful to amenity of the surrounding properties”. Such a stance and statement lack’s pragmatic flexibility in terms of the design of development and utterly fails to adequately address the defined harm to the flats on Camden High Street, not once mentioning the name or identified windows under consideration.

- 6.10 The site is within a high urban grain location is subject to mutual overlooking which is a character feature of the built environment. In addition, significant weight must be applied to the existing content of the first floor rear balconies and the existing cumulative impact of the mansard extension on the neighbouring amenity.

### **Other matters**

- 6.11 The planning application was significantly delayed and was part of Camden's Backlog of submissions. Following numerous requests for confirmation if the assigned planning officer had visited the site, it was finally confirmed by the council (Bethany Cullen) no one had visited the site. The failure to undertake this statutory duty and see the site in context is a fundamental concern and should be considered within the wider appeal by the inspector. The response is provided in Appendix C

## **7. Conclusion**

- 7.1 The council's assessment of the proposed mansard roof extension being disruptive and harmful to the conservation area, mews and neighbouring amenity fails to consider the significant upward development to date on Pratts Mews. The LPA have relied on the outdated CTCOA to make assessment of the proposed developments impact in terms of character and built impact. The CTCOA has largely been superseded by developments on Pratts Mews to date. A pragmatic and balanced approach must be undertaken to the impact of the mansard on the adjacent neighbouring amenity levels, opposed to the somewhat default refusal reason by the LPA in regard to neighbouring outlook which is already of limited merit and quality.
- 7.2 Planning balance has not been appropriately applied in favour of development in this regard. The application accords and is compliant with National Planning Policy Framework (NPPF) and does not conflict with relevant policies contained within the adopted Ealing planning policy framework. For the reasons noted in this statement the inspector is respectfully requested to allow the appeal and to grant planning permission.

**Appendix A**      Officer's Delegated Report

**Appendix B**      Decision Notice

**Appendix C**      Site visit correspondence

**Appendix C** - The officer did not attend the site and confirmed by email correspondence

Dear Mr Kaufman,

Thanks for your emails which have been forwarded to me by Miriam Baptist who works within my service.

I understand that your planning application for the erection of an additional storey to 8-9 Pratt Mews (Ref: 2023/0446/P) was refused planning permission on 28<sup>th</sup> April 2023. You are concerned that the application was refused by officers without discussion with you and it is your view that the Council has not sought to work with you in a positive and proactive way as required by the National Planning Policy Framework.

Paragraph 38 of the National Planning Policy Framework (2021) states:

*Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and 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.*

My reading of this paragraph is that local authorities should seek to facilitate development (as opposed to trying to prevent development) where possible and use all the tools available to them to do so. It does not mean local planning authorities should seek to negotiate on all planning applications to ensure that planning permission can be granted (although I would say Camden do far more to try and meet this objective than most). As you are aware we do normally allow for amendments to be made to schemes where we feel it those changes will allow us to support an application. This is why our approval rate is so high, for Q4 2022/23 it was 93%.

In this case the concerns regarding your scheme were ones of principle. We did not feel that the scheme could be amended to overcome the concerns we had to the extensions in design and amenity terms and therefore we did not seek to negotiate. To have done so would have been a waste of your time and money,

instead we proceeded to make a decision on your applications so that you could then proceed with an appeal if you felt it was appropriate.

If you remain unhappy with how your application has been dealt with it is open to you to make a formal complaint via the complaints system [Complaints - Camden Council](#).

Kind regards

Bethany Cullen