

Date: 13/12/2023
PINS Ref: APP/X5210/W/23/3323789
Our Ref: 2022/4331/P
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The Planning Inspectorate
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BS1 6PN

Dear Terry Scott,

Appeal site: Flat B, 29 Doynton Street, N19 5BX
Appeal by: Ms Rosa De Guero

Proposal: Loft conversion including the construction of a roof terrace and installation of roof lights at rear (Retrospective).

I refer to the above appeal against the Council's refusal to grant planning permission. The Council's case is set out in the Officer's delegated report. The report details the application site and surroundings, the site history and an assessment of the proposal. A copy of the report was sent with the questionnaire.

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. The application site, 29 Doynton Street, contains a three-storey semi-detached dwellinghouse (plus basement) consisting of two flats (Class C3) situated on the southern side of Doynton Street. This appeal relates to Flat B, located on the first, second, and loft levels.
- 1.2. The area is characterised by residential properties. The site is located in the Dartmouth Park Conservation Area and, while not listed, the building and row of terraces in which forms a part of, is identified in the Conservation Area Statement as making a positive contribution to the character and appearance of the Conservation Area.
- 1.3. The planning application which is the subject of this appeal was refused for the following reasons:
 1. *The roof terrace and rooflights, by virtue of its size, location on the building and detailed design would appear incongruous, would fail to respect the original design of the building and would harm the visual integrity of the roof form, thus harming the character and appearance of the host building and the Dartmouth Park Conservation Area. As such, the proposal is contrary to Policies D1 and D2 of the London Borough of Camden Local Plan 2017 and Policies DC2, DC3, and DC4 of the Dartmouth Park Neighbourhood Plan 2020.*
- 1.4. The reason for refusal is fully addressed in the delegated report and is not repeated here. The appellants grounds of appeal are addressed below.

2. Status of policies and guidance

- 2.1. In determining the mentioned application, the London Borough of Camden had regard to the relevant legislation, government guidance, statutory development plans and the particular circumstances of the case.
- 2.2. The London Borough of Camden Local Plan 2017 (the Local Plan) was formally adopted on 3rd July 2017. The following policies in the Local Plan are considered to be relevant to the determination of the appeal:
 - Policy G1 Delivery and location of growth
 - Policy D1 Design
 - Policy D2 Heritage
 - Policy A1 Managing the impact of development

- 2.3 The Council also refers to supporting guidance in Camden Planning Guidance (CPG) documents. The CPG documents most relevant to the proposal are as follows: Home Improvements and Amenity.
- CPG Home Improvements (2021)
 - CPG Amenity (2021)
- 2.4 The National Planning Policy Framework was published in April 2012 and revised in September 2023. It states that proposed development should be refused if it conflicts with the local plan unless other material considerations indicate otherwise. There are no material differences between the Council's adopted policies and the NPPF in relation to this appeal. The full text of the relevant adopted policies was sent with the questionnaire documents.
- 2.5 The Council's adopted policies are recent and up to date and should be accorded full weight in accordance with paragraphs 31 – 33 and 213 of the NPPF.
- 2.6 There are no material differences between the NPPF and the Council's adopted policies in relation to this appeal.

3. Comments on appellant's grounds of appeal

- 3.1 The appellant has put forward their grounds of appeal, organised into four sections: *Background to the development of my roof terrace*, *My planning application*, *Camden Council's response*, and *Local community impact*. The appellant's grounds are responded to below.

'Background on the development of my roof terrace'

- 3.2 The appellant outlines in paragraphs 2.1 through to 2.10 the background on the development and need for a roof terrace. The section specifically outlines that the appellant requires private outdoor amenity area, due to a number of medical conditions. It is noted that the flat features a first-floor rear terrace of approximately 3sqm in area, which is argued as being inadequate due to the lack of privacy available for the appellant.
- 3.3 In the assessment of planning applications, the needs and requirements for occupiers are taken into consideration. Whilst some weight should be given to medical conditions, on balance it is not considered that the appellant's circumstances outweigh the proposal's harmful impact on the character and appearance of the host building and wider Conservation Area on a permanent basis.

'My planning application'

- 3.4 Paragraphs 3.1 through to 3.4 outline the reason why a retrospective planning application was submitted. There are no disputes or responses applicable to these points.

'Camden Council's response'

- 3.5 Para. 4.2 through to 4.5 relates to comments received from the Dartmouth Park Conservation Area Advisory Committee (DPCAAC). The objection received refers to the development as a "large dormer", and that it will damage the host building and the wider Dartmouth Park Conservation Area. The appellant argues that the DPCAAC incorrectly assessed the development, as it cannot be categorised as a roof dormer. Rather, the appellant argues, the development does not project past the roof slope like a dormer.

The council accepts that the roof lights are not projecting dormers, and this is clearly outlined within the delegated report. The Council did not misunderstand or wrongly describe the proposal in its assessment and was not confused by the description by the DPCAAC.

- 3.6 In para. 4.6, the appellant outlines that the LPA incorrectly measured the height of the as built balustrade. The delegated officer report noted the height as 1.6m, while the actual height is measured at 1.1m. It is acknowledged that an error was made in measuring the height of the as built and proposed balustrade. However, the Council points out that the height of the balustrade was not of concern, nor was it formed as part of the reasons for refusal.
- 3.7 In para. 4.8, the appellant argues that the LPA's assessed impact of the development on the host building, and wider Dartmouth Park Conservation Area is a "gross exaggeration" and that it was the LPA's "endeavour to project the presumed damage as having been inflicted on the whole neighbourhood and, further afield, on the entire Dartmouth Part Conservation Area".
- 3.8 The Council responds that in the assessment of the development, the LPA must take into account relevant policies and guidelines, which in this case, included Policies D1 (Design) and D2 (Heritage) of the Camden Local Plan 2017, Policies DC2 (Heritage Assets), DC3 (Requirement of good design), and DC4 (Small residential extensions) of the Dartmouth Park Neighbourhood Plan. These policies are supplemented by CPG Home Improvements.
- 3.9 The above noted policies and guidance were utilised by the LPA to assess the suitability of the development. The host building, which is noted as making a positive contribution to the character and setting of the Dartmouth Park Conservation Area, is part of a group of terraces (nos. 7-35 odd) which are entirely

unaltered at roof level except for the occasional roof lights and solar panels. It is acknowledged that the original chimney pots have been removed; however, the overall original form has been maintained. The result is a consistent roofscape that maintains the historic character of the terraced dwellings and wider Conservation Area. The roof slopes of terraces along Doynton Street, as well as those on neighbouring Balmore Street and Chester Road, are prominent and visible in both private views from properties and rear gardens along Doynton Street and Balmore Street, and public views from the northwestern end of Balmore Street and the children's playground on Raydon Street. If allowed, the development would set a negative precedent to which further alterations and harm could be done to the unaltered roof forms of these terraces.

- 3.10 It was considered that the as built roof terrace and rooflights are the first major and visible alteration at roof level in all the terraces along Doynton Street, Balmore Street, and Chester Road. It is considered visually intrusive and alien in form and design and is out of character and form of the host and neighbouring buildings. Further rationale for refusal is included in the delegated officer report.

'Local Community Impact'

- 3.11 Paragraphs 5.1 through to 5.3 outline the impact on the local community. There are no disputes or responses applicable to these points.

4. Conclusion

- 4.1 Based on the information set out above and having taken account of all the appellant's arguments and additional information submitted, the Council maintains that the proposal is considered to be contrary to Policies D1 (Design) and D2 (Heritage) of the London Borough of Camden Local Plan 2017, and Policies DC2 (Heritage Assets), DC3 (Requirement of good design), and DC4 (Small residential extensions) of the Dartmouth Park Neighbourhood Plan.
- 4.2 The information submitted by the appellant in support of the appeal does not overcome or address the Council's concerns. The proposal would conflict with policies D1 and D2 of the Local Plan and policies DC2, DC3, and DC4 of the Dartmouth Park Neighbourhood Plan. These policies seek to ensure that all development respects local context and character, preserves heritage assets and that public benefits convincingly outweigh any less than substantial harm when the special interest of a non-designated heritage asset cannot be preserved. Indeed, the proposal is not considered to present any public benefits that would outweigh the harm identified.

- 4.3 For these reasons the Inspector is respectfully requested to dismiss the appeal. However, should the Inspector be minded to approve the appeal, suggested conditions are included in Appendix A.
- 4.4 If any further clarification of the appeal submission is required, please do not hesitate to contact Daren Zuk on the above direct dial number or email address.

Yours sincerely,

Daren Zuk
Senior Planning Officer
Regeneration and Planning
Supporting Communities

APPENDIX A – Suggested conditions

Conditions

1	<p>The development hereby permitted must be begun not later than the end of three years from the date of this permission.</p> <p>Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).</p>
2	<p>All new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the existing building, unless otherwise specified in the approved application.</p> <p>Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy policies D1 (Design) and D2 (Heritage) of the London Borough of Camden Local Plan 2017.</p>
3	<p>The development hereby permitted shall be carried out in accordance with the following approved plans: (Prefix 29BDS) PD01, PD02, PD03, PD04, PD05, PD06, PD07, PD08, PD09, Design and Access Statement</p> <p>Reason: For the avoidance of doubt and in the interest of proper planning.</p>

Informatives

1	<p>This approval does not authorise the use of the public highway. Any requirement to use the public highway, such as for hoardings, temporary road closures and suspension of parking bays, will be subject to approval of relevant licence from the Council's Streetworks Authorisations & Compliance Team London Borough of Camden 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No 020 7974 4444) . Licences and authorisations need to be sought in advance of proposed works. Where development is subject to a Construction Management Plan (through a requirement in a S106 agreement), no licence or authorisation will be granted until the Construction Management Plan is approved by the Council.</p>
2	<p>All works should be conducted in accordance with the Camden Minimum Requirements - a copy is available on the Council's website at https://beta.camden.gov.uk/documents/20142/1269042/Camden+Minimum+Requirements+%281%29.pdf/bb2cd0a2-88b1-aa6d-61f9-525ca0f71319 or contact the Council's Noise and Licensing Enforcement Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No. 020 7974 4444)</p>

	Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You must secure the approval of the Council's Noise and Licensing Enforcement Team prior to undertaking such activities outside these hours.
3	Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts that cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (tel: 020-7974 6941).