

**EL.937 14b ELIZABETH MEWS LONDON NW3 4TL
PROPOSED ADDITIONAL STOREY**

GROUND OFS OF APPEAL

Application decision

This application for the above was duly submitted on 9th May 2023 and was refused in a Decision notice dated 12th September 2023.

The Reasons for Refusal were :-

1. The proposed erection of an additional storey, by reason of the location, scale, and height would result in an incongruous and inappropriate addition that would be detrimental to the character and appearance of the host building, terrace of adjoining buildings, street scene and wider Belsize Conservation Area, contrary to Policies D1 (Design) and (D2) (Heritage) of the London Borough of Camden Local Plan 2017.
2. The proposed erection of an additional storey, by reason of its location, scale and height, in the absence of a daylight and sunlight report, would have a detrimental impact on neighbouring light levels and would therefore cause harm to the amenity of nearby occupiers, contrary to Policy A1 (Managing the impact of development) of the London Borough of Camden Local Plan 2017.
3. In the absence of a legal agreement securing a Construction Management Plan and associated support fees and bond, the proposed development would give rise to conflicts with other road users and be detrimental to the amenities of the area generally, contrary to Policy A1 (Managing the impact of development) of the London Borough of Camden Local Plan 2017.

Grounds of appeal

Addressing these in numerical order it is submitted that :-

- Reason 1. This is based specifically on Policies D1 and D2 (Managing the impact of development) of the London Borough of Camden Local Plan 2017.
For ease of reference these Policies are attached at the end of this document; it is assumed sections a. b. and m. are the ones relevant to this application and for ease of reference these are attached at the end of this document.

The officer's Report refers to 3.1 which '.....states that development should consider the form and scale of neighbouring buildings, the character and proportion of the existing building, the scale of surrounding development, and the impact on existing rhythms, symmetries and uniformities of the townscape.'

There is also reference in 3.2 to 'the Council's CPG Design' which 'makes clear that "*the Council will only permit development within Conservation Areas that preserves and where possible enhances the character and appearance of the area*". Additionally, 'CPG Home improvements' states that 'roof extensions should consider the roof form, the pattern and development of neighbouring buildings, and crucially: "*the roof visibility and prominence in relation to gardens and wider area*".

In the Nearby sites section of the Report, reference is made to a 2011 refusal of consent relating to a proposed additional second floor at 19 Elizabeth Mews. This property is located across the far end of the opposite, southwestern extent of Elizabeth Mews; its local impact would affect the mews in terms of streetscape as well as daylight and sunlight owing to its orientation and location in terms of visual impact. Indeed 17 Elizabeth Mews within that southwestern length has an additional floor which is visually prominent even in the highly irregular roof configuration of that side of the Mews. This example is thus an inappropriate comparison with the application site. Respective views are included in this submission.

The following paragraphs in the report relate to the uniform character of the mews, omitting reference to recent inconsistencies at ground floor level breaking the stated elevational uniformity; significantly there is only perfunctory reference to the appeal site's location at the Primrose Gardens end of the mews which, it is submitted, should be the principal factor in the assessment of this application.

In this location the entire 15m long side elevation faces Primrose Gardens, abutting the end of the 4-storey (to eaves) terrace of houses. These eaves are 5.2 metres higher than those of the adjacent appeal building which forms end building of the Elizabeth Mews terrace; it is the streetscape element which will visually soften the transition on both elevations from the lower mews terrace to the significantly taller Primrose Gardens houses which dominate the streetscape when viewed from the north or south. From within the mews, the proposed additional height provides visual emphasis to the end of the smaller scale of the mews and without affecting the elevational consistency of design.

Reason 2	This relates to the absence of a daylight and sunlight report and presumes a detrimental effect resulting from the proposed additional storey on neighbouring light levels.
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The orientation of the appeal site, the unaltered rear building line and the distance from other properties in the mews throws serious doubt on this presumption. A daylight and sunlight report was not requested in pre-decision discussions and the appellants are more than willing to provide such a report as a pre-commencement condition.

Reason 3 This refers to the absence of a legal agreement securing a Construction Management Plan and associated fees and bond.

No such Plan was requested in pre-decision discussions; indeed it would be unusual for this to be the case since the Plan requires input from a contractor who would not be appointed at this early stage where the full construction details and the contract management are not yet known.

Provision and due approval of a Construction Management Plan is almost invariably included as a pre-commencement condition, sometimes also subject to a S106 legal agreement and the appellants would expect this requirement in any consent.

Conclusion

This appeal hinges principally on the streetscape effect of the proposal where it is submitted that the corner location of the appeal site, situated between the 'secondary' Elizabeth Mews and the 'primary' Primrose Gardens housing terraces, provides a not unusual massing detail as a transitional element which will not be visually detrimental -- as illustrated in the CGIs attached to this appeal which it is hoped can be allowed accordingly.

As mentioned, Reasons 2 and 3 can be addressed by pre-commencement conditions.