



J & L PLANNING SERVICES

Town & Country Planning Acts

Appeal by Ms Alev Yaman against the decision by
the London Borough of Camden to refuse planning
permission for a single storey ground floor side
extension at 171 Kiln Place, London NW5 4AP

Local Planning Authority Reference: 2023/3441/P

Appellants Reference: JL25323

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1. **INTRODUCTION**

- 1.1 This statement has been prepared in support of an appeal against a refusal of planning permission.

2. **THE APPEAL**

- 2.1 The appeal concerns a refusal of planning permission for a single storey ground floor side extension. The Council's reason for refusal is as follows:

The proposed side extension, by virtue of its location and scale, would have an overbearing impact on the outlook and safety of no.173 as well as having a detrimental impact on the openness and visual connection within the wider streetscene, contrary to policies D1 (Design), A1 (Amenity), C5 (Safety and Security) of the London Borough of Camden Local Plan (2017).

3. **SITE AND SURROUNDINGS**



- 3.1 The appeal site comprises a semi-detached dwelling located on the west side of Kiln Place at the junction with Meru Close. The surrounding area is predominantly residential in terms of both built form and land use.

4. **PLANNING CONSIDERATIONS**

- 4.1 The National Planning Policy Framework (NPPF) which came into force in July 2021, outlines the Government’s requirements for the planning system and established how these will be addressed. The most relevant paragraphs are stated below:

Paragraph 7 states that: “The purpose of the planning system is to contribute to the achievement of sustainable development.” Paragraph 8 goes on to explain that “that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

a) **an economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

b) **a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and

c) **an environmental objective** – to protect and enhance our natural, built and historic environment; including making effective use of land, improving

biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.”

4.2 These roles should not be undertaken in isolation, because they are mutually dependent. Economic growth can secure higher, social and environmental standards, and well-designed buildings and places can improve the lives of people and communities. Therefore, to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. The planning system should play an active role in guiding development to sustainable solutions.

4.3 Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as people’s quality of life, including (but not limited to):

1. Making it easier for jobs to be created in cities, towns and villages.
2. Moving from a net loss of biodiversity to achieving net gains for nature.
3. Replacing poor design with better design.
4. Improving the conditions in which people live, work, travel and take leisure; and
5. Widening the choice of high-quality homes.

- 4.4 The National Planning Policy Framework advocates that the statutory status of the development plan is the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts would be refused unless other material considerations indicate otherwise. It is highly desirable that local planning authorities should have an up-to-date plan in place.
- 4.5 At the heart of the planning system is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan making and decision making. Local planning authorities should approve development proposals that accord with statutory plans without delay, and grant permission where the plan is absent, silent, in determination or where relevant policies are out of date. All these policies should apply unless the adverse impact of allowing development would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework, taken as a whole.
- 4.6 The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Although visual appearance and the architecture of individual buildings are particularly important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural built and historic environment. Furthermore, permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

4.7 Applicants will be expected to work closely with those directly affected by their proposals to evolve designs that take account of the views of the community. Proposals that can demonstrate this in developing the design of the new development should be looked on more favourably.

4.8 The Borough Council have provided one reasons for refusal which, in turn, raises two primary issues, these are:

- (i) residential amenities of the occupiers of no. 173 Kiln Place; and
- (ii) visual amenities of the wider street scene.

4.9 In support of these concerns, the Council have referred to provisions within the Local Plan (2017). Within this context, the merits of the appeal will be assessed.

Residential amenities of the occupiers of no. 17 Kiln Place

D1

Policy D1 Design

The Council will seek to secure high quality design in development. The Council will require that development:

- 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;*
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- g. is inclusive and accessible for all;*
- h. promotes health;*
- i. is secure and designed to minimise crime and antisocial behaviour;*
- j. responds to natural features and preserves gardens and other open space;*
- k. incorporates high quality landscape design (including public art, where appropriate) and maximises opportunities for greening for example through planting of trees and other soft landscaping,*
- l. incorporates outdoor amenity space;*
- m. preserves strategic and local views;*
- n. for housing, provides a high standard of accommodation; and*
- o. carefully integrates building services equipment.*

The Council will resist development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Tall buildings

All of Camden is considered sensitive to the development of tall buildings. Tall buildings in Camden will be assessed against the design criteria set out above and we will also give particular attention to

- p. how the building relates to its surroundings, both in terms of how the base of the building fits in with the streetscape and how the top of a tall building affects the skyline;*
- q. the historic context of the building's surroundings;*
- r. the relationship between the building and hills and views;*
- s. the degree to which the building overshadows public spaces, especially open spaces and watercourses; and*
- t. the contribution a building makes to pedestrian permeability and improved public accessibility.*

In addition to these design considerations tall buildings will be assessed against a range of other relevant policies concerning amenity, mixed use and sustainability.

Public art

The Council will only permit development for artworks, statues or memorials where they protect and enhance the local character and historic environment and contribute to a harmonious and balanced landscape design.

Excellence in design

The Council expects excellence in architecture and design. We will seek to ensure that the significant growth planned for under Policy G1 Delivery and location of growth will be provided through high quality contextual design.

- 4.10 The policy is concerned with achieving a high quality of design. However, the policy criteria do make direct reference to residential amenity. Therefore, the policy is not wholly applicable.

A1

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*
-

- 4.11 The residential amenity concerns raised by the Council specifically refer to outlook and safety. In respect of outlook, the single storey nature of the proposed structure, together with its overall profile and the separating distances between the proposed extension and no. 173 Kiln Place, would collectively safeguard outlook. In respect of safety, the existing means of access to no. 173 Kiln Place is not the subject of alterations.

C5

Policy C5 Safety and security

The Council will aim to make Camden a safer place.

We will:

- a. work with our partners including the Camden Community Safety Partnership to tackle crime, fear of crime and antisocial behaviour;*
-

-
- b. require developments to demonstrate that they have incorporated design principles which contribute to community safety and security, particularly in wards with relatively high levels of crime, such as Holborn and Covent Garden, Camden Town with Primrose Hill and Bloomsbury;*
 - c. require appropriate security and community safety measures in buildings, spaces and the transport system;*
 - d. promote safer streets and public areas;*
 - e. address the cumulative impact of food, drink and entertainment uses, particularly in Camden Town, Central London and other centres and ensure Camden's businesses and organisations providing food, drink and entertainment uses take responsibility for reducing the opportunities for crime through effective management and design; and*
 - f. promote the development of pedestrian friendly spaces.*
- Where a development has been identified as being potentially vulnerable to terrorism, the Council will expect counter-terrorism measures to be incorporated into the design of buildings and associated public areas to increase security.*
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- 4.12 This policy is concerned with safety and security. As stated within preceding submissions, the means of access associated with no. 173 Kiln Place is not the subject of alterations. Consequently, the appeal proposal would not harm existing pedestrian areas or levels of safety.

Visual amenities of the street scene

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Policy D1 Design

The Council will seek to secure high quality design in development. The Council will require that development:

- 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;*
 - g. is inclusive and accessible for all;*
 - h. promotes health;*
 - i. is secure and designed to minimise crime and antisocial behaviour;*
 - j. responds to natural features and preserves gardens and other open space;*
 - k. incorporates high quality landscape design (including public art, where appropriate) and maximises*
-

opportunities for greening for example through planting of trees and other soft landscaping,

l. incorporates outdoor amenity space;

m. preserves strategic and local views;

n. for housing, provides a high standard of accommodation; and

o. carefully integrates building services equipment.

The Council will resist development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Tall buildings

All of Camden is considered sensitive to the development of tall buildings. Tall buildings in Camden will be assessed against the design criteria set out above and we will also give particular attention to

p. how the building relates to its surroundings, both in terms of how the base of the building fits in with the streetscape and how the top of a tall building affects the skyline;

q. the historic context of the building's surroundings;

r. the relationship between the building and hills and views;

s. the degree to which the building overshadows public spaces, especially open spaces and watercourses; and

t. the contribution a building makes to pedestrian permeability and improved public accessibility.

In addition to these design considerations tall buildings will be assessed against a range of other relevant policies concerning amenity, mixed use and sustainability.

Public art

The Council will only permit development for artworks, statues or memorials where they protect and enhance the local character and historic environment and contribute to a harmonious and balanced landscape design.

Excellence in design

The Council expects excellence in architecture and design. We will seek to ensure that the significant growth planned for under Policy G1 Delivery and location of growth will be provided through high quality contextual design.

4.13 The local character context, its distinctiveness, is significantly influenced by the contemporary design and external appearance of the host dwelling and its neighbouring built form. The uniqueness of the host dwelling and its partner provides the visual context of the street frontage. The proposed siting and position of the proposed extension, its recessed set back nature, would not disturb the physical or visual continuity of the pair of dwellings.

4.14 Neither the host dwelling, neighbouring built forms or the wider area, are designated heritage assets. The design of the appeal proposal, in terms of scale, mass, bulk and proportions, would represent a subordinate physical and visual feature in relation to the host dwelling and wider townscape. The

external appearance of the proposed extension would employ a palette of external materials and joinery details which would match the host dwelling.

- 4.15 The recessed siting and position of the appeal proposal would create a separating distance between it and the public thoroughfare, which would avoid a cramped physical and visual presence within the street frontage. In turn, the prevailing pattern of development, together with the associated built form, would safeguard local views and vistas.

A1

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*
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- 4.16 This policy seeks to safeguard and protect the quality of the life of occupiers and neighbours. Chiefly, the policy requirements are focused on the residential

amenity implications of development. This issue has been addressed within preceding submissions and is not wholly applicable to this issue, which concerns the visual amenities of the street scene.

C5

Policy C5 Safety and security

The Council will aim to make Camden a safer place.

We will:

- a. work with our partners including the Camden Community Safety Partnership to tackle crime, fear of crime and antisocial behaviour.*
- b. require developments to demonstrate that they have incorporated design principles which contribute to community safety and security, particularly in wards with relatively high levels of crime, such as Holborn and Covent Garden, Camden Town with Primrose Hill and Bloomsbury;*
- c. require appropriate security and community safety measures in buildings, spaces and the transport system;*
- d. promote safer streets and public areas;*
- e. address the cumulative impact of food, drink and entertainment uses, particularly in Camden Town, Central London and other centres and ensure Camden's businesses and organisations providing food, drink and entertainment uses take responsibility for reducing the opportunities for crime through effective management and design; and*
- f. promote the development of pedestrian friendly spaces.*

Where a development has been identified as being potentially vulnerable to terrorism, the Council will expect counter-terrorism measures to be incorporated into the design of buildings and associated public areas to increase security.

- 4.17 This policy is specifically concerned with safety and security. These matters have been addressed within preceding submissions. Notwithstanding, from a design aspect, the appeal proposal does maintain a distinction between private and public space, thereby aiding, and being beneficial to, safety and security.

5. **CONCLUSIONS**

- 5.1 The visual qualities of the built environment and wider area might be described as pleasant but unremarkable. In summary, the appeal proposal would be aesthetically reasonable and an effective modest development, which would

produce extended accommodation, having regard to the residential and visual amenities of the locality.

5.2 In conclusion, the appellant respectfully requests that the Inspector upholds the appeal.