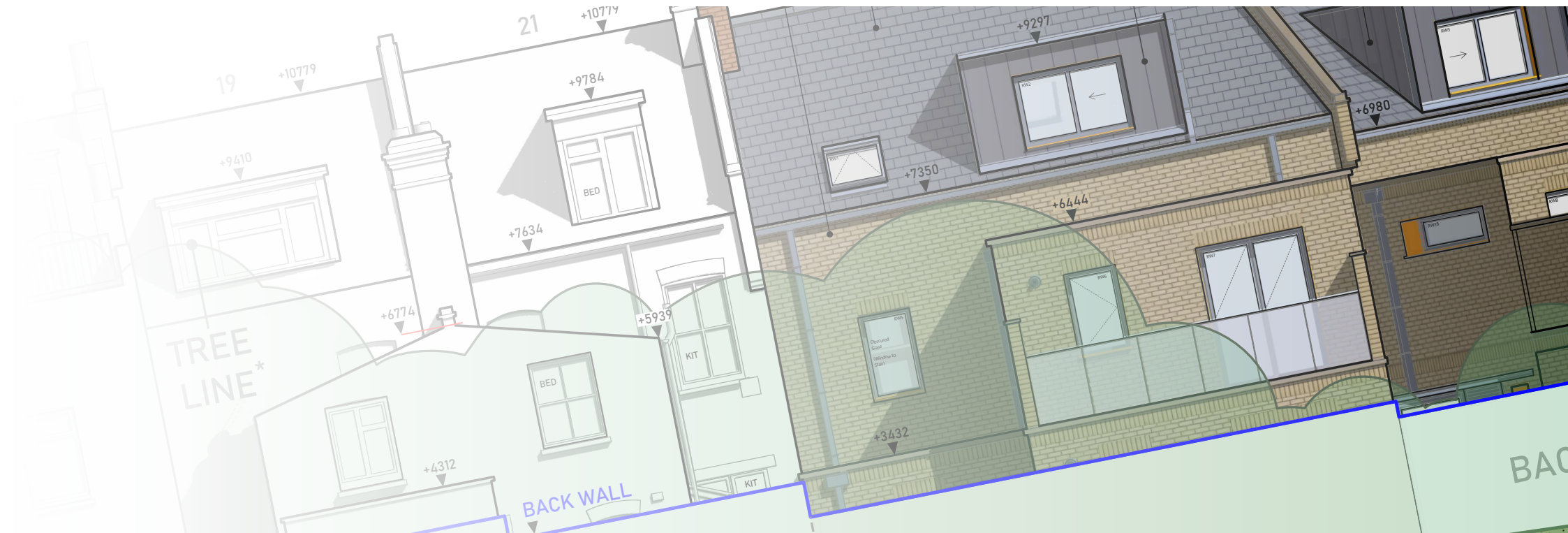


Proposed redevelopment of site at
23 Ravenshaw Street, London NW6 1NP

Overcoming the previous refusal: Key design and planning issues

Application No: PP-12699131 Jan 2024



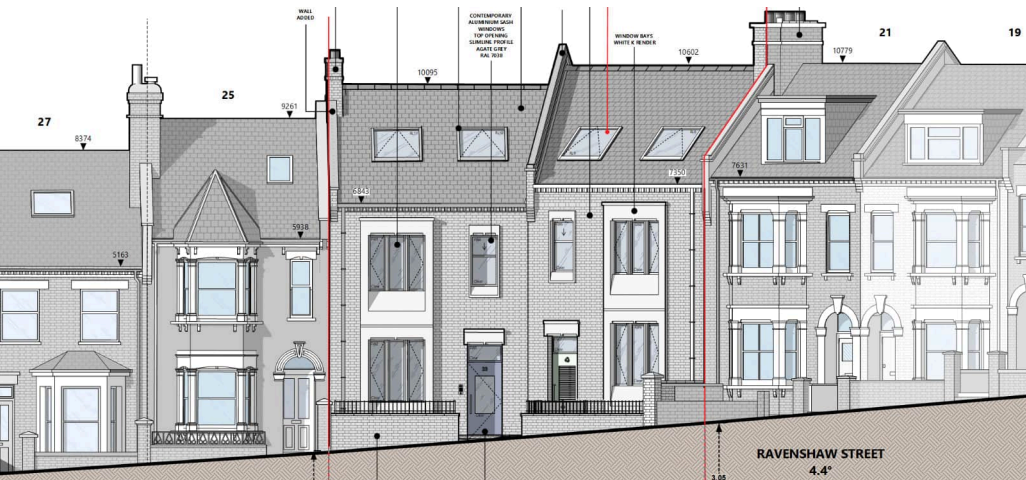
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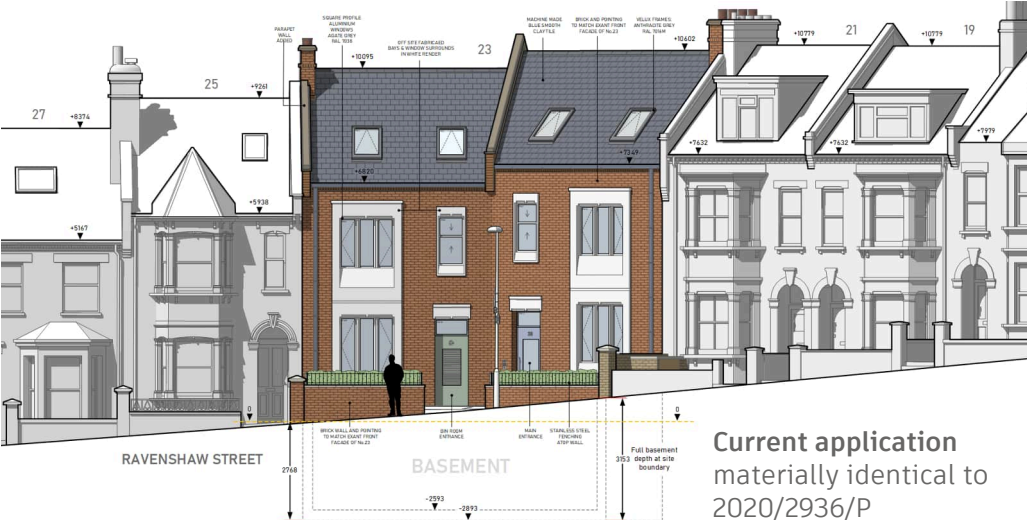
Front Elevation: Previously deemed acceptable in 3 decisions

The front elevation accounts for 99.9% of all possible public views of this proposal. The LPA and PINs have both already deemed it acceptable, in detail, in previous decisions and appeals. The appeal inspector, however, gave no weight to this fact, choosing instead to give inordinate weight to criticisms of the rear elevation. The Inspector cited views of the rear (including views from railway

tracks and trains) that, in demonstrable fact, have virtually no impact on the public realm at all, exert a negligible impact on distant private views, and have little actual real-world impact on neighbouring amenity. That these trivial views were given weight sufficient to warrant a refusal and then presented as a reasoned and balanced decision defies belief.



Previous application 2020/2936/P front facade deemed acceptable



Current application materially identical to 2020/2936/P



LPA Statement 22/12/2021
Officer: Enya Fogarty
"1. As stated in the report, the council considers the design of the front elevation of the proposal to be acceptable as this elevation has been amended since the previous appeal APP/X5210/W/19/3225592 taken into account the inspector considerations regarding the basement and the lightwells."



The only material changes to the exterior are; smaller Velux windows and the doors being swapped from left to right. Minor changes to the levels of windows have been made and the railings will now be Grey RAL 7016 instead of stainless steel to satisfy a previous officers comment, but otherwise it's quite identical. The cross over, lightwell grilles, walls, roof, parapets, chimneys, gutters and slates are unchanged.

Flood Risk: Not “prone to flooding”, not in conflict with Policies A5, CC3

Regarding flood risk, the inspectors decision concluded that the site is not prone to flooding, (as our FRA makes clear) but then says she sees no conflict with Policies A5 and CC3; but does not explain why.

*“24. To conclude, whilst the site lies within a LFRA, a bespoke FRA has been submitted that demonstrates the site is not prone to flooding. Additional mitigation measures to safeguard the flats from any residual flood risk have also been proposed, which can be conditioned if I was minded to allow the appeal. In the absence of any substantive evidence to the contrary from either the Council or the LLFA, I am satisfied that **the site is not prone to flooding and hence would be a suitable location for basement flats**. Accordingly, there would be no conflict with Local Plan Policies A5 and CC3, whose aims are outlined above.”*

Updated Planning Guidance on Flood Risk Sept. 2022

Following this decision in April 2022, soon after, in Sept. 2022, the Chief Planner at DLHC issued a news letter: **“Planning Practice Guidance update: Flood risk and coastal change”**; which leads with:

“This update provides a significant refresh to the guidance and brings it up to date and in line with the latest policy position on flood risk introduced in the updates to the National Planning Policy Framework in 2018 and 2021”.

The letter is a reiteration of existing guidance, simply reemphasising that:

- *Elaboration of the hierarchical approach to flood risk of assess, avoid, control, mitigate and manage, that we want to see Local Planning Authorities following when allocating land for development through their Local Plans and when determining planning applications.*
- *Emphasis that the application of flood risk policy should be based on an up-to-*

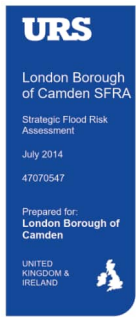
date strategic flood risk assessment and/or site-specific flood risk assessment.

- *Greater detail on the purpose and application of both the Sequential Test and the Exception Test. Including detail on key terms such as “reasonably available” and “wider sustainable development objectives”.*

See: www.gov.uk/guidance/flood-risk-and-coastal-change

“...emphasis that the application of flood risk policy should be based on an up-to-date strategic flood risk assessment and/or site-specific flood risk assessment.”

Camden's Policy A5's focus on 'areas prone to flooding' is at odds with the NPPF and has been so since it came into effect in 2017. Having read over 200 of Camden's



basement decisions it is obvious that officers have often tied themselves in knots trying to apply this policy and reconcile it with the NPPF's direction to apply site specific FRA's; why? because the policy contradicts the NPPF, always did, and should never have been deemed sound to start with. Although Camden's policy writers inserted the erroneous concept of 'areas prone to flooding' into the policy, contradicting NPPF and it's own Strategic FRA at 3.2.11, 4.2.4, 4.2.5, 5.3.1 and

MM76	263/268	Policy CC3 and para 8.71	Amend criterion f as follows: 'not locate vulnerable development (such as basement dwellings) in flood-prone areas.' Amend paragraph 8.71 as follows: 'Basements can affect the ability of the ground to absorb rain when soil is replaced by an impervious structure and can be particularly susceptible to flooding. In such cases the use of basements may be restricted to non-habitable uses. The Council will not permit basement schemes which include habitable rooms and other sensitive uses for self-contained basement flats and other underground structures in areas prone to flooding (Policy A5 Basements). The Council shall require all new basement developments.....'
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6.4.11 ie: "London Borough of Camden — Strategic Flood Risk Assessment 6.4.11 It should be noted that the uFMfSW [the maps that delineate local flood risk zones] should not be used on a site-specific basis due to the limitations of the modelling, but instead should be used as a guide for potential risk." This mistake was ultimately that of PINs who deemed the policy sound (at MM76 of the final report) when it should not have done.

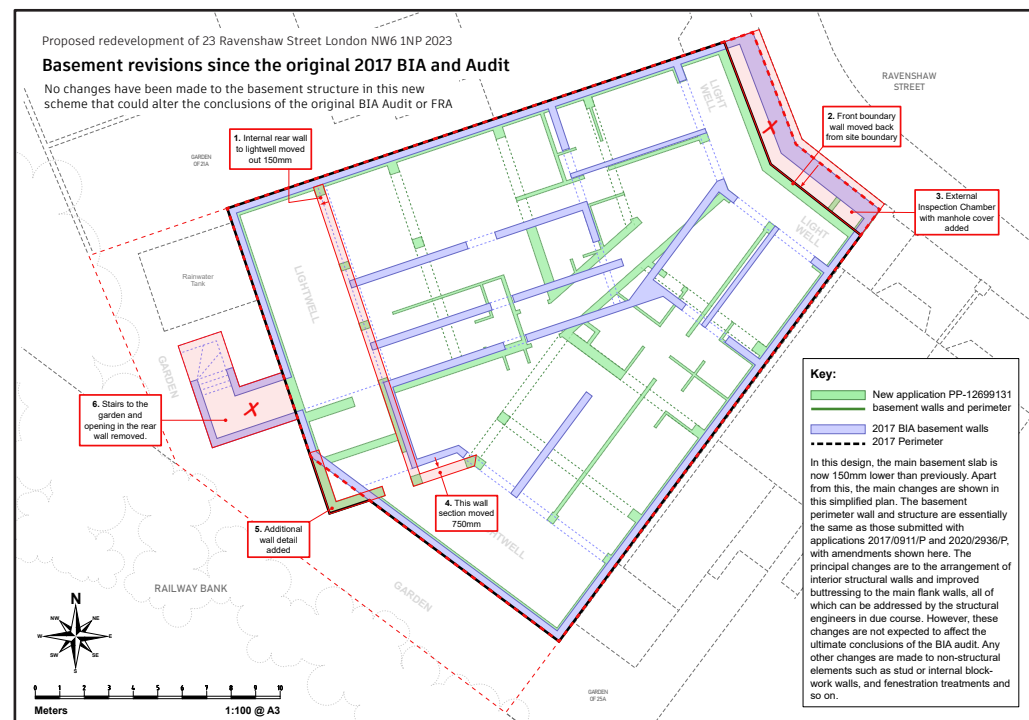
BIA and Audit: Already approved in 4 decisions

The basement BIA and Campbell Reith Audit accompanying the previous applications have now been deemed acceptable four times: in the LPA's decisions 2017/0911/P and 2020/2936/P, as well as in appeal decisions 3225592 and 3281530. Changes detailed here would not affect the conclusions of the existing BIA Audit or FRA.

The original 2017 BIA and Audit were resubmitted with the second application in 2020, along with details of minor changes that had been made to some of the interior walls. We demonstrated that none of these changes would have a material effect on the conclusions drawn in the BIA Audit, considering that the retaining wall, proposed basement structure, size, and depth were nearly identical to those in the original 2017 application. This was accepted by the officers, and the delegated report concluded:

2.34. Basement. A Basement Impact Assessment (BIA) has been submitted. This has been audited by Campbell Reith (CR) as part of the assessment of the previous application and CR confirmed that the submitted information demonstrates that the proposal would not harm the natural or built environment including to the local water environment and ground conditions. **The size of the proposed basement remains unchanged from the appeal scheme, therefore the conclusions of CR are still considered to hold and no further audit is required for this application.** A condition is recommended to ensure details of a relevantly qualified engineer to oversee the basement works are submitted to and approved by the Council. In addition, if approval is recommended, a condition requiring compliance with the recommendations of the BIA would be required.

2.36. Policy A5 also sets limits for the size of proposed basements to ensure that they are subordinate to the building being extended. In this instance the proposed basement is an integral part of the new development, but would still be considered as being subordinate as the basement, other than the lightwells, is entirely under the footprint of the proposed ground floor. The proposed basement is also considered to comply with criteria f - m which restricts basements to 1.5 times the footprint of the host building, and constrains basement lengths compared to the length of the host building and depth of the garden.



The accompanying PDF '[BIA-23RAV-Structural Geotechnical Addendum.pdf](#)' details basement revisions since the original 2017 BIA and Audit. Although the changes internally are somewhat more involved, no alterations have been made to the external basement structure in this new scheme that could affect the original BIA Audit or FRA's final outcome. In this design, the main basement slab is now 125 mm lower than previously. Other than that, the main changes are shown in this simplified plan. The perimeter wall and structure are essentially the same as those submitted previously. The principal changes are to the arrangement of internal walls and an improvement and thickening of the outer wall by 100mm. The changes would have no impact on the ultimate conclusions of the BIA Audit. Any other alterations pertain to non-structural elements such as stud or internal block-work walls and fenestration treatments, etc. All these issues would be addressed by structural engineers in due course, in compliance with the usual conditions.

Rear balcony outlook & overlooking: Multiple decisions with no objections

An aspect of the LPA's decisions that has remained consistent are comments on the right-hand rear balcony and overlooking 21's amenity.

1. Pre App Advice 1: 12014/7373/PRE Feb. 2015

"Outlook: No windows of No. 25 directly face the proposed building, so the outlook for this property would not be affected. As mentioned, No.21 has windows at both ground and first-floor levels facing, or perpendicular to, the proposed building. Based on the submitted information, most of these windows are either for toilets or kitchens. A ground-floor living room window faces the site; however, this room appears to be dual-aspect, so the impact on its outlook is not considered to be significant. **Overlooking:** There would be no windows in the proposed building that would directly face neighbouring windows, and the majority of the rear fenestration would be situated beyond the rear building lines of neighbouring properties. The plans indicate obscure glazing for the two windows closest to the main rear elevation of No.21, which would protect privacy. **There would be overlooking of neighbouring gardens from the upper floors of the proposed development, but these would be angled views towards the rear of the gardens and are not considered to be significantly different from the existing situation."**

2. 2017/0911/P LPA Appeal Statement May 2019

"Overlooking: 5.7 The windows to the new development are located at the front and rear, with no windows facing adjoining properties and no windows to the sides. **The proposed balconies are also to the rear, as such it is not considered that adjoining occupiers would suffer a loss of privacy from overlooking.** Views would be into the rear gardens and the railway lines behind which are already established views from the rear of the houses along Ravenshaw Street - **no new opportunities or adverse levels of overlooking are introduced."**

3. Appeal Decision 3225592 July 2019

"18. It is clear from my site inspection and the appellant's Design and Access Statement that there would also be the potential for overlooking of these two neighbouring gardens from the proposed balconies of the properties. However given the potential for overlooking that already exists from upper windows in the terrace these garden areas do not have a high level of privacy and, provided obscure

glazed privacy screens were in place, I am satisfied that the level of over- looking would not be substantially different to what currently exists."

4. Pre App Advice 2: Thomas Sild Sept. 2019

*"Samir has now left Camden and I have picked up the management of this case. Rich and I have reviewed the revised scheme with input from the design team. **There has been considerable progress with addressing the rear of the building with the left hand side (viewed from the rear) presenting an appropriate design which responds well to the context of the adjoining houses.***

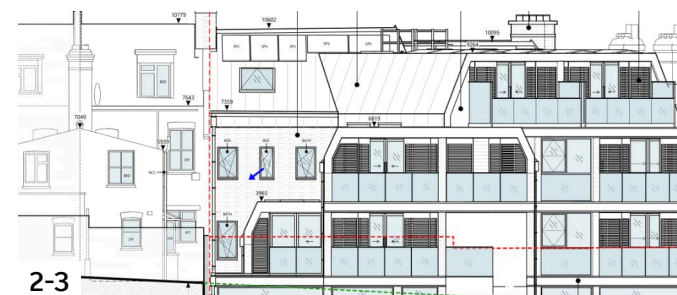
The principal overlooking concerns on this site are in relation to views either back to the windows of the existing adjoining houses or to those parts of the neighbouring gardens closest to the ground floor habitable windows. Overlooking/views directly out to the rear, the railway cutting, and down to the proposed new amenity spaces below are of lesser concern and as such there isn't the need for the quantity of privacy screening you are proposing. The high level screen on the left side at ground floor could be dropped, with just a small side section of screen to 1.7m to mitigate views to 21."

5. 2020/2936/P LPA Appeal Statement March 2021

"Overlooking - 5.7 The windows to the new development are located at the front and rear, with no windows facing adjoining properties and no windows to the sides. **The proposed balconies are also to the rear, as such it is not considered that adjoining occupiers would suffer a loss of privacy from overlooking.** Views would be into the rear gardens and the railway lines behind which are already established views from the rear of the houses along Ravenshaw Street. As such, **no new opportunities or adverse levels of overlooking are introduced."**

6. Appeal 3281530 20 April 2022

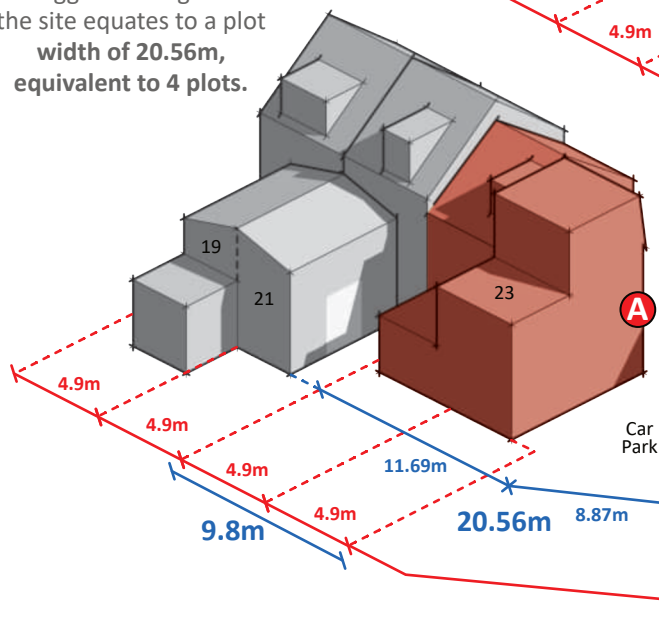
The inspector makes no further comment on rear overlooking other than a rather opaque comment on fenestration, which could equally apply to the extant building. **"10.** The block closest to No.21 has some poorly proportioned fenestration that does not respect the vertical emphasis of the prevailing traditional building form and windows. This block, however, includes a traditional styled two-storey pitched-roof outrigger which helps mitigate against the enlarged massing and bulk of the development."



Rear Outriggers: Bulk and massing vs. Plot Widths

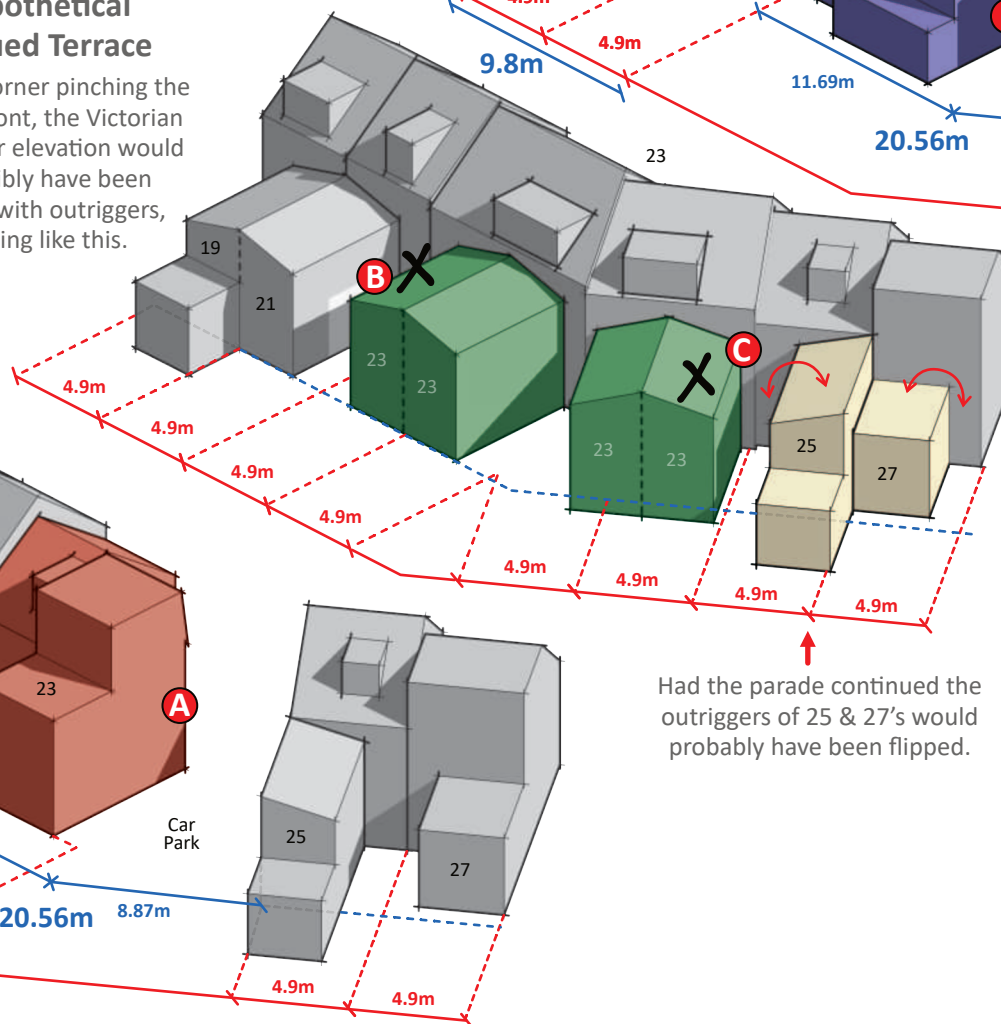
1. Extant Site

Adjacent plots are 4.9m (16ft) wide. Following the building line of adjacent outriggers through onto the site equates to a plot width of 20.56m, equivalent to 4 plots.



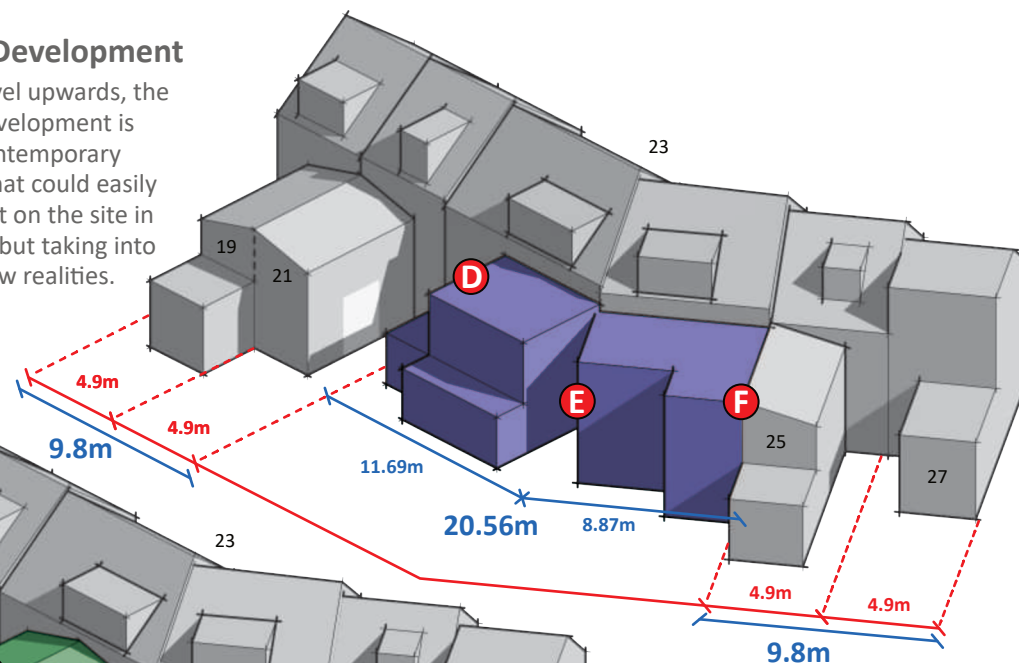
2. Hypothetical Continued Terrace

But for the corner pinching the site at the front, the Victorian terrace's rear elevation would very possibly have been continued with outriggers, something like this.



3. Proposed Development

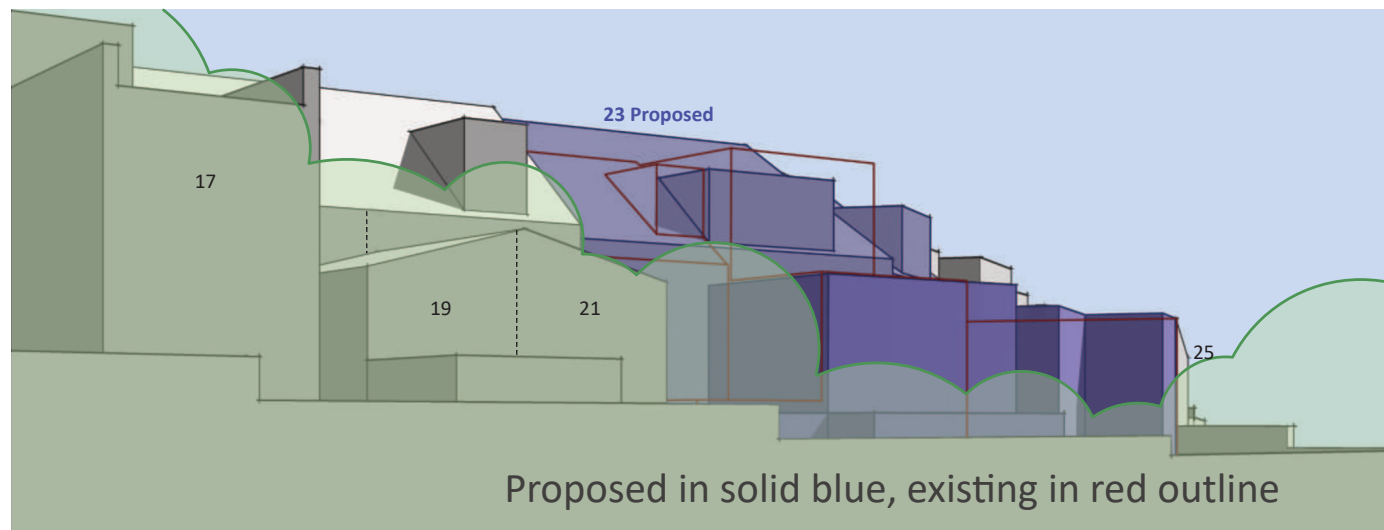
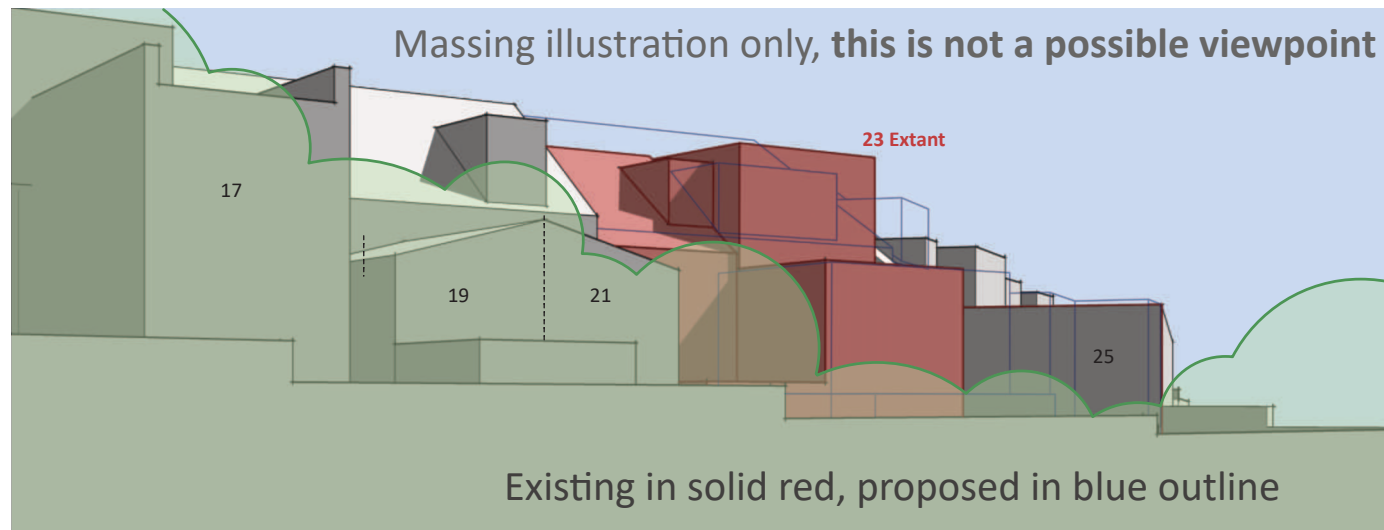
From ground level upwards, the proposed development is simply a contemporary response to what could easily have been built on the site in the first place, but taking into account new realities.



- A** Viewed from any angle, the existing building and car park site are already an absurdly incongruous built form. The main house is too low, the side addition is a wholly out-of-character, prominent, bulky mass, and the car park is a broken tooth in the terrace.
- B** Any new outrigger cannot now be sited this close to the window of 21, as shown at (D).
- C** Obviously, swapping the extant outriggers of 25 and 27 is impossible. Instead, the form of a double outrigger would be recreated (F) in combination with the isolated outrigger of No. 25.
- D** The form is stepped away from the window of 21, retaining much of the extant gap, with extant bulk at height removed, as in (A).
- E** A gap is created between two distinct forms, and 50% of the right-hand side is recessed.

Rear Outriggers: Visible bulk and massing north side

Even if it could be seen, the height and width, mass, silhouette, pattern of gaps and rhythm of proposed forms are entirely in keeping with the terrace and a great improvement over the existing building.



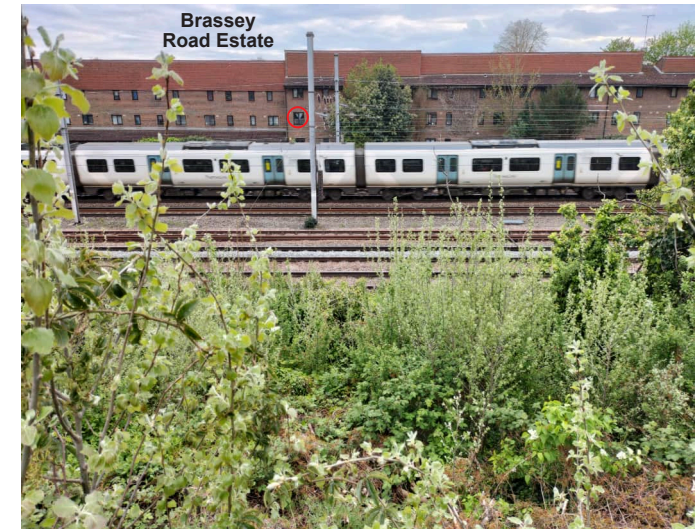
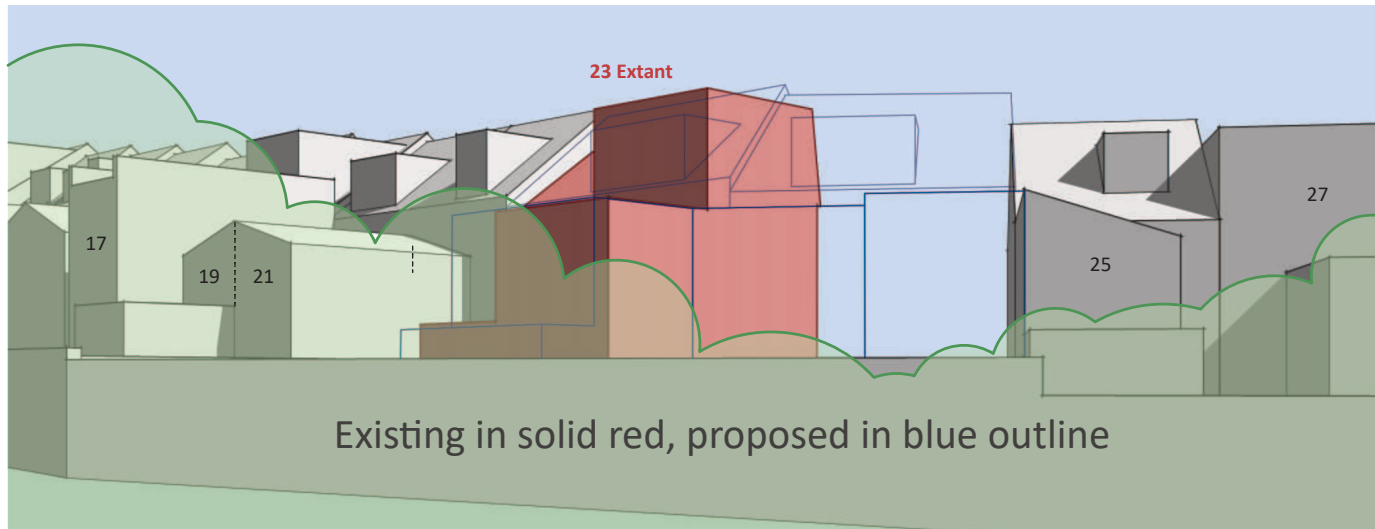
There is no actual view of the site from normal ground level, just a glimpse through the trees...



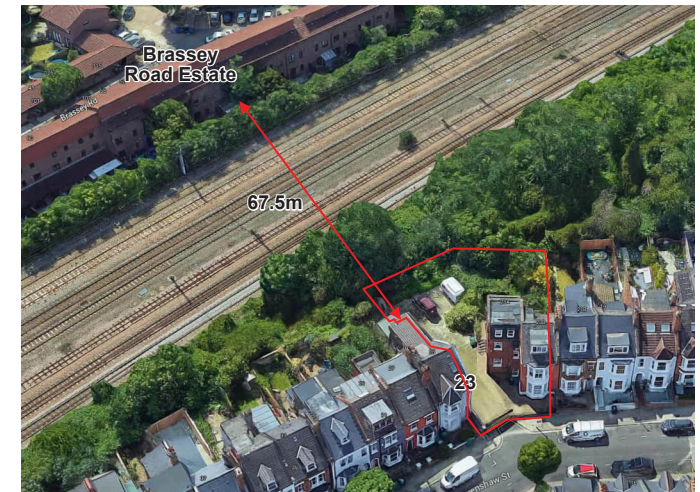
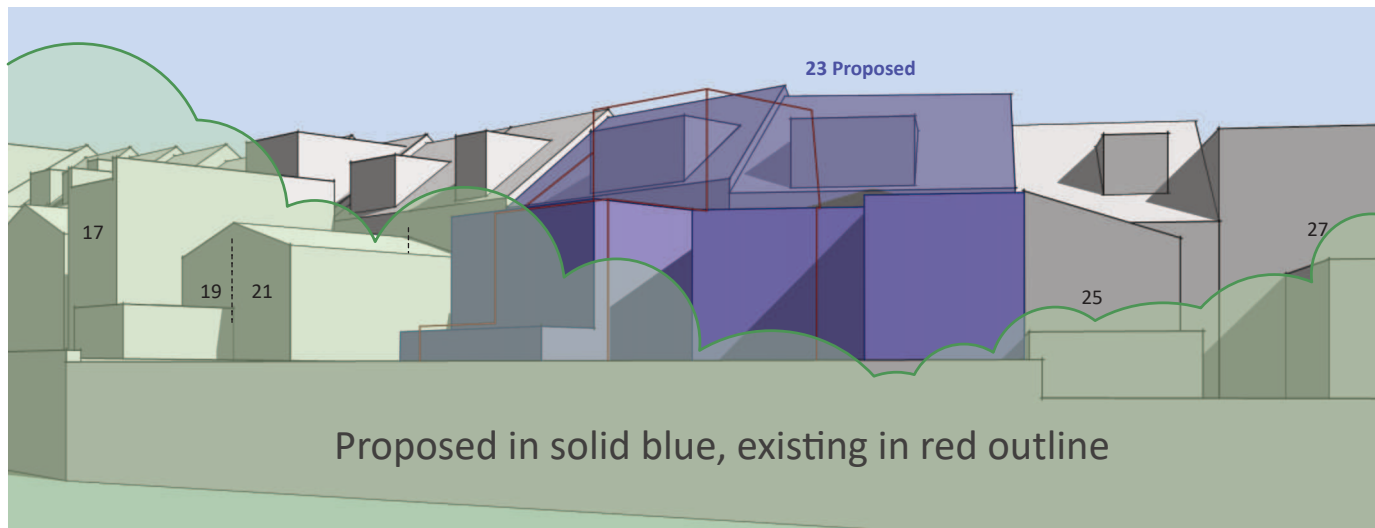
...from this rubbish strewn hillock across the tracks.

Rear Outriggers: Visible bulk and massing south side

Even from the railway tracks, the height and width, mass, silhouette, pattern of gaps and rhythm of proposed forms are entirely in keeping with the terrace and a great improvement over the existing building.



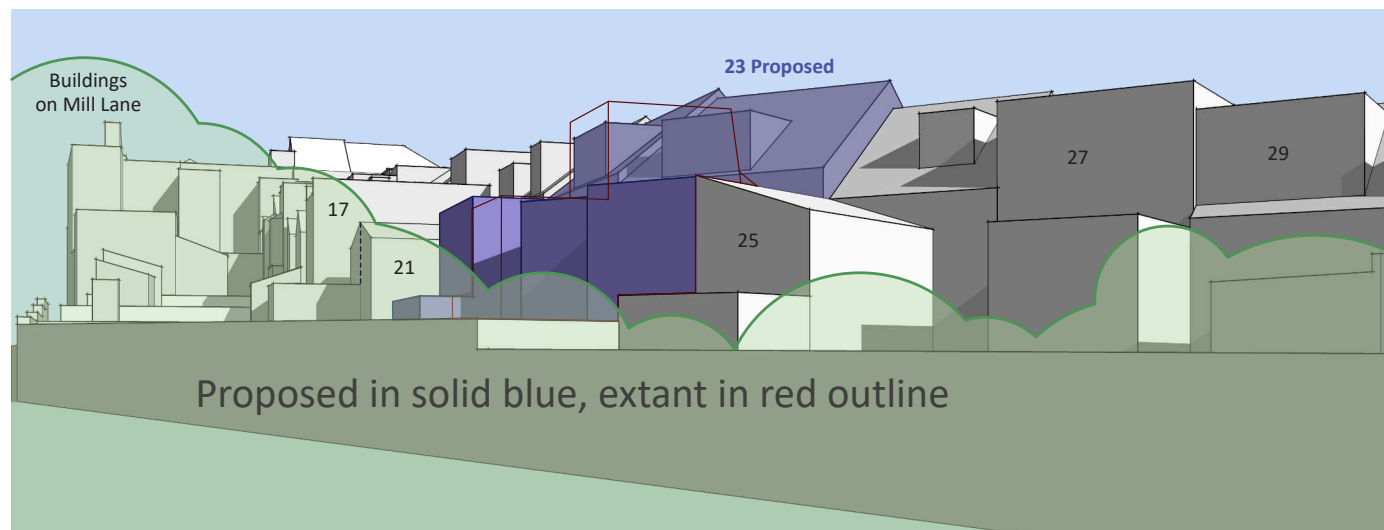
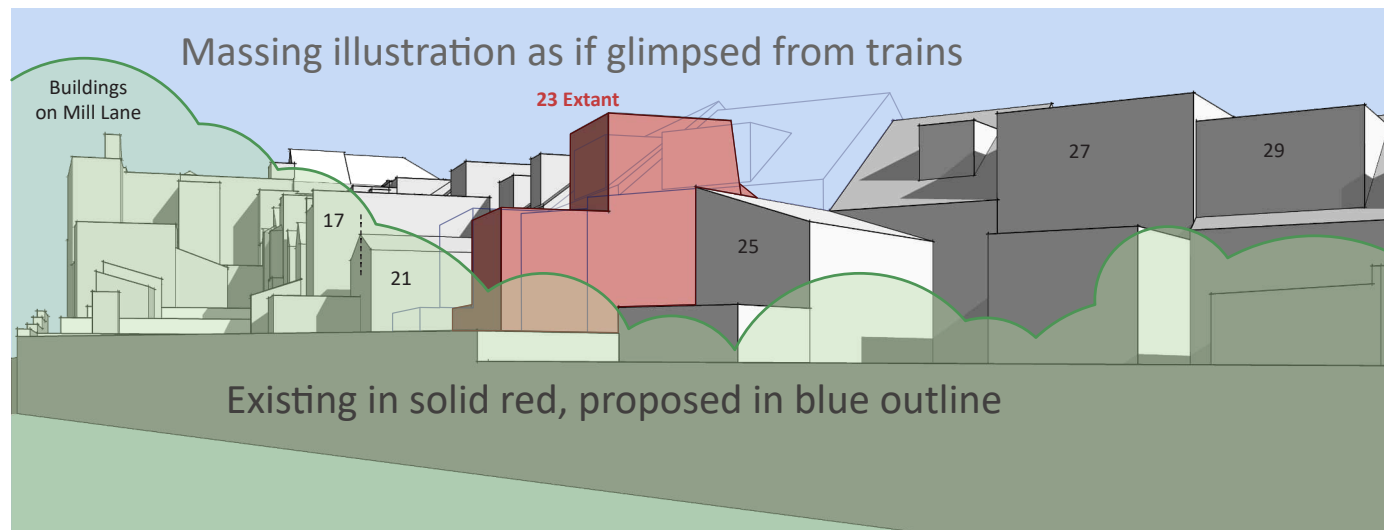
The only views are from kitchens 67m away, but...



...the majority of widows are bathrooms and halls.

Rear Outriggers: Visible bulk and massing, from speeding trains, through trees

From speeding trains glimpsed through trees for 1.2 seconds. Height and width, mass, silhouette, pattern of gaps and rhythm of proposed forms are entirely in keeping with the terrace and a great improvement over the existing building.



Dormers: Follow Camden Design Guidance 2021 **even for conservation areas**

Following the Camden Design Guidance from January 2021, the application dormers should now be acceptable, **even for front dormers in a conservation area**, and certainly for a site not in a conservation area and away from any public view. Now, primarily for the benefit of the view from Brassy Road kitchen windows and passing train

“2.2.1 DORMERS

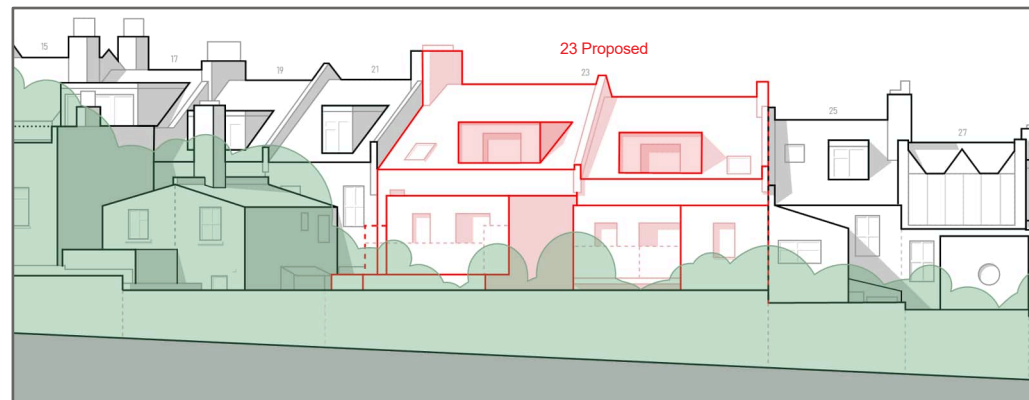
Dormers are defined as a window that projects out of a sloping roof. The aim of the dormer structure is to house a vertical window to bring in more light and air into the loft space and make it habitable, without adding to the overall roof height.

The design of a dormer should therefore emphasise the glazing element and the solid structure should complement this in a form and scale appropriate to the roof being extended.

Roof dormers should sit within the roof slope and appear as an extension to the existing roof whilst the existing roof form is maintained.”

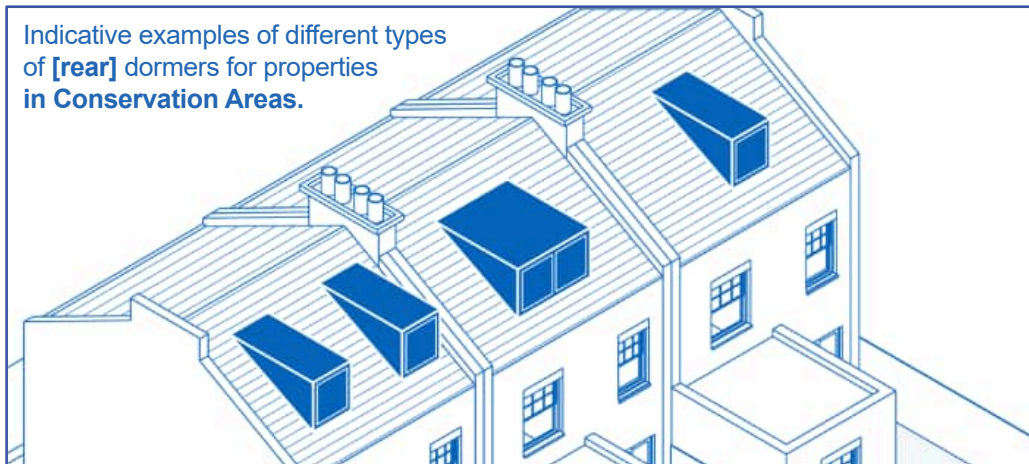


commuters, the application dormers are in perfect proportion to their respective roofs and step down perfectly in line with the adjacent properties' dormers. Materials, although specified in anthracite standing seam metal cladding for a more contemporary edge, are in a palette perfectly sympathetic to the adjacent roofscape and the wider area.



*“Generally roofs of properties in Conservation Areas are part of the area’s character, and as a general rule, dormer windows **should retain a greater area of roof slope than properties outside Conservation Areas** in order to preserve this character.”*

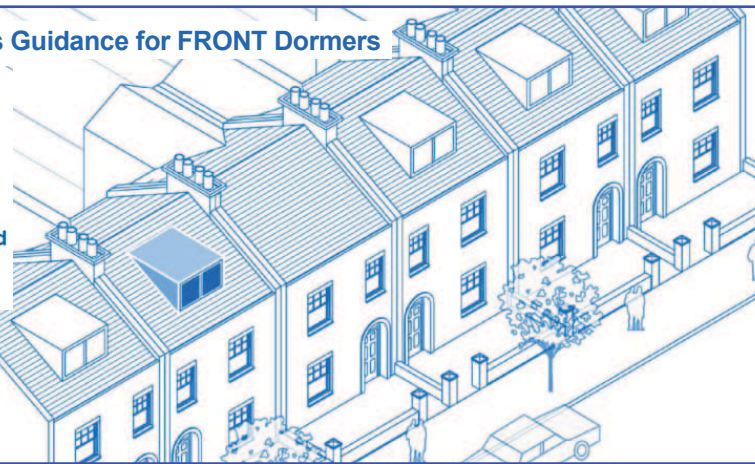
Indicative examples of different types of **[rear]** dormers for properties in Conservation Areas.



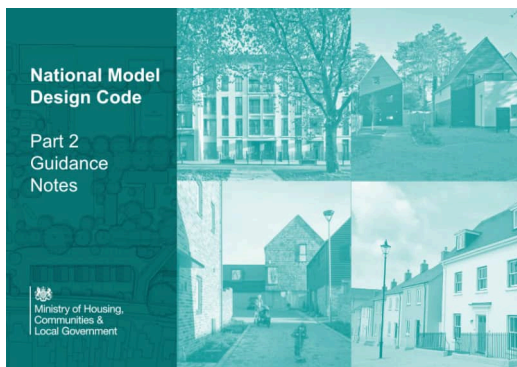
Conservation Areas Guidance for FRONT Dormers



Existing character with front dormers along the street. Likely that a similar extension would be acceptable under a planning application.



Sensitively Designed Incremental Densification: NPPF and London Plan Policy



U.1.i Efficient Use of Land

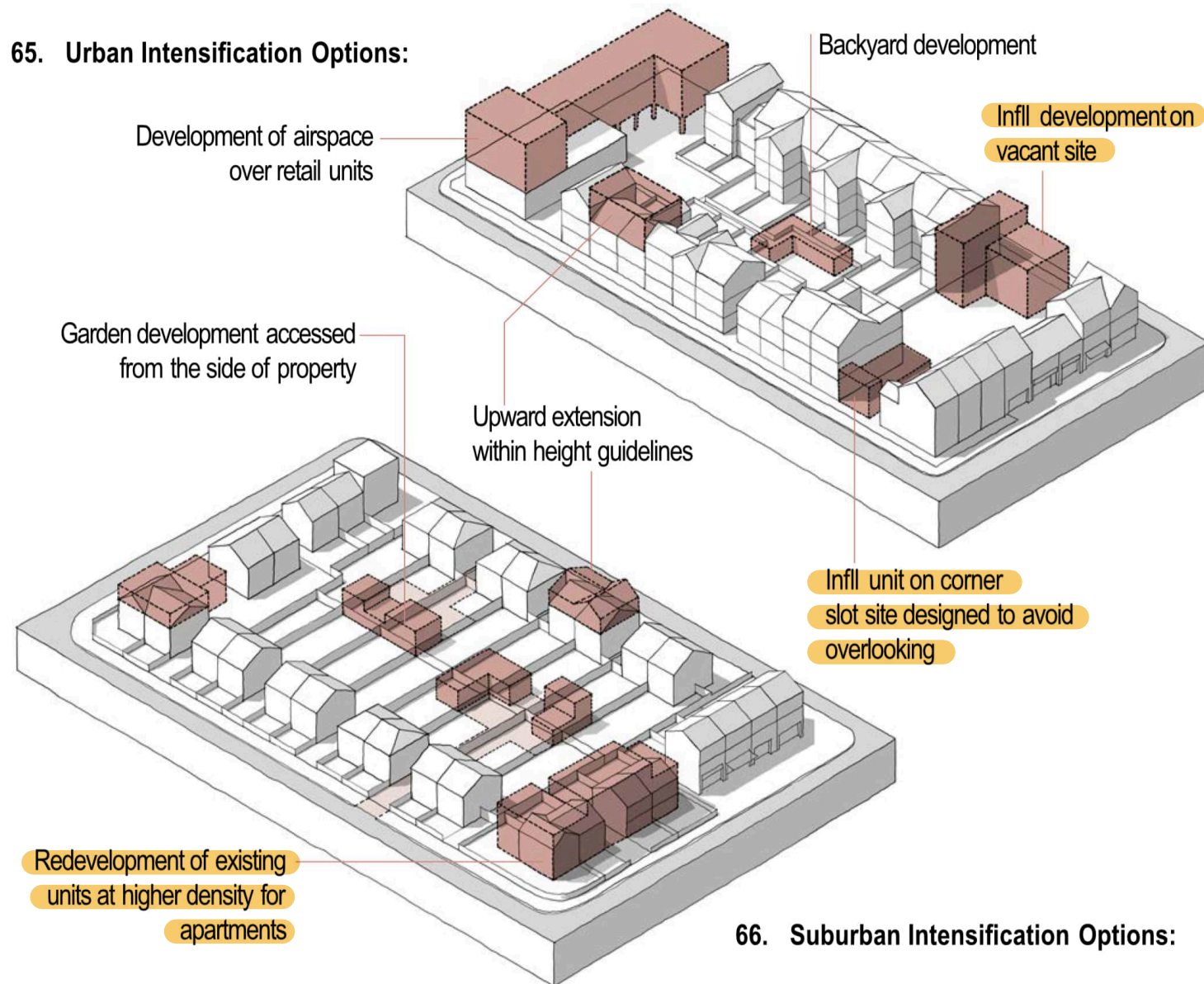
150. Using land efficiently means getting the maximum possible benefit from a site or area, taking into account relevant constraints.

151. This can help to achieve desirable social and environmental outcomes, facilitate the efficient use of resources and infrastructure and reduce pressure on greenfield sites.

152. Efficient land use could involve:

- ☐ Co-locating higher density housing with shops, services and public transport nodes
- ☐ Coding for the intensification of lower density areas that use land inefficiently.
- ☐ Providing substantial, accessible, useable green/public spaces rather than multiple small strips and verges.
- ☐ Consolidating surface parking infrastructure into multi-storey car parks or car barns.
- ☐ Building over surface car parks.

65. Urban Intensification Options:



64

66. Suburban Intensification Options:

Opinions: The previously refused schemes vs. this latest revision

The previous scheme was criticised as by offices and the inspector as follows:

"...disproportionately large and out of keeping with the rear of the surrounding terraced properties"?

"...an unconvincing architectural expression. Parts of the rear elevation still appear bulky in the context of neighbouring rear elevations."?

that *"...does not reflect the urban grain of the area and the pattern of built to un-built space."?*

Ad that its *"...bulkiness is accentuated at roof level with proposed full width roof dormers on the southern part of the development."*

Are there still *"...significant concerns with the bulk and massing of the rear elevation"?*

And finally, do the Inspectors summary of the previous application apply equally to this one that:

"The design of the building would harm the character and appearance of the area and be a lasting blight on the local area. This outweighs the benefits of the scheme."?

Will this new design *"harm the character and appearance of the area, to a degree that would significantly and demonstrably outweigh the benefits of the scheme"* and be refused yet again?; or does it now substantively overcome previous objections and should be approved?

Objective Design Review comments of the new proposal by 2020 Architects:

We have had the design independently reviewed by 2020 Architects, an award-winning Architects practice and design studio and this year's RTE Irish Home of the Year Winners; see: *23 RAV - Design Review 2020 Architects.pdf* attached. They were asked to critique a late draft of scheme, and do so entirely objectively, without fear or favour. Their more general comments on the design include:

- *"...a highly professional application and a very high-quality design."*
- *"...level of consideration continues through to the layout of the apartments and creates a development that provides the highest quality of experience for its inhabitants."*
- *"...apartments will provide a very high experiential quality."*
- *"...a standard design style typical of many developments but is a very well composed version and as a result is a wholly satisfying arrangement."*

Their general opinion was that this is actually a very well designed scheme. All of their suggested amendments comments have already been incorporated into the scheme currently being submitted here.