

Summary

Reason for refusal:

The proposed roof extension, by reason of its location, scale, bulk, design and visibility create an unacceptably obtrusive feature on the roof of the host building. This would detract from the integrity of the terrace of buildings within a largely unaltered roofscape that would result in harm to the character and appearance of the host building, the streetscene and the Camden Square Conservation Area. This would be contrary to policies D1 (Design) and D2 (Heritage) of the London Borough of Camden Local Plan 2017, Camden Planning Guidance (2021) and the Camden Square Conservation Area Appraisal and Management Strategy (2011).

Camden's decision is based on the character and appearance of the proposed extension which the decision maker has concluded would cause harm. The decision is erroneous and should be immediately set aside since it is based on incorrect facts – the decision maker wrongly states that a parapet wall is part of the proposed development and the loss of the view of the butterfly roof is therefore a factor in the decision to refuse permission. In fact, the entire terrace has a rear parapet wall and none of the butterfly roofs are visible because of it.

Furthermore, the stated reasons for refusal go against the strategic objectives set out in Camden's Local Plan and published supplementary guidance. The decision fails to adequately consider all of the relevant policies and guidance that it ought to have weighed carefully in coming to a balanced decision on the merits of this individual case. Instead, the decision maker fettered their discretion by operating a blanket policy of refusal and only refers to certain parts of the supplementary guidance which it considers support the refusal decision – although it gets much of that guidance wrong - and ignores all other relevant – and more pertinent - policies.

In their objection, the Camden Square Conservation Area Advisory Committee (CAAC) refer to 'Camden's policy to refuse roof extension applications to this terrace of undisturbed butterfly roofs'. The 'policy' referred to is not referenced, because it is a fettering of discretion – a blanket refusal - that Camden is applying rather than any published policy or guidance. If such a policy were to exist it would go against the Local Plan and Camden's own supplementary guidance. CPG Home Improvements 2021 refers to an old guidance where this 'hard line approach' may have existed, but that is now out of date and contrary to the current guidance. The consequence of this blanket approach is that Camden decided to refuse this application long before they considered it. In doing so, Camden failed to consider the case on its individual merits and failed to meaningfully engage with the applicants at an early stage which would have prevented all of what followed.

The decision also relies on Appeal decisions which are 23 and 13 years old and which predate the current guidance. Rather than considering the merits of the proposal in accordance with current guidance, the refusal decision has cut and paste a comment from an Appeal decision which is 23 years old and has relied on that to refuse permission. The result is that Camden has made a decision which does not accord with The London Plan and which goes against the stated priority strategic objectives and vision of the Local Plan, which is the key and material document which ought to guide planning decisions.

Camden planning department is in crisis and is not fit for purpose – an emergency task force has now been set up to try to clear the backlog of cases, but a disastrously impactful consequence of the crisis in this case has been the failure of Camden planning department to ever meaningfully engage with

the applicants, instead prioritising issuing a refusal based on an illegal blanket policy of refusal in order to close the case and clear it from their desks.

This decision is therefore both illegal and wholly unreasonable. Camden has erred in law by relying on incorrect facts and is operating a blanket policy of refusal whilst ignoring far more relevant and pertinent facts that ought to have been given serious consideration and weight in the decision making. The decision maker failed to establish the facts correctly, failed to adequately weigh the relevant considerations, gives inadequate weight to material facts and too much weight to less material considerations. This decision is so erroneous it ought to be immediately set aside.

The impact on the human rights of the applicants is profoundly disastrous. The proposal seeks to improve the living conditions of a family with a child with a protected characteristic living in unsafe and unsuitable accommodation. This failing by Camden's planning department is therefore a significant one which places it at odds with the London Plan and all of Camden's own strategic priorities and this has had far reaching consequences for the human rights and the health and wellbeing of a family seeking to make alterations to provide adequate housing for a child with specific needs. As the London Plan states, the scale of London's health inequalities is great and the need to reduce them urgent; 'few things are as important as a suitable home' and those involved in planning are instructed to prioritise health in all planning decisions. Camden failed to do so.

In this statement of case, we have referred to all of the relevant guidance that ought to have been considered in reaching a decision that is evidence based and demonstrably fair and reasonable. In addition, we have addressed the flaws in Camden's incorrect reliance on guidance which it misunderstands and misconstrues.

There is ample evidence to demonstrate that this appeal should be allowed because the refusal goes against Camden's own Local plan and all planning policies. This development should be given planning permission because it complies with all material guidance in the Borough.

Background

The property, in the same family ownership for some 40 years, when acquired, was unsuitable for habitation. There was no hot water, no bathroom, no fixed washing facility, no kitchen; a single WC and sink was all that was provided. The premises were used for commercial purposes, and rated accordingly, for almost 40 years. The company using the premises went into liquidation in 2020. Since then, only short term lets were possible due to the poor quality and condition of the property, including significant water damage due to a roof that was leaking in various locations. The premises remained vacant for over six months due to its dilapidated state. In consequence, a further maintenance programme was drawn up – and a planning application was submitted – to return the property from office use to residential. Of the existing 3 bedrooms, 2 are particularly small – one is 6.17 square metres; the minimum size laid down in space standards is 6.5 square metres but the preferred size is 9.3 square metres with the benefit of private outside space. The other is 7.9 square metres, little more than the size of a prison cell. The planning application would therefore provide self-contained, good quality, 3 bedroom family accommodation which is the primary use of Camden's Local Plan and so the applicants expected that; ***'the council will seek to apply local plan policies flexibly where this is appropriate to enable refurbishment of a property that would otherwise remain vacant.'*** The family moved in with their 2 children [REDACTED]

Having implemented an urgent maintenance contract, in the absence of any decision from the planning authority in relation to the application that was submitted, access was provided to roof level to enable a detailed inspection to proceed. A section of ceiling had collapsed – inches from a child's head - which alarmed the family in occupation. The timber, due to prolonged water penetration was severely rotted and required replacement. At this point, with still no progress made with the Local Authority, separate advice was sought in regard to the possibility of some form of permitted development, which was positive on the basis that this was a separately titled single family dwelling house. Regrettably, the family were very badly served by the contractor who ignored all instructions both written and drawings, and, in essence, proceeded to build what is now visible at roof level which was not what he was instructed to build. Following the first roof inspection, all works were suspended, the contractor has now disappeared despite having promised to rectify his errors. The application under consideration in this appeal was submitted following further advice with the intention of providing an acceptable solution within the parameters of the Council's requirements.

Technical guidance

National Planning Policy Framework 2021

The London Plan 2021

Camden Local Plan 2017:

Growth and spatial strategy

G1 Delivery and Location of Growth

Meeting housing needs

H1 Maximising Housing Supply

H2 Maximising the Supply of Self Contained Housing from mixed use schemes

H7 Large and Small Homes

H8 Housing for older people, homeless people and vulnerable people

Community Health and Wellbeing

C1 Health and Wellbeing

Protecting amenity

A1 Managing the Impact of Development

A2 Open Space

A3 Biodiversity

Design and Heritage

D1 Design

D2 Heritage

Camden Supplementary Planning Guidance 2021

Planning for Health and Wellbeing

Amenity

Design

Home Improvements

Altering and Extending your Home

Camden Square Conservation Area Appraisal and Management Strategy 2011

The Health and Social Care Act 2012

What happened?

9/5/22 Application for roof extension submitted and fee of £206 paid.

13/7/22 The planning officer queried if the application was for a separate self-contained flat. The officer said the *quality* of the images – not the drawings themselves – was poor which made it difficult to see the proposal and concluded; ‘the site is within the Camden Square Conservation Area and mansard roof extensions are not part of the character of the terrace...from the information provided we would be unlikely to support the application for a mansard roof extension.’

4/8/22 The officer wrote again with a ‘quick update before I go on leave.’ Camden would not support the proposal and ‘I wanted to let you know before going to the expense of additional drawings. Please let me know if you would like to withdraw the application based on the advice provided so far.’ The officer said that they would be on leave for the following month with the exception of 3 days, 16-18th August.

16/8/22 The applicant responded to say that there was more than one loft conversion in the terrace, that the Council had granted permission for new development (including non retail use in the form of offices) at each end of the terrace, that there are other alterations which significantly changed the appearance of the terrace, that it wasn’t clear why the Council was seeking to protect a terrace when it was too late to do so, confirmed it was not an application for an additional unit but an extension to an existing family unit for a family with no outside space and in real need of more living space with the only option to achieve that being to extend upwards and, in doing so, replace a defective roof long past its life. Applicant confirmed that they were happy for the green roof to be a reserved matter and stated that they believed the drawings were more than adequate but if the quality of the reproduction of the drawings was unsatisfactory they could have them scanned and sent in the form of a pdf. The applicants closed by asking Camden to advise if further information was required.

13/10/22 The applicant chased asking when they could expect a reply to their email of 16/8.

27/10/22 The applicant chased again asking when they could expect a reply and what deadline Camden was working to.

28/11/22 The planning officer sent an email which did not reply to any of the points made but stated, ‘we cannot support the proposed roof extension. Please let me know if you’d like to withdraw it or progress to a refusal.’

12/22 Scaffolding erected to commence essential roof repairs. Significant damage discovered.

01/23 Ceiling collapsed inches from a child’s head.

17/3/23 Camden wrote, stating ‘I appreciate your view differs to ours however we cannot determine the application as a refusal without the information requested.’ The planning officer allowed 10 days

for response and said 'alternatively, I recommend withdrawing the application' then said that they would withdraw it on 31/3/23. The officer said they would only be working on Fridays.

19/4/23 A Senior Planning Enforcement Officer wrote saying; 'our records show no planning permission has been sought' and 'as you will be aware, a planning application was withdrawn by the Council on 1/4/23 due to insufficient information and illegible drawings' it went on to say that the applicants had been told on 4/8/22 the application was unlikely to be supported. The officer said 'in light of the above, you are requested to, within 14 days of the date of this letter agree a timescale to demolish the existing mansard roof and make good on any resulting damage.' The officer concluded by saying 'The purpose of this letter is to give you the opportunity to informally resolve the matter without recourse to formal enforcement action. Failure to comply may lead to the service of an Enforcement Notice. Please do not hesitate to contact me should you wish to discuss the case.'

3/5/23 The applicant responded, 'Thank you for the opportunity to informally resolve matters which we very much wish to do' and said that it was not correct that planning permission had not been sought as an application had been made a year ago. The applicant stated they were unaware the application had been withdrawn and confirmed they did not withdraw it. The applicants then explained that a long overdue maintenance programme had begun due to the roof leaking in various locations. The ceiling had partially collapsed in 2 bedrooms. Roof repair work had commenced in December and revealed that the roof timber was rotted and had to be replaced. 167a required a light steel frame which was installed and 167 was replaced with conventional timber. The applicant set out that the purpose of the development into the roof space at 167a was primarily to provide access to outside space for the tenants who include a child with a disability, for whom outside space is essential and said 'As I had no determination from the Council, despite my best efforts in pursuing one, I took the view that work ought to proceed with the intention that we would resolve anything outstanding.' The applicant set out that he had left the builder to do the work whilst dealing with a health matter and on inspecting the site discovered that the builder had ignored instructions. The response ended by saying 'I am very keen to work with you to resolve matters, let me know how best to do that.'

3/5/23 The enforcement officer replied the same day to say a timescale for removal of the extension would need to be agreed and 'if a solution is not forthcoming the council will likely issue an Enforcement Notice to ensure the breach is rectified.'

4/5/23 The applicant engaged a representative to submit a new planning application for a new proposed development to replace the built structure.

9/5/23 A new planning application was submitted and fee paid.

23/5/23 The planning officer wrote saying, 'we would not support the proposal as built or as proposed...I presume the applicant would like to proceed with a refusal to pursue their right of appeal.'

3/8/23 Camden issued refusal of the new planning application and formally notified applicant of their enforcement decision but did not issue an enforcement notice.

7/8/23 The applicant's representative wrote to Camden to ask if, in the spirit of working in a 'positive and proactive way', a small roof terrace would be supported to provide vital amenity space for a child with a protected characteristic whose living conditions were summarised as follows; [REDACTED]

[REDACTED]

because you have not issued it.' The applicant asked what part of the enforcement process the meeting would represent since the decision had already been made and then asked to be put in touch with the legal team 'as it is hugely concerning that I am being denied my appeal rights.'

23/11/23 Members of Camden's Enforcement Team visited the site and met with the applicant. No further correspondence has been received.

Camden's reasons for refusal.

In its delegated report, Camden states, 'The principal considerations material to the determination of this application are as follows: Design and Heritage: including the visual impact upon the character and appearance of the host property, streetscene, and the Camden Square Conservation Area. Residential Amenity: including the impacts on the residential amenities of any existing or future occupiers and neighbouring occupiers.'

Camden concludes that the proposal is in accordance with relevant planning policies relating to Amenity and therefore there are no grounds to refuse permission relating to residential amenity. The refusal is therefore based solely on Design and Heritage. This statement of case will now work through each of the arguments relating to design and heritage which Camden relied on in its refusal to highlight where the decision goes against the Local Plan and planning policy, before moving on to the further material considerations that Camden ought to have considered in its decision making but failed to, in order to demonstrate how this refusal goes against Camden's own Local Plan.

The first reason given for refusal relates to policies D1 and D2: development should respect local context and character, comprise details and materials of high quality which complement the local character and respond to natural features. The refusal states that the Council will not permit development within the conservation area that fails to preserve or enhance the character and appearance of that conservation area. To determine the character of the relevant area, the decision relies on a statement from the CAAMS that 'the significance of the Conservation Area derives from its large number of well preserved buildings which reflect the historic growth of London.' No other information about how Camden considered how the application would reflect and enhance the character of the relevant area is provided.

Camden's Local Plan, para 7.4 states, 'Character is about people and communities as well as the physical components. How places have evolved historically and the functions they support are key to understanding character. It is important to understand how places are perceived, experienced and valued by all sections of the community. People may value places for different reasons...in addition, memory and association are also a component of how people understand a place. All of these values and experiences are part of understanding the character of a place.' The Local Plan goes on to state that the document which describes the character and appearance of areas and sets out how we will preserve and enhance them is the CAAMS.

Section 2 of the CAAMS sets out the definition of special character for the relevant area. It states that Camden Square is the centre piece of the conservation area, 'However, the special character of the area is that it **is diverse** when looked at in detail. **The architecture is not uniform.**' The CAAMS goes on to say, 'The two Mews behind the square contain inventive building developments that have also evolved over time. This has resulted in a character that is a unique mix of 19th, 20th, and 21st Century ideas of the Mews concept, from functional service areas to exemplars of urban living.' It also says that it is an area- 'that continues to change and it needs particular care both to conserve it **and** to allow it to evolve.' Furthermore, Section 4 of the CAAMS, 'assessing special interest' states that the

Mews 'developed incrementally over a hundred and fifty years and is packed with *ingenuity* and *variety*.'

Camden have failed to adequately understand and reflect the character of this particular site in its decision to refuse permission for this proposal. They have been fixated on 'uniformity' and have operated a blanket policy of refusal on the basis of maintaining uniformity when their own guidance states that the special and unique character of this site is, in fact, its variety.

Paragraph 4.3 of the Delegated Report also refers to incorrect facts. The CAAMS does not refer to the significance of the terrace at York Way as 'retaining its historic uniform roofline'. This is incorrect. CAAMS, in fact, says very little about York Way and certainly nothing positive. Section 5.3 relates to York Way and it says nothing about the character or historic significance of the terrace or the road, only that it is a 'busy traffic-laden road'. Furthermore, this section states that 'Camden Square Gardens is the centrepiece of the design of the area', in other words, not York Way. In Section 7 York Way is listed as in need of enhancement and redesign. It seems that Camden has a fixed idea of the character and significance of York Way which is quite detached from the reality.

The Delegated Report also relies on an incorrect stating of CPG Home Improvements 2021. Para 4.3 refers to CPG HI to say that mansard roof extensions are appropriate where they are an established feature within a group of buildings or townscape. This is not true. CPG HI, in fact, states at section 2.2; 'The previous guidance presented a hard line approach of restricting development at roof level on any unbroken roofline. Under this guidance, a more flexible approach is proposed to give more weight to existing older extensions and to those allowed under permitted development, in the immediate context of the building being proposed for extension within and outside of conservation areas.'

CPG HI 2021 goes on, importantly, to say; **'Not every unbroken roofline is of heritage value and therefore it is not worthy of preservation.'** And, further, **'For conservation areas, the conservation area appraisals identify if certain terraces are significant due to their unbroken roofline, which means they hold heritage value. If subsequent development since the Conservation Area Appraisal has been issued has altered the unbroken roofline, weight shall be given to the existing extensions in the assessment of a new roof extension.'** And, finally, CPG HI 2021 says, **'If you live in a terraced building and your neighbours have already extended their roofs with a traditional mansard, then it is likely that a similar extension would be an acceptable development.'**

Camden have relied on a misunderstanding of CPG HI 2021 and have incorrectly dismissed the proposal with a blanket refusal instead of considering the case in accordance with the relevant guidance. The CAAMS does not designate the row at York Way as being significant. Furthermore, there has been development at 169 and there is development at 177. Camden has been fixated on whether these developments form a precedent or not due to whether they have permission or not. But the relevant fact is not whether these extensions have permission it is that they exist and affect the uniformity of the terrace. This point was made to Camden as early as August 2022 but was ignored and CPG HI 2021 which instructs them to consider this fact and weigh it in its decision making was also ignored. Camden failed to do what it ought to have done because it is applying a blanket policy which doesn't exist and is seeking to preserve a uniformity which doesn't exist either.

In its reasons for refusal Camden relies on Appeal decisions which are very old and which predate all current guidance and reflect a policy environment which is out of step with Camden's current strategic objectives as set out in the Local Plan. The Appeal decisions they refer to are 23 years old and 13 years old. Camden is living in the past, applying blanket policies which do not reflect the

current guidance. Para 4.6 to 4.9 of the delegated report are particularly nonsensical and they are also dependent on incorrect facts. Firstly, the development will not be visible from York Way and, secondly, the visibility from the rear at Camden Mews should be considered in the context of the character of the Mews, not the character of York Way. The character of the Mews is of variety and ingenuity, not uniformity. Furthermore, the decision maker has not realised that the butterfly roof was never visible from the rear because the parapet wall was existing and therefore concealed the butterfly roof from view. The idea that the development is harmful to the uniform appearance of the butterfly roof arrangement is therefore incorrect.

Para 4.7 of the delegated report also misconstrues the CAAMS, it quotes section 7.8, 'Alterations to roofs and dormers' and says 'The regular composition of the roof lines is an important element in the appearance of the conservation area' and that 'particular care is needed to ensure sensitive and unobtrusive design to visible roof slopes or where roofs are prominent in long distance views' the delegated report then adds in the sentence 'such as this site along York Way and Camden Mews' which the CAAMS does not refer to. The officer edited out the key part of the section they are referring to here which goes on to say 'proposals for alterations to roofs within the conservation area will be considered on their own merit' because they never did consider the merits of this application because they had already decided to refuse it before they considered it. This section of the CAAMS proves that Camden is wrong to be applying a blanket ban to roof development and it is therefore puzzling as to why in their objection comments the CAAC say they support this blanket ban, since it goes against published policy. The need to consider applications on their own merits is reinforced by CPG HI 2021 which states 'officers will apply flexibility and every planning application will be assessed on its own merits.' Camden never considered this application. This section of the CAAMS ends with a quote from English Heritage which says, 'conservation area designation is about recognising the significance of an area and what gives it its special character. **Designation is not intended to prevent change** but to make sure that the effects on what people value about a place are properly considered.' On the contrary, Camden is using designation to prevent any consideration of any change as demonstrated by its refusal to meaningfully engage with the applicants from the outset. This goes against its own CPG Design 2021 which states in the Heritage section, 'many of the potential impacts of development in conservation areas can be covered through design.'

The proposed extension will be sloping away from the front below the parapet line with a slate finish similar to the mansards at 169 and 177. This will not be visible from the Camden side of the borough and only partially visible from the opposite side of the road in an unobtrusive way. The roof will be a propriety green roof which will meet biodiversity guidelines and provide superior insulation. The vertical walls to the rear will be similarly finished in vertical greenery and hardwood strip cladding, similar to 129 Camden Mews. This development will be in accordance with the character of the Mews and will enhance it. In addition, a timber constructed canopy will be provided at window head level which will effectively reduce the overall vertical appearance of bulk at the rear. Together with effective timber cladding and planting this will contribute another example of architectural ingenuity and variety along the Mews, in keeping with the established character of the Mews as stated within the CAAMS guidance.

Para 4.11 of the delegated report contains further factual inaccuracies. It says that the extension at 169 was approved prior to the extension of the conservation area so shouldn't be seen as a precedent. 169 was not approved. It then refers to a section of CAAMS which states 'recent development at the top end of Camden Mews towards York Way has three storeys, is clearly visible and is damaging as it overbears the Mews' and suggests that this comment relates to 169. It doesn't. The development at 169 did not exist when CAAMS was written. Also, the quoted section says

‘towards York Way’ not on York Way. This comment in fact refers to planning decisions which were made by Camden itself. There are 3 storey developments at 100-103 Camden Mews and 129 Camden Mews which were given permission by Camden and include roof terraces. In fact, a short walk along the Mews reveals there are in excess of 30 roof level developments with terraces. The idea that this proposal would be contrary to the character of the Mews is therefore plainly incorrect. And in this section of CAAMS the point that is being made is that care should be taken to ensure the Mews scale remains dominant across the entirety of the Mews, in other words, when workshops and garages are being converted to residential. This is not relevant to this application.

This section of the CAAMS, in fact, goes on to say that the development of the Mews over time has resulted ‘in a unique showcase of architectural one off designs’ and that roofs are ‘predominantly slate, hidden behind parapets or with eaves’ and that ‘20th century variants include flat and metal roofs.’ It goes on to say, ‘there is a far greater variety of detail in the Mews, with timber, metal and pvc windows of varying types and character.’ This is at odds with para 4.9 of the delegated report which says ‘the introduction of a roof extension is not in keeping with the established character.’ On the contrary, the CAAMS in Section 7, The Management of Change, states, ‘The area is a mixture of original, replacement and modern buildings’ and that ‘there is variety in scale, particularly between the main streets and the Mews.’ It goes on to say at section 7.4 ‘successful modern design can be of the 21st Century and enhance the conservation area.’ Section 2.11 of the Local Plan states ‘good design can increase density while protecting and enhancing the character of an area.’ Once again, Camden in its decision on this application appears to be operating outside of its own guidance which recognises that the management of change needs to be responsive to the urgent housing needs of the residents of Camden. In contrast, Camden planning department is stuck in the past preserving buildings as though they were museum pieces rather than homes for people with specific and real needs.

The delegated report at para 4.12 refers to views of the proposed development along Camden Mews and in shorter views from York Way saying the extension is therefore not acceptable. However, the CAAMS details the strategic views in the area which the development does not affect. Section 5 of CAAMS goes on to set out key views, saying, ‘Views in this area have distinct characters: the formal composition of the planned street layout and ordered frontages contrast with the contained views of the varied developments within the Mews. Views on the edge of the area are along the busy commercial highways. Views out of the area are over the wide urban landscape now being developed with buildings some of which are high rise.’ The CAAMS goes on to say ‘the key views are up and down the square and the grid of roads that spread from it’ and that views up and down Camden Mews include ‘a rich variety of inventive houses and converted workshops’ it refers to the view looking southwest under 163 York Way (though we presume they mean under 167a) where the ‘archway frames the view down Camden Mews, which is particularly fine in the evening when light falls on the cobbles.’ In other words, there is no view referred to in the CAAMS which this development would negatively affect and the view of 167a from the Mews is not referenced as a key or significant view in the area. The CAAMS concludes with reference to ‘the wider urban view out of the area where the Kings Cross development will be visible.’ Once again, Camden is operating outside of its own policy documents by attaching imagined significance to views that are not protected or referenced as significant in the relevant guidance.

An objection about the view was submitted by the residents of 129 Camden Mews which is a warehouse type building which Camden approved a modern roof extension and roof terrace for in 2009, despite this overlooking the bedrooms at 167a. The proposed development at 167a is intended to look similar, in fact, to the roof development at 129 which was met with approval and

this is the nearest comparable development, not 169 York Way. The residents of 129 appear to be an elderly couple who enjoy their spacious 3 storey house and roof terrace and roof extension between 2 occupants. CPG Amenity 2021 states in section 2.15, 'It should be noted that the specific view from a property is not protected as this is not a material planning consideration.' Camden concluded that there were no grounds to refuse permission on this basis.

Material guidance that Camden failed to consider.

As previously mentioned, the proposed development sought to return a vacant and previously commercial site to a habitable, good quality 3 bedroom self contained single residential dwelling. The housing needs it sought to address were for a family with a child with a lifelong developmental disability whose needs impact the whole family's health and wellbeing. The particular needs of the child result in the family living permanently in COVID-style lockdown conditions in unsuitable and unsafe housing. The care needs of the child will persist into adulthood and the family were therefore mindful of the need to create accommodation that could be versatile and adaptable and provide a long term solution for a vulnerable person to live as independently as possible in the future.

Camden's policies in its Local Plan need to reflect up to date and relevant evidence about the social, economic and environmental characteristics and prospects of the area and must meet identified needs in accordance with the NPPF. The Local Plan identifies some of the key challenges Camden faces as adapting to Camden's growing population and to social change, including an increasing number of children and responding to changes in the way we live. The Local Plan recognises that there are significant health inequalities in the Borough and wants to ensure that 'members of our community have access to good housing...to help promote equality and inclusion, to ensure that everybody has the opportunity to succeed and nobody gets left behind.' Camden has one of the largest health inequality gaps in England. A key strategic objective of the Local Plan is therefore to provide homes that meet the housing needs of existing and future residents, self contained housing is the priority use of the plan.

Policy H1 Maximising Housing Supply regards self contained housing as the priority land use of the local plan and says Camden will work to return vacant homes to use, ensure they are occupied and where sites are underused or vacant it will expect maximum provision of housing. The NPPF requires the council to plan to meet the assessed needs for housing in the area and for different groups within the community, including families with children and people with disabilities. Camden's target for vacant homes returning to use is 32 homes per year. However, the London Plan indicates that the number of additional homes needed across London exceeds the capacity for additional homes by at least 7,000 per year. A key part of Camden's Local Plan is ensuring homes are occupied. In October 2013 almost 1300 homes in Camden had been vacant for 6 months or more – approx. 1.3% of the Borough's housing stock compared to 0.6% across London. The target of 32 homes returning to use per year is the monitoring target for Camden but the Local Plan sets out that it will seek to exceed it because 'returning vacant homes to use is a high priority...the council will seek to apply Local Plan policies flexibly where this is appropriate to enable refurbishment of a property that would otherwise remain vacant.' Policy H2 specifically seeks provision of self contained houses and flats in line with the priority land use of the plan. Furthermore, Camden has designated 3 bedroom dwellings as high priority and the local plan states that they will take account of any features that make the development particularly suitable for families with children. They list child friendly features as including the potential to provide private amenity space on site where children can play.

Policy H8 states that 'the council will aim to ensure that there is a sufficient supply of appropriate housing available for vulnerable people to live as independently as possible' and goes on to say 'the

numbers of people needing some form of support is expected to increase over time due to factors such as greater identification of conditions [REDACTED]. It says 'we aim to provide greater opportunities for vulnerable people to live in suitable accommodation within Camden' and 'we are considering advice and adaptations we can offer to better support people with [REDACTED] diagnosis.'

Policy C1 Health and Wellbeing states 'the creation of healthy environments for people of all ages across the borough will be a key consideration when the council assesses planning applications' because 'planning can play a pivotal role in influencing key health determinants especially towards improving long term outcomes and addressing health inequalities.' It states, **'if a person's day to day activities are limited, housing will lead to better health outcomes.'**

Policy D1 Design notes the significant link between improving physical and mental wellbeing by creating streets spaces and buildings which allow for and encourage healthy lifestyles. Section 4.15 states **'Health should not be seen as an isolated topic when assessing planning applications, rather it should be integrated.'**

CPG planning for health and wellbeing 2021 underpins the Local Plan and states 'the planning process can enhance the quality of life for population groups with greater health and wellbeing needs, eg residents at potential risk of social isolation.' 'The local plan takes an integrated approach to planning and health, recognising that all aspects of development can shape our health and wellbeing.'

The Health and Social Care Act 2012 'requires every local authority to use the levers at its disposal to improve health and wellbeing' the planning process can influence people's ability to follow healthy behaviours and can have positive impacts on reducing inequalities and states at 1.11 'when considering the health impact of individual developments, it is important that its surroundings are taken into account as well as its intended purpose.' It states 'many determinants of health can be shaped by the planning system' and that 'a lack of physical activity has clearly been known to be a risk factor for a range of poor health conditions – 12% of Camden's 15 year olds meet Government guidelines for at least 60 minutes of physical activity per day. And one issue of particular importance in the borough is childhood overweight and obesity: 'amenity is important for good health and wellbeing'

Policy C1 planning and social isolation states that 70% of Camden residents in population groups likely to be more vulnerable to isolation; 'this highlights the need to use available opportunities and mechanisms to prevent and reduce social isolation, including the planning process.'

Policy H6 seeks the creation of mixed, inclusive and sustainable communities through the provision of housing for people across the life course, including accessible and adaptable dwellings.

The local plan contains a commitment to building lifetime neighbourhoods, with regards to planning it states this means 'providing homes which meet people's needs.' It states, 'we will grant permission for development unless this causes unacceptable harm to amenity.'

Policy A2 Open Space states that the council will 'ensure developments seek opportunities for providing private amenity space' because 'access to outside space is critical to sustainability and wellbeing' and 'play space is an important tool in supporting the development of children and young people.'

Policy A3 Biodiversity states that the council will seek to improve opportunities to experience nature and assess development against its ability to realise benefits for biodiversity.

Section 7 of the local plan Design and Heritage and policy D1 Design states that good design respects local context and character, preserves or enhances the environment in accordance with D2 Heritage, is sustainable and durable, promotes health and incorporates outdoor amenity space.

Section 7.17 states 'the council will require applicants to consider how development will contribute to improving health' and says 'planning has a key role in promoting good physical and mental health by creating buildings which allow and encourage a healthy lifestyle.'

7.22 states the council will encourage the development of green and brown roofs and walls.

7.23 states 'private outdoor amenity space including gardens, balconies and roof terraces can add significantly to resident's quality of life and applicants are therefore encouraged to explore all options for the provision of new private outdoor space.'

7.12 Design of Housing states that high quality homes include but are not limited to: the incorporation of outdoor space, including terraces, has good ceiling height and rooms sizes, has good natural light and ventilation and is accessible and adaptable for a range of users.

D2 Heritage states that Camden will take into account conservation area statements to provide guidance on character as material considerations when assessing planning applications.

In decision making the 'council will take into account the *scale* of the harm and the *significance* of the asset'....'we will seek to manage change in a way that retains the distinctive character of our conservation areas'.

Conclusion

Camden failed to correctly identify the character of this development site, failed to consider how to manage change to meet the objectives for health and wellbeing that it is required to meet, failed to weigh any risk of harm to design or heritage – or consider the scale of that harm - against the priority use of the Local Plan to return this unoccupied accommodation to a self-contained 3-bed family dwelling, failed to consider the health inequalities affecting this family and how to address the long term impact of that through the planning process, failed to offer any advice or adaptations to a family trying to meet the needs of [REDACTED] child, failed to establish the facts correctly by mistaking an existing rear parapet wall for part of the proposed development. In consequence, Camden failed to correctly weigh the risk of harm of the development against all of the material considerations that it ought to have considered in its decision making. Instead of engaging with the applicants to understand the case correctly, Camden adopted a blanket policy of refusal and failed to reply to any of the reasonable responses the applicants provided.

Section 11 Delivery and Monitoring states that 'a key mechanism for delivering the Local Plan will be the council's decisions on planning applications' – the policies in the plan provide the framework for these decisions. Camden's decision on this application fails to deliver the strategic objectives of the Local Plan because it failed to consider much of the relevant policy and guidance that it ought to have done, it is erroneous and wholly unreasonable. The proposed development is in line with all of the policies, guidelines and strategic objectives of the Local Plan and this Appeal, therefore, ought to be allowed.

