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Our Ref: 2023/2041/P

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The Planning Inspectorate
Temple Quay House
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Dear Sir/Madam,

Town and Country Planning Act 1990 (as amended)
Appeal by Ms Joanna Yurky
Site at 167a York Way, Camden, London, N7 9LN

I write in connection with the above appeal against the refusal of planning permission (Ref: **2023/2041/P**) for the erection of a roof extension with rear terrace to existing flat.

The Council sets out its full statement of case as follows:

1.0 Summary

- 1.1 The appeal site is a two-storey flat that forms part of a three-storey plus basement, mid-terraced property dating from the late 19th century. The flat is located above the vehicle access passageway to Camden Mews and is accessed via the shared entrance to the upper floors of 167 York Way to 167A York Way. 167 York Way is comprised of commercial at ground level and residential above, with lower ground, first and second floor sub-divided into flats. The planning history indicates the flat may have been sub-divided from the host building during the 1980's as 167A York Way.
- 1.2 A roof extension has been built without planning permission and there are differences in the form of the elevations in comparison to what has been built and applied for; the 'butterfly' (valley) roof has been removed and the roof level lowered to enable its use as a roof terrace; and another roof structure has been built to enclose a water tank. The existing roof extension differs to the appeal proposal. There is an open enforcement case.

1.3 The site is not statutorily listed but is situated within the Camden Square Conservation Area. It is identified as making a positive contribution to the Conservation Area (CA), due to the significance of its value in being part of the original Camden New Town Estate.

1.4 Planning Permission was refused on 3 August 2023 for the following reasons:

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 (CA). 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).

1.5 The Council's case is set out in detail in the Officer's Report and it will be relied on as the principal Statement of Case. The report details the application site and surroundings, the site history and an assessment of the proposal. A copy of the report was sent with the questionnaire.

1.6 In addition to the information sent with the questionnaire, I would be pleased if the Inspector could also consider the following information and comments before deciding the appeal.

2.0 Status of Policies and Guidance

2.1 In determining the above mentioned application, the London Borough of Camden has had regard to the relevant legislation, government guidance, statutory development plans and the particular circumstances of the case. The full text of the relevant policies was sent with the questionnaire documents.

2.2 The London Borough of Camden Local Plan 2017 (the Local Plan) was formally adopted on the 3 July 2017 as the basis for planning decisions and future development in the borough. The relevant Local Plan policies as they relate to the reasons for refusal are:

A1 Managing the impact of development
D1 Design
D2 Heritage

2.3 The Council also refers to the following supporting guidance documents:

CPG Design (2021)

CPG Amenity (2021)
CPG Home Improvements (2021)

Camden Square Conservation Area Appraisal & Management Strategy (2011) (CS CAAMS)

2.4 In January 2024, the Council published a draft new Camden Local Plan. As an emerging plan, the draft new Local Plan is now a material consideration in planning decisions. At this early stage in the preparation process, the draft new Local Plan has limited weight in planning decisions, but as a statement of the Council's emerging approach, it demonstrates the direction of travel.

2.5 The relevant Draft Local Plan Policies are
D1 Achieving Design Excellence
D4 Extensions and Alterations
D5 Heritage
A1 Protecting Amenity

2.6 The Council also refers to the following legislation, policies and guidance within the body of the Officer's Report:

National Planning Policy Framework (2021)
London Plan (2021)

2.7 The National Planning Policy Framework was published in April 2012 and revised in September 2023. It states that proposed development should be refused if it conflicts with the local plan unless other material considerations indicate otherwise. There are no material differences between the Council's adopted policies and the NPPF in relation to this appeal. The Council's adopted policies are recent and up to date and should be accorded full weight. The full text of the relevant adopted policies was sent with the questionnaire documents.

3.0 Comments on the Appellant's Grounds of Appeal

3.1 The appellant has put forward their grounds of appeal into eight (unnumbered) sections under the headings:

- Summary
- Background
- Technical Guidance
- What Happened
- Camden's Reasons for Refusal
- Material guidance that Camden failed to consider
- Conclusion.

3.2 In summary, the appellant's grounds of appeal are that they assert the Council have not considered the Local Plan policies they argue should have greater weight in the

decision. The appellant suggests the Council's Local Planning Authority (LPA) has been selective in the evaluation and implies the interpretation is wrong. The appellant criticises the LPA alleging the use of 'blanket refusals' and argues the LPA failed to engage with the applicants. The appellant asserts the living conditions were unsafe and unsuitable accommodation for a child with specific needs and argues the LPA's decision is unfair, unreasonable, and unlawful.

3.3 Due to the length of the appellant's statement, in unnumbered paragraphs of text, for clarity and brevity, the Council's statement will be grouped into sections

- Background and Timeline
- Design and Heritage (Reasons for Refusal) (Grounds of appeal 1)
- Appellant's considerations (Grounds of appeal 2)
- Conclusion

3.4 The Inspector and third parties will be able to read the appellant's statement in full on the Council website. Further rationale for refusal is included in the delegated officer report.

3.5 Contrary to the appellant's view, the Council strongly dispute that the LPA makes 'blanket refusals' but considers each case on its merits within the site context. Following an initial assessment of a proposed roof extension and advice from Conservation and Heritage officers for an earlier application in 2022, the appellant was advised a roof extension would not be supported. (See correspondence attached in Appendix A and background and timeline section). Contrary to this advice, the appellant constructed the extension and roof alterations in late 2022. The appeal proposal is a marginally amended version of the unauthorised extension. The appellant introduces policies and guidance in their summary that did not form part of the reason for refusal. For clarity, these will be responded to Appellant's considerations section.

4.0 Background and Timeline

4.1 The appellant outlines the reasons why a part-retrospective planning application was submitted. They state the site has been in family ownership for 40 years, was unsuitable for living, and used for commercial purposes until 2020. They say the premises were vacant for six months and they drew up a maintenance plan. The family moved in (no date given). The appellant stated they had not received a decision from the LPA, and they progressed with construction (completed by 01/01/2023). They refer to advice they received regarding permitted development.

4.2 LPA Response: For clarity and transparency, correspondence is included in Appendix A. An earlier application ref: 2022/1982/P was made on 09 May 2022 for "*Alteration of roof to provide living room, kitchen, bathroom, and bedroom with terrace to rear. No change of use.*"

- 4.3 At the first opportunity, the appellant was informed the application was incomplete (and therefore, invalid) on the 13 July 2022 for the following reasons:
- 1 Ownership Certificate may have been incorrectly served as the building is subdivided into flats with commercial premises on ground floor (also, evidence of leaseholders);
 - 2 Clarification whether proposal was a new self-contained unit or an extension to an existing residential unit;
 - 3 Drawings (images of drawings) were illegible and unmeasurable, therefore, officers unable to assess impact of development;
 - 4 Drawings should include neighbouring context, as site currently showing site in isolation;
 - 5 No details of green roof, windows, or materials;
 - 6 Referred appellant to Camden Square CAAMs and advised the LPA would be unlikely to support a roof extension in this location.
 - 7 The email closed with “We cannot progress the application until we receive the information as requested.”
- 4.4 In the same email, the case officer advised the appellant an initial assessment had been made and the roof extension was unlikely to be supported. They referred the appellant to Camden Planning Guidance (CPG) which advises that such extensions are generally only acceptable where they reflect the established roof form of the surrounding buildings or townscape. In areas where the roofscapes remain largely unaltered, introducing a roof extension would be considered out of character and harmful to the existing CA. The case officer reiterated the importance of ensure that any images or drawings, are of high quality to avoid any misinterpretation of the proposal.
- 4.5 During the 2022 application, the officer informed the appellant the case remained invalid over four emails. Follow up emails were sent on 04 August 2022; 28 November 2022; 17 March 2022 warning of closure of the case; notifying the appellant the case had been closed (withdrawn) 03 April 2023 due to incomplete information. Following a report of unauthorised development from the community, the LPA enforcement team opened a case (16 March 2023), the appellant submitted an application for a “Roof extension” (19 May 2023), the application was refused (03 August 2023).
- 4.6 The case officer asked for clarification on whether the proposal was creating a new residential unit in the 2022 application. The appellant stated no change of use was sought and confirmed it was not a new residential unit. This is now at odds with the appellant’s statement which brings forward information that the site was commercial until 2020.
- 4.7 The 2023 application was originally submitted as a householder application stating it was a single-family dwelling house. Following discussions with the agent, reviewing

the planning history, and reading the submitted existing drawings, officers concluded that 167 York Way was sub-divided into flats. The appeal site formed of the flat within the two floors above the passageway to Camden Mews, with shared access from the ground floor entrance adjacent to the commercial entrance. (See photo Appendix B).

- 4.8 Officers sought clarification on the site address with the agent due to the addresses on Council records, which are listed as:
- 167A
 - Flat A, 167A
 - Flat Basement 167
 - Store at part basement 167
 - Shops and premises ground floor 167
 - Flat 1st floor 167
 - Flat 2nd Floor 167
- 4.9 The recently introduced information from the appellant's statement now brings into question whether the 1983 permission (Appendix C) was implemented and whether the unit has only been in use as residential since 2020. The Inspectors' attention is drawn to the Article 4 direction made July 2022 with respect to Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended 2021), for changes of use (see Appendix D).
- 4.10 Changes of use from commercial or office use to residential would have required planning permission on the dates referred to by the appellant in 2020, the date of the first application in 2022 and in 2023, when the appeal proposal was submitted. The appellant does not provide a date for they moved into the appeal site, but their address was given as a house outside the borough when they made the first application in July 2022.
- 4.11 The appellant refers to national space standards for room sizes, which is typically applied to new residential units or conversions. The appeal proposal is an extension to an existing residential unit.
- 4.12 The appellant stated they had not received a decision from the LPA. The case officer wrote to the appellant four times to state the application remained invalid, explain the reasons, which included illegible drawings, and request the outstanding items to be sent if they required a decision.
- 4.13 No evidence has been provided by the appellant that they received advice from the Council regarding permitted development.
- 4.14 Under the heading 'What Happened?' The appellant lists details of correspondence in relation to the earlier 2022 application, current enforcement, and the application subject to this appeal.

4.15 LPA Response: For brevity, clarity and transparency, correspondence is included in Appendix A and in the table below.

Timeline

Date	Correspondence, event
17/06/2022	Acknowledgement email
13/07/2022	Validation email, as above.
04/08/2022	2 nd email explaining the proposal would not be supported, suggesting withdrawing the application to avoid further expenses on additional drawings.
16/08/2022	The appellant argued their case citing loft conversions and various alterations had changed the terrace. They stated the application was for an extension to an existing family unit, not for an additional unit. They said they would discuss the green roof as a separate issue and offered to provide the outstanding drawings.
28/11/2022	No drawings or details as requested had been received by the LPA. 3 rd email to provide another opportunity to progress, reiterating the outstanding details required to validate the application.
01/01/2023	The appellant states the constructed of the extension was completed (application form ref: 2023/2041/P).
17/03/2023	4 th email from the LPA offered a final opportunity to progress, stating the remaining outstanding details required to validate the application.
01/04/2023	Case officer notified appellant the application was withdrawn/closed.
19/04/2023	Enforcement Officer contact appellant.
03/05/2023	Appellant states they were unaware the application had been withdrawn.
09/05/2023	The appellant submits a new planning application.
23/05/2023	Case officer discussed the submission with their agent and raised validation issues regarding the application submitted as a householder type. The officer queried whether ownership certificates had been completed and served correctly and whether all leaseholders and freeholders had been served notice, as records show there are other leaseholders within the property. The case officer advised it was likely the proposal would be refused due to there being minor differences between the proposal, the unauthorised extension as constructed, and the earlier application.
03/08/2023	LPA issue the decision
14/08/2023	Following a post decision enquiry from the agent, the case officer advised the appellant to use the pre-application advice service or exercise their right of appeal. They were advised a new application for a roof terrace or to regularise the build as constructed should be sought separately.

	<p>This advice was based on few resources for informal advice and the differences in the proposal and the unauthorised extension subject to enforcement were minimal.</p> <p>The officer's response commented the challenges of accommodating private outdoor spaces within densely populated areas, and that they had considered outdoor space, the family member's condition and living conditions, in the application.</p>
06/09/2023	<p>The appellant wrote stating they consider the decision is beyond the LPA's delegated authority and intend to appeal.</p> <p>They appear to have misinterpreted the officers' reply on 14/08/2023 as having received written advice from a third party, which was not stated and was not so, and therefore there is no copy of written advice to provide.</p>
06/09/2023	<p>The case officer referred the appellants query to the enforcement team.</p>
08/10/2023	<p>The appellant advised they consider the decision is beyond the LPA's delegated authority and intends to appeal.</p>
17/10/2023	<p>The case officer responded to the complaint from the appellant, stating the decision notice was the formal response of the LPA, and the assessment was based on the information submitted in the application.</p>

5.0 Design and appearance (Reasons for refusal)

5.1 The appellant argues in the first ground of appeal that the LPA operates a 'blanket policy' of refusal which they consider overly rigid and contrary to guidance. The appellant takes issue with the officer's interpretation of the CPG Home Improvements 2021 (CPG HI), which allows a flexible approach to roof extensions.

6.0 Response to ground of appeal (Design and appearance)

6.1 Policy D1 aims to ensure the highest design standards for developments. Policy D1 states that the Council will require all developments to be of the highest standard of design and to respect the character, setting, form and scale of neighbouring buildings, its contribution to the public realm, and its impact on wider views and vistas.

6.2 Contrary to the appellant's view the policies, guidance and CAAMS reflects the Councils' flexible approach to integration of development within an historic setting and the context of the site. The appellant was advised at an early stage based on the planning history and an initial review of the scheme that the proposal would not be supported in principle, which the appellant interpreted as a 'blanket refusal.'

6.3 The assessment of the design of the extension has been limited to the scale and height above the parapets and host building. Few details were submitted regarding the materials and finish. The appellant introduces them in their statement, which is

addressed at the end of this section. The roof extension at roof level would create a third storey addition to the building. The height of this addition would be exacerbated by its location above the passageway to Camden Mews. The height and form of the extension, while marginally set back and screened by the parapet wall, would be visible over this wall from certain vantage points, it would be taller than its neighbour at number 169 York Way and appear as dominant feature incongruous to the traditional roof line and the terrace.

- 6.4 The appellant asserts the planning history and reasons for the refusal on the site address in 2000 and the appeal decision on 165 York Way in 2010 are no longer relevant due to updated guidance. However, the LPA refers to these decisions as relevant material considerations in the balance of decision making. Firstly, because the appellant sought to rely on the neighbouring site at 169 York Way as having set a precedent and secondly, because there have been no further approvals since the designation of the CA.
- 6.5 The reasons for refusal and appeal decisions are summarised in the report and can be read in full in Appendix E and F. For clarity, the refusals and dismissal can be summarised as:
- 6.6 Reason for Refusal 167 York Way – (pre-CA designation) (PEX0000552) - “The proposed roof extension would be overly dominant and would disrupt the largely unaltered rooflines in the terrace to the detriment of the appearance of the property. The detailed design of the proposed roof extension does not complement the architecture of the existing property and is contrary to ... (relevant policies in UDP, 2000).”
- 6.7 Reason for Refusal 165 York Way - (post-CA designation) (2009/3129/P) - “The proposed mansard roof extension, by reason of its size and location, would create an unacceptably obtrusive feature on the roof of the host building and within the streetscene. This would detract from the integrity of the terrace of buildings at nos 155-179 York Way which has a largely unaltered roofscape and thus would be detrimental to the character and appearance of the streetscene and the Camden Square Conservation Area. This would be contrary to... (relevant policies in UDP, 2006).”
- 6.8 Appeal Decision 165 York Way - (summarised) “The roof structure ... would detract from the overall character and appearance of the terrace.” ... “it would be at odds with the historic form of the terrace and appear as an incongruous addition.” ... “The existing addition at number 169 emphasises that the remainder of the terrace is largely unbroken in terms of its roof form and that the period character of the terrace is largely unaltered.”
- 6.9 With regard to impact on the historic terrace, the Planning Inspector is requested to refer to Paragraphs 3, 4, 5, 8 and 9 and the conclusions contained within appeal

decision APP/X5210/A/10/2124855 to dismiss a similar proposal at 165 York Way (see Appendix F). The Planning Inspector concluded that the development would appear as an incongruous addition and its impact on the character and appearance of this terrace would be at odds with the historic form of the terrace. The Planning Inspector is therefore respectfully requested to dismiss this appeal on the same grounds.

- 6.10 Considering the planning history, the Council disputes the appellant's assertion that the proposal would be neutral. The host building, which is noted as making a positive contribution to the character and setting of the Camden Square CA, is part of a group within a terrace (nos. 155-179 York Way, odd). In terms of its roof form, the terrace is largely unaltered, except for the occasional outlier such as the neighbouring addition at number 169 York Way, which emphasises the remainder of the terrace is largely unaltered at roof level. Whilst what has been built on site differs from the scheme under assessment, the harm from development at this level to the host building and wider terrace can be seen on site. The proposal would detract from the integrity of the terrace. If allowed, the development would set a negative precedent to which further alterations and harm could be done to the unaltered roof forms of the terrace. As such, the proposal would fail to adhere to policy D1.

7.0 **Response to interpretation of CPG HI 2021.**

- 7.1 The appellant also asserts misinterpretation of Camden Planning Guidance (CPG) Home Improvements 2021. The new guidance states not all unbroken rooflines warrant preservation. On page 44, the CPG continues to state
"For buildings in Conservation Areas, the Conservation Area Appraisals identify if certain terraces or groups of buildings 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."
- 7.2 While the specific terrace roofline is not identified in the CAA, no subsequent development has been issued (approved by planning permission or granted lawful development certificates) since the CAAMs in 2011. The information box on page 45, highlights 'If your property is in a Conservation Area, check the Conservation Area Appraisal and the information about roof extensions.'
- 7.3 The paragraph quoted above in paragraph 7.1, does not negate the rest of the guidance in 2.2 of CPG HI, which advises applicants to consider the following:
- 'The existing roof form and any previous extensions to it.' (*Council's comment - traditional butterfly roof, with no previous roof extensions approved*)

- 'The roof visibility and prominence in relation to gardens, streetscene and wider area, considering land topography,' (*Council's comment - the site is a key position above the passageway to Camden Mews and is forms a fairly uniform roof line to York Way*)
- 'The pattern of development of neighbouring buildings to include historic extensions and new types of development.' (*Council's comment - the neighbouring historic development is considered poor, as agreed by the inspector when assessing 165 York Way*)
- 'Other roof extensions present at the neighbouring buildings which obtained permission though planning application or permitted development.' (*Council's comment - the neighbouring historic development is considered poor, and approved prior to designation of the CA, and 177 York Way is unauthorised and not permitted development*).

7.4 To reiterate, no new roof extensions have been approved in the terrace since the CA was designated and after adoption of the appraisal. If allowed, the proposal would set a precedent for the remainder of the terrace. Contrary to the appellant's interpretation of CPG HI, while the guidance states not all unbroken rooflines warrant preservation, this does not eliminate the consideration of harm that development may cause to them, and the importance of assessing the harm to the significance of a designated heritage asset of the Conservation Area.

8.0 Impact on Conservation Area

8.1 Policy D2 states that the Council will preserve, and where appropriate, enhance Camden's rich and diverse heritage assets and their settings, including conservation areas and listed buildings. NPPF (2023) paragraph 205 states 'great weight should be given to the asset's conservation... irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.'

8.2 The significance of the site is its location within a terrace of properties that are considered to make a positive contribution to the character of the Camden Square Conservation Area, through their historic and architectural interest and their sense of uniformity. They have a consistent roofscape that maintains the historic character of the terrace. A feature of the terrace is the traditional roofs are concealed behind parapets consisting of butterfly roofs and therefore are not visible beyond the rear elevation. This creates a relatively uniform parapet to the front and rear emphasised by the stucco render at second floor level to the host building. Where the roof has been extended at no. 169 York Way, it appears incongruous to the terrace, as observed by the Inspector in the 2009 appeal decision for a similar extension.

- 8.3 The development is considered visually intrusive and dominant in form and design and is out of character with the host and neighbouring buildings. The dominant siting, projecting above the parapet, as a bulky form of incongruous design would disrupt the generally unaltered roofscape in the terrace. Furthermore, the creation of the roof terrace by lowering the roof level by removing the butterfly roof results in a significant loss of the overall integrity of the historic roof form, which fails to respect the original architectural design.
- 8.4 The Camden Square CAAMS Part 1 Area Appraisal highlights the problems and pressures, and capacity for change in the area. It states in section 6, the following trends appear significant: (summarised)
- Pressure for intensifying residential development, including conversion of commercial premises into residential use, particularly important in Neighbourhood Centres.
 - Increasing pressure to extend residential buildings upwards.
 - Demand for residential development has led to an increase in proposals for infill buildings and extensions. The capacity for further intensification without causing harm to the area is limited.
- 8.5 The CS CAAMS Part 2 Management Strategy highlights those features which will be either supported, encouraged, discouraged or positively resisted. As the proposal is a roof extension, this part of the management strategy is relevant. It states in 7.8 Alterations to roofs and dormers
- *“Roof materials are typically Welsh slate, and artificial slates should be avoided. The regular composition of the roof lines is an important element in the appearance of the conservation area.*
 - *Proposals for alterations to roofs within the conservation area will be considered on their own merit but particular care is needed to ensure sensitive and unobtrusive design to visible roof slopes or where roofs are prominent in long distance views.*
 - *Alterations such as raising the roof ridge and the steepening of the roof pitch to the front, side or rear slopes is unlikely to be acceptable. Dormer windows and inset roof terraces may be allowed to the rear roof slope.”*
- 8.6 Furthermore, the CS CAAMS states in 7.12 Sub-division of houses
- *“Over sub-division of houses constructed for single family occupation can have detrimental impact on the appearance of the conservation area through external alterations, extensions and possible demand for additional car parking spaces.*

- *The creation of additional units in the roof space or through excavation of a basement area will not therefore normally be acceptable where it is demonstrated that such works would cause harm to the character or appearance of the area.*

8.7 This proposal results in incongruous and dominant addition to an almost unaltered original roof form. Due to the loss of the overall integrity historic roof form of the terrace, the alterations are considered to result in less than substantial harm.

9.0 Appearance within the townscape

9.1 The appellant asserts the LPA failed to understand the unique character of the site and argue there is no uniformity to the terrace referring to extensions and recent development from a wider area.

9.2 They summarise the CAAMS emphasising the areas' architecture is not uniform and the special character of the area is its diversity. The appellant asserts Camden Square Gardens is the important part of the CA not York Way. They state the report's reference to the CAAMS regarding York Way is a misrepresentation.

9.3 The appellant refers to the (CAAMS) description of the diversity and modern design within the Mews. They claim the proposal should only be considered in the context of the Mews.

10.0 Response to impact on appearance within the townscape

10.1 As stated above, Policy D1 states that the Council will require all developments to be of the highest standard of design and to respect the character, setting, form and scale of neighbouring buildings, its contribution to the public realm, and its impact on wider views and vistas. For clarity, the CS CAA describes the relevant areas as

- *Area 3: Boundary Roads: "York Way, terraces built beside ancient Maiden Lane and formerly facing a market landscape."*
- *Area 5: The Mews: "The original character of the mews as subsidiary to the Square has largely been respected in the modern redevelopments, which are generally of two or two-and-a-half storeys and of a high design standard. They take an imaginative approach to development in the spirit of a mews' scale, form, and variety of styles and materials."*
- *Area 5A: Camden Mews: "This mews is narrow and perhaps London's longest, stretching from Rochester Square to York Way." "Recent development at the top end towards York Way has three storeys, is clearly visible, and is damaging as it overbears the mews."*

10.2 Key views: The CS CAA 5.2 states

- *"Views on the edge of the area are along the busy commercial highways."*

- *“Contained mews views: Under 163 York Way, looking south west, an archway frames the view down Camden Mews, which is particularly fine in the evening when light falls on the cobbles.”*
- *“Views up and down both Camden and Murray Mews include a rich variety of inventive houses and converted workshops. The scale is low and intimate, punctuated by intermittent trees in the mews, or by trees viewed obliquely over the houses.”*

- 10.3 The appellant does not consider the view along Camden Mews worthy of preservation because the CAAMS does not identify the specific site as a key view within the CA. However, the archway of the underpass framing the view down Camden Mews is deemed worthy of mentioning and therefore, it would follow that the building that forms the framing of the view is also significant in the CA.
- 10.4 The location of the site in the Neighbourhood Centre of Brecknock Road York Way and above the passageway to Camden Mews makes the appeal site prominent and visible in both long and short views, from private and public views, and from properties and street level along Camden Mews and York Way. The photos in Appendix G show the unauthorised extension and while the appeal proposal may be less visible from York Way, it would be prominent feature in views from here and from Camden Mews. In fact, photo 4 shows would be visible from Camden Park Road.
- 10.5 The LPA strongly disagree that the proposal should only be assessed in the context of the variety of Camden Mews. The development has significant impact on the York Way terrace as well as views into and along the Mews. The LPA has assessed on the impact on the character of both, as the site is highly visible from Camden Mews, and as the gateway to the Mews from York Way. The site forms a gateway between York Way and Camden Mews, as it sits above the passageway which historically was intended to provided access for “stables and coach houses to service the grand townhouses of (Camden) Square” but until the 1950s had remained largely undeveloped, (CAAMS). The variation in design on Camden Mews is understood to apply to the scale and architectural detail of the historic commercial buildings from undeveloped land and their subsequent changes of use to residential, not to York Way.
- 10.6 York Way is an important part of the CA as it follows the ancient route of Maiden Lane running north to Highgate from the city half a mile north-east of St Pancras Old Church and forms a borough boundary with LB Islington. This important route reflects the historical pattern of development within the CA and the borough. Contrary to the appellant’s view, the special interest of the CA is not limited to the Mews and Camden Square. York Way is considered an important terrace as all properties are considered to make a positive contribution to the character and appearance of the CA.
- 10.7 The LPA seeks to assess new development in a CA as a balance between uniformity and the unique character of each site in the context of preserving and enhancing the CA as heritage asset. Contrary to the appellant’s view that the terrace is unworthy of

preservation, the special interest is not limited to the mews, but includes York Way and wider views whether identified as key view or not. The Council therefore strongly disagrees with the appellant's assertion the extension would be neutral in appearance in this location and would cause no harm. On the contrary, the extension would clearly stand out in this location as an incongruous, prominent feature in long and short views appearing out of place in the historic context of the terrace. The proposal would not preserve or enhance the terrace and would result in less than substantial harm.

11.0 Challenges to report

11.1 The appellant challenges the accuracy of the officers' report:

- a) paragraph 1.2 reference to a raised parapet;
- b) paragraph 4.3 which they claim incorrectly summarises the CAAMS;
- c) paragraph 4.11 reference to recent development;
- d) references to a decision 169 York Way which they claim was inaccurately reported as approved; and
- e) references to loss of butterfly roof.

11.2 Response

- a) It is acknowledged that paragraph 1.2 should not refer to raised parapet to enclose the terrace but should say removal and lowering of roof to create terrace. As set out in paragraph 1.3, this is explained as a new floor level lowered behind the rear parapet to increase its height from 0.6 m to 1.2 m to facilitate the formation of a roof terrace.
- b) Paragraph 4.3 was intended as a summary of the relevant part of the CAAMS. The intention to summarise relevant parts outlining the terraces' historic significance, recognition of an existing historic roofline worthy of preservation, and pointing out harmful development already carried out. It is the officers' interpretation not a direct quote. Paragraph 4.7 refers to direct quotes from the CAAMS. It is acknowledged it could have been clarified this is a generalised summary and reasoning from the CAAMS, not related to specific text. However, to reiterate the CAAMS identifies all properties are considered to make a positive contribution to the character and appearance of the Conservation Area.
- c) Paragraph 4.11 forms a response to the appellants' reliance on the development at 169 York Way as a precedent for development. It is acknowledged the report should clarify the reference is to development in the mews and not York Way. However, as the CAAMS states in Section 5A, Camden Mews "Recent development at the top end towards York Way has three storeys, is clearly visible, and is damaging as it overbears the mews." Albeit incorrectly cited, the reasoning is valid, if a three-storey development is considered overbearing and dominant at this end of the Mews, then the same can be said of a third storey to York Way facing the Mews. In particular,

considering floor heights are taller in York Way than the mews buildings. While section 5A of the CAAMs refers to maintaining the scale of the Mews, it is still relevant to the appeal proposal as the scale of the mews is subordinate to York Way terrace and the proposal would be dominant in the terminating view of the mews.

- d) References to the decision as approved at 169 York Way are correct. It was approved under ref: G13/8/29/K/35298 dated 1st March 1983 (see Appendix C). The DAS refers to the neighbouring roof extension at 169 York Way as setting precedent, so this was addressed in the report. The LPA response being that it is not comparable to the proposal. To reiterate, it was granted in 1983 prior to the CA designation on 19th November 2002. There have been no approvals including those under permitted development since the 1983. Refusals have been issued after the CA designation in 2000 (ref: PEX0000552) and 2009 (2009/3129/P). They are material considerations in the decision.
- e) The loss of the view of the butterfly roof was not a reason for refusal. However, the loss of the roof form is not supported. In terms of visibility, the key characteristic in this terrace, is that they are not visible behind a parapet. This contrasts with the proposed extension, which due to its projection above the parapet line and dark and incongruous materials would be visible in views along York Way and Camden Mews, as the unauthorised structure demonstrates. (Photos in Appendix G)

12.0 New information regarding materials and detailed design

- 12.1 The appellant introduces new information in their statement about proposed materials and structures that were not submitted as part of the application. Namely, 'slate finish,' 'hardwood cladding,' 'timber constructed canopy,' 'green roof,' and 'vertical greenery.'
- 12.2 The application form states the walls will be 'render to match existing'. No other details of materials were provided in the submitted application and therefore, no assessment has been made. While a green roof was mentioned in the earlier application in 2022, no details were provided then or in the appeal proposal. Were the Inspector minded to allow the appeal, conditions would be suggested as included in Appendix H.

13.0 Conclusion (Design and appearance)

- 13.1 Considerable weight and importance have been attached to the harm and special attention has been paid to the desirability of preserving or enhancing the character and appearance of the conservation area. Considerable weight and importance should be given to that harm, and it should be outweighed in the balance by considerable public benefits. Paragraph 208 of the NPPF states: Where a development proposal will lead to less than substantial harm to the significance of a

designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

- 13.2 The information submitted by the appellant in support of the appeal does not overcome or address the Council's concerns. The proposal would conflict with policies D1 and D2 of the Local Plan. These policies seek to ensure that all development respects local context and character, preserves heritage assets and that public benefits convincingly outweigh any less than substantial harm when the special interest of a non-designated heritage asset cannot be preserved. While the proposal would create additional accommodation and outside space, this would benefit one family, and is not considered to present any public benefits that would outweigh the harm identified.

14.0 Appellants considerations, Policies, Guidance and Acts they consider relevant

- 14.1 In the two sections with the headings, 'Technical Guidance' and 'Material guidance that Camden failed to consider,' the appellant refers to Local Plan planning policies, supplementary guidance and The Health and Social Care Act 2012, which they argue are material considerations the LPA should have given greater weight in the assessment of the appeal proposal.

15.0 Response to ground of appeal 2

- 15.1 The LPA agree they must take into account relevant policies and guidelines, and Acts in the assessment of the development. The LPA and appellant disagree regarding the relevance and weight given to each in the assessment of planning balance. For the appeal proposal, the LPA consider the relevant policies D1 (Design), D2 (Heritage) and A1 (Managing the Impact of Development) of the Camden Local Plan 2017, and CPG Amenity, CPG Design, CPG Home Improvements, as set out in the officer's report.
- 15.2 Due to the length of the appellant's argument, an outline of the Local Plan policies the appellant believes should have been considered are as follows.
- 15.3 Policy H1 Maximising Housing Supply includes working to return vacant homes to use. The appellant states it was in use as commercial until 2020, under short term let and then vacant for 6 months until the family moved in, no date provided. No evidence was submitted to demonstrate the length of vacancy of the site or the state of repair. The appellants address at the time of the first application (July 2022) was given as a house outside the borough.
- 15.4 Policy H2 Maximising the Supply of Self-Contained Housing from mixed use schemes, applies to all proposals for new build non-residential development and extensions involving a significant floorspace increase.

- 15.5 Policy H6 Housing choice and mix is a policy aimed at fostering mixed, inclusive, and sustainable communities. We will seek to secure high quality accessible homes in all developments that include housing.
- 15.6 Policy H7 Large and Small Homes applies wherever there is development that affects the mix of dwelling sizes.
- 15.7 Policy H8 Housing for older people, homeless people and vulnerable people relates to all housing designated for occupation by older people and housing designated for occupation by homeless people and vulnerable people who need support to enable them to live safely. Such housing is often referred to as ‘supported housing.’
- 15.8 From the appellant’s development description of a roof extension, the information in front of officers, policies H2, H6, H7 and H8 were not considered applicable, as the proposal did not involve a new residential unit, change of use, or a supported housing unit. The appellant expressly replied there was no change of use or creation of a new residential unit when the officer queried during the earlier application in 2022.
- 15.9 Policy C1 Health and Wellbeing and CPG Planning for Health and Wellbeing 2021. Given the range of interrelated factors influencing health and wellbeing, Local Plan policies integrate health throughout the plan as a whole and through the supplementary planning guidance, as noted in paragraph 4.14 of policy C1. Many of these aims are beyond the scope of the proposal subject to this appeal. The most relevant policies to the appeal proposal being D1 and A1.
- 15.10 Policy A2 Open Space requirements apply as the result of new development. Roof extensions of this size do not trigger new open space requirements. Supporting text at paragraph 6.49 states “The provision of private amenity space can be challenging, and the Council will require that the residential amenity of neighbours is preserved.” Hence officer comments that private amenity space is not always possible in dense urban areas.
- 15.11 Policy A3 Biodiversity aims to maximise opportunities for biodiversity. The appellant has introduced new information in their statement regarding a green roof which did not form part of the application as submitted. The 2022 included a green roof on the application form but did not provide any drawings or details.
- 15.12 The Health and Social Care Act (2012) gave local authorities new duties and responsibilities for health improvement and health protection. The Local Plan has an integrated approach to health and wellbeing throughout planning policy and guidance.

16.0 Equalities Act

- 16.1 The Public Sector Equality Duty (PSED) requires the Council to have due regard to the need to achieve the objectives set out under s149 of the Equality Act 2010 to

eliminate discrimination, advance equality of opportunity, and foster good relations between those who share a protected characteristic and those who do not. It is important to ensure that all relevant factors, including those protected by Equality legislation, are considered in decision-making processes, this has been carried out with the information submitted.

- 16.2 The Council has been mindful of the personal circumstances of the appellant and their requirement for external space. The Design and Access Statement submitted with the application refers to “Access to safe and secure outdoor amenity space is vital to their health and wellbeing. The submitted proposal seeks to, in part, cater to these needs.” No other evidence or information from health professionals were provided to support the case that their diagnosis required a roof extension kitchen and roof level terrace. The provision of amenity space was considered during the assessment and some weight given. If the Council had been given the required evidence from health professionals, such personal circumstances would be a consideration in favour of the appeal. However, when weighing the planning balance the harm to the conservation area would outweigh these benefits.
- 16.3 The appellant asserts the accommodation and living conditions were unsafe and unsuitable for a child with specific needs but provide no evidence to demonstrate the buildings state of repair. According to the earlier application the appellant did not live at the site at the time of submission. However, they progressed with construction despite advice from the LPA that the proposal would not be approved. The appellant did not limit repairs to the roof or limit alterations to create a roof terrace for outdoor space. Instead, contrary to LPA advice a roof extension and alterations to the roof of 167A and 167 York Way, were built without planning permission. The appeal proposal for a roof extension and roof terrace is considered to have limited public benefit and would not outweigh the harm to the CA.
- 16.4 **RECENT APPEAL - APP/X5210/W/23/3323789** for roof extension found to personal circumstances of the appellants family. (See Appendix J)

17.0 Other matters

- 17.1 New information: The appellant refers to a benefit from the development is they have returned a vacant and commercial site to a 3-bedroom self-contained dwelling. A proposal for a change of use to a dwelling would have prompted several other policy considerations. The proposal was agreed with the agent as ‘erection of a roof extension with rear terrace to existing flat (part-retrospective).’ The ‘part-retrospective’ element consisting of the unauthorised roof extension, (with a slightly amended angle to its front elevation). The appellant has introduced new information that would change the substance of the appeal proposal and its assessment. The enforcement team will be considering this additional information.

17.2 There is an outstanding enforcement investigation because of the installation of a roof extension and terrace without planning permission. The proposed extension does not identify the use of the room which is labelled on the drawings as 'roof extension' and 'terrace.' However, the extension as built is currently in use as a kitchen with a side window and door to access the neighbouring flat roof above 167 York Way. The alteration of the roof form and the water tank structure are also unauthorised. The appellant alleges that should their appeal be successful they will amend the as-built scheme to comply. If the Inspector seeks to allow the appeal we would recommend that a condition is attached to ensure the scheme is implemented within 6 months.

18.0 National Planning Policy Framework (NPPF) 2021 and updated NPPF 2023

18.1 There are no new aspects in the NPPF 2023 in relation to this appeal that need to be addressed.

19.0 Conclusion

19.1 The LPA has weighed the proposals harm to the heritage asset of the Conservation Area against the limited public benefits created by a roof extension and roof terrace to one family. The appellant has not provided any additional information or evidence that would sway that decision.

19.2 Based on the information set out above, and having taken account of all the additional evidence and arguments made, it is considered that the proposal remains unacceptable in that it would be contrary to policies D1 and D2 of the London Borough of Camden Local Plan 2017.

19.3 The information submitted by the appellant in support of the appeal does not address or overcome the Council's concerns. The proposed development due to its location, scale, height and design, would result in visual rooftop clutter which would cause harm to the character and appearance of the host property and local views within the Camden Square Conservation Area.

19.4 Having regard to the entirety of the Council's submissions, including the content of this letter, the Inspector is respectfully requested to dismiss the appeal. However, should the Inspector be minded to approve the appeal, suggested conditions are included in Appendix H, to mitigate the detrimental impact of the proposed development on the character and appearance of the host property and local views.

19.5 If any further clarification of the appeal submissions are required, please do not hesitate to contact Leela Muthoora on the above direct dial number or email address.

Yours sincerely,

Leela Muthoora
Planning Officer
Economy, Regeneration and Investment
Supporting Communities
London Borough of Camden

List of Appendices

Appendix A: Email correspondence 2022-2023

Appendix B: Photos of street scene: front: York Way

Appendix C: Planning Permission under ref: G13/8/29/K/35298 dated 1st March 1983. (169 York Way)

Appendix D: Article 4 Direction dated 29/06/2022 – Class MA of Schedule 2 of to the Town and Country Planning (Use Classes) Order 1987 (as amended).

Appendix E: PEX0000552 Refusal 14/11/2000 (167A York Way)

Appendix F: Refusal and Appeal Decision ref: APP/X5210/A/10/2124855 against refusal ref: 2009/3129/P dated 21/09/2009 Appeal Dismissed 15/09/2010 (165 York Way)

Appendix G: Photos of street scene: rear: Camden Mews and Camden Park Road

Appendix H: Suggested conditions

Appendix J: Appeal Decision APP/X5210/W/23/3323789