



# NEXT PHASE

THE TOWN PLANNING EXPERTS

## Submission to the Planning Inspectorate

Statement of Case due to the refusal of planning permission in accordance with  
Section 78(1) of the Town and Country Planning Act 1990

Local Planning Authority: London Borough of Camden  
Application No: 2023/5043/P

Statement of Case to the Planning Inspectorate for the erection of side dormer and  
roof light at Flat D, 13 Upper Park Road, London, NW3 2UN

## STATEMENT OF CASE

On behalf of Mrs Sorensen

April 2024



1219/01

Statement of Case – 2023/5043/P

## STATEMENT OF CASE

**Statement of Case to the Planning Inspectorate for the erection of side dormer and roof light at Flat D, 13 Upper Park Road, London, NW3 2UN.**

Mrs Sorensen

April 2024

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## 1.0 INTRODUCTION

- 1.1 This Statement of Case has been prepared for the attention of the Planning Inspectorate in accordance with Section 78(1) of the Town and Country Planning Act 1990 on behalf of the appellant, Mrs Sorensen.
- 1.2 This report provides a statement of case against the refusal of planning permission issued by the London Borough of Camden (*“the Council”*) on 17<sup>th</sup> April 2024 in accordance with the Town and Country Planning Act 1990 and the Town and Country Planning (Development Management Procedure) (England) Order 2015.
- 1.3 Planning permission is sought for the erection of a side dormer and roof light at Flat D, 13 Upper Park Road, London, NW3 2UN.
- 1.4 This statement provides a clear explanation of the statement of case and directly responds to the reason for refusal brought forward by the Council within their Decision Notice.
- 1.5 This appeal has been prepared with the intention of appealing via the written representations route and refers to documentation throughout that formed part of the application submission and is noted in the appeal submission documentation list where appropriate; this includes, but is not limited to, the appellant’s detailed architectural plans.

## 2.0 DEVELOPMENT PLAN

### 2.1 The Development Plan

Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act of 2004 together, require that planning applications must be determined in accordance with the statutory Development Plan unless material considerations indicate otherwise. The National Planning Policy Framework of 2023 (*“the Framework”*) and Planning Practice Guidance (*“PPG”*) are material considerations.

2.2 Further, having regard to the fact that the appeal site is located within the Parkhill and Upper Park Conservation Area, there is a statutory duty placed upon the decision maker under Section 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) to pay special attention to the desirability of preserving or enhancing the Conservation Area.

2.3 The requirement in making planning decisions *“in accordance with”* the plan, does not mean that an application or appeal must comply with each and every policy, but is approached on the basis of the plan taken as a whole. This reflects the fact, acknowledged by the courts, that Development Plans are broad statements of policy, many of which may be mutually irreconcilable, so that in any particular case one must give way to another. The statutory adopted Development Plan of relevance to this appeal comprises of the following:

- Camden Local Plan 2017
- The London Plan

2.4 Further to the Development Plan, the Council have adopted planning guidance which is relevant to this appeal and comprises of the following:

- CPG Amenity 2021
- CPG Design 2022
- CPG Home Improvements 2021

- 2.5 As the site is located within the Parkhill and Upper Park Conservation Area, its Appraisal and Management Strategy of 2011 is also a material consideration.
- 2.6 The basket of policies determined to be relevant to this appeal, insofar as they are referred to within the Decision Notice, are Policy D1 (Design), Policy D2 (Heritage) of the Local Plan.
- 2.7 Policy D1 requires development to be of the highest architectural and urban design quality, which proportionally seeks to improve the appearance and character of the area. Whilst Policy D2 requires development to preserve, and where appropriate, enhance Camden's heritage assets and their settings.
- 2.8 The requirement of the policies to deliver high architectural design quality and to at least preserve and where available to enhance heritage assets provides consistency with the expectations of the Framework. Whilst the appellant's statement of case is discussed within Chapter 3, in summary it is concluded that the proposal provides a provision of development that meets the required standards so as to define as high quality design, that will as byproduct of its implementation, preserve the existing qualities of character and appearance of its locality whilst, due to its extent and location, offering limited interaction with the existing streetscene so as to appropriately preserve the character and appearance of the Conservation Area in which it is located.

### 3.0 STATEMENT OF CASE

#### 3.1 Reasons for Refusal

The Council refused the application for a single reason which is contested by the appellant and as such the statement of case against this reason for refusal is outlined within this chapter.

#### 3.2 Reason for Refusal 1 Detail

*“The proposed dormer, by virtue of its scale, design and siting, would appear as a prominent and incongruous addition that would be detrimental to the character and appearance of the host property, the pair of semi-detached dwellings, and the Parkhill Conservation Area. As such, the proposed development would be contrary to Policies D1 (Design) and Policy D2 (Heritage) of the London Borough of Camden Local Plan 2017”.*

3.3 Consideration of the Council’s position is identified by way of the Delegated Officer’s Report (“OR”). The report identifies that the principal considerations material to the determination of the appeal relate to design and heritage as a singular matter, and to amenity. The appellant agrees with this, it is also in common ground that the proposal offers no measurable harm to the amenity of surrounding receptors and as such complies with Policy A1 of the Local Plan.

3.4 Disagreement between the parties relates to the impact of the proposed development on the character and appearance of the streetscene, and as such the implied impact upon the Conservation Area as a result. The conclusions of the OR identify that it is concluded that the proposed baseline informing the streetscene relates to a *“mostly uniform roofline”* and whilst the OR recognises that 3 adjacent properties at No.6, No.23 and No.24 have installed side dormers, all of which are larger than that proposed

- within the appeal scheme, it is assumed that the OR concludes that this is not a material consideration as only 1 of those side dormers was granted planning permission and because the “*majority of properties along this street have retained the side roof form as originally built*”.
- 3.5 The OR refers to the characteristic references made within the Parkhill and Upper Park Conservation Area Statement, which identifies the importance of preserving the appearance of profile of roofs where these “*form part of a homogenous stylistic group*”.
- 3.6 It is the appellant’s assertion that given the relative proximity of the dwellings with existing side dormer extensions to the appeal site (they are clearly within the context of the same limited streetscene), and the longstanding nature of existence, provides a basis on which to determine that they inform the baseline of the characteristics of the streetscene. It is, the appellant says, unreasonable to discount their contribution to the existing streetscene because they may or may not have previously secured planning consent, because the properties clearly contribute to the existing streetscene.
- 3.7 The Conservation Area Statement relates to the Conservation Area as a whole rather than specifically to Upper Park Road, but in any instance, it identifies a requirement to preserve the existing appearance and profile of the roofs. It is the appellant’s assertion that the existing appearance and profile of the roofs within the appeal site’s streetscene includes for side dormer extensions.
- 3.8 Whilst the OR makes reference to the general unacceptability of the inclusion of side dormers within development, having regard to the Conservation Area Statement, the context is that such dormer windows are considered normally (my emphasis) unacceptable. It is the appellant’s assertion that the evolution of the roof profiles informing the properties of Upper Park Road mean that it is normal for side dormers to
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- inform the roofscape of the area and as such a restriction on the potential inclusion of them, within the context of the streetscene, would fail to reflect the existing appearance of the streetscene.
- 3.9 Further, the Council's own Home Improvement CPG provides reference as to how side dormers could be erected within the context of a streetscene and notes a requirement to carefully balance a side dormer within the context of its impact on the streetscene and to make sure it is of a high quality design and material.
- 3.10 The appellant has brought forward a provision of materials that respond to the existing building, specifically to reflect and relate to the existing side dormer extensions within the locale. It is concluded as such that the approach to materiality and design in this instance accords with the expectations of the Home Improvement CPG by reflecting the dormer's contribution to a streetscene that already includes for such development.
- 3.11 To this extent therefore, the criticisms raised within the OR as to the approach to the design of the dormer, are concluded to fail to take into consideration the requirements of its design, to reflect the existing characteristics of side dormers within the streetscene.
- 3.12 The OR concludes that the proposed side dormer would "*disrupt the uniformity*" of the roofscape pattern and would introduce an extent of development that would be "*insubordinate to the traditionally solid roof elevation*".
- 3.13 The appellant disagrees with this position, concluding that the erection of the side dormer extension may disrupt the balance between the existing semi-detached pair with regard to their uniformity, but this is already disrupted by the existence of rooflights on the appeal property but not on its adjacent neighbour, whilst also failing
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- to reflect the fact that such imbalance is provided by subservient dormer extensions are already a consistent and prevailing design consideration within the streetscene.
- 3.14 The appellant concludes that the extent and size of the proposed side dormer is clearly subservient to the host building and due to this offers no provision of dominance to the prevailing roof profiles that occur within the locality.
- 3.15 As a result of these combined material considerations, the appellant concludes that the proposal is entirely appropriate having regard to the Development Plan policies as can be applied. The Appellant concludes that the proposal would not result in a level of harm that would meet the definition of less than substantial but would in fact sit at a negligible / limited level and as such would not require any impacts to be outweighed by public benefits.
- 3.16 The appellant concludes that the proposal sufficiently preserves the character and appearance of the Conservation Area and as such meets the requirements of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 3.17 Overall, the appellant concludes that the proposal accords with Policy D1 and Policy D2 of the Camden Local Plan as can be applied, together with the expectations of the Framework. It is as such respectfully requested that appeal is upheld and planning permission is granted for the proposal.

#### **4.0 CONDITIONS OF PLANNING**

- 4.1 It is considered that the standardised conditions with regards to timeframes and plans should be adopted. Pre-commencement conditions to confirm the specification of facing materials is also considered to be reasonable and appropriate.

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THE TOWN PLANNING EXPERTS

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