

Date: 23/07/2024  
Your ref: APP/X5210/W/24/3343323  
Our ref: 2023/5043/P  
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The Planning Inspectorate  
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BS1 6PN

Dear Neil Devereux,

**Town and Country Planning Acts 1990 (as amended)**  
**Planning Appeal Statement (Authority)**  
**Appellant: Mrs L Sorensen**  
**Site: Flat D, 13 Upper Park Road, London, NW3 2UN**

I write in connection with the above appeal against the Council's refusal to grant planning permission for the erection of a side dormer and rooflight.

The Council's case is set out primarily in the delegated officer's report (ref: 2023/5043/P) that has already been sent with the questionnaire and is to be relied on as the principal Statement of Case. Copies of relevant policies from the Camden Local Plan (adopted July 2017) and accompanying guidance were also sent with the appeal questionnaire.

In addition, the Council would be grateful if the Inspector would consider the contents of this letter which includes confirmation of the status of policy and guidance, comments on the Appellant's grounds of appeal and further matters that the Council respectfully requests be considered without prejudice if the Inspector is minded to grant permission.

## **1. Summary of the Case**

- 1.1. The appeal relates to a three storey plus basement semi-detached Victorian property located on the western side of Upper Park Road. The building has been sub-divided into flats and this appeal specifically relates to the top floor flat.
- 1.2. The appeal site is located within the Parkhill and Upper Park Hill Conservation Area. The building is identified as a positive contributor to the area.
- 1.3. Planning permission was refused on 17<sup>th</sup> April 2024 for the erection of a side roof dormer and rooflight.

1.4. The aim of the proposed development is to provide a rearranged floorspace, where the dormer would allow additional headspace in the bathroom.

1.5. The application was refused on the grounds that:

- 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.

## **2. Status of Policies and Guidance**

2.1. In determining the abovementioned application, the London Borough of Camden had regard to the relevant legislation, government guidance, statutory development plans and the particular circumstances of the case.

2.2. The London Borough of Camden Local Plan 2017 (the Local Plan) was formally adopted on 3<sup>rd</sup> July 2017. The following policies in the Local Plan are considered to be relevant to the determination of the appeal:

- A1 Managing the impact of development
- D1 Design
- D2 Heritage

2.3 The Council also refers to supporting guidance in Camden Planning Guidance (CPG) documents. The CPG documents most relevant to the proposal are as follows: Design, Amenity, and Altering and extending your home. The Camden Planning Guidance documents were subject to public consultation and were approved by the Council in January 2021.

- CPG Design (2021)

Section 2 – Design Excellence

Section 3 – Heritage

- Home improvements

Section 2 –

Section 2.2.1- Dormers

- CPG Amenity (2021)

Section 2 – Overlooking, privacy and outlook

Section 3 – Daylight and sunlight

2.4 The Parkhill and Upper Park Conservation statement, adopted in 2011, defines the special character of the conservation area, and sets out the Council's approach for its preservation and enhancement.

2.5 The National Planning Policy Framework was published in April 2012 and revised in December 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 full text of the relevant adopted policies was sent with the questionnaire documents.

2.6 The Council's adopted policies are recent and up to date and should be accorded full weight in accordance with the NPPF.

2.7 There are no material differences between the NPPF and the Council's adopted policies in relation to this appeal.

### **3. Comments on the appellant's grounds of appeal**

3.1 The Appellant has appealed against the Council's refusal of planning permission and has put forward one ground for appeal, the effect on the character and appearance of the of the streetscene and the implied impact upon the character of Parkhill and Upper Park Conservation Area as a result,

#### Effect on the host property and the character of Upper Park Road and the Conservation Area

3.2 The Appellant refers to the Council's assertion that the proximity of three properties that feature side dormers "inform the baseline of the characteristics of the streetscene". The Appellant goes on to argue that it is unreasonable to discount their contribution to the existing streetscene because they may or may not have previously secured planning consent" and 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"

3.3 Of the three dormers that feature on Upper Park Street, only one was granted permission in 1974 (application ref: F9/15/22/16657R2), and the others have existed in situ long enough to have become lawful over the passage of time and are therefore immune from enforcement action. Moreover, dormer extensions within the street are not a prevailing characteristic within the streetscene and each application needs to be determined on its individual merits. Two other applications have been submitted for side dormers on Upper Park Road, both of which have been refused (application refs: 2007/5667/P and 2023/2435/P) due to the impact to the host property and on the conservation area (I refer the Inspector to the 'relevant planning history section in the officer delegated report).

**3.4** The Council does not accept the appellant's statement that given the relative proximity of the dwellings with existing side dormer extensions that these should inform the baseline of the characteristics of the street. The characteristics of the streetscene is clearly more than the three existing side dormer especially as two of which were erected without any consent and the third was consented nearly 50 years ago under very different policies.

**3.43.5** Regarding the Appellant's assertion of the design and material of the dormer, the Council's stance remains consistent with the Home Improvements CPG (2021) and paragraph 3.5 contained in the officer-delegated report. The proposed dormer would produce a level of contemporary features that are insubordinate to the roof elevation, would be mostly non-glazed and not centrally located as required by the CPG, and therefore inappropriately designed for the host property and the local context.

**3.53.6** The Council maintains its position that the proposed dormer is inappropriate in this location, is poorly designed when compared to the Home Improvements CPG criteria and would fail to preserve or enhance the character and appearance of the conservation area.

#### **4. Conclusion**

4.1. Based on the information set out above and having taken account of all the additional evidence and arguments made, the proposal is considered contrary to the Council's adopted policies.

4.2. The information submitted by the Appellant in support of the appeal does not overcome or address the Council's concerns. For these reasons the proposal fails to meet the requirements of current policy guidelines and therefore the Inspector is respectfully requested to dismiss the appeal.

#### **5. Conditions**

5.1. Should the inspector be minded to allow the appeal, it is requested that the conditions in Appendix A are attached the decision.

Should any further clarification or submissions be required, please do not hesitate to contact Blythe Smith by the direct dial telephone number or email address quoted in this letter.

Yours faithfully,

**Blythe Smith**

Planner  
Supporting Communities Directorate

## **Appendix A - Recommended Conditions**

1. The development hereby permitted must be begun not later than the end of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

A-(10)-001; A-(10)-010; A-(11)-010; A-(12)-010; A-(13)-010; A-(14)-010; A-(15)-010

Reason: For the avoidance of doubt and in the interest of proper planning.

3. All new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the existing building, unless otherwise specified in the approved application.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy D1 and D2 of the London Borough of Camden Local Plan 2017.

