

The Planning Inspectorate
Customer Support Team
Temple Quay House
2 The Square
Bristol
BS1 6PN

06th August 2024

Dear Sir/Madam

Appeal Ref: APP/X5210/W/24/3343919
Appeal by Mr and Mrs N Leslau
Site Address: The Penthouse, 23 Prince Albert Road, NW1 7ST.

On behalf of Mr and Mrs Leslau ('the appellants'), Planning Resolution Ltd wish to provide the following comments on the LPA's Statement and third-party representations regarding the above appeal.

Appellants comments on LPA's Statement

Paragraph 1.3

The LPA persistently allege that the proposed additions disrupt the symmetry of the building, however, it is contended that this is factually incorrect as all aspects of the proposals are themselves symmetrical through the centre axis of the building in terms of both its front elevation and floorplan and preserve the existing symmetry. The additions are neither off set or un-balanced from the central axis or randomly located on the elevation or floorplan i.e. when viewed face on, the left-hand side of the elevation is a mirror image of the same parts as the right-hand side of the elevation through its central axis.

The two halves of the building will be demarcated just as strongly as they are now despite the slight infilling/overhanging they refer to of the central recess.

The proposed materiality of the additions in the form of glazing and open metal railings is both fully appropriate and consistent with the existing character and material of the building, the characteristics of materials and detailing identified as being suitable in the Primrose Hill Conservation Area Statement (PH10-PH12), and the characteristics of the materiality of the large majority of buildings in the Conservation Aea.

Paragraph 1.4

The buildings prominence, in that it is a taller building of more modern and less aesthetically pleasing design to the more traditional style villa building found within the Conservation Area, should not preclude or be a barrier to its adaptation and enhancement through appropriate extension. The proposed additions are of good design and consistent in their form, scale, appearance, and materiality which result in coherent high-quality additions that are wholly compatible with the existing building.

The additions all have a purpose and function associated to the appropriate adaptation and enjoyment of the appellants home, by optimising the practical functionality and useability of the home's amenity

space throughout the year. These are therefore considered additions that enhance the function of the home in an organised and designed manner, thus not forming ‘inappropriate clutter’ as the LPA contend.

Paragraph 1.8

Consideration of, and adherence to PH18 and PH19 of the Primrose Hill Conservation Area Statement is fully set out in the Appeal Statement.

Paragraph 2.3

As set out in the Appeal Statement, the appellant considers that there is no harmful impact of the building to the conservation area and the setting of nearby listed buildings as a result of the proposed additions.

The LPA says that the appellants case is predicated on arguing that the building’s lack of historical value justifies the proposed additions. That was not the appellant’s argument – the case is made on its own merits and predicated on the proposals preserving those attributes the building does have (i.e. symmetry), lack of visual prominence of the proposals, and therefore lack of additional harmful impact on heritage assets. Cohesiveness and regularity of form is not ‘removed’ by the proposals, the appellant is simply adding new elements that are also symmetrical in line with the existing building, and regular in form.

Paragraph 2.4

The LPA is incorrectly correlating that the introduction of high-level additions where there are currently no such features results in harmful ‘visual clutter’ where visible from the public realm. Indeed, if that were the case, there would be very limited opportunity for upward extension permissible in the Borough – which is not the case.

The fact of visibility does not automatically equate to ‘visual clutter.’ The central 7th floor balcony cannot in the appellants view be said to be highly visible from the public realm, as set out in the appellants statement (2.2.21 etc); it is deeply recessed and will not be seen from most viewpoints.

Paragraph 2.5

The LPA’s argument on this point is nevertheless that the enclosure of the 7th floor balconies would be acceptable if it preserved symmetry. The other aspects of the proposals also preserve symmetry and yet these are not considered acceptable – on their own or otherwise.

Paragraph 2.6

As stated above, the proposed rooftop extension has a functional purpose in providing access to and enjoyment of the rooftop garden throughout the year. The continuation of the existing glazed stair enclosure on the roof in a front to back arrangement, rather than the existing scenario of a protruding manifestation on the roof that serves a purely functional purpose, would bring cohesiveness to the roof.

The LPA state the “*The proposed extension, if approved, would increase the area of roof covered by a glazed enclosure by over 50%.*”. However, the appellant wishes to point out that conversely, if the proposed extension were approved, the significant majority (nearly 80%) of the roof remains unglazed and open without any structures. As such, the introduction of a 16 sqm glazed extension is a small addition to both the rooftop footprint in plan form and when considering the overall massing of the building.

The accusations of visual prominence are not borne out by the AVRs submitted and the addition is imperceptible.

Paragraph 2.7

Given the above, the addition at roof level is not considered to change the form and shape of the roof.

Paragraph 2.8

The non-impact of the proposal on long views and short view has been demonstrated through provision of Accurate Visual Representations in the Representative Views and Methodology Assessment which has been undertaken in accordance with the various following guidelines in the London View Management Framework - Appendix C: Accurate Visual Representations, Landscape Institute - TGN 06/19 (Technical Guidance Note 2019), and Guidelines for Landscape & Visual Impact Assessment (GLVIA) Third Edition 2013.

The AVR's are undertaken in accordance with the views identified to be of concern to the LPA in the Officer Delegated Report, including the viewpoint from Primrose Hill View 4A.1 in the London View Management Framework (SPG) March 2012 - London Panorama: Primrose Hill. It must be noted that the Site falls outside of the Protected Vistas from this viewpoint. (Please see Appendix 1).

The photographs were taken on a clear day using standard AVR methodology. They are therefore considered to be reflective of the position maintained by the appellant in that the roof addition is not visually prominent. If the AVR is artificially magnified, to a point far beyond what is considered to represent a ‘naked eye’ view to make the roof top addition visible, then the resolution of the AVR will of course diminish. Furthermore, it is of course dependant on the viewers eyesight quality and indeed the visual quality of the device the AVR is viewed on.

Notwithstanding, the Assessment at Paragraph 1.5 acknowledges that “*A general note regarding AVRs. The Landscape Institute Technical Guidance Note 06/19 (1.2.13) states, ‘Two-dimensional visualisations, however detailed and sophisticated, can never fully substitute what people would see in reality. They should, therefore, be considered an approximation of the three-dimensional visual experiences that an observer might receive in the field’.*”

Paragraph 2.10

It is the appellants advisors firmly held professional opinion is that the appeal proposals do not result in any harm to designated heritage assets, and so Paragraph 208 of the NPPF is not engaged.

Appellants comments on Representation from the Primrose Hill Conservation Area Advisory Committee

The appellants have fully addressed these comments in the Appeal Statement.

Appellants comments on Representation from Ms Josephine Higgins of 1 Albert Terrace, London, NW1 7SU

The comments relate to concern around the potential for noise associated to the building works. These are non-planning matters and are controlled by other departments in the Council should there be an issue.

The existing roof garden has planning permission. Associated planting does not require planning permission and in any instance should be encouraged from a biodiversity standpoint.

Appellants comments on Representation from Damien Couture, Flat C, 3 Albert Terrace, London, NW1 7SU

The unsolicited comments raised in support of the application by a neighbour who lives in immediate proximity to the proposals are well considered and welcomed.

For the reasons set out in the appellant's appeal statement and the comments above on the LPA's Statement and third-party representations, the Inspector is respectfully requested to approve the appeal.

Yours faithfully

David Williams MTP, BSc (Hons), MRTPI
Director
Planning Resolution Ltd



Appendix 1.

London View Management Framework (SPG) March 2012 4 London Panorama: Primrose Hill

