

APPEAL BY HANA LEVY

**AGAINST THE DECISION OF THE LONDON BOROUGH OF CAMDEN TO
REFUSE FULL PLANNING PERMISSION 2023/3641/P**

**ERECTION OF A GABLE ROOF EXTENSION AND INSTALLATION OF A REAR
DORMER ROOF EXTENSION TO FACILITATE A LOFT CONVERSION**

FLAT D, 64 MENELIK ROAD, LONDON, NW2 3RH

**LPA APPLICATION REF: 2023/3641/P
DATE OF DECISION: 19th April 2024
DATE OF APPEAL: 20th August 2024**

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1.0 SITE & SURROUNDS

- 1.1 In terms of context the application site is located within the administrative area of the London Borough of Camden, a Borough in north-west London (partly within inner London) divided into 20 wards. The application site is located within the administrative ward of Fortune Green and within the Fortune Green and West Hampstead Neighbourhood Plan area.
- 1.2 The property is a large double fronted two storey plus loft premises split into flats, with a large two storey rear side extension with a pitched roof and its own ground floor side extension. This appeal relates to the flat that is located in the first and loft floors of the two-storey rear side extension. The building is located on the north-eastern side of Menelik Road adjacent to its junction with Minster Road to the south-west.
- 1.3 Generally, the properties on the street have a mixture of rear, front and side roof extensions. The surrounding area is characterised by residential dwellings of a similar type and appearance to the application site. Many of the properties on the street have been extended to the rear at single, two storey level or have had roof extensions.
- 1.4 The building is not listed and whilst it is not located within a conservation area, it is located adjacent to the grade 2 listed Hampstead Cemetery, highlighted by the image below which shows the appellant property (green circle) in the context of Hampstead Cemetery (yellow fill).



Figure 1: 64 Menelik Road in relation to Hampstead Cemetery

Similar developments close to the appeal site

1.5 The surrounding context is an important material planning consideration to this appeal having regard to consented roof extensions. The following is a list of similar roof extensions granted permission within the immediate locale (shown in Figure 2 further below):

- 46 Menelik Road (2010/3507/P) - Erection of side and rear roof dormers
- 32 Menelik Road (2020/1506/P) - Hip to gable roof extension and 6 front rooflights
- 28 Menelik Road (2011/0786/P) - Redeveloped roof and dormer
- 50 Menelik Road (2020/1492/P) - Full Planning Permission Erection of a rear dormer window, rooflights to the front and side
- 52 Menelik Road (2021/1481/P) - Enlargement of rear dormer, and installation of Juliet balcony to front dormer
- 80 Westbere Road (2012/6828/P) - Enlargement of overall roof plus rooflights and rear dormer
- 72 Westbere Road (2011/0448/P) - Side and rear dormers
- 31 Minster Road (2020/3924/P) - Side and rear dormers and 3 rooflights
- 36 Sarre Road (2015/6737/P) - Loft conversion, rear dormer and rooflights
- 26 Ulysses Road (2016/0215/P) - Rear dormer and 2 rooflights
- 27 Ulysses Road (2020/5771/P) - Third storey added plus roofbox
- 88 Agamemnon (2018/2826/P) - Rear dormer
- 59 Agamemnon (2016/2064/P) - Rear dormer and 5 rooflights
- 73 Minster Road (2021/4592/P) - Householder Application Erection of a rear dormer and installation of front rooflights. (Retrospective)
- 52 Menelik Road Appeal Decided (Feb 25, 2022)- Householder Application Enlargement of existing rear dormer; replacement of existing windows in the front dormer window with Juliet balcony doors.

1.6 The aforementioned planning applications and sites are materially similar to the appeal site. They are all located within Fortune Green and West Hampstead Neighbourhood Plan Area, the majority of buildings are of a similar age, the buildings have varied design detailing, layout, proportions and irregular roof forms. In addition, the varied roof scape of Menelik Road and the appeal site can be glimpsed from public vantage points but are largely screened to the rear elevation by large mature trees lining the boundary of Hampstead Cemetery. There are numerous examples of both hip-to-gable and rear dormer roof extensions in the area, and almost every property features a rear, side or front dormer to the extent which they now form part of the established character of the street scene and wider area. This includes a side dormer and front dormer extension to No.62b Menelik Road which is adjacent to the appeal site.

Table 1: Comparison of appeal proposal and similar previously consented hip-to gable and rear dormer roof extensions.






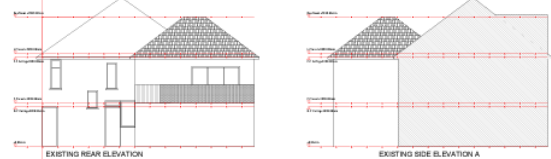
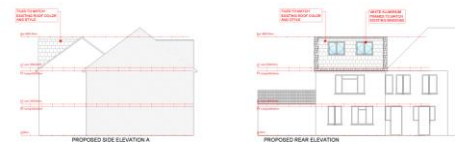

Site/description	Existing Elevation	Proposed Elevation	As built image
<p>No. 32 Menelik Road (ref:2020/1506/P)</p> <p>Certificate of lawfulness granted for the erection of a hip-to-gable roof extension and insertion of six rooflights to front and rear roof slopes, all to single dwelling house (Class C3). The permission has not yet been implemented.</p>			<p>To date the permission has not been implemented but twice been granted a certificate of lawfulness (proposed) both in 2010 and most recently in 2020.</p>
<p>No. 72 Westbere Road (2011/0448/P)</p> <p>Erection of rear dormer and extension to the side of the roof through hip to gable end.</p>			
<p>No. 64 Menelik Road (ref: 2023/3641/P)</p> <p>Planning permission sought to add a hip to gable extension and rear dormer to the back of the property.</p>			



Figure 2: Consented roof extensions within the immediate locale highlighted in red squares and in close proximity to the appeal site (shown with blue place maker).



Figure 3: Rear elevations of 23, 25, 27, 29 and 35 Menelik Road showing varying existing roof extensions.

2.0 THE APPLICATION

- 2.1 The application was received and made valid by the LPA on 16th October 2023. The application was assigned reference number 2023/3641/P.
- 2.2 The application sought full planning permission for the erection of a hip-to-gable roof extension and erection of a full width dormer extension to the rear roofslope of the existing two storey rear extension. This would facilitate a loft conversion, which would provide an additional 33.9sqm of ancillary residential accommodation.
- 2.3 The application was refused on 19th April 2024 for the following reasons:
- 1 *The proposed rear dormer extension, by virtue of its form, size, siting, scale, and design would represent an excessive, overbearing, and insubordinate addition to the roofslope and host building, which would contribute to a sense of enclosure and be detrimental to the character and appearance of the host building and surrounding area, contrary to Policy D1 (Design) of the London Borough of Camden Local Plan 2017 and Policy 2 (Design & Character) of the Fortune Green and West Hampstead Neighbourhood Development Plan 2015.*
 - 2 *The proposed hip-to-gable roof extension, by virtue of its size, siting, scale, materials, and design would represent an excessive, inappropriate, and incongruous addition to the building and streetscene, which would disrupt the pattern of development and be detrimental to the character and appearance of the host building and surrounding area, contrary to Policy D1 (Design) of the London Borough of Camden Local Plan 2017 and Policy 2 (Design & Character) of the Fortune Green and West Hampstead Neighbourhood Development Plan 2015.*

3.0 PLANNING HISTORY

- 3.1 Both the appeal site and the surroundings have been the subject of a detailed planning history which is set out in the Officers report that refused planning permission. For brevity, this will not be fully repeated here.

However, the following planning history is considered to be of note;

2016/2545/P - Flat D, 64 Menelik Road - *Creation of first floor terrace.*

This was granted Full Planning Permission on 19th July 2016 and demonstrates a precedence and acceptance of development at the site on the first-floor level and front elevation.

4.0 NATIONAL PLANNING POLICY/LEGISLATION

- 4.1 Section 38 of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

NATIONAL PLANNING POLICY

The National Planning Policy Framework (2023)

- 4.2 At the heart of the NPPF is a presumption in favour of sustainable development (paragraphs 7-14) and paragraphs 8, 9 & 11 are helpful in applying this presumption.
- 4.3 Paragraph 11 sets out how this is to be applied. It states that, for decision-taking, this means:
- *Approving development proposals that accord with an up-to-date development plan without delay; or*
 - *Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless*
 - *the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
 - *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*
- 4.4 The NPPF introduces three dimensions to 'Sustainable development' (Economic, Environmental & Social - para 8), and advises that they are interdependent and need to be pursued in mutually supportive ways.
- 4.5 In applying this approach, firstly, development must be considered to be sustainable taking into account all three of the dimensions of sustainable development; a development that is sustainable in only one dimension would not be considered sustainable for the purposes of the presumption. The appellant considers that the development meets all three threads of sustainable development.
- 4.6 Secondly, the decision-taker is required to consider whether the development accords with an up-to-date development plan – and if it does planning permission should be granted unless material considerations indicate otherwise. The appellant considers that the development accords with the development plan.

4.7 Thirdly, the decision-taker is required to determine whether there are any relevant development plan policies, or the policies which are most important for determining the application, are out-of-date and if not, grant permission unless:

- *the application of policies in this Framework (NPPF) that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.*

4.8 Section 12 refers to achieving well-designed places. Paragraph 135 states that planning policies and decisions should ensure that developments; (b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, (c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change, (e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development and (f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

5.0 THE DEVELOPMENT PLAN

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

5.2 For the purposes of this appeal, the adopted Development Plan for the London Borough of Camden comprises the London Plan (2021), the Camden Local Plan (2017) and Camden's Planning Guidance Documents (CPG's).

5.3 The following policies were reasons for refusal and considered relevant to the determination of this appeal, these will be referred to in the Appellants case:

Camden Local Plan (2017)

D1 - Design

Fortune Green and West Hampstead Neighbourhood Plan (2015)

Policy 2 - Design & Character

6.0 THE APPELLANTS CASE

6.1 The key considerations in determining this appeal are considered to be:

- 1) Design and visual impacts

Design and visual impacts

- 6.2 Firstly, it is important to understand the policy context relating to the reasons for refusal. The reasons for refusal were centred solely on design and character, namely Policy D1 of the Camden Local Plan (CLP) and Policy 2 of the Fortune Green and West Hampstead Neighbourhood Plan 2015.

Reason for Refusal 1: *The proposed rear dormer extension, by virtue of its form, size, siting, scale, and design would represent an excessive, overbearing, and insubordinate addition to the roofslope and host building, which would contribute to a sense of enclosure and be detrimental to the character and appearance of the host building and surrounding area, contrary to Policy D1 (Design) of the London Borough of Camden Local Plan 2017 and Policy 2 (Design & Character) of the Fortune Green and West Hampstead Neighbourhood Development Plan 2015.*

- 6.3 CLP Policy D1 requires development to be of the highest architectural and urban design quality, have regard to design and visual impact and to the context within which it is placed, and the contribution it makes to the landscape qualities of the area.
- 6.4 The aims of Policy D1 are further reinforced by guidance contained within the Camden Planning Guidance (CPG) on Home Improvements. In relation to roof extensions, it is advised that extensions are subordinate to the host building and respect the original design, proportions, architectural detailing and materials of the host building. The proposed rear dormer is subordinate to the host building and is located to the rear side extension, the proposed is sited below the main roof ridge line and the massing, width and height significantly less in totality and proportion to the scale and dimensions of the host building and main roof. The architectural detailing and materials match the existing dwelling house and are in accordance with Camden design guidance.
- 6.5 The guidance continues that extensions should respect and preserve the historic pattern and established townscape of the surrounding area and ensure that extensions have a height, depth and width that respects the existing common pattern and rhythm of the roofscape at nearby sites, where they exist. The proposed rear dormer extension respects the existing pattern of roof extensions in the townscape and surrounding area and is in keeping with the rhythm of the roofscape.
- 6.6 Policy 2 (Design & Character) of the Fortune Green and West Hampstead Neighbourhood Development Plan states *All development shall be of a high quality of design, which complements and enhances the distinct local character and identity of Fortune Green and West Hampstead.* The proposed rear dormer meets this criteria and complements the Fortune Green and West Hampstead neighbourhood area.

- 6.7 The appeal site comprises an end-of-terrace dwelling constructed of white render finish with red roof tiles. The rear elevations of the building are not visible from the public realm due to green screening from large mature trees to the rear. The side and front elevation of the building are visible from the street scene at the junction of Menelik Road and Minster Road. The delegated report (attached to Appendix 1) states the proposal **would also be highly visible from the rear of the host property and neighbouring buildings, creating a sense of overbearing from its large scale.** The impact of the proposed rear dormer is further lessened by the end-of terrace and corner plot setting of 64 Menelik Road.



Figure 4: (a) Left - existing principal elevation and (b) right - rear elevation of the appeal site. Note the corner plot and end-of-terrace setting.

- 6.8 The properties on the street are of a similar age and design. Many of the properties on the street and the surrounding area have been extended to the rear at single or two storey level, and through roof extensions including the dormer extensions to the neighbouring dwelling at No. 62 Menelik Road. Roof extensions are commonplace and form part of the existing character of the area. The scales, designs and material finishes of these extensions vary but include front, side and rear dormers of both brick and render.
- 6.9 The reason for refusal states the rear dormer extension would **represent an excessive, overbearing, and insubordinate addition to the roofslope and host building.** The proposed would be contained entirely to the side-rear extension and would remain significantly lower than the host buildings existing main roof ridge line which has a maximum roof height of 8.75m, the maximum roof height of the proposed is 8.0m. The rear dormer has a proposed setback of 0.3m from the flank roof edges and 0.2m from the rear roofline. The proposed rear dormer is subservient in scale and massing to the host building and would not detract from the character and appearance of the host property and immediate surrounding area.
- 6.10 Having reviewed the officers delegated report, it is stated that; **there is a clear pattern of development amongst the rear side extensions of the properties along Menelik Road, and none of these appear to feature dormers.** There is an irregular pattern of development in the rear side

extensions along Menelik Road and an asymmetry already exists with the neighbouring rear side extension of No. 63 which is extended at ground level to the rear. As shown in both Figure 3 and also included in Appendix 2 there are numerous examples of rear dormers within the immediate street scene and wider locality. The officer report states that the neighbouring properties along Menelik Road do not feature rear dormers at this level of the roof, approximately half of the properties along Menelik Road including No's 58, 56 and 52, 46, 35, 29, 27, 25 and 23 all have rear dormers in the host buildings rear roof scape of varying design and scales (figure 3).

Appendix 2 provides further photographic evidence of the extensive and varied roof extensions and alterations within the locality of 64 Menelik Road.

- 6.11 The Fortune Green and West Hampstead Neighbourhood Plan states;

Roof extensions and loft conversions should fit in with existing rooflines and be in keeping with existing development. Such extensions should be in proportion to the existing building and should not block views.

The proposed development is in accordance with the above planning guidance.

- 6.12 The proposed materials are to match the host dwelling in terms of roof tiles and brickwork. The proposed materials are sympathetic to the host building and that of the wider terrace and character area.

Reason for Refusal 2: *The proposed hip-to-gable roof extension, by virtue of its size, siting, scale, materials, and design would represent an excessive, inappropriate, and incongruous addition to the building and streetscene, which would disrupt the pattern of development and be detrimental to the character and appearance of the host building and surrounding area, contrary to Policy D1 (Design) of the London Borough of Camden Local Plan 2017 and Policy 2 (Design & Character) of the Fortune Green and West Hampstead Neighbourhood Development Plan 2015.*

- 6.13 The hip-to-gable extension would have a separating distance of approximately 4.0m with No.79 Menelik Road with only one small window to the flank elevation of the neighbouring property.

- 6.14 Again with reference to CLP policy D1 and similarly stated above in reference to the proposed rear dormer. The proposed hip-to-gable extension is subservient in scale and massing to the host building and contained entirely to the rear side extension. The extension is sympathetic to the design, proportions and detailing of the main building. The rear garden depth would remain unchanged and provide ample amenity space for the future occupants of the dwelling. Table 1 shows two very similar hip-to-gable applications which were approved planning permission. The proposed extension is in keeping with the

scale, design and layout of both historic and modern roof extensions of similar properties in the locality.

- 6.15 The delegated report states;

The host property and the majority of the neighbouring properties all broadly follow the same pattern of development, which retains the pitched roof of the rear extension and some degree of symmetry. As such, it is considered that the hip-to-gable element of the proposal would be unacceptable in design terms as it would break this established pattern.

The appellant property is end-of-terrace and the proposed hip-to-gable would be subservient to the host building being contained entirely to the rear side extension, sited below the main roof ridge line and the proposal would not detract from the character and appearance of the host property and immediate surrounding area. Given the context of it's surroundings the design and scale of the roof extensions are keeping in character with the Fortune Green and West Hampstead Area.

- 6.16 From the available public vantage points on Hampstead Cemetery, only the upper parts of the extension would be partially visible, if at all, above the existing rear boundary treatments and high tree line. The hip-to-gable extension would not impinge on the roof form of the host building and would integrate well with the host building and the wider terrace.
- 6.17 The proposed hip-to-gable extension would not harm the appearance of the host building, the street scene or the character of the area. The development is considered to be in accordance with Policies D1 of the CLP, Camden's adopted design CPG' and Policy 2 of the Fortune Green and West Hampstead Neighbourhood Plan.

7.0 SUMMARY AND CONCLUSION

- 7.1 The appeal seeks planning permission for the erection of a hip-to-gable roof extension and erection of a full width dormer extension to the rear roofslope of the existing two-storey rear extension. This would facilitate a loft conversion, which would provide an additional 33.9sqm of ancillary residential accommodation at No.64 Menelik Road.
- 7.2 The NPPF sets out that all development should be considered in the context of a presumption in favour of sustainable development and that for decision making this means approving development proposals that accord with an up-to-date development plan without delay.
- 7.3 The proposed was refused solely on design grounds. However, the proposed development constitutes high quality design, which is sympathetic to the host building in scale, materials and suitable for the local context. The proposal preserves the contribution in which the site makes to the character and significance of the Fortune Green and West Hampstead Neighbourhood area.

- 7.4 There are plentiful examples of similarly designed and scaled roof extensions, both hip-to gable extensions and rear dormer extensions within the street scene and wider locale making such developments established features of the area, these have been highlighted within this Appeal Statement and attached appendix.
- 7.5 The development provides a high standard of accommodation which provides increased amenity and living space for current and future residents and has been carefully designed to avoid giving rise to adverse neighbour amenity impacts with respect to loss of privacy, loss of light, loss of outlook and overbearing impacts.
- 7.6 The proposal fulfils the three dimensions of sustainable development and fully accords with the adopted development plan. There are no material planning considerations which indicate that the development should be determined against anything but the adopted development plan. It is therefore respectfully requested that planning permission is granted.