



# 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: 2023/2435/P

Statement of Case to the Planning Inspectorate for the provision of dormers to the  
rear and side roof slopes, installation of three roof lights and raising of the roof ridge  
to facilitate the conversion of roof space into a self-contained studio flat at 15 Upper  
Park Road, London, NW3 2UN

## STATEMENT OF CASE

On behalf of Mr Tim Drewitt

July 2024



1235/01

Statement of Case – 2023/2435/P

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Mr Tim Drewitt

July 2024

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## CONTENTS

Item	Description
1.0	Introduction
2.0	Development Plan
3.0	Statement of Case
4.0	Conditions of Planning

## 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, Mr Tim Drewitt.
- 1.2 This report provides a statement of case against the refusal of planning permission issued by the London Borough of Camden Council (*“the Council”*) on 7<sup>th</sup> February 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 conversion of roof space into a self-contained studio flat, including for the provision of dormers to the rear and side roof slopes, the installation of three rooflights and the raising of the crown roof level to facilitate the conversion, at 15 Upper Park Road, London, NW3 2UN.
- 1.4 This statement provides a clear explanation of the statement of case and directly responds to the reasons for refusal brought forward by the Council within their Decision Notice.
- 1.5 Reason for refusal 2 relates to the absence of a legal agreement with regard to the provision of an obligation to secure car free housing, so as to allow the development to accord with the expectations of Policy T2 of the Camden Local Plan 2017. Under separate cover the appellant will submit an executed s106 Agreement, having undertaken early engagement with the Council on the matter, to secure the required obligation for car free housing; and it is concluded that the submission will appropriately secure the obligation. On this basis, it is concluded that the provision of

a legal agreement satisfies the requirements of reason for refusal 2 and demonstrates an accordance with Policy T2, as such the reason for refusal falls away.

- 1.6 The remainder of this statement of case therefore concentrates on addressing the matters presented within reason for refusal 1.
- 1.7 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 and Design and Access Statement.

## 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) and 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, 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 a 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 two reasons; however, the appellant concludes that reason for refusal 2 has fallen away. The appellant's case against reason for refusal 1 is outlined within this chapter.

#### 3.2 Reason for Refusal 1 Detail

*"The proposed roof alterations, due to their scale, design and siting, would appear as prominent and incongruous additions to the host property that would be detrimental to the character and appearance of the host property, the pair of semi-detached dwellings of which the host property forms a part, and the Parkhill Conservation Area. As such, the proposed development would be contrary to Policy D1 (Design) and Policy D2 (Heritage) of the Camden Local Plan 2017".*

3.3 It is the Council's position that the proposed roof alterations offer harm to the character and appearance of the host property and the pair of semidetached dwellings to which the appeal property forms a part of, and as such harm is subsequently carried over to the Parkhill Conservation Area within which the site is located. It is common ground between the parties that, in the absence of objection to the contrary, the proposal brings forward a studio flat which is otherwise concluded to be appropriate, both in principal and for the context of its locality, that contributes to housing supply and offers no measurable harm to surrounding amenity.

3.4 The Council's objection therefore solely relates to the proposed roof alterations brought forward by the proposal and their impact upon character and appearance as a result.



- 3.5 The delegated officer's report informing the Council's decision has not been made publicly available and therefore the appellant's case is presented entirely against the wording of the reason of refusal.
- 3.6 It is concluded that the issues are twofold; that the roof alterations would appear both prominent and incongruous to the host property and secondly that they will be detrimental to the semidetached dwellings as a pair. Both houses have had their 2 original chimney stacks to the side slopes removed and there is a prominent wall upstand to the side of the crown roof to no. 17, thus making them unlike the original design of similar houses
- 3.7 As set out in the appellant's Design and Access Statement, the proposal brings forward a proposed new rooflight within the side roof slope, with glazed sides, in order to achieve the headroom for a new staircase within the curtilage of the common staircase area. The rooflight sits comfortably within the context of the side roof slope and has no greater projection above the existing roof slope than 70cm. The proposal otherwise brings forward a rear dormer window, which again sits within the context of the existing roofline, and a provision of rooflights.
- 3.8 Having reference only to the Council's reason for refusal, it is assumed that the officer has concluded that the cumulative impact of the roof alterations would provide a degree of prominence and incongruity to the host property. I draw this conclusion on the basis of a consideration of scale, design and siting. With regard to scale, the proposed extensions sit comfortably within the existing roofscape, entirely subservient to the parameters of the existing roof; providing consistency with 3 adjacent properties at No. 6, No. 23 and No.24 respectively, which have all installed side dormers and all of which are larger than the proposed staircase rooflights sought to be implemented as part of

- the proposal. Additionally, there are also side dormers at No. 3, No. 12 and No.16, and front dormers at No. 23, No. 24 and No. 36.
- 3.9 Furthermore, given the substantial provision of existing rear dormer roof extensions within the locality, for which the appellant's scheme mirrors a design approach, it is concluded that the proposal's impact on both scale and siting is entirely commensurate to the existing roofscape of the locality.
- 3.10 With regard to design, the one aspect of difference that is provided by the proposal is the use of glazing within the context of the stairwell rooflight; however, this, by comparison to side dormer extensions elsewhere within the locality, is concluded to offer a reduced visual impact of the development due to the lighter weight of materials by comparison. In design terms, therefore, it is concluded that the proposal provides appropriate reference to the context of the streetscene and in response to the appeal building.
- 3.11 Characteristic references are made within the Parkhill and Upper Park Conservation Area Statement, which identifies the importance of preserving the appearance and profile of roofs where these *"form part of a homogeneous stylistic group"*.
- 3.12 It is the appellant's assertion that given the relative proximity of the dwellings with existing side and rear dormer extensions to the appeal site (they are clearly within the context of the same limited streetscene) and their longstanding nature of existence, this provides a basis on which to determine that they inform the baseline of the characteristics of the streetscene.
- 3.13 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
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- that the existing appearance and profile of the roofs within the appeal site's streetscene include for side and rear dormer extensions throughout the conservation area where this type of building exists, being Upper Park Road, east side of Lawn Road and NE side of Haverstock Hill.
- 3.14 It is as such the appellant's assertion that the evolution of the roof profiles, informing the properties of Upper Park Road, means that it is normal for side and rear dormers to inform the roofscape of the area, and as such any restriction on the potential inclusion of them, within the context of the streetscene, would fail to reflect the existing appearance of it.
- 3.15 To this extent therefore, it is concluded that the Council's objection to the design of the proposed roof extensions fails to take into consideration the requirements of its design (having regard to the Council's own Home Improvement CPG), which requires extensions to reflect the existing characteristics of side and rear dormers within the existing streetscene.
- 3.16 It is concluded therefore that the proposed extensions offer no degree of prominence to the appeal property that has not already been established as a standard characteristic of roofscape development on other properties of exactly the same scale within the existing streetscene. To that extent therefore, the proposal is neither considered prominent within the context of the dwelling nor incongruous within the context of its response to the streetscene.
- 3.17 The secondary consideration is the impact the development would have upon the pair of semidetached dwellings of which the host property forms a part of. It should be noted that such an imbalance already exists because of the existing prevalence of rooflights on the adjoining No. 17, that is not currently in place within No. 15.
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- 3.18 From the context of visual disruption, there is no clear viewpoint to the rear dormer extension that would be considered to offer any reasonable context of the consideration of balance between the adjoining properties, as the rear dormer extension could be seen (however fleetingly) only from a view of its side elevation at street level or from the rear gardens informing the individual properties. From these viewpoints, the consideration of balance between the semidetached pair is not a consideration, and, having regard to viewpoints from rear garden spaces, any views of the rear dormer extension would be seen in the context of other rear dormer extensions within the street.
- 3.19 The consideration of any aspect of “*imbalance*” that could be applied to the semidetached pair therefore relates to the side glazed rooflight, and given that the proposal is modest, makes use of lightweight materials, and is delivered at roof level, its visual disruption to the streetscene is considered to be negligible, and as such, its ability to offer any measurable harm to the existing balance that can be considered to apply between the semidetached pair is extremely limited.
- 3.20 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.
- 3.21 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.
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- 3.22 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; Furthermore, the proposal brings forward an additional dwelling which contributes to the Council's housing stock in a manner that makes best use of built development.
- 3.23 It is as such respectfully requested therefore that the 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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