



STATEMENT OF CASE

For the erection of a single-storey first-floor
extension to create a new dwelling above
the existing commercial unit

LPA reference: 2024/5188/P

at

44 & 46
Birchington Road
London
NW6 4LJ

February 2025

*44 & 46
Birchington Road
London NW6 4LJ*

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Appendices

Appendix 1: 44BR-PP1-03A - Proposed Floor Plans (Rev A)

Appendix 2: 44BR-PP1-05A - Proposed Sections & Elevations (Rev A)

Appendix 3: 44BR-PP1-07 - Proposed Access Plan & Photos



Figure 1. Proposed Site Location Plan

1.0 Introduction

- 1.1 This Appeal Statement of Case, has been prepared on behalf of the appellant, Mr B. Baker, in support of an appeal against the decision of the London Borough of Camden to refuse planning permission for the erection of a single-storey first-floor extension to create a new dwelling above the existing commercial unit at 44 & 46 Birchington Road, London.
- 1.2 As part of the appeal, the appellant wishes to submit a revised set of drawings (Ref: 44BR-PP1-03A - Proposed Floor Plans & 44BR-PP1-05A - Proposed Sections & Elevations), both marked as Rev A, for the Inspector to consider. This alternative design, replaces the 1.7m high screens with 1.1m high metal railings along the proposed access pathway. On closer review, it was considered that the screens were unnecessary given that they would obstruct overlooking only when persons are accessing the flat and not prevent overlooking from a habitable room, which is more invasive. A Photographic Access Assessment has also been prepared to show the simple and logical access to the flat from Quex Mews.
- 1.3 Following a description of the site and surrounding area, this statement of case will review the planning history, provide an overview of relevant planning policy, and then outline the appeal case for the appellant. This statement looks to demonstrate that the proposal complies with relevant local and national planning policies and that planning permission should therefore be granted.



Figure 2. Aerial view, highlighting the area where relevant works are proposed (as taken from Design Statement submitted with the application)

2.0 Background

2.1 On the 25th Nov 2024, the appellant submitted an application to the London Borough of Camden for the following development (**Ref: 2024/5188/P**) - Erection of single-storey first-floor extension; creation of a new dwelling above existing commercial unit.

2.2 In the decision notice dated 17th Jan 2025, the Local Planning Authority (LPA) advised that the application had been refused for the following six reasons:

- 1) The proposed roof extension to create a new dwelling by virtue of its means of access, height, bulk and detailed design would compromise the form, character and appearance of the host buildings and the wider street scene, contrary to Policy D1 (Design) of the Camden Local Plan 2017;
- 2) The proposed development would fail to provide a legible, direct & accessible route to & from the residential unit contrary to Policy D1 (Design) & C6 (Access for all) of the Camden Local Plan 2017 & Policy D6 (Housing quality & standards) of the London Plan 2021;
- 3) The installation of a 1.7m tall screened pedestrian access route would result in a negative impact on the amenity of the occupiers of 29 Quex Mews and future occupiers, contrary to Policy A1 (Managing the impact of development) of the Camden Local Plan 2017;
- 4) The proposed development, in the absence of an Air Quality Assessment, has failed to demonstrate that future occupants would not be exposed to unacceptable levels of air pollution and subsequently that the site is suitable for residential use, contrary to Policy CC4 (Air quality) of the Camden Local Plan 2017;
- 5) The proposed development, in the absence of a legal agreement securing car-free housing would contribute to parking stress and congestion in the surrounding area and fail to promote more sustainable and efficient forms of transport and active lifestyles, contrary to Policies T2 (Parking and car-free development) and DM1 (Delivery and monitoring) of the Camden Local Plan 2017;
- 6) The proposed development, in the absence of a legal agreement securing a Construction Management Plan, CMP implementation support contribution and Construction Impact Bond, would be likely to contribute unacceptably to traffic disruption, air pollution and be detrimental to general highway and pedestrian safety, contrary to Policies A1 (Managing the impact of development), CC4 (Air Quality) and DM1 (Delivery and monitoring) of the London Borough of Camden Local Plan 2017;

3.0 Planning History

- 3.1 Ground and basement floors, 46 Birchington Road (**Ref: 2014/5696/P**) Change of use of ground floor and basement from shop (Class A1) to restaurant (Class A3) including extract duct to roof at rear. Granted Dec 23rd 2014
- 3.2 46 Birchington Road (**Ref: 2013/1491/P**) Change of use of ground floor and basement from shop (Class A1) to restaurant (Class A3) including extract ducts to roof at rear. Refused 2nd July 2013. Dismissed at Appeal 14th March 2014.
- There were two reasons for refusal:
- 1) The proposed Class A3 restaurant use would be detrimental to the character of the local area and the amenities of neighbouring residential properties by virtue of its size and proximity to neighbours which would create excessive noise and disturbance.
 - 2) Insufficient information has been submitted to demonstrate that ventilation and extract ducting would comply with the Council's noise standards and not cause noise nuisance to the nearest residential properties.
- 3.3 1st Floor of 44 Birchington Road, Kilburn, NW6 4L (**Ref: 2012/3730/P**) for the Installation of a platform with balustrading above flat roof of ground floor shop at rear to create access, replacement of windows and insertion of lobby entrance on first floor south-west elevation and replacement of windows on first floor north-east elevation all in connection with the change of use of first floor from storage (ancillary to shop (Class A1)) to 2 x 1-bedroom self-contained flats (Class C3). Granted 17th July 2013.
- 3.4 Below are excerpts of the approved sections and first floor plan showing how access to residential flats has been established at this level.
- 3.5 46 Birchington Road (**Ref: 2010/1374/P**) change of use of ancillary retail storage (Class A1) at first-floor level to two self-contained one-bedroom flats (Class C3) and associated external alterations including steps to provide independent access from an existing side passage and the installation of first floor windows to the front and within each side wall. Granted 10th Nov 2010.
- 3.6 The following recent planning permissions, represent examples where Council supported additional residential flats, where their respective access routes, are achieved at roof level, to mimic the development as proposed. A material planning consideration.
- 3.7 108-110 Kilburn High Road London NW6 4HY (**Ref: 2022/0629/P**) Erection of front mansard roof extension to no. 110 Kilburn High Road. Erection of mansard roof extension at no. 108 in association with formation of new 1-bed flat. Granted 9th Sep 2022.
- 3.8 Flat 15 Quex Mews 112-114 Kilburn High Road London NW6 4PW (**Ref: 2022/5139/P**) Erection of a front mansard roof extension on existing 4th floor roof terrace to facilitate the conversion of the existing top floor flat into two self-contained residential units. Granted 12th Jul 2023.
- 3.9 Flat 15 Quex Mews 112-114 Kilburn High Road London NW6 4PW (**Ref: 2023/3002/P**) Erection of a front mansard roof extension at fourth floor level to enlarge existing flat. Granted 12th Sep 2023.

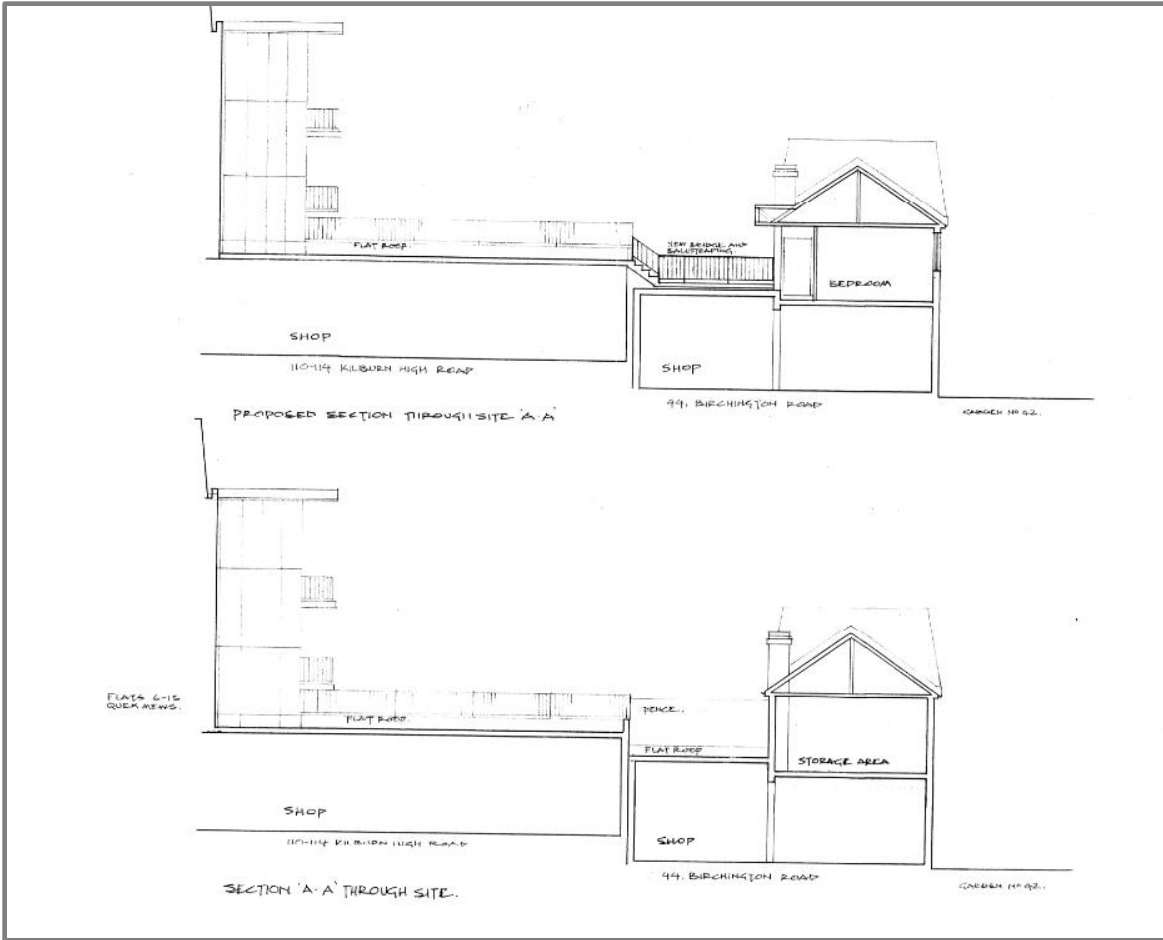


Figure 3. Excerpt of approved sections (existing bottom & proposed top) showing access and balustrade railings on the roof at first floor level

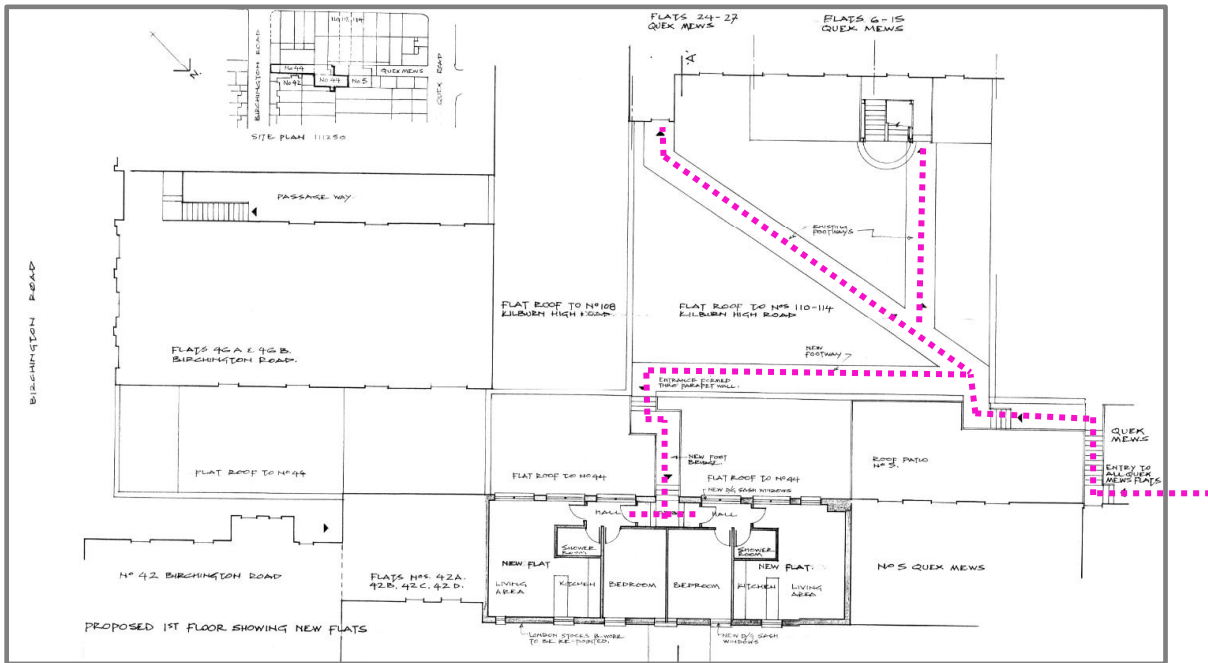


Figure 4. Excerpt of the approved plan with access and balustrade on the first-floor flat roof (Roof-top pedestrian access highlighted for ease of review)

4.0 Site description

- 4.1 44 & 46 Birchington Road are a pair of buildings close to the junction of Birchington Road and Kilburn High Road. The area around the site is mixed with residential and commercial uses. The site is not within a conservation area, nor does it comprise a listed building.
- 4.2 44 Birchington Road is currently arranged as a single-storey building with commercial use Class E (Jumanji Pets) at Ground Floor level. The existing building supports a flat roof form, set behind a tall front parapet wall. See Figure 5 below, showing a view of the site from street level.
- 4.3 46 Birchington Road is currently arranged as a two-storey building with commercial use Class E (Vila Ronel) at ground floor level, alongside two self-contained residential flats Class C3 arranged over the first-floor level. Access to the upper-floor residential flats, are gained externally, via a separate side access through the side passageway to the first-floor roof level.



Figure 5. View of the site from street level

5.0 Planning Policy

5.1 The Development Plan for the area comprises the London Borough of Camden Local Plan (2017) and the London Plan (2021). The National Planning Policy Framework is also a material consideration.

London Borough of Camden Local Plan 2017

5.2 Policy H1 (Maximising housing supply) sets a 10-year housing target for Camden of 10,380 additional homes from 2019/20 to 2028/29

5.3 Policies H6 (Housing choice and mix) and D1 (Design) require housing to be high quality and provide adequately sized homes and rooms and maximise the provision of dual aspect dwellings.

5.4 Policy H6 requires 90% of new-build homes to comply with M4(2) (accessible and adaptable dwellings) and a requirement for 10% of new build homes to comply with M4(3) (wheelchair user dwellings).

5.5 Policy D1 (Design) states that the Council will require all developments to be of the highest standard of design and to respect the character, setting, form and scale of neighbouring buildings, and the character and proportions of the existing building.

5.6 Policies A1 (Managing the impact of development) and A4 (Noise) are relevant regarding the impact on the amenity of residential properties in the area. They require careful consideration of the impacts of development on light, outlook, privacy, and noise. The policies aim to protect the quality of life of current and future occupiers, and development that causes an unacceptable level of harm to amenity should be refused.

5.7 Policy CC4 (Air quality) states that the Council will ensure that the impact of development on air quality is mitigated and that exposure to poor air quality is reduced in the borough. The Council will consider the impact of air quality when assessing development proposals by considering both the exposure of occupants to air pollution and the effect of the development on air quality.

5.8 Policy T1 (Prioritizing walking, cycling, and public transport) states that the Council will promote sustainable transport by prioritising walking, cycling, and public transport in the borough. The policy requires cycle parking provision that accords with minimum London Plan standards.

5.9 Policy T2 (Parking and car-free development) states that the Council will limit the availability of parking and require all new developments in the borough to be car-free. The policy states that the Council will not issue on-street or on-site parking permits in connection with new developments and use legal agreements to ensure that future occupants are aware that they are not entitled to on-street parking permits.

The London Plan 2021

- 5.10 London Plan is the overall strategic plan for London, setting out an integrated economic, environmental, transport and social framework for the development of London over the next 20-25 years.
- 5.11 Policy H1 (Increasing housing supply) sets a London-wide target of annual average housing completions of 52,287 net homes. The Plan sets the London Borough of Camden a yearly target of 1,038 additional homes to contribute toward the target.
- 5.12 Policy H2 (Small sites) encourages optimising small sites to provide new homes. It sets a presumption in favour of small housing developments. According to the policy:
- “Boroughs should pro-actively support well-designed new homes on small sites (below 0.25 hectares in size) through both planning decisions and plan-making to:
1. significantly increase the contribution of small sites to meeting London’s housing needs
 2. Diversify the sources, locations, types and mix of housing supply
 3. Support small and medium-sized housebuilders
 4. Support those wishing to bring forward custom, self-build and community-led housing.”
- 5.13 The policy goes on to say that the boroughs should recognise in their Development Plans that local character evolves and will need to change in appropriate locations to accommodate additional housing on small sites
- 5.14 Table 4.2 of the plan sets the London Borough of Camden target of 328 homes per year by developing small sites.
- 5.15 Policy D3 requires development to make the best use of land by following a design-led approach that optimises the capacity of sites. It requires that development:
- “Enhance local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance and shape, with due regard to existing and emerging street hierarchy, building types, forms and proportion.”
- 5.16 Policy D4 requires local authorities to thoroughly scrutinise the design of the proposed development and seek the highest quality of design and architecture.
- 5.17 Policy D6 (Housing quality and standards) requires all new residential developments to provide new housing designed to achieve a high standard of accommodation. It states that new housing should be dual-aspect and meet minimum internal space standards.
- 5.18 The London Plan sets out maximum car parking standards and minimum cycle parking standards for new development. The London Plan standards suggest that up to 1.5 spaces per unit should be provided at this site.

- 5.19 The NPPF sets out the Government's planning policies for England and how these are expected to be applied. The NPPF is a vital material consideration in decision-making.
- 5.20 According to paragraph 39 of the NPPF, "Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available ... and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible."
- 5.21 Chapter 5 deals with housing supply and sets out the government's objective to boost substantially the supply of homes. According to paragraph 73 "Small and medium-sized sites can make an important contribution to meeting the housing requirement of an area and are often built out relatively quickly."
- 5.22 Paragraph 78 requires that Councils identify a 5-year housing supply plus a 5-20% buffer. Where a Council cannot demonstrate a 5-year supply, the presumption in favour of granting planning permission in paragraph 11 of the NPPF applies.
- 5.23 Paragraph 11 encourages developers and local planning authorities to make the best use of land and to focus on previously developed land in sustainable locations. According to paragraph 125(d), planning decisions should: "promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively."
- 5.24 Paragraph 130 requires that densities be maximised to "ensure that developments make optimal use of the potential of each site".
- 5.25 According to paragraph 131, "Good design is a key aspect of sustainable development, creates better places to live and work and helps make development acceptable to communities."
- 5.26 According to paragraph 116, "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios."

6.0 The case for the appellant

New Housing

- 6.1 The Policy set out in the NPPF, states that LPAs should support the Government's objective of significantly boosting the supply of homes. The London Plan sets The London Borough of Camden a target of 1,038 additional new homes per year, of which 328 shall be delivered through small sites. The NPPF, London Plan and the Camden Local Plan emphasise the delivery of new homes and the better use of existing land.
- 6.2 The Housing Delivery Test (HDT) is an annual measurement of housing completions. It measures whether development plan requirements have been met over the last three years. The government's most recently published figure is for 2022, when the government's measurement for the London Borough of Camden was 69%. This means that Camden's development plan policies concerning housing proposals are "out-of-date". The presumption in favour of sustainable development, as outlined in paragraph 11(d) of the NPPF, is therefore engaged.
- 6.3 Housing provision must be given great weight in decision-making. The NPPF indicates that applications should be granted unless their adverse impacts significantly and demonstrably outweigh their benefits when assessed against NPPF policies.
- 6.4 The site is sustainably located in a built-up area with access to local transport, where residential development is acceptable in principle. Providing a new home in this area, which suffers from an acute shortage of homes, has significant public benefits.
- 6.5 London Plan policy D6 states that "the design of development should provide sufficient daylight and sunlight to new and surrounding housing that is appropriate for its context, whilst avoiding overheating, minimising overshadowing and maximising the usability of outside amenity space."
- 6.6 The habitable rooms are generously sized and regularly shaped and benefit from good light and outlook. The daylight/sunlight assessment, submitted with the proposal, demonstrates that the proposed dwelling would benefit from adequate daylight/sunlight. The flat will provide future occupiers with high-quality internal living accommodation.

Design and Character

- 6.7 The first reason for refusal within the Decision Notice states that the proposal would compromise the form, character, and appearance of the host buildings and the wider street scene due to its means of access, height, bulk, and detailed design.
- 6.8 The new dwelling would be on the flat roof of No. 44, situated towards the front of the plan. As shown in the excerpts below, the parapet façade would be altered by raising the flat roof of No. 44 to form a single gable end across the two buildings. An enlarged mono-pitch roof provides a sufficient head roof for a new dwelling.



Figure 6. Aerial view showing proposed extension highlighted in red



Figure 7. Excerpt from application drawings showing the existing front elevation

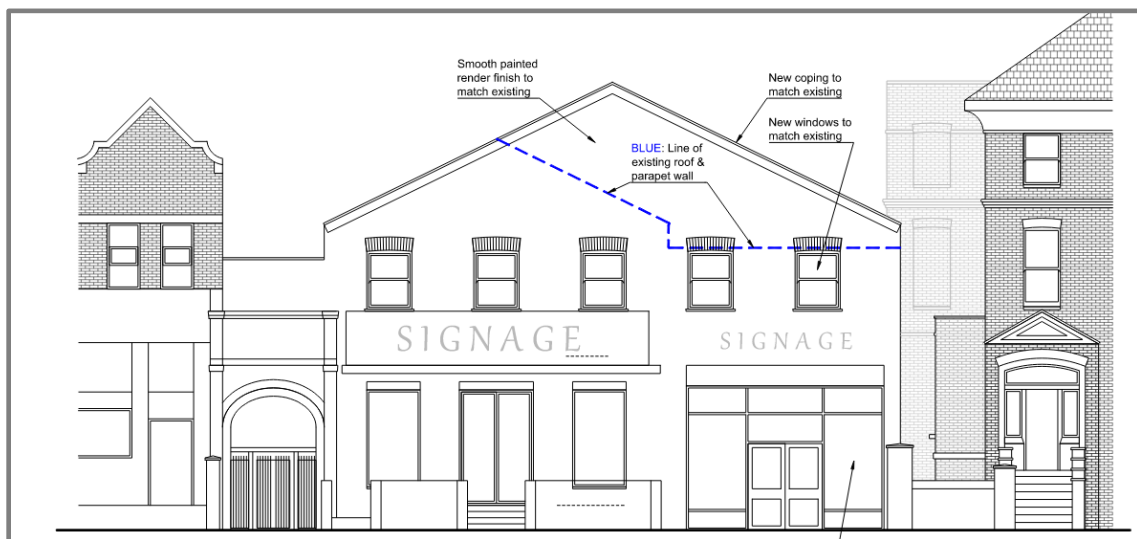


Figure 8. Excerpt from application drawings showing the proposed front elevation

- 6.9 Under paragraph 3.3, the Delegated Officer Report states, "44-46 currently appear as two distinct albeit attached buildings due to the pitched gable end on 46 and the flat roof and parapet on 44". The LPA believes that the "proposed front windows would be out of sync with the existing windows to their overall position in the gable end and would appear offset. This leads to a lack of symmetry at first floor and detracts from the overall appearance of the building."
- 6.10 On the one hand, the LPA believe that nos. 44 and 46 appear as two distinct buildings, but they also believe that the additional windows harm the symmetry of the front façade. This analysis is somewhat contradictory in that the supposed distinctness, regarded as a positive aspect, is inherently asymmetrical. The LPA believes the additional two windows would create an asymmetrical composition.
- 6.11 The appellant believes the enlarged gable or front elevation would appear balanced and integrate well with the surrounding buildings. The appellant asserts the formation of five windows at first-floor level would appear inconspicuous within the street scene, whilst ensuring the new windows respect the existing modulation, proportion and distance between the windows to maintain the symmetry of the host building. Given this careful design, the elevation would attract little attention from the street level. The new windows are not over scaled and are made of traditional timber sash to match existing fenestration.
- 6.12 The LPA believes that the site acts as a transition in height between the taller corner building on Kilburn High Road and the adjacent terrace on Birchington Road. However, the parapet (which would only be increased by 1.2m) would still be lower than the eaves height of the adjacent terrace on Birchington Road. The increase in height of the roof apex is modest and the enlarged gable-end, would sit comfortably within the street scene. The extended built form, would still be subservient to the buildings on Kilburn High Road and retain the character of a two-storey mixed-use building. The consistency in height between the two halves of the building as proposed, would not be harmful to the character and appearance of the area or the building across the street directly opposite.
- 6.13 The building is not within a conservation area and the appellant believes the site can be adapted sympathetically to provide an additional home. The design responds to the existing form of the building (supporting an existing gable-end design) and retains the key architectural features - pitched roof, a rendered gable-end with inset timber windows.

Impact on neighbours

- 6.14 A daylight/sunlight assessment was submitted, demonstrating an acceptable impact on the neighbouring properties. The LPA acknowledges that the extension would not harm neighbours in terms of a loss of privacy, light or outlook.

Access

- 6.15 Access to the proposed flat will be via Quex Mews to the northwest. As shown in the photograph below, there are existing steps from the mews to the flat roof and a pedestrian route that leads across the rooftop to the flat entrance. This rooftop pedestrian route already provides access to some 24No. existing dwellings (these include 12 Flats in 108-110 Kilburn High Road, 10 Flats in 112-114 Kilburn High Road (accessed via an external staircase design), plus the 2 self-contained units to the rear of the site at 28 & 29 Quex Mews). This rooftop access route is already accessible and has been subject to

the grant of planning permission, as shown in Section 4 of this Report (Planning History). Please see **Appendix 3: Proposed Access Plan & Photos** (Ref: 44BR-PP1-07) submitted to show the proposed access route to the subject flat.

- 6.16 The appellant notes the LPA's concern, raised in relation to the siting of a 1.7m high privacy screen on either side of the access route. It is accepted that the screens could negatively affect the outlook of the dwellings at 28 and 29 Quex Mews. As such, a revised set of drawings (Ref: 44BR-PP1-03A - Proposed Floor Plans & 44BR-PP1-05A - Proposed Sections & Elevations), both marked as Rev A, are submitted with this appeal for the Inspector to consider. See Appendix 1&2. This alternative design, removes the privacy screens from the proposal. On closer review, it was considered that the screens were unnecessary given that they would obstruct overlooking only when persons are accessing the flat and not prevent overlooking from a habitable room, which is more invasive. It is common for windows at ground floor level, that front onto the street, to have a degree of overlooking when occupants enter a building in use as multiple flats. The comings and goings associated with a one-bedroom studio flat are also expected to be minimal. Therefore, any sense of overlooking v actual overlooking, is expected to be very minimal.
- 6.17 The Officers Report states that *“it considered that the extensive and unnecessarily convoluted access route from Quex Mews to the new flat does not meet the highest practicable standards of accessible and inclusive design. The total length of the access route from street level at the end of Quex Mews to the front door of the new dwelling would be approximately 46m via two sets of steps.”*
- 6.18 The appellant notes that the proposal is for a one-bedroom studio, likely to be occupied by a young professional. It is not family accommodation or accommodation likely to be occupied by an older person who would potentially have a different set of needs.
- 6.19 The proposal continues an established and existing method of access (steps from the Quex Mews to the flat roof) and does not introduce a new point or method of access. The appellant does not believe that the occupant having to walk slightly further than the approved situation at 28 and 29 Quex Mews is necessarily poor design or a reason for having a substandard quality of accommodation. All occupants need to walk to and from their homes to where they are going and there is nothing undignified, inclusive or unsecure about the route to Quex Mews. The LPA seems to object to the slightly atypical situation, but this does not necessarily result in a flat that is inaccessible or provide a home that can't be enjoyed.
- 6.20 The appellant would like to highlight that the home would meet the government's nationally described space standard, as outlined in the London Plan. The appellant also believes the home meets the new housing design provisions under paragraph 7.32 of the Camden Local Plan. The appellant believes all the following are followed:
- is self-contained and has its own secure private entrance;
 - has good ceiling heights and room sizes;
 - has good natural light and ventilation;
 - has good insulation from noise and vibration;
 - incorporates adequate storage space;

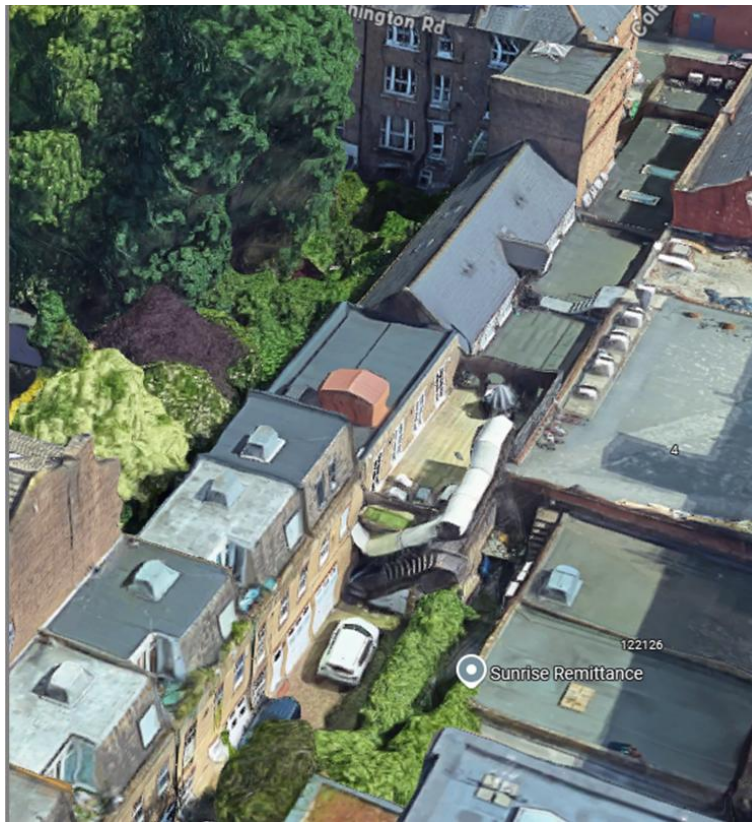


Figure 9. Aerial view showing existing access from Quex mews to flats 28 & 29 (highlighted in green below)

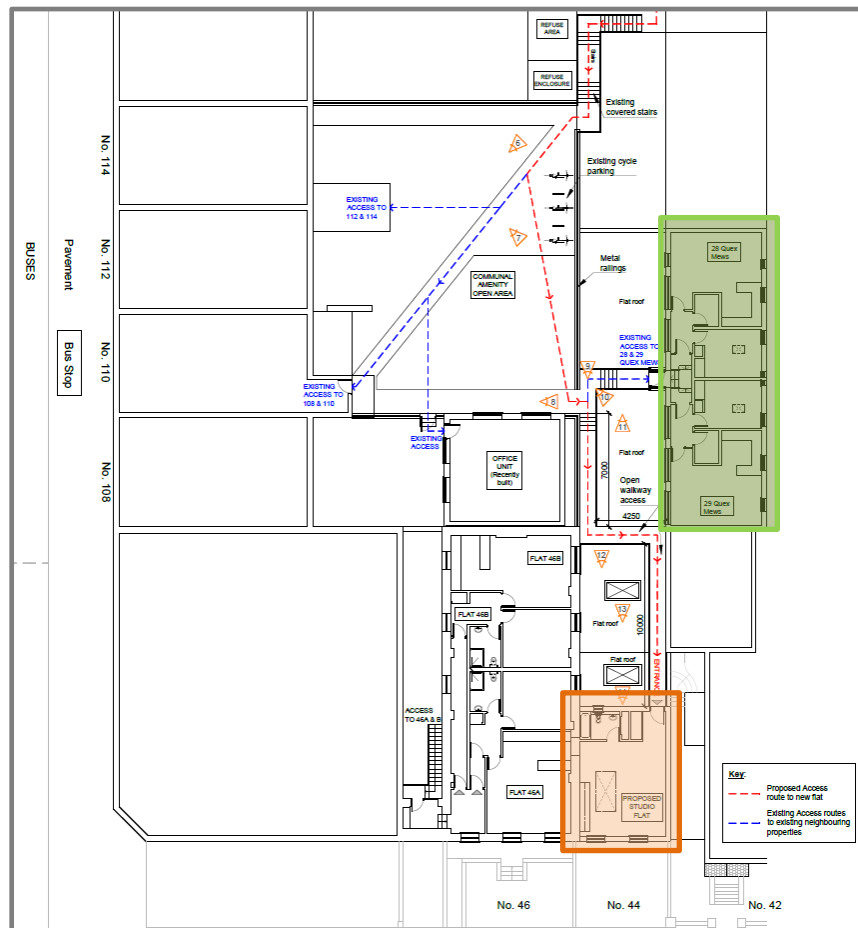


Figure 10. Access Plan to the proposed studio flat (See Plan Ref: 44BR-PP1-07)

Air Quality

- 6.21 London Borough of Camden Local Plan CC4 (Air Quality) states that the Council will consider the impact of air quality when assessing development proposals, considering both the exposure of occupants to air pollution and the effect of the development on air quality. Consideration must also be given to the actions identified in the Council's Air Quality Action Plan.
- 6.22 London Plan Policy SI 1 (Improving air quality) states that Development Plans, through relevant strategic, site-specific & area-based policies, should seek opportunities to identify & deliver further improvements to air quality & should not reduce air quality benefits that result from the Mayor or boroughs' activities to improve air quality. To tackle poor air quality, protect health & meet legal obligations, proposals should not:
1. lead to further deterioration of existing poor air quality
 2. create any new areas that exceed air quality limits, or delay the date at which compliance will be achieved in areas that are currently in exceedance of legal limits create unacceptable risk of high levels of exposure to poor air quality.
- 6.23 To meet the requirements in Part 1, as a minimum:
1. Development proposals must be at least Air Quality Neutral
 2. development proposals should use design solutions to prevent or minimise increased exposure to existing air pollution and make provision to address local problems of air quality in preference to post-design or retro-fitted mitigation measures
 3. major development proposals must be submitted with an Air Quality Assessment. Air quality assessments should show how the development will meet the requirements of B1
- 6.24 The application is not a major development and would be secured as car-free under an S106 Legal Agreement or Unilateral Undertaking. Camden Local Area Requirements says that Air Quality Assessments are only required for:
- major applications where the occupants will be exposed to poor air quality where the development is located along a busy road, railway lines, or generally congested area
 - development has more than 75 new residences
 - commercial developments with a floorspace of 2,500 sqm floorspace or more
 - development involving substantial earthworks or demolition
 - development with the potential to significantly change road traffic on any busy roads (those in excess of 10,000 vehicles per day)
 - development that introduces sensitive uses into an area of poor air quality
- 6.25 The Officers Report does not explain why this site has particularly poor air quality. No evidence or data was provided. The site is not within an Air Quality Focus Area in the Camden Clean Air Action Plan (2022-2026). The site is in an established residential use and is located at first-floor level, which typically receives fewer pollutants from vehicle traffic than ground floor residential units. Overall, the appellant believes this proposal would comply with the development plan regarding air quality policies.

Car Free and Construction Management Plan

- 6.26 The appellant is willing to enter into a S106 Legal Agreement or Unilateral Undertaking for these matters, should the Inspectorate be minded to allow this appeal. In this instance, it is requested that the LPA subsequently draft the S106 Agreement accordingly.

7.0 Conclusion

- 7.1 The proposed development aligns with the overarching objectives of the NPPF, the London Plan, and the Camden Local Plan by contributing to housing supply in a borough that has consistently under-delivered against its housing targets. The presumption in favour of sustainable development applies given Camden's Housing Delivery Test score of 69%, which renders its housing policies out of date under paragraph 11(d) of the NPPF.
- 7.2 The proposal makes efficient use of existing land in a highly sustainable location, where residential development is already established & supported in principle. The site supports excellent access to local services and public transport, benefitting from a PTAL rating of 6a (excellent), making the site appropriate for residential use, whilst ensuring that the new dwelling contributes positively to the borough's housing stock with minimal environmental impact.
- 7.3 The design of the new dwelling is carefully considered to integrate with the existing building & surrounding street scene. The proposed alterations respect the existing form & character of the building while remaining subservient to the neighbouring structures. The concerns regarding symmetry and bulk raised by the LPA are subjective & the appellant contends the alterations will preserve rather than detract from the streetscape.
- 7.4 The habitable rooms meet the space standards set out in the London Plan and will provide high-quality internal living conditions, with sufficient daylight, sunlight, ventilation, and outlook. The daylight/sunlight assessment confirms that the development will not adversely impact neighbouring properties.
- 7.5 Regarding access, the proposal follows an established route that already serves multiple dwellings. The revised scheme removes privacy screens, addressing the LPA's concerns, and the access route remains reasonable for the intended occupant. The LPA's concerns regarding accessibility do not account for the specific nature of the development as a small studio unit likely to be occupied by a young professional.
- 7.6 The proposal does not trigger the requirement for an Air Quality Assessment and would be secured as car-free through a legal agreement. The site is not within an Air Quality Focus Area, and no substantive evidence has been provided to demonstrate that air quality would be negatively affected.
- 7.7 The appellant is supportive of the principle of a Section 106 Legal Agreement and is therefore willing to enter into such an agreement to ensure compliance with car-free & construction management provisions, addressing the LPA's reasons for refusal 5 & 6.
- 7.8 In conclusion, the proposed development delivers a much-needed additional dwelling in a borough, already suffering from a significant housing shortfall. The development accords with the policies of the NPPF, London Plan, and Camden Local Plan and has no demonstrable adverse impacts that would outweigh its clear benefits. The appellant respectfully requests that the appeal be allowed, and planning permission be granted.