

**2ND FLOOR FLAT (FLAT 3),  
48 MAZENOD AVENUE, LONDON, NW6 4LR**

**PLANNING APPEAL – STATEMENT OF CASE**

**LPA REF: 2024/4207/P**

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## 1.0 INTRODUCTION

- 1.1 This Appeal Statement has been prepared on behalf of Richard Jenkins (the **Appellant**) and accompanies a planning appeal relating to development proposals at 2<sup>nd</sup> Floor Flat (Flat 3), 48 Mazenod Avenue, London NW6 4LR (the **Site**). The Site lies within the London Borough of Camden (the **LPA**).
- 1.2 The Site comprises a three-storey mid-terrace property located on the western side of Mazenod Avenue. The Site consists of a rectangular plot, similar in size to neighbouring plots in the area. The property is a red-brick Victorian building that has been converted into three separate flats. This appeal pertains to Flat 3, which occupies part of the first floor and the second floor of the building, accessed via a shared front entrance and internal staircase at ground floor level.
- 1.3 The exterior reflects the typical design characteristics of nearby homes in terms of general form, though there is some local variation. The property features a small front yard with low-quality paving, primarily used for access and refuse storage. The Site includes a rear garden, although this is only accessible through, and for the exclusive use of the ground-floor flat. Flat 3 currently has no external amenity space.
- 1.4 The property is not statutorily or locally listed, nor is it located within a conservation area.
- 1.5 The Appellant is seeking to improve the quality and function of the property. It is sought to utilise the existing roofspace, which is currently simply used for storage, to create additional living space and add a bedroom. It is also sought to create a useable area of outside amenity, which the flat is currently sorely missing.
- 1.6 A number of planning permissions have been granted at nearby sites for the addition of dormer windows and roof terraces, which have helped inform the Appellants' approach to achieving their ambitions.
- 1.7 Accordingly, the Appellants previously sought planning permission for a rear dormer on the main roof slope, and a dormer and terrace on the rear outrigger roof slope, application ref: 2024/1046/P. That application was refused in June 2024, due to bulk, mass, scale, and design which the LPA considered would result in the development failing to preserve the character and appearance of the host property and surrounding area, as well as resulting in overlooking and privacy concerns.
- 1.8 In response, the Appellant submitted a revised planning application (ref: 2024/4207/P), which is the subject of this appeal, and sought approval for the addition of two dormer windows and a roof terrace at the rear. The revised proposals considerably reduced the scale of development sought compared to the previous application and paid better regard to local examples. However, despite the Appellants best endeavours to address previous matters raised, the LPA resolved to refuse planning permission again on 30 October 2024, citing two reasons for refusal:

*'1. The proposed development, by virtue of its bulk, mass, scale, and design, would result in an addition that fails to preserve the character and appearance of the host property and surrounding area, contrary to policy D1 of the Camden Local Plan 2017*

*2. The proposed development, due to its location, scale and relationship to neighbouring properties would result in harm to neighbouring amenity by way of overlooking and privacy effects, contrary to policy A1 of the Camden Local Plan 2017.'*

- 1.9 We attach a copy of the LPA's decision and Officer delegated report at Appendix 1.
- 1.10 The Appellant contests that the proposed works are suitable for the host Site; complement the host property and residential character and appearance of the surrounding area; and, do not adversely impact local amenity. The works proposed are considered to be a high-quality addition to the property and reflect the many of the examples of similar works undertaken within the local context of the Site. The works will significantly improve the quality of the existing flat, providing much needed additional habitable accommodation, and crucially provide outdoor amenity space which is lacking.
- 1.11 It is concluded that the LPA were incorrect to refuse the planning application. This Appeal Statement sets out the Appellant's grounds of appeal, and why the Appellant considers that the LPA were incorrect in resolving to refuse permission for the two reasons outlined.

## 2.0 PLANNING HISTORY

- 2.1 The Appeal Site and nearby properties have been subject to relevant planning applications which are pertinent to the appeal proposals under consideration. We provide a summary of this history below, which provides further context in regard to the design and the resulting proposals for which planning permission is now sought.

### The Appeal Site (48 Mazenod Avenue)

#### **Planning Permission 2024/1046/P**

- 2.2 Planning permission was sought for the erection of one rear dormer on the main rear roof slope, a dormer and terrace with rooflights on the rear outrigger roof slope. The application was refused on 26 June 2024, the Officers report considered the main issues related to design and amenity.
- 2.3 The Case Officer determined that the proposed design would be overly dominant, disproportionate, and incongruous, failing to integrate with the host property's scale and character. The materials used (walls, roof, and glass balustrades) were considered to detract from the local aesthetic and did not adhere to design guidelines. Additionally, it was considered by the Officer that most of the surrounding roofs on Mazenod Avenue remained unaltered, with the few exceptions not meeting current policies. Consequently, it was decided that the proposed design disrupted the uniformity and architectural integrity of the terrace.
- 2.4 The Case Officer identified concerns regarding amenity, particularly the potential for overlooking and privacy issues caused by the dormer and terrace windows, especially impacting No. 50 Mazenod Avenue. The glazed balustrades on the terrace were also considered to worsen privacy concerns. Furthermore, the absence of a daylight and sunlight assessment left overshadowing, and light impacts unclear.



CGI RENDER OF PREVIOUS PLANNING APPLICATION (REF: 2024/1046/P)

2.5 Overall, the Officer refused the planning application for the following two reasons (Officer report attached at Appendix 2):

- 1. The proposed development, by virtue of its bulk, mass, scale, and design, would result in an addition that fails to preserve the character and appearance of the host property and surrounding area,*
- 2. The proposed development, due to its location, scale and relationship to neighbouring properties would result in harm to neighbouring amenity by way of overlooking and privacy effects.*

#### **Planning Permission 2024/4207/P**

2.6 Following refusal of the above application, the Appellant submitted an amended scheme (ref: 2024/4207/P), the subject of this appeal. The revised proposals significantly reduced the scale of the development. This involved downsizing both the rear dormer and the outrigger extension and terrace. The revised, more modest proposal, was specifically tailored to better align with the council's policies for design and amenity and neighbouring examples of similar works that form part of the site's context. Key changes in the reduced scheme included the following:

- The roof and outrigger dormer had been scaled down to be more subordinate in size to their respective roof slopes.
- The roof dormer maintained even distances of 0.5m to the roof margins. This reduced the dormer width by 1m overall, and a setback of 0.5m was maintained from the ridge and eaves.
- The outrigger dormer was set back 345mm from the second-floor roof eave, mirroring the setback of No.50's roof terrace.
- The canopy serving the terrace was removed entirely, and the terrace was set back 1.7m from the roof gable end reducing the overall footprint of the terrace.
- Proposed window sizes were reduced and repositioned to better align with the hierarchy of windows on the principal facades, and also reduce perceived impact on neighbouring amenity.
- Obscure glazing to the balustrades was proposed to ensure privacy was maintained, and sandblasted so they were not reflective and avoid glare. The balustrade was increased in height to further reduce the potential for overlooking.



PROPOSED ELEVATIONS FOR APPLICATION 2024/4207/P

- 2.7 Despite the reduced proposals, and the Appellants submission demonstrating numerous examples of similar works in the local context, the LPA refused planning permission on 30 October 2024, citing two specific reasons for refusal:

*'1. The proposed development, by virtue of its bulk, mass, scale, and design, would result in an addition that fails to preserve the character and appearance of the host property and surrounding area, contrary to policy D1 of the Camden Local Plan 2017.*

*2. The proposed development, due to its location, scale and relationship to neighbouring properties would result in harm to neighbouring amenity by way of overlooking and privacy effects, contrary to policy A1 of the Camden Local Plan 2017.'*

- 2.8 We attach a copy of the LPA's decision and Officer Delegated Report at Appendix 1.

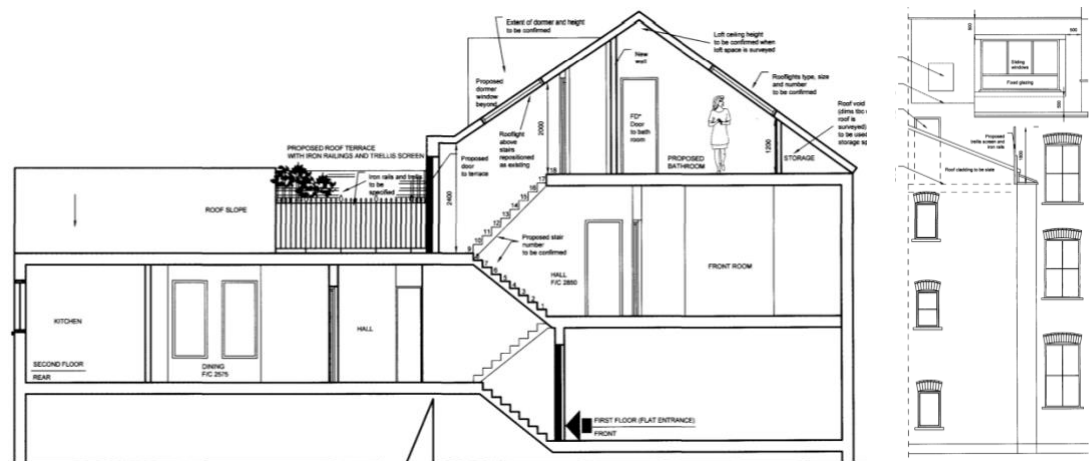
#### Surrounding Permissions

##### **34 Mazenod Ave - 2006/4980/P**

- 2.9 Planning permission was granted on 21 December 2006. The approved works included the erection of **dormer window and rooflight in rear roof slope**, 3 rooflights in front roof slope and **creation of terrace at rear second floor level to provide additional residential accommodation to existing second floor flat**.
- 2.10 The Officers report noted that while roof additions can have an adverse impact on the character and appearance of buildings, **it was considered the proposed works were appropriately sited and designed to have a minimal impact on the integrity of the building and the surrounding area.**



- 2.11 The proposed dormer on the rear roof slope was considered appropriately proportioned, with a setback of 0.5m from the rear eaves line, positioned below the roof ridge, and adequately distanced from the side boundaries. The scale of the roof terrace, with a depth of 3.3m, was also deemed acceptable. Notably, **the terrace was designed to be cut into the sloping roof profile of the projecting wing, a feature that the case Officer concluded would preserve the integrity of the rear elevation when viewed from the surrounding area.** Additionally, the Case Officer observed that, given the height of the host building and the topography of the area, **views of the terrace from the gardens of neighbouring properties would be limited.**



APPROVED DRAWINGS FOR 34 MAZENOD AVE

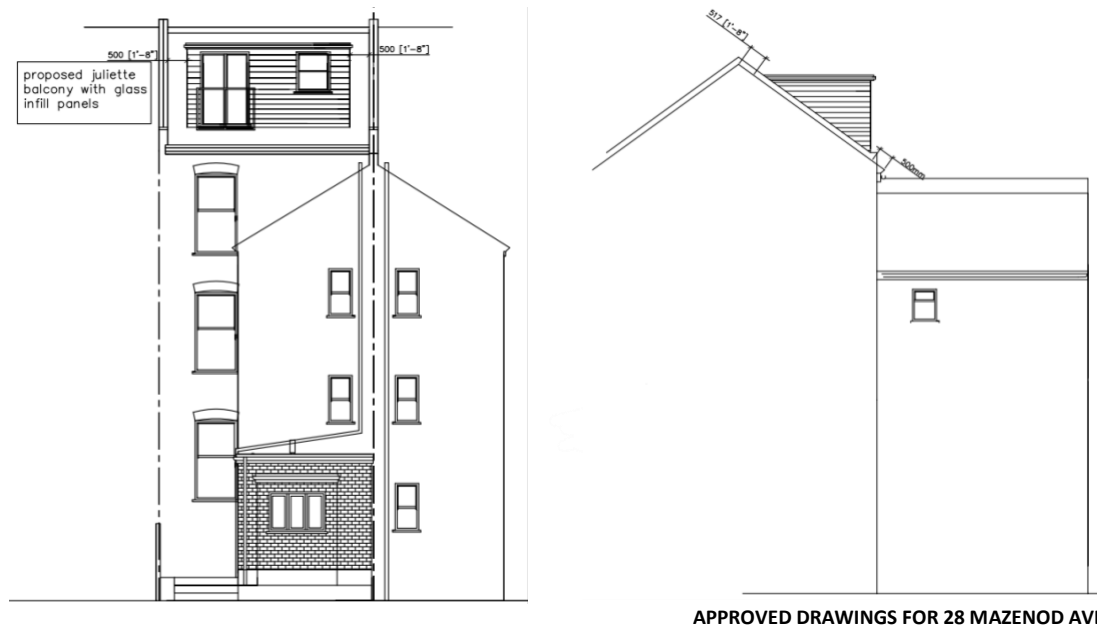
- 2.12 Overall, the Officer's report concluded that the proposal respected the character and appearance of the building, preserving the character and appearance of the street scene, remaining unobtrusive within its surroundings, and did not adversely affect the amenity of neighbouring properties. The Officer's delegated report is included at Appendix 4.

### 16 Mazenod Ave - 2010/2117/P

- 2.13 Planning permission was granted on 12 July 2010 for the installation of three rooflights to the front roof slope, and a dormer extension to the rear roof slope of top floor flat.
- 2.14 The Case Officer noted in their assessment **that many of the properties in the terrace have been altered and extended to accommodate roof terraces, rear dormer extensions and rooflights.** The positioning, size and bulk of the proposal was considered to be similar to the existing rear dormer extension at no.12.
- 2.15 The Officer also noted that the rear dormer extension would have timber sash windows which would respect the hierarchy and design of the windows below on the rear elevation. **The proposed rear dormer extension was also considered to not be open to public views** and its positioning, detailing, materials, size and bulk would be subservient to the existing roof profile. As such, the proposal was considered to be acceptable in design terms and would not harm the appearance and the character of the surrounding area. The Officer's delegated report is included at Appendix 5.

### 28 Mazenod Ave - 2011/6134/P

- 2.16 Planning application ref: 2011/6134/P was granted permission on 29 February 2011 for the installation of two rooflights to the front roof slope, and a dormer extension with Juliet balcony to the rear roof slope of top floor flat.
- 2.17 The planning Officer considered that the **proposal would not be open to public views** and its positioning, size and bulk is considered to be **subservient to the existing roof profile**. In terms of design the doors and window were considered to respect the hierarchy and design of the windows below on the rear elevation.

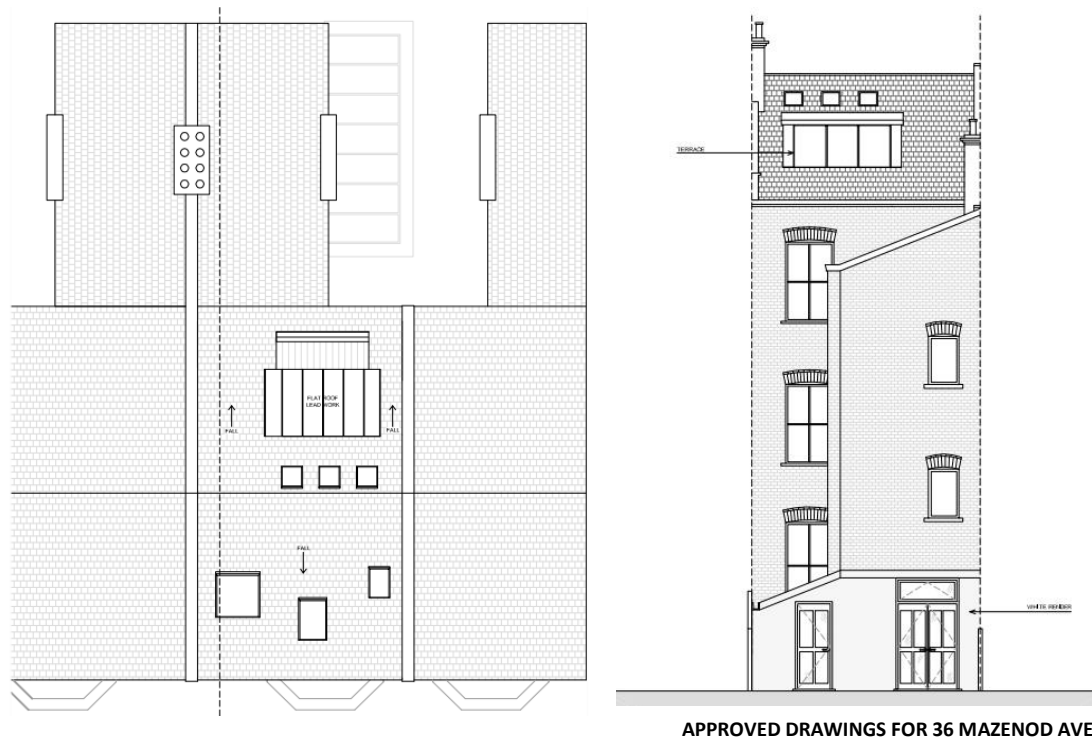


- 2.18 Regarding amenity, the proposed alterations and extension to the roof profile by reason of their size and relationship with the windows of the neighbouring properties, was **considered to not raise any material consideration to the amenities of neighbouring residential properties in terms of loss of sunlight, daylight, or overlooking**. Thus, the proposal was considered acceptable. The Officer delegated report is attached at Appendix 6.

### 36 Mazenod Ave - 2011/0752/P

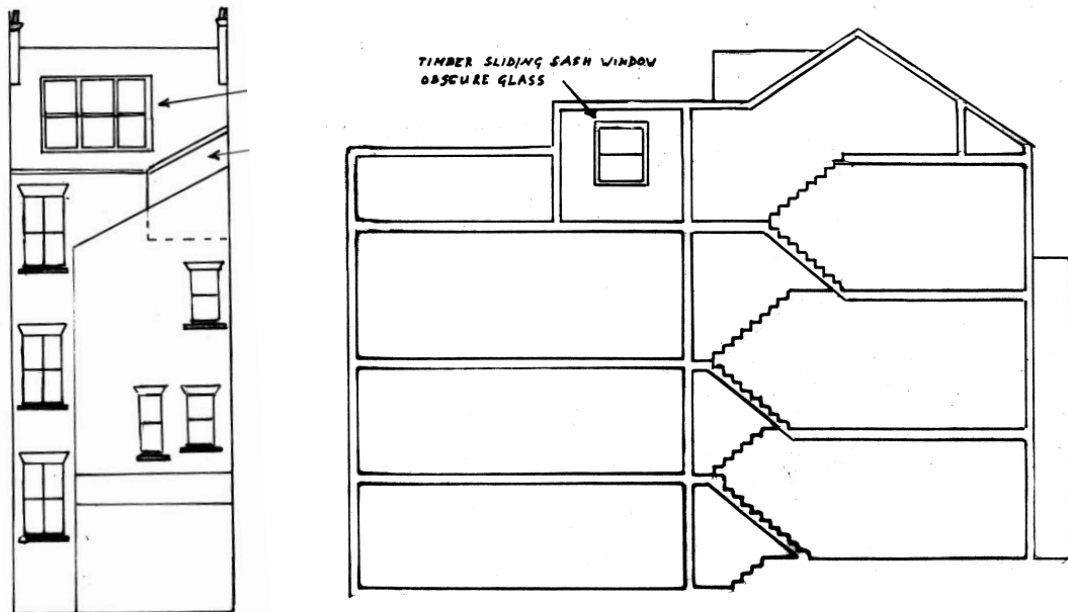
- 2.19 Planning permission was granted on 1 May 2011 for conversion to five self-contained units, including ground floor rear extension, rear dormer roof extension with inset terrace and 3x rooflights each in front and rear roof slopes.
- 2.20 The case Officer noted that the dormer would measure approximately 2.8m in width and sit below the roof ridge. **It was also acknowledged that the inset terrace would be constructed within the roof slope in front of the dormer, leaving an apron above eaves level**. Additionally, the **case Officer noted that that several properties on Mazenod Road feature various roof-level alterations including dormers on the rear roof slopes and closet wings**. Consequently, it was assessed that the size and design of the proposed dormer were acceptable and would not harm the appearance of the host building.

- 2.21 Overall, the proposed works were considered to be respectful of the character and appearance of the building, preserves the character and appearance of the street scene, and in no way detrimental to the amenity of surrounding properties. The Officer delegated report is attached at Appendix 7.



### 32 Mazenod Ave - 2013/8240/P

- 2.22 Planning permission was granted on 2 April 2013 for the **erection of a rear dormer and a roof extension to the outrigger** and installation of 3x rooflights to front roof slope.
- 2.23 The Case Officer acknowledged that in some instances roof additions can have an adverse impact upon the character and appearance of buildings, however they considered that the proposed works were appropriately sited and designed to have a **minimal impact on the integrity of the building and the surrounding area**. Specifically, it was noted that the proposed **dormer and roof extension were appropriately proportioned and consistent with the requirements of CPG**.
- 2.24 Overall, the proposed works were considered to be respectful of the character and appearance of the building, preserves the character and appearance of the street scene, and in no way detrimental to the amenity of surrounding properties. The Officer delegated report is attached at Appendix 8.



APPROVED DRAWINGS FOR 32 MAZENOD AVE

#### 4 and 6 Mazenod Ave - 2016/0716/P and 2016/4066/P

- 2.25 Planning permission was granted on 31 March 2016 and later amended on 22 July 2016 for the erection of **side infill extension and rear extension** to both properties, with roof lights and erection of **rear dormer window** to 6 Mazenod Avenue.
- 2.26 The Case Officer acknowledged that the dormer would not result in loss of light or privacy to neighbours, due to its size and positioning on the roof slope. Overall, the proposed works were considered to be respectful of the character and appearance of the building, preserving the character and appearance of the street scene, and in no way detrimental to the amenity of surrounding properties. The decision notice/report is attached at Appendix 9.



APPROVED DRAWINGS FOR 4 &amp; 6 MAZENOD AVE

### Additional Relevant Surrounding Planning History

- 2.27 In addition to the planning history listed above, the table below provides further examples of planning permissions granted for the erection of dormer windows and/or roof terraces in the immediate surrounding context. The below entries are older than those noted above, however they serve to demonstrate that there has been a long history of dormers and roof terrace applications permitted within the local area, and that these additions to properties have been implemented and very much form part of the established context and character of the appeal Site.
- 2.28 The Appellants assert that their relevance cannot be ignored simply through the passage of time, the relevance of which we discuss in the next sections of this statement.

Address and Reference	Description	Status
18 Mazenod Avenue, NW6 (ref: H4/22/7/18920)	Change of use of the ground and second floors into 2 self-contained flats including works of conversion and the construction of a single storey rear extension and attic room, and the construction of a dormer window in the rear elevation.	Granted: 29 May 1974
10 Mazencd Avenue, NW6 (ref: 32608/R1)	Change of use, involving works of conversion and third floor extension at the rear (including dormer), to form three self-contained flats.	Granted: 29 June 1981
30 Mazenod Avenue London Nw6 (ref: 4LRPW990248)	Erection of a rear dormer to create extra rooms in the attic, and installation of 3 velux windows.	Granted: 17 June 1999
Flat C, 50 Mazenod Avenue London NW6 4LR (ref: 2004/0986/P)	The creation of roof terrace at rear third floor level (on top of the existing rear extension) including the provision of a new doorway and the erection of perimeter railings.	Granted: 8 April 2004
2nd Floor Flat, 12 Mazenod Avenue London NW6 4LR (ref: 2005/1667/P)	Conversion of loft to provide additional floorspace for second floor flat, incorporating erection of dormer window to rear roof slope and installation of 2 rooflights to front roof slope.	Granted: 4 July 2005

### 3.0 GROUNDS OF APPEAL

#### REASON FOR REFUSAL 1

*The proposed development, by virtue of its bulk, mass, scale, and design, would result in an addition that fails to preserve the character and appearance of the host property and surrounding area, contrary to policy D1 of the Camden Local Plan 2017.'*

#### Policy

- 3.1 Policy D1 (Design) of the Camden Local Plan 2017 notes that good design is essential to creating places, buildings, or spaces that work well for everyone, look good, last well and will adapt to the needs of future generations. Good design is indivisible from good planning.
- 3.2 Policy D1 seeks to secure high quality design in development. The policy sets out 15 matters (parts a-o, inclusive) that should be considered when designing development, the majority of which are directly relevant to the appeal proposals, namely, the Council will require that development:
- a. *Respects local context and character*
  - b. *Preserves or enhances the historic environment*
  - c. *Is sustainable in design and construction*
  - d. *Is of sustainable and durable construction*
  - e. *Comprises details and materials that are of high quality and complement local character*
  - h. *Promotes health*
  - i. *Incorporate outdoor amenity space*
  - n. *For housing, provides a high standard of accommodation*
- 3.3 The Council will resist poorly designed developments that fail to enhance the area's character, functionality, and environmental quality.
- 3.4 The policy supporting text, at para 7.3 adds that the Council 'will welcome high quality contemporary design which responds to its context, however there are some places of homogenous architectural style (for example Georgian Squares) where it is important to retain it.'
- 3.5 Paragraph 7.4 further notes that 'How places have evolved historically and the functions they support are key to understanding character'.
- 3.6 Paragraph 7.17, dealing with health, also acknowledges that the way an area is designed and managed can have a significant impact on people's quality of life, health and wellbeing. Planning has a key role in promoting good physical and mental health by creating spaces and buildings which allow and encourage healthy lifestyles. Architecture and urban design can affect human health through the quality and design of buildings, including access to open space and nature. In addition to this, paragraph 7.23 further supports opportunities for outdoor amenity space, stating that 'Private outdoor amenity space including gardens, balconies and roof terraces, can add significantly to resident's quality of life and applicants are therefore encouraged to explore all options for the provision of new private outdoor space'.

**Camden Home Improvement CPG (Jan 2021)**

- 3.7 Whilst not specifically referenced in the LPA's reason for refusal, the Camden *Home Improvements* CPG is referenced in the officer delegated report.
- 3.8 The CPG is a guidance document and not policy. The CPG notes that the guidance supports the Council's vision by providing information about how one can adapt and improve homes as circumstances change. On page 6 of the CPG, it notes that 'every building within the borough is unique and contributes to the overall identity of each street and area of Camden. This is the reason why taking account of the wider streetscene and community context is so important when altering your home'
- 3.9 The CPG aims to *guide* alterations to homes, including creating roof extensions, dormers, and terraces in line with planning requirements. The CPG, at section 2.2 (page 45) highlights that roof extensions are among the most common and affordable types of development and establishes the suitability of features like mansards, dormers, and balconies. The CPG emphasises that any proposal must carefully consider specific criteria to ensure appropriateness and compliance.
- 3.10 The CPG adds that when assessing roof extensions, key considerations include the existing roof form and any previous extensions, as well as the visibility and prominence of the roof in relation to gardens, the streetscape, and the wider area. The pattern of development in neighbouring buildings, including both historic extensions and recent developments, is also taken into account. Additionally, the presence of other approved roof extensions in neighbouring buildings, whether granted through a planning application or permitted development, is considered to ensure consistency within the area.
- 3.11 The guidance adds that "The previous guidance presented a hard line approach of restricting development at roof level on any unbroken roofline. Under this guidance, a more flexible approach is proposed, to give more weight to existing older extensions and to those allowed under permitted development, in the immediate context of the building being proposed for extension, within and outside Conservation Areas".
- 3.12 Specific to dormers, the CPG, at section 2.2.1 notes that the following should be considered in assessing the appropriateness of dormers or roof alterations:
- *Provide sufficient internal roof height.*
  - *Must be subordinate in size to the roof slope.*
  - *The position must maintain even distances from the roof margins, ridge and eaves.*
  - *A sensitive choice of materials must be provided.*
  - *Appropriate glazing proportions and window positioning in respect the existing hierarchy of windows.*
  - *Consideration for character of existing dormers in close proximity.*
  - *The front roof slope remains unaffected.*
- 3.13 In terms of roof terraces, section 2.2.3, acknowledges that terraces can provide valuable amenity space, especially for flats that would otherwise have little of no private exterior space. The following guidelines should be considered when designing a balcony/terrace:
- *They should be subordinate to the host building.*

- *The roof form should be preserved, and the terrace should complement the elevation upon which it is located.*
- *Where possible, terraces should be set within the roof slope.*
- *The existing parapet height should be maintained.*
- *Handrails and balustrades should be set back behind the line of the roof slope.*
- *When necessary, privacy screens should be at least 1.8m high and made of natural materials.*
- *A carefully considered choice of materials is required to ensure design coherence.*
- *Roof terraces should be located at the rear of properties to avoid impacting the streetscape.*

### Assessment

- 3.14 The reason for refusal concerns the combined bulk, mass, and design of the proposal, and its perceived failure to preserve the character and appearance of the host property and surrounding area.

### Character and Appearance

- 3.15 With regards to the appropriateness of the proposed bulk, mass and design of the proposed dormers and terrace at this location, it is important to first have regard to what defines the character and appearance of the host property and the surrounding area.
- 3.16 Local Plan Policy D1 makes clear that how places have evolved historically and the functions they support are key to understanding character. Moreover, the policy welcomes high quality contemporary design which responds to its context.
- 3.17 Additionally, the Home Improvements CPG states that every building within the borough is unique and contributes to the overall identity of each street and therefore taking account of the wider streetscene and context is so important when altering a home.
- 3.18 The CPG also adds that existing extensions in the vicinity, whether constructed through planning permission or under permitted development, or at an earlier date, are all materially relevant and should be considered when having regard to character and appearance. The guidance is very specific in this regard, noting a step change in the application of guidance compared to previous iterations where a more hard line approach of restricting development at roof level was applied. The current guidance provides a more flexible approach, to give more weight to existing older extensions and to those allowed under permitted development, in the immediate context of the building being proposed for extension. Key considerations also include the visibility and prominence of the roof in relation to gardens, the streetscape, and the wider area.
- 3.19 Accordingly, it is clear that the officer's assessment of the local context is incorrect and fundamentally flawed. At para 2.4 of the officer report, they state;

*"The rear roof slope of properties along this area and side of Mazenod Avenue are free from dormers and other roof extensions. The exception to this is properties further to the south of the application site (Nos 26, 28, 30, 32 and 34) which have alterations at roof level. **These either were granted some time ago, prior to current policies or guidance or have no planning history and are therefore not considered as precedent.** The fact that some of these extensions have no planning history indicates that they were likely established some time ago, before the requirement for planning permission, or when the relevant policies and guidance were different.*



*It is also noted that these existing extensions do not appear to be in accordance with current guidance. Further, the only existing alterations present within the immediately surrounding environment on the second story outrigger roof is the roof terrace at No. 50."*

- 3.20 In direct contravention of the Council's Policy D1, and the Home Improvements CPG, the officer asserts that because neighbouring works were implemented '*some time ago*'; prior to current policy or guidance; or, have no planning history (which is often the case where works are implemented under permitted development), that for these reasons they should not be considered as precedent. The officer does not even attempt to provide a weighting to their consideration, they simply and crudely outright refuse to acknowledge their existence or relevance when considering the character and appearance of the Site context.
- 3.21 The Officer's delegated report acknowledges that several properties on Mazenod Avenue—including Nos. 26, 28, 30, 32, and 34—have dormer window extensions, however the report infers that those dormer windows do not contribute to the area's character, recognising only the immediate neighbouring properties as those properties being of any relevance to the assessment of character. However, this evaluation is also overly narrow, as it focuses primarily on the adjacent properties rather than considering the broader streetscape and the prevailing roof form, again contrary Policy D1 and the CPG which requires a consideration of the wider streetscene and context.
- 3.22 The officer has clearly not considered the Site context in an appropriate manner. It is considered that the starting point of the officers assessment is fundamentally flawed.
- 3.23 A proper assessment of the Site context allows one to acknowledge how the place has evolved historically. Furthermore, notwithstanding the five properties acknowledged by the officer to have been extended with dormers (para 3.21 above), the officers assessment is too narrow and the Officer has failed to account for numerous additional properties with similar extensions in the immediate context. Notably, dormer windows are present at Nos. 6, 8, 10, 12, 16, 18, and 36 Mazenod Avenue, while an additional nine properties in close proximity on Smyrna Road and Kingsgate Road also feature dormer windows. In total, there are over 20 properties with dormer windows in close proximity to the appeal site which form part of the character and appearance of the site context.



SOUTH-EASTERLY VIEW OF DORMER WINDOWS ON MAZENOD AVENUE

- 3.24 Additionally, it should be noted that there are over 12 properties with roof terraces in the surrounding area, including nos 4, 10, 12, 16, 18, 20, 32, 34 and 50 Mazenod Avenue, all of which are on the same side of the road as the appeal Site. This further demonstrates a well-established characteristic within the locality, reinforcing the appropriateness of both dormer windows and roof terraces at this location.
- 3.25 The dormer windows and terraces are principally accommodated to the rear roofslopes and outriggers of the terraces properties along Mazenod Avenue, and the relevant neighbouring roads as outlined. These dormers and terraces do not materially affect the general character and appearance of the streetscene, as enjoyed from the principal public vantage points along the highway. The works are limited to the rear where there are much more limited views, predominantly private views from immediate adjoining gardens.

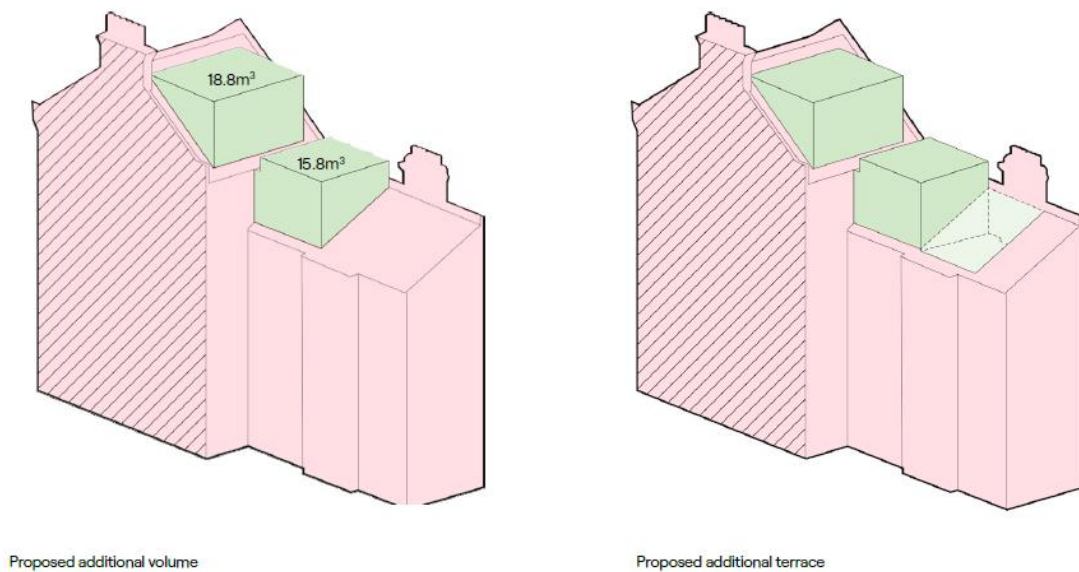
Road	Dormers (Nos)	Roof Terrace (Nos)
Mazenod Avenue	6, 8, 10, 12, 16, 18, 20, 28, 30, 32, and 36	4, 10, 12, 14, 16, 18, 20, 32, 34 and 50
Smyrna Road	1 and 2	n/a
Kingsgate Road	11, 13, 21, 28, 39, 43, 55	28 and 43
<b>Total Cases</b>	<b>20</b>	<b>12</b>

CASES OF DORMERS AND ROOF TERRACES WITHING SURROUNDING AREA

- 3.26 Overall, the Officer's assessment fails to accurately recognise the established presence of dormer windows and terraces, leading to an incorrect conclusion regarding the proposal's appropriateness. Instead, there is a well-documented prevailing character of dormer windows in the area, which has been overlooked, and we believe the Officer has misjudged the existing character of the locality.
- 3.27 In addition, while the Officer failed to accurately assess the significant presence of dormer windows (and terraces) as part of the character and appearance of the area, their evaluation also deemed the proposed dormer windows non-compliant with the CPG in terms of bulk, mass, and design. This conclusion also appears inconsistent within the established character of the locality and is examined in greater detail below:

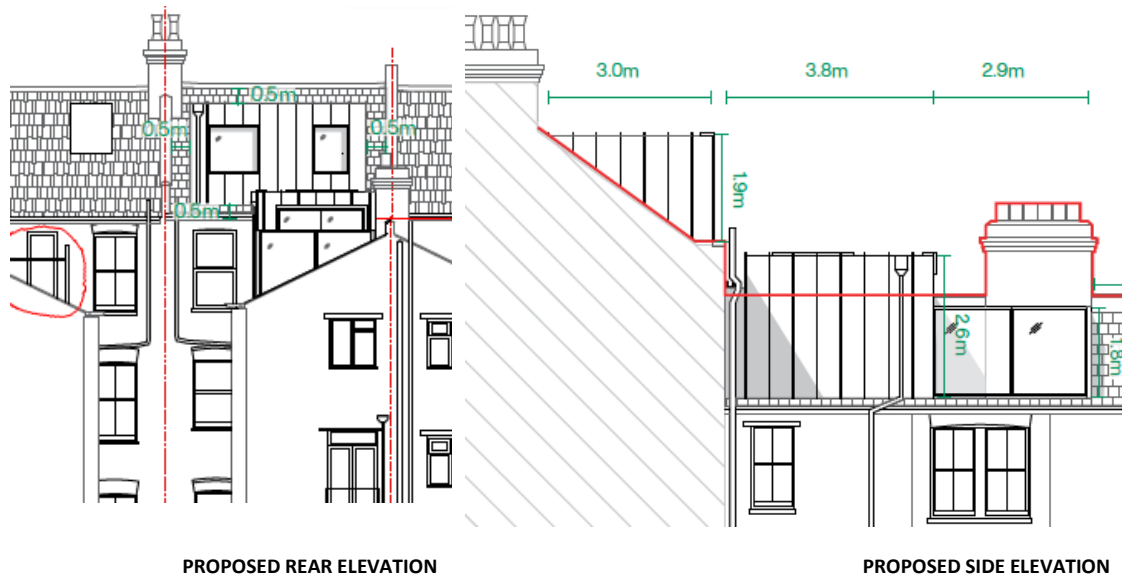
#### Bulk and Mass

- 3.28 The proposed scheme involves adding two dormers to the rear roofscape. The massing is divided into two distinct additions: one dormer across the main rear roofslope and further, more subservient dormer along the roofslope of the outrigger. The dormer on the main roof measures 18.8 m<sup>3</sup>, while the dormer on the outrigger measures 15.8 m<sup>3</sup>, resulting in a total increase of 34.5 m<sup>3</sup>. This is within the volume limits set out by Permitted Development, which permits that *"any additional roof space created must not exceed 40 cubic metres for terraced houses and 50 cubic metres for detached and semi-detached houses."* While it is recognised that the proposals cannot use PD rights, because it is a flatted property, had the property comprised a self contained dwelling, the proposed volume of additions would be entirely reasonable and the proposed scale is influenced by these spatial requirements.

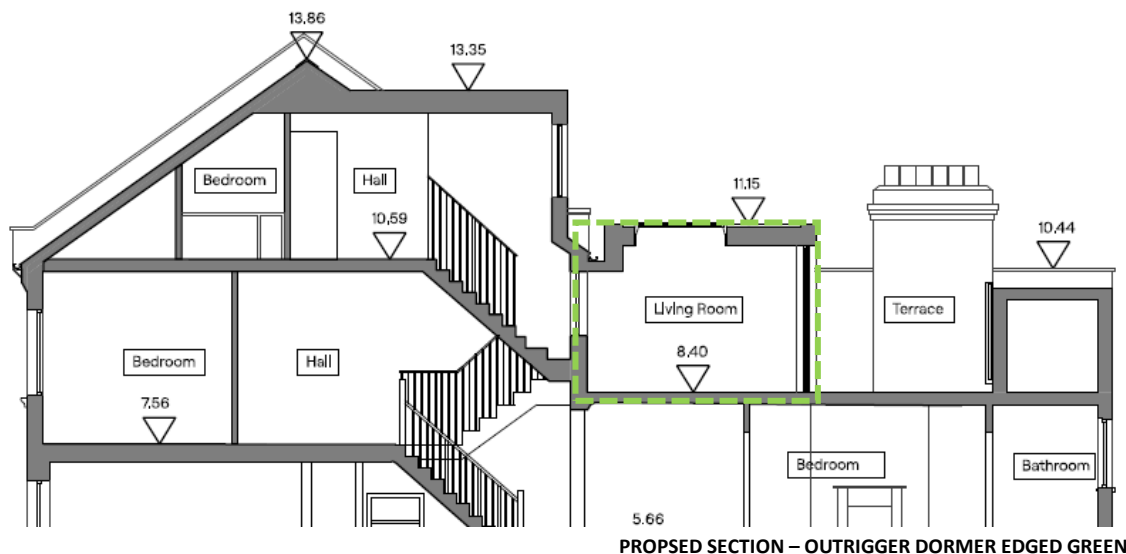


- 3.29 Paragraph 2.3 of the Planning Officer's report acknowledges that the proposed development includes a dormer on the main roof slope that is set in by 0.5m from the boundary on each side, and is also set down from the ridge and up from the eaves, but resolved without foundation that 'it covered the majority of the rear slope'.
- 3.30 The Officer also noted that the dormer on the outrigger roof is positioned above the eaves height of the main part of the rear elevation, and set significantly back from the rear gable.
- 3.31 Based on the above, the officer concluded that the proposal is neither subordinate to the existing roof slope nor proportionate to the building, impacting the overall proportions of the host property.
- 3.32 Again, it is considered that the Officer's assessment of the works is flawed. The proposed dormer on the main roof slope is an appropriate scale for the host building, according to PD standards, and also having regard to the guidance set out in the CPG. It is reiterated that the CPG is guidance, and the document makes clear that the document is to be approached and applied flexibly.
- 3.33 The proposal provides much-needed internal head height without overwhelming the existing property or being visible from the street. Furthermore, it complies with the requirements of the Home Improvements CPG, as set out below;
- Sufficient internal roof height (2.4m) is provided.
  - The dormer is subordinate in size to the roof slope;
  - The position of the dormer maintains even distances from the roof margins, is set in from each boundary, does not exceed the ridge height of the existing building, and preserves the visual integrity of the existing eaves.
  - A sensitive choice of materials, to match the grey tone of the existing roof slate (assessed in greater detail in the following section) is provided.

- The glazing proportions and window positioning respect the existing hierarchy of windows on the property and are aligned with the existing windows. The windows are visually smaller than the windows on the lower levels.
- There are many examples of existing dormers in proximity.
- The front roof slope remains unaffected.



- 3.34 By complying with the requirements set out in the CPG, the proposal ensures that the rear roof slope remains discernible as part of the original structure. The dormer is proportionate in size and maintains balanced distances from the ridge, eaves, and side boundaries, in accordance with the CPG guidelines. These design considerations ensure that the dormer remains subordinate to the main roof slope and aligns with the principles outlined in the Home Improvements CPG.
- 3.35 With regard to the dormer on the outrigger element, it is also considered to meet the requirements as set out above. It is designed to be set back from the eaves and is a complementary addition to the outrigger's existing roof structure, maintaining subordination to the original roof slope and ensuring the existing roof remains clearly discernible. Measuring 3.5m in width, the dormer integrates with the outrigger without dominating or overpowering the existing appearance.
- 3.36 The CPG guidelines specifically emphasise that side dormers should be carefully designed, taking into account both architectural quality and their broader impact on the street scene. They should also respect the design integrity of surrounding architectural features, such as chimney breasts, and consider potential impacts on neighbouring privacy and amenity. In this regard, the proposed dormer has been designed in accordance with these principles.
- 3.37 The scale of the dormer is clearly subordinate to the existing roof form, occupies less than half the depth of the outrigger, it is designed to a high-quality finish, and it respects the existing chimney breast on the outrigger. This ensures high architectural quality while minimising any negative impact on the character of the area. Therefore, the design is considered to be of a high standard, and it is confirmed that there is no adverse impact on amenity, as assessed in the following section of this report.



- 3.38 While the dormer slightly exceeds the ridge height of the outrigger element, it remains lower than the existing chimney and the ridge of the main part of the property, ensuring that it does not disrupt the overall proportions of the property or its visual appearance. The dormer would continue to be perceived as a subordinate feature when viewed in relation to the main roof slope, which defines the primary height of the dwelling and is what the dormer would be seen against from any longer views beyond the rear garden of the appeal Site. This careful design consideration ensures that the character of the existing property is preserved, while allowing the proposed room to comprise appropriate spatial standards including appropriate floor to ceiling height.
- 3.39 The proportions of this dormer are also informed by the existing dormer on the outrigger at No. 32 Mazenod Road, which similarly exceeds the ridge height of the outrigger element, but remains subordinate to the main roof. Although the dormer height partially exceeds the ridge of the outrigger, it has been thoughtfully designed to respect the height of the main roof, whilst allowing for greater internal headroom without compromising the character of the building. The design adheres to high standards of quality and ensures that the existing architectural features of the property are celebrated. Furthermore, the dormer has been designed with careful consideration of its impact on neighbouring properties, with no adverse effects anticipated, as further discussed in the amenity section of this report.
- 3.40 The reason for refusal also references the impact of the proposed roof terrace. However, the Planning Officer does not provide any detailed assessment of this impact. Instead, the only reference is that the proposed terrace in combination with the two dormers is considered to be overbearing with regards to the existing roof and appears bulky.
- 3.41 In contrast, our assessment demonstrates that the revised design has significantly reduced the terrace's bulk and mass compared to the previously refused proposal and is considered to meet the requirements for roof terraces as set out in the CPG.
- 3.42 The reduced scale is integrated with the building's form, ensuring that the outrigger retains its distinctive sloped roof. Additionally, the removal of the pergola structure minimises the perceived bulk of the terrace, allowing the scheme to align more closely with the prevailing



character of the area. This ensures that the proposal does not increase the visual scale or volume of the existing outrigger roof element and cannot be considered bulky, particularly in combination with the proposed dormers. This design approach is consistent with properties at No. 34 and No. 50 Mazenod Road, where roof terraces are successfully incorporated within outrigger roofs, reflecting the existing urban form and respecting the local character.



ROOF TERRACE AT NO.34 MAZENOD



ROOF TERRACE AT NO.50 MAZENOD

- 3.43 The choice of a dark zinc and aluminium material palette further limits the visual impact of the mass and bulk of the dormer and terrace and ensures a cohesive design with the prevailing roof form and colour palette.
- 3.44 The inclusion of the proposed terrace is intended to provide the property with much needed outdoor amenity space for the benefit of the property's occupants and to improve the quality of living for the current and future residents of the flat. The proposed 8.55m<sup>2</sup> terrace has been designed in accordance with the specifications and standards set out in Section C10.1 of the London Plan Housing Design Standards, and inset into the roof pitch, minimising the perceived mass and bulk. The design also includes a 1.8m-high glazed balustrade, in further compliance with the CPG, whilst minimising bulk and mass.
- 3.45 While the Officer claims that the proposal is overbearing and dominant in relation to the host building and surrounding area, they fail to provide a thorough or detailed evaluation to substantiate this view. As evidenced above, their assessment of the context and the established character and appearance, as the starting point for such an assessment, is flawed. The Officer's argument regarding the combined bulk and mass of the proposal lacks sufficient detail and does not explain the reasoning behind their conclusion. Furthermore, it overlooks the careful consideration given to the building's character and its integration into the broader context.
- 3.46 Based on the above analysis, the proposed refusal on the grounds of bulk and mass is considered unjustified. The design of the terrace and dormers reflects the prevailing urban form in the area and is no more significant than similar features in nearby properties. The design has been made with considerable attention to detail to ensure that the visual impact is minimised, while still being congruous with the local context.

### Design (materials)

- 3.47 Regarding materials, the Case Officer highlights in paragraph 2.4 of their delegated report that the proposed grey cladding for the dormers would detract from the appearance of the host building and fail to complement the local character. The officer also asserts that the proposed dormers will be visible from Smyrna Road.
- 3.48 Policy D1 seeks to secure high quality design in development. The Council will require that development respects local context and character, is sustainable in design and construction and is of sustainable and durable construction, and comprises details and materials that are of high quality and complement local character. The policy supporting text, at para 7.3 adds that the Council ‘will welcome high quality contemporary design which responds to its context’.
- 3.49 The Home Improvements CPG adds that materials for dormers should complement the main building and the wider townscape, encouraging the use of materials that align with those found in close proximity. It also promotes innovative design approaches.
- 3.50 We contend that the Case Officer's assessment of the materials is inconsistent. While the Case Officer acknowledges that the choice of materials for the dormer is consistent with the host property, they claim that these materials would contribute to the perceived bulk and mass, detracting from the character and appearance of both the host property and the surrounding area.
- 3.51 The choice of materials not only complements the existing slate grey tiles on the host property but also aligns with materials used in nearby dormer windows, such as those on Mazenod Avenue. The grey zinc selected for the dormers is a sympathetic and complementary option, ensuring that the proposed development does not appear visually striking, overbearing, or dominant. This colour is considered to be the most appropriate for maintaining the overall appearance of the building and the character of the existing roof, without impacting its sense of balance or creating a bulky appearance. It is also a robust material ensuring longevity.
- 3.52 We consider that the proposed choice of materials is the most appropriate for allowing the proposal to blend subtly with the existing building, matching its material palette. It is considered that a more traditional London stock brick for the dormer would be less appropriate in this context, making the dormer appear bulkier and more obtrusive.
- 3.53 Secondly, the Officer's assessment appears contradictory. They acknowledge that the materials match the host property but then argue that they negatively impact the overall character. This contradiction undermines their evaluation of the materials' impact on the overall design of the proposal.
- 3.54 As outlined in the Design and Access Statement provided with the planning submission, high-quality materials will be used throughout the entire scheme. The dark zinc chosen has been selected to match the grey tone of the existing roof slate. It is durable, self-cleaning, and recyclable, qualities which are supported by the CPG - Home Improvements guidelines, and Policy D1.
- 3.55 Regarding the window frames, while the choice of dark aluminium may differ from the existing timber windows on the host property, it is considered more suitable for the roof profile than a material that would match the timber windows. Furthermore, the prevailing character in the

area features a mix of materials, predominantly black slate and grey tones. The surrounding windows include a combination of white timber, uPVC, and grey aluminium frames, highlighting the variety in window typologies. In this context, the proposed choice of dark aluminium is the most appropriate, as it minimises the visual impact of the dormers. The introduction of dark aluminium frames for the dormer windows will allow them to blend more subtly with the existing roof form and material palette.

- 3.56 The Case Officer notes in paragraph 2.6 that the existing windows at the property are white timber sash windows and states that *“it is proposed to replace these with black aluminium-framed double-glazed windows.”* However, it should be clarified that the only new windows are those within the proposed roof extensions, while all existing windows are to be retained. If the Inspector prefers the new windows to be timber-framed to match the retained windows, this detail can be secured through a condition.



ZINC STANDING SEAM (SLATE GREY) EXAMPLES  
(DESIGN AND ACCESS STATEMENT EXTRACT, PAGE 10)

- 3.57 In response to the concerns raised about the potential visual impact of the proposed dormers from Smyrna Road, our assessment indicates that the dormers will not be visible from this location, as confirmed during a site walkaround. The positioning of the outriggers at the rear of the terraces, effectively shields the dormer and proposed roof terrace from view. As such, no sightlines to the dormers exist from Smyrna Road (as pictured below).
- 3.58 Furthermore, from a visual impact perspective, an existing dormer window at No. 50 Kingsgate Road is already visible from Smyrna Road, indicating that any potential impact of the proposed dormers would likely be minimal. In this context, even if the dormers were visible, they would be consistent in with the established character of the area. Therefore, we respectfully disagree with the council's assessment of the materials and their visibility from public spaces. As such, the proposed design complies with local planning policies and the Home Improvements CPG.





VIEW FROM SMYRNA ROAD (SITE INDICATED BY ARROW)

- 3.59 In conclusion, the proposed dormer windows and roof terrace do not introduce any significant impacts on the design of the property. The scale and mass of the proposal are comparable to those in the immediate context. The minor deviations from the CPG guidance, along with the inaccurate assessment of the visibility of the proposals from Smyrna Road, highlight that the refusal lacks substantive justification.

#### REASON FOR REFUSAL 2

*'The proposed development, due to its location, scale and relationship to neighbouring properties would result in harm to neighbouring amenity by way of overlooking and privacy effects, contrary to policy A1 of the Camden Local Plan 2017.'*

#### Policy

- 3.60 Policy A1 (Managing the impact of development) aims to protect the quality of life for occupiers and neighbours by granting development permission only when it does not cause unacceptable harm to amenity. Factors considered include visual privacy, sunlight, noise, transport impacts, construction-phase effects, and environmental considerations like odour, dust, and contamination.

#### Camden Home Improvement CPG

- 3.61 As previously outlined, the Camden Home Improvement CPG provides guidance on alterations to homes, including roof extensions, dormers, and terraces, ensuring they comply with planning requirements.
- 3.62 Although there are no specific criteria for assessing the impact of dormers and terraces on amenity, the document's core principles stress that all development must protect neighbouring amenity by considering the impact on surrounding properties and ensuring that their amenity is not harmfully affected. Page 31 of the CPG consider neighbours, and states that when designing home improvements, that application will need to consider the impact that this will have on adjoining neighbours in relation to daylight and sunlight; outlook; overlooking/privacy, and noise.

#### Assessment

- 3.63 The reason for refusal concerns the potential overlooking and privacy effects into the roof terrace and windows of No 50 Mazenod Avenue, from the proposed dormer and roof terrace, as well the potential impact on, loss of daylight and sunlight.

Overlooking and Privacy

- 3.64 The Planning Officer's delegated report suggests that the scale of the dormers and their windows could lead to potential overlooking effects into the roof terrace of No. 50 Mazenod Avenue. The officers assessment in this regard is limited to a single sentence at paragraph 3.2 of their delegated report

*'Given the scale of the dormers and their windows, it is considered that it could result in potential overlooking effects into the roof terrace of No 50.'*

- 3.65 The Case Officer ignores the fact that the existing windows, at the send floor level, already overlook the terrace at No. 50. There is an established relationship of mutual overlooking between properties along the terrace and this is an inherent feature of buildings of this kind, with outriggers which extend out beyond the principal rear elevation and face in towards one another.
- 3.66 Furthermore, the proposed dormers are both designed with a westerly outlook. The dormer on the main rear roof slope, accommodates windows of an appropriate size (i.e. no full length, and respect the hierarchy along the rear elevation), which face down the rear garden of the Site. There would be some oblique, and downward view across towards no.50 Mazenod Avenue, however this would be relatively limited, and would be reflective of the established context. It is wholly commonplace for rear facing windows to look out onto neighbouring external amenity spaces.
- 3.67 With regard to the dormer on the outrigger, the proposal does not introduce any new privacy impacts. The proposed dormer on the outrigger does not include any new openings on its northern elevation towards no.50. The dormer is served by only one west facing opening, leading to the proposed terrace with its aspect facing down and along the rear garden, not directly towards No. 50. The design has been carefully designed to minimise impact, with no substantial change to the overlooking scenario and so, does not materially affect privacy.
- 3.68 The Case Officer's assessment lacks depth and fails to address critical points in detail. The Officer describes the impact as "potential" without substantiating the claim or providing any justification, further highlighting the weaknesses in their evaluation. It is clear that the determining officer has not properly assessed the relationship between the two properties or fully understood how the design has ensured that overlooking will not be caused by the proposed extensions.
- 3.69 With regard to the terrace, again the Officers assessment is limited. Paragraph 3.3 of the delegated report acknowledges that "the proposed terrace includes 1.8m high balustrades", and that "the height and glazed nature of the balustrade reduces concerns surrounding potential overlooking". However, the officer concludes that "although due to the height of the privacy screen overlooking would not likely be direct there would be a sense of indirect overlooking caused by the location and use of the terrace and therefore privacy related impacts on windows along the southern façade of 50 Mazenod Avenue".
- 3.70 The Officer's assessment is unclear. On the one hand, they accept that the terrace is served by a 1.8m high balustrade, and that the balustrade would reduce concerns of overlooking. It should also be noted that the 1.8m balustrade aligns with the guidance in the CPG. However, the officer concludes that there would be a sense of indirect overlooking.

- 3.71 The concerns raised about "indirect overlooking" are not supported by any conclusive assessment. The term "indirect overlooking" itself is vague and lacks the necessary weight to justify a planning decision. Furthermore, the limited assessment provided by the Officer suggests a lack of understanding of the existing relationship between the terrace and surrounding residential properties. In particular, the existing terrace at No. 50 sets a clear precedent for the acceptability of terraces in this location. In a typical urban environment, especially within a central London borough, outdoor amenity spaces such as terraces are an integral part of improving residents' quality of life, as recognised by policy and the CPG.
- 3.72 It is our view that the inset terrace, and the provision of 1.8m high balustrade, in line with CPG guidance, will avoid overlooking, and appropriately mitigates privacy concerns. Notwithstanding this, the terraces are external amenity areas, and it not uncommon for residents to have external amenity spaces adjacent to neighbour external amenity spaces, e.g. most flatted developments accommodate balconies which serve respective flats but happily sit along or above and below each other, without adverse harm or adverse overlooking. The proposed terrace would have no greater impact than the neighbouring property and would not introduce any additional privacy concerns.
- 3.73 While it is acknowledged that the proximity and existing relationships between these properties already result in close and, intimate arrangements, we contend that the proposed terrace and dormers do not create any further impact on overlooking or privacy. They would not exacerbate the existing situation or introduce any additional privacy concerns beyond what is already present.

#### Daylight and sunlight

- 3.74 Whilst not referred to in the officer's reasons for refusal, it is noted that the Officers report claims that there is a potential impact with regards to daylight and sunlight for the surrounding properties. Paragraph 3.4 of the delegated report states "*A sunlight assessment has been provided but no daylight assessment was provided for adjoining properties, therefore it is unclear the impact that the roof extension would have on the lower level flats or surrounding properties with respect to levels of daylight in habitable rooms*". No assessment was requested by the planning officer, either at validation, or prior to their determination of the application.
- 3.75 Notwithstanding the above, in response the Appellants commissioned a daylight and sunlight assessment which has been undertaken by Schrodgers Begg (attached at Appendix 3). The purpose of the report is to confirm there would be no unacceptable loss of daylight or sunlight, contrary to the Officers' assertions.
- 3.76 The assessment is based upon the standard assessment procedure of the BRE Guide 'Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice' 3rd Edition 2002 ("The BRE Guide"). For daylight analysis to neighbouring properties, this has been considered, both in terms of the Vertical Sky Component (VSC) and Daylight Distribution where detailed review is considered applicable.
- 3.77 The daylight analysis for neighbouring residential properties confirms that for review of daylight VSC for all main windows (or rooms where a weighted approach is appropriate to consider the loss of VSC to the room as a whole) and for Daylight Distribution to rooms, where reductions are applicable, these all readily meet BRE Guide default target criteria.

- 3.78 For sunlight to neighbouring dwellings, for applicable reductions to sun important living rooms, any reductions to such rooms would also readily meet BRE Guide default target criteria.
- 3.79 Therefore, it is confirmed that the effect of the proposal upon daylight and sunlight to neighbouring residential properties is limited and readily meets BRE default target criteria and on this basis, should be considered acceptable.
- 3.80 Overall, the Case Officer's assessment of the proposed development's impact on neighbouring amenity lacks sufficient reasoning or explanation for their conclusions. In contrast, the assessment provided within this report offers a clear and detailed evaluation of any potential impact, demonstrating the acceptability of the current arrangement. Therefore, the proposal should be considered acceptable with regard to any impact on amenity, as it fully complies with Local Plan Policy A1 and the requirements set out in the Camden Home Improvements CPG.

#### 4.0 LETTERS OF REPRESENTATION

- 4.1 At the time of determination, three letters of representation were submitted by neighbouring residents. Some of the comments are material to the proposed works, others are not. We provide a summary of the comments raised and our respective responses:

##### Flat C, 50 Mazenod Avenue

- 4.2 The owners of Flat C at No. 50 Mazenod Avenue submitted a representation to the planning application, primarily concerning the design of the proposal. They argued that the proposed additions were inappropriate in scale, unsympathetic to the location, and overly dominant in appearance.
- 4.3 Additionally, they expressed concerns that the proposal would block natural light at certain times of the day, creating an overbearing effect on views from their property. However, the owners acknowledged that they were pleased to see amendments to the design, particularly the adjustments made to better preserve the end profile of the outrigger roof.
- 4.4 As outlined in the previous section of this appeal, the revised design is considered to be in keeping with the existing dormer windows along Mazenod Avenue and mirrors the terrace found at the objector's property (No. 50). The design aspect of the proposal has been addressed as part of this appeal statement.
- 4.5 Additionally, the enclosed daylight and sunlight assessment confirms that the proposed development comfortably meets the BRE guidelines, 'Site layout planning for daylight and sunlight: a guide to good practice'.

##### Flat A-B, 50 Mazenod Avenue

- 4.6 The owners of Flat A-B, 50 Mazenod Avenue, also made representation. They noted that their property and garden face west, where access to daylight has always been limited due to enclosure. Consequently, they opposed the proposal on the grounds that it would further reduce their access to daylight and sunlight, leading to increased shading and obstructed views of the sky.
- 4.7 In response, a daylight and sunlight assessment prepared by the appointed consultant confirms that the proposed development's impact would be minimal. The assessment demonstrates that the appropriate levels of daylight, including Vertical Sky Component (VSC) values, would still be met.

##### Ground Floor Flat, 48 Mazenod Avenue

- 4.8 Finally, the occupant of the ground floor flat at 48 Mazenod Avenue also submitted a representation and raised concerns that existing building services were already affected and that introducing a larger upper-floor flat could further impact these services, particularly in relation to drainage and water pressure.

- 4.9 Additionally, they expressed concerns about potential subsidence, noting that past issues had been addressed but that the proposed dormer additions might exacerbate subsidence risks. They also objected on the grounds of potential noise disturbances due to increased foot traffic on the staircase, which could affect the amenity of ground-floor occupants.
- 4.10 In response, it should be clarified that both servicing and subsidence issues are not material planning considerations and therefore do not fall within the scope of the planning and appeal process.
- 4.11 Similarly, whilst the potential noise impact from additional residents is material, the works seek to introduce just one additional bedroom for the appellant. The proposals will not result in any notable increase in occupation or activity. Even with the proposed works, the potential increase in occupancy would be two additional persons/children, which would not constitute a significant impact on noise levels or contravene local planning policies.

## 5.0 SUMMARY AND CONCLUSION

5.1 This Appeal Statement supports an appeal against the decision by the London Borough of Camden to refuse permission for the '*Addition of two dormer windows and a roof terrace to the rear*' at 2nd Floor Flat (Flat 3), 48 Mazenod Avenue NW6 4LR (application reference 2024/4207/P).

5.2 The London Borough of Camden resolved to refuse the application for two reasons.

### **Reason for Refusal 1 – Bulk, Mass and Design**

*The proposed development, by virtue of its bulk, mass, scale, and design, would result in an addition that fails to preserve the character and appearance of the host property and surrounding area, contrary to policy D1 of the Camden Local Plan 2017.*

5.3 It is considered that the proposal reflects the existing character of the area, particularly regarding the presence of dormer windows and roof terraces along Mazenod Avenue and the wider surroundings. This appeal statement provides detailed case studies demonstrating strong precedents for this form of development. The assessment presented challenges the Officer's claims and argues that their evaluation of the area's character was too narrow, failing to consider the broader urban context, contrary to Policy D1 and the Home Improvements CPG.

5.4 The proposal and the assessment within this appeal statement also provides a detailed analysis of the scheme's appropriateness concerning bulk, mass, scale, and design. The proposed scale complies with the requirements set out in the Camden Planning Guidance (CPG) and aligns with the existing character of the area—an aspect previously overlooked in the council's assessment. Furthermore, the choice of materials has been carefully considered to mitigate visual impact and ensure that the development harmonises with the prevailing character of the area.

5.5 Overall, the applicant contests the reason for refusal, highlighting inconsistencies in the Officer's report. This statement provides a thorough examination of the scheme's suitability for its location and demonstrates its compliance with the Home Improvements CPG and Local Plan Policy D1.

### **Reason for Refusal 2 - Amenity**

*The proposed development, due to its location, scale and relationship to neighbouring properties would result in harm to neighbouring amenity by way of overlooking and privacy effects, contrary to policy A1 of the Camden Local Plan 2017*

5.6 Regarding the scheme's impact on residential amenity, the case officer's report raised concerns about potential overlooking, privacy intrusion, and reductions in daylight and sunlight.

5.7 The Appellant challenges the Officer's assessment, arguing that the report overstates the issue of overlooking, and asserts that there would be a potential non-direct impact of overlooking, despite acknowledging design mitigation measures. Given the existing windows and the close relationship between properties in the area, the proposal does not introduce any new or significant overlooking concerns beyond the current conditions.

5.8 Additionally, the Appellant refutes the ambiguous language used by the Case Officer regarding "potential" impacts, noting inconsistencies in their assessment. The concern regarding indirect

or perceived overlooking is not a material planning consideration and is not expanded upon by the Officer.

- 5.9 Lastly, concerns regarding daylight and sunlight have been addressed through a professional Daylight and Sunlight Assessment, which confirms that the proposal does not create any unacceptable impacts in this regard
- 5.10 In conclusion, for the reasons set out in this statement and supported by the accompanying documents submitted as part of this appeal, it is respectfully requested that the appeal be allowed, the reason for refusal be overturned, and planning permission granted.



## APPENDICES

### APPENDIX ONE

DECISION NOTICE AND OFFICER DELEGATED REPORT (REF: 2024/4207/P)

**APPENDIX TWO**

**OFFICER DELEGATED REPORT (REF: 2024/1046/P)**

**APPENDIX THREE**

**DAYLIGHT/SUNLIGHT ASSESSMENT, BY SCHROEDERS BEGG**

**APPENDIX FOUR**

**OFFICER DELEGATED REPORT (REF: 2006/4980/P) - 34 MAZENOD AVE**

**APPENDIX FIVE**

**OFFICER DELEGATED REPORT (REF: 2010/2117/P) - 16 MAZENOD AVE**

**APPENDIX SIX**

**OFFICER DELEGATED REPORT (REF: 2011/6134/P) - 28 MAZENOD AVENUE**

**APPENDIX SEVEN**

**OFFICER DELEGATED REPORT (REF: 2011/0752/P) - 36 MAZENOD AVENUE**

**APPENDIX EIGHT**

**OFFICER DELEGATED REPORT (REF: 2013/8240/P) - 32 MAZENOD AVENUE**



**APPENDIX NINE**

**OFFICER DELEGATED REPORT (REF: 2016/0716/P AND 2016/4066/P) - 4 AND 6 MAZENOD AVENUE**