



J & L PLANNING SERVICES

Town & Country Planning Acts

Appeal by Mr and Mrs Michael Jampel against the decision by the London
Borough of Camden to refuse planning permission for a mansard roof extension
to create a second floor at 69 Belsize Lane, London NW3 5AU

Local Planning Authority Reference: 2024/4627/P

Appellants Reference: JL125

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1. **INTRODUCTION**

- 1.1 This statement has been prepared in support of an appeal against a refusal of planning permission.

2. **THE APPEAL**

- 2.1 The appeal concerns a refusal of planning permission for a mansard roof extension to create a second floor. The Council's reason for refusal is as follows:

The proposed mansard roof extension by virtue of its height, bulk and detailed design would compromise the form, character and appearance of the host building, the terrace of which it forms a part and this part of the Belsize Conservation Area contrary to the requirements of policies D1 and D2 of the Camden Local Plan 2017.

3. **SITE AND SURROUNDINGS**



- 3.1 The appeal site comprises a mid-terraced dwelling located on the east side of Belsize Lane, located some 60 metres south of the junction with Daleham Mews. The surrounding area is predominantly residential in terms of both built form and land use.

4. **PLANNING CONSIDERATIONS**

- 4.1 The National Planning Policy Framework (NPPF) which came into force in December 2023, outlines the Government's requirements for the planning system and established how these will be addressed. The most relevant paragraphs are stated below:

Paragraph 7 states that: "The purpose of the planning system is to contribute to the achievement of sustainable development." Paragraph 8 goes on to explain that "that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

a) **an economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure.

b) **a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

c) **an environmental objective** – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity,

using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.”

4.2 These roles should not be undertaken in isolation, because they are mutually dependent. Economic growth can secure higher, social and environmental standards, and well-designed buildings and places can improve the lives of people and communities. Therefore, to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. The planning system should play an active role in guiding development to sustainable solutions.

4.3 Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as people’s quality of life, including (but not limited to):

1. Making it easier for jobs to be created in cities, towns and villages.
2. Moving from a net loss of biodiversity to achieving net gains for nature.
3. Replacing poor design with better design.
4. Improving the conditions in which people live, work, travel and take leisure;
and
5. Widening the choice of high-quality homes.

- 4.4 The National Planning Policy Framework advocates that the statutory status of the development plan is the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts would be refused unless other material considerations indicate otherwise. It is highly desirable that local planning authorities should have an up-to-date plan in place.
- 4.5 At the heart of the planning system is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan making and decision making. Local planning authorities should approve development proposals that accord with statutory plans without delay, and grant permission where the plan is absent, silent, in determination or where relevant policies are out of date. All these policies should apply unless the adverse impact of allowing development would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework, taken as a whole.
- 4.6 The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Although visual appearance and the architecture of individual buildings are particularly important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural built and historic environment. Furthermore, permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

- 4.7 Applicants will be expected to work closely with those directly affected by their proposals to evolve designs that take account of the views of the community. Proposals that can demonstrate this in developing the design of the new development should be looked on more favourably.
- 4.8 Current Conservation area advice is concerned with the quality and interests of areas, rather than that of individual buildings, which should be the prime considerations identifying Conservation areas. There has been increasing recognition in recent years that your experience of a historic area depends on much more than the quality of individual buildings, boundaries and thoroughfares; on particular “mix” of uses; on characteristic materials; on appropriate scaling and detailing of contemporary buildings, the quality of advertisements, shop fronts, street furniture and hard and soft surfaces; on vistas along streets and between buildings, and on the extent to which traffic introduces and omits pedestrian use of spaces between buildings. Conservation area designation should be seen as the means of recognising the importance of all these factors and of ensuring that conservation policy addressed with quality of townscape in its broadest sense as well as the protection of individual buildings.
- 4.9 It is considered that the quality and interest of this Conservation area would remain preserved as the appeal proposal would not:
- (i) Detract from the overall appearance, character and openness of the existing built form within the Conservation area; and

- (ii) The scale, mass and proportions of the appeal proposal would remain subordinate to the overall scale, mass and proportions of built forms within the locality.

4.10 Furthermore, current policy and advice places emphasis on the definition of an area's interest should derive from an assessment of the elements that contribute to (and detract from) it. Conservation areas vary greatly, but certain aspects will almost always form the basis for a coherent assessment of the topography – for example, thoroughfares and property boundaries and its historical development; the archaeological significance and potential; the relevant building materials; the character and hierarchy of spaces; the quality and relationship of buildings in the area and also of trees and other green features. The assessment should always include those unlisted buildings which make a positive contribution to the special interest of the area.

4.11 It is considered that the key elements of this Conservation area are:

- (i) Highway alignments which would not be the subject of change; and
- (ii) The imposing built forms and thoroughfares would remain preserved.

4.12 The Borough Council have provided one reason for refusal which, in turn, has raised one primary issue, that is the character and appearance of the Belsize Conservation Area. In support of this concern, the Council has referred to provisions within the Local Plan 2017. Within this context, the merits of the appeal will be assessed.

D1

Policy D1 Design

The Council will seek to secure high quality design in development. The Council will require that development:

- a. respects local context and character;*
- b. preserves or enhances the historic environment and heritage assets in accordance with Policy D2 Heritage;*
- c. is sustainable in design and construction, incorporating best practice in resource management and climate change mitigation and adaptation;*
- d. is of sustainable and durable construction and adaptable to different activities and land uses;*
- e. comprises details and materials that are of high quality and complement the local character;*
- f. integrates well with the surrounding streets and open spaces, improving movement through the site and wider area with direct, accessible and easily recognisable routes and contributes positively to the street frontage;*
- g. is inclusive and accessible for all;*
- h. promotes health;*
- i. is secure and designed to minimise crime and antisocial behaviour;*
- j. responds to natural features and preserves gardens and other open space;*
- k. incorporates high quality landscape design (including public art, where appropriate) and maximises opportunities for greening for example through planting of trees and other soft landscaping;*
- l. incorporates outdoor amenity space;*
- m. preserves strategic and local views;*
- n. for housing, provides a high standard of accommodation; and*
- o. carefully integrates building services equipment.*

The Council will resist development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Tall buildings

All of Camden is considered sensitive to the development of tall buildings. Tall buildings in Camden will be assessed against the design criteria set out above and we will also give particular attention to:

- p. how the building relates to its surroundings, both in terms of how the base of the building fits in with the streetscape and how the top of a tall building affects the skyline;*
- q. the historic context of the building's surroundings;*
- r. the relationship between the building and hills and views;*
- s. the degree to which the building overshadows public spaces, especially open spaces and watercourses; and*
- t. the contribution a building makes to pedestrian permeability and improved public accessibility.*

In addition to these design considerations tall buildings will be assessed against a range of other relevant policies concerning amenity, mixed use and sustainability.

Public art

The Council will only permit development for artworks, statues or memorials where they protect and enhance the local character and historic environment and contribute to a harmonious and balanced landscape design.

The Council expects excellence in architecture and design.

Excellence in design

We will seek to ensure that the significant growth planned for under Policy G1 Delivery and location of growth will be provided through high quality contextual design.

4.13 The policy is concerned with achieving a high quality of design in development. The local character context of the host dwelling and wider area is of fundamental importance. Belsize Park Conservation Area is a distinct and substantial area of 19th century villa development that has a strong consistency in terms of height of its buildings, their physical alignment and orientation within the street frontage, with front gardens set behind boundary walls and their Italianate styling.

4.14 Within the Conservation Area, there are six sub areas of separate character:

- (i) Belsize Park (including Belsize Avenue, Belsize Park, Belsize Square, Belsize Park Gardens, Belsize Grove, Buckland Crescent, Lancaster Drive and the northern end of Lancaster Grove).
- (ii) Belsize Village (incorporating Belsize Lane and the mews areas to the north, Belsize Crescent and Belsize Terrace).
- (iii) Eton Avenue (including Strathray Gardens, the southern end of Lancaster Grove, Lambolle Road, Lambolle Place, Eton and Lancaster Garages and Fellows Road).
- (iv) Glenloch (incorporating Glenloch, Glenmore, Glenilla and Howitt Roads).
- (v) Primrose Gardens/ Antrim Road (including Antrim Grove and the Haverstock Hill frontage)
- (vi) Englands Lane (including Elizabeth Mews)

4.15 The first area represents the core of the Conservation Area, characterised by repeated forms of Stucco Villas, whose design exhibits an identity and unity of appearance.

- 4.16 In contrast, the Belsize Village area, which includes the appeal site, comprises a variety of residential and commercial uses, with associated built forms. In comparison with the core of the Conservation Area, this one displays a tight urban grain and spatial arrangement with divergent architectural and fenestration details.
- 4.17 Essentially, the character context within the Conservation Area is not physically or visually consistent. The common architectural characteristics and unaltered fenestration details, which exist at the core of the Conservation Area, are absent at the appeal site and its wider area. The assortment of building types and forms is historic and closely altered to former commercial and business uses. Such alterations and extensions have led to an assortment of roof profiles and forms. Within this local character context, the appeal proposal would not draw away from the distinctiveness of the host dwelling or the wider streetscape.
- 4.18 The heritage environment and assets of the local vernacular is one with no distinct unity. Within this backdrop, the creation of a second floor, within a roof extension, would not subvert the architectural cohesion of built forms within the frontage of Belsize Lane. Rather, the appeal proposal would make a positive contribution to the evolution of local built environment.
- 4.19 The proposed external materials, including joinery details, are intended to compliment and match the colour and texture of the host dwelling and prevailing built forms. The position and alignment of proposed joinery details are intended to correspond to the elevations of the host dwelling. Additionally, the appeal proposal would not disrupt or impede strategic or local views and vistas.

D2

Policy D2 Heritage

The Council will preserve and, where appropriate, enhance Camden's rich and diverse heritage assets and their settings, including conservation areas, listed buildings, archaeological remains, scheduled ancient monuments and historic parks and gardens and locally listed heritage assets.

Designated heritage assets

Designated heritage assets include conservation areas and listed buildings. The Council will not permit the loss of or substantial harm to a designated heritage asset, including conservation areas and Listed Buildings, unless it substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a. the nature of the heritage asset prevents all reasonable uses of the site;*
- b. no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation;*
- c. conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and*
- d. the harm or loss is outweighed by the benefit of bringing the site back into use.*

The Council will not permit development that results in harm that is less than substantial to the significance of a designated heritage asset unless the public benefits of the proposal convincingly outweigh that harm.

Conservation areas

Conservation areas are designated heritage assets and this section should be read in conjunction with the section above headed 'designated heritage assets'. In order to maintain the character of Camden's conservation areas, the Council will take account of conservation area statements, appraisals and management strategies when assessing applications within conservation areas.

The Council will:

- e. require that development within conservation areas preserves or, where possible, enhances the character or appearance of the area;*
- f. resist the total or substantial demolition of an unlisted building that makes a positive contribution to the character or appearance of a conservation area;*
- g. resist development outside of a conservation area that causes harm to the character or appearance of that conservation area; and*
- h. preserve trees and garden spaces which contribute to the character and appearance of a conservation area or which provide a setting for Camden's architectural heritage.*

Listed Buildings

Listed buildings are designated heritage assets and this section should be read in conjunction with the section above headed 'designated heritage assets'. To preserve or enhance the borough's listed buildings, the Council will:

- i. resist the total or substantial demolition of a listed building;*
- j. resist proposals for a change of use or alterations and extensions to a listed building where this would cause harm to the special architectural and historic interest of the building; and*
- k. resist development that would cause harm to significance of a listed building through an effect on its setting.*

Archaeology

The Council will protect remains of archaeological importance by ensuring acceptable measures are taken proportionate to the significance of the heritage asset to preserve them and their setting, including physical preservation, where appropriate.

Other heritage assets and non-designated heritage assets

The Council will seek to protect other heritage assets including non designated heritage assets (including those on and off the local list), Registered Parks and Gardens and London Squares.

The effect of a proposal on the significance of a non-designated heritage asset will be weighed against the public benefits of the proposal, balancing the scale of any harm or loss and the significance of the heritage asset.

4.20 The policy, specifically concerned with 'Heritage' echoes the requirements advocated by the NPPF and policy D1. Therefore, reference is made to preceding submissions. Notwithstanding, the acceptability or otherwise of the introduction of roof alterations, together with the physical and visual presence of the roof profile is a matter of planning judgement. The roofscape is fundamentally influenced by divergent profiles and forms. The presence of the appeal proposal would not draw away from this heterogeneity of built form.

4.31 Instead, the appeal proposal would positively contribute to the architectural collection of the local built environment. In turn, the appeal proposal would maintain and preserve the sense of place and setting of the host dwelling and wider area.

5. **CONCLUSIONS**

5.1 Current development plan provisions recognise that the character of a Conservation Areas evolves over time and will need to change in appropriate locations to accommodate householder alterations and extensions.

5.2 The architectural fabric of the Conservation Area is not universal or consistent. Rather, the Conservation Area comprises of sub areas which exhibit and display differing qualities and characteristics. Within this physical, visual and architectural context, it is considered acceptable, preserving the setting, sense of place and value of the Conservation Area.

5.3 In conclusion, the appellant would respectfully request that the Inspector upholds the appeal.

APPENDICES

APPENDIX A

PERSONAL STATEMENT

Personal Statement re 69 Belsize Lane, London, NW3 5AU

BACKGROUND

I bought this house in August 2005, when I was single. Since then I have married and now have a small child. My wife is [REDACTED] at a local hospital. [REDACTED] we have applied to various local (walking distance) schools.

Since covid, I work from home three days a week, and so now have a home office/study. I commute to the office in central London twice a week by underground – the station is within walking distance too.

NEED

As implied above, my family is growing and, since covid, I have had to use some space to work from home. In addition, my wife comes from a large family who live abroad, and we would like to be able to accommodate them when they visit. My mother is 90 and currently lives alone – it is unclear how much longer this is tenable. Therefore additional space in the house would be very useful.

DESIGN

The additional level/roof extension would not really impact my neighbours to the left or right. I consulted my neighbours and, except for one (69a), they were content with my proposals, and even agreed to write to the council in support of the application. One of the neighbours at the back (one of the flats in 33 Belsize Park) was concerned that, if the rear windows were vertical, I could look into his rooms and he could look into the new bedrooms. I therefore changed my proposals (before submitting them to the council) to make the rear mansard roof/wall slope at 60 degrees. The aim of the change is that when he looks at these windows, I think he will probably see reflections of the sky, and when I look out of them in his direction I think I will see sky, or internal reflections of my carpet. He then stated that he was content, and I have written confirmation of no objection from 33 Belsize Park.

Unlike certain other streets nearby, Belsize Lane has very diverse houses. Some are three or more storeys, and some which are only two storeys have such steeply pitched roofs that they will be higher than mine even after the proposed work. Some are modern, some Victorian, and various ages in between. I believe my house is from 1983/84. The majority are brick (although some are render/stucco) but the colours of the bricks vary from modern yellow to purple (my house and 69a) via various different shades of red/orange. My other neighbour's bricks are now grey, I assume due to pollution. I do not think that my house has any particular architectural merit – it seems to me that it was designed to be functional rather than ornate/imposing/decorative/beautiful, and the alterations I propose are to make it more functional, and so are in keeping with the original philosophy.

I employed an architect who has successfully completed other roof additions in this street, and have followed his design suggestions – in conjunction with asking him to modify the rear to address the neighbour's concern. He also modified the originally-submitted proposal once he had read the comments from the Conservation Area Advisory Committee (CAAC – see below).

PLANNING APPLICATION

After the deadline for comments had been received, and the council had published them on its website, my architect contacted the planning officer and submitted modifications to the original proposals to address the CAAC's comments which appeared to suggest significantly greater glazing at the front. However this was then contradicted by the planning officer's subsequent comments that he would have preferred the windows to be smaller than in the original proposal.

I am not aware of the planning officer conducting a site visit, nor did he contact me/my architect, so I assumed all was well. This of course changed after the discussion the architect initiated, in which I believe the planning officer said he was minded to refuse the application, which he subsequently did.

APPENDIX B

ARCHITECTURAL STATEMENT

JACKSON

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Architectural Statement

Loft conversion / raised roof, 69 Belsize lane, London, NW3 5AU

January 14, 2025

Background

I am Jason Jackson, Principal Architect of Jackson Architects Ltd. I am a Registered Architect and qualified Urban Designer with almost 35 years of experience in design, primarily within the domestic sector. The practice has two offices; one in Cheltenham serving projects in the Cotswolds and Gloucestershire; and a second in Taunton serving the South West from Bristol to Exeter. Our connections with London based clients have also lead to a number of projects in the Belsize Park area.

We specialise in all forms of residential projects with approximately 50% of them being listed buildings and properties within Conservation Areas.

Brief

The owner's brief was to provide additional bedroom space for his growing family and to enable him to continue to work from home. The relatively modest garden area precluded an extension to the rear so the main focus was on a loft conversion or roof extension to provide the extra space.

Our experience of this kind of project was uniquely relevant since we had previously designed, obtained planning permission, and built a similar project at 63 Belsize Lane only 75m away.



Image: A 'Before & After' of the development of No 63A & 63B Belsize Lane

An appraisal was made of the existing roof space to see if a simple loft conversion would provide the required space but there was insufficient headroom. It was clear that a new roof, approximately 600mm higher than the current ridge line would be needed and designs were developed following the precedent of the 63 Belsize Lane extension.

From our negotiations with the Planning Officer during the No 63 project, we understood there to be a constraint from the Conservation Officer that symmetry within pairs of buildings, like the

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semi-detached pairing of 63, should be maintained when extended. This was achieved with the cooperation with the neighbour but was not possible with the proposals for No 69. However, there were significant differences to the designs of No 69 & 69A that made the constraint largely irrelevant.

Setting

The principal houses of Belsize Park and Belsize Avenue are arranged as identical semi-detached villas, 5 storeys high, with beautifully grand detailing.



Traditionally, the coach houses and stables for these houses would front on to a mews lane to the rear, in this case called Belsize Lane. Unlike the handsome symmetry of the principal houses, the Mews Lane properties are very varied in character. Single views of Belsize Lane often show a whole range of single storey brick coach houses with rear garden walls; garaging to other houses; two storey period coach houses, now converted into shops and flats but with former coach door openings still visible; grander period houses to the northern end; and a whole myriad of two and three storey modern housing built on the rear gardens of the Belsize Park Villas.



Views of Belsize Lane looking North



View of Belsize Lane looking south



No 69 and 69a are a pair of modern houses built midway along Belsize Lane in 1984. Whilst they are clearly built at the same time, using the same facing brick and rather bland detailing, they are not symmetrical. 69a has a half width set back of approximately 1,8m and a further set back at first floor, presumably designed as a transitional element to the brightly coloured No 71 next door.

The parapet line of the pair and vertical emphasis of the fenestration is sympathetic to the scale of this part of the conservation area. However, the variety of materials, window shapes, and designs within even the limited confines of the picture above shows the eclectic character of the area is it's defining feature. True symmetry is rare, even within buildings that initially appear to be paired.

Design

We also refer to the Design Access Statement submitted with the proposals.

The key elements to the design are:

1. Maintenance of the parapet line to protect the visual continuity of the 2 storey character of this part of the conservation area.

2. A stepping back of the proposed new roof extension to make it visually distinct and visually regressive behind the existing parapet. A site section and annotated images were provided during correspondence to show the visual impact from various angles within the street.



Annotated sketch of visual impact from the street

3. Retention of the vertical emphasis of the proposed windows to echo those of the building below and wider conservation area. Note that a second version with the same built for but utilising all glass for the Belsize Mews elevation (hinted at above) was also proposed during negotiations.
4. Use of darker coloured materials (lead and slate) to make it visually distinct.

Response to the Refusal

The refusal stated that: *The proposed mansard roof extension by virtue of its height, bulk and detailed design would compromise the form, character and appearance of the host building, the terrace of which it forms a part and this part of the Belsize Conservation Area contrary to the requirements of policies D1 and D2 of the Camden Local Plan 2017*

Discussions with the Planning Officer, Matthew Kitchener, stated that the primary grounds for refusal was due to No69 and 69a being treated as a pair and that an extension on one could not be approved due to the unbalancing effect of the proposals. He also stated that if a similar proposal came forward for an extension to both, this would probably be acceptable. Since this is not possible, we cannot test this, but the comment undermines the refusal grounds in that the height, bulk and detailed design *would* have been acceptable if it covered 2 properties. It would therefore have been equally high with the same detailing but bulkier.

This comment about the pairing was anticipated due to our experience with the similar development at 63 Belsize lane but we believed the situation to be significantly different. The Design Access Statement highlighted these differences.

As mentioned above, whilst the 2 properties were built together, they are not symmetrical. The deliberate stepping back towards No 71 means that 69a has a smaller and very different plan

form and presents a very different frontage to the street. We argue that the roof extension proposal for No 69 would work with this stepping back (and down) and maintain this visual flow from higher properties on the street front to the further set back and lower No 71 and not create any harm to the Conservation Area. The higher gable on the northern neighbour with its roof terrace and garden also helps with this visual transition from high to lower.



No69 (central) shares very little symmetry with No 69a (right)

Another observation which belies the difference between them is that a roof extension on No 69a (even if paired with No 69) would make the transition to No 71 more abrupt and ungainly whereas the proposed stepping down from 69 to 71 in three distinct steps gives a nice rhythm to the street roofscape.

There is plenty of precedent for three stories within the Conservation area, with many examples of three full floor levels or, as proposed, some element of roof conversion of lofts with dormers. It is difficult to support the opinion that a roof extension is contrary to the character of the conservation area when that character is so varied.

Lastly, the refusal states that it will compromise the character of the host building. No 69 & 69a are bland examples of 1980's architecture and add nothing of the character of the Conservation area other than a vague nod towards similar scale and fenestration. We argue that making the two properties less alike has no impact on the character of the area or the host building – it merely adds to the variety of building types, materials and designs within this Lane. This variety is central to the character of Belsize Lane and should be supported.

Conclusion

The height, detailing and materials would have been acceptable if applied to both properties and therefore should not be used as grounds for refusal. Architectural variety is intrinsic to the character of this part of the Conservation Area. The appearance of the host building leaves much to be desired but can be extended without detriment to the character of the area.

Jason Jackson
Principal Architect