

CDS PLANNING

PLANNING & DEVELOPMENT CONSULTANTS

APPEAL STATEMENT

41 Pilgrim's Lane Camden, NW3 1SS

Local Authority Reference: 2024/4804/P

February 2025

1. Introduction

- 1.1. This Appeal Statement has been prepared by Andrew MacDougall (RTPI) and Matthew Corcoran (RTPI, Director of CDS Planning). Together we bring over 40 years' worth of planning experience working in both public and private sector environments.
- 1.2. This Appeal is made on behalf of the applicant/landowner. The application the subject of this appeal sought full planning permission for the proposed development –

“Enlargement of existing rear dormer and removal of existing roof terrace to create larger dormer with Juliet balcony, alongside creation of roof terrace to flat roof of dormer with balustrading.”

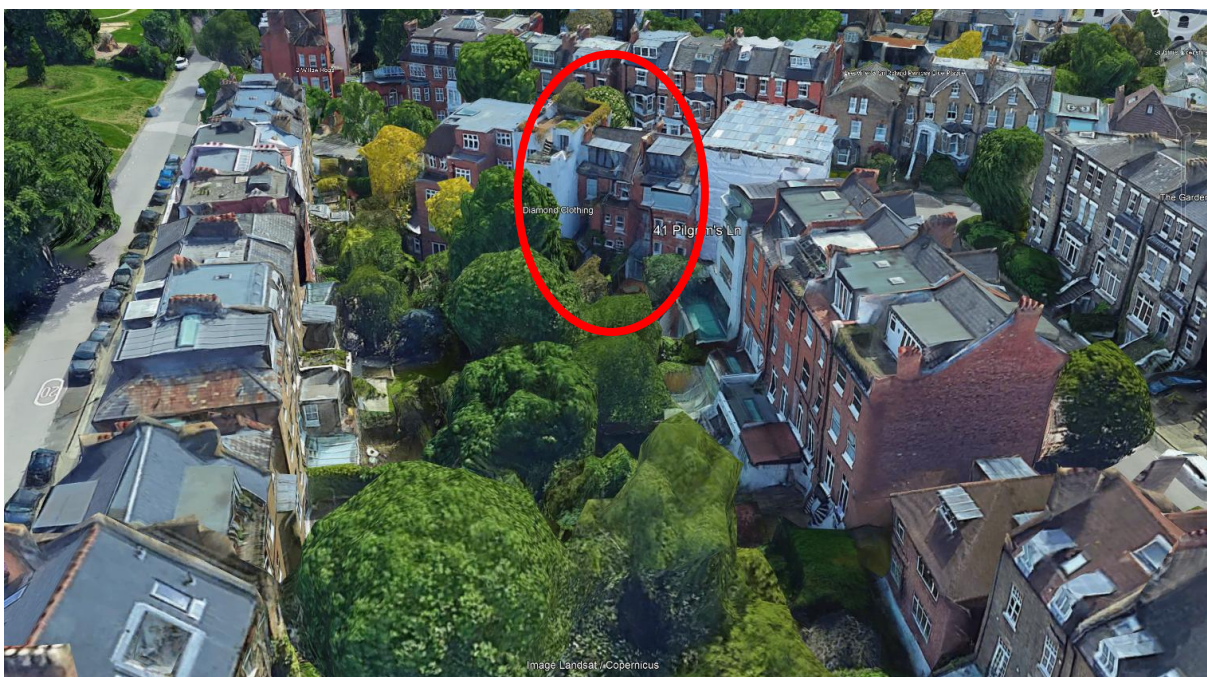
- 1.3. The Local Planning Authority Reference number was 2024/4804/P.
- 1.4. The application was recommended refusal, and a formal notice was issued dated 30th December 2024.
- 1.5. The decision notice cited a single reason for refusal as follows –

The proposal, due to its detailed design, size, bulk, materials, and location, would appear as an incongruous addition to the host dwelling and out of context with its surroundings, and would therefore result in detrimental harm to the character and appearance of the host building, the streetscape, and the Hampstead Conservation Area, contrary to Policies D1 (Design) and D2 (Heritage) of the London Borough of Camden Local Plan 2017 and Policies DH1 (Design) and DH2 (Conservation areas and listed buildings) of the Hampstead Neighbourhood Plan 2018.

- 1.6. This appeal should be read in conjunction with the revised policies of the NPPF published on the 13th of December 2024. There was no transition period set out, so policies come into full effect immediately.

2. Site Description

- 2.1 The application site is a 4-storey terrace building, built in the 1880s and is a part of a short terrace located on Pilgrim's Lane from No.35-45.
- 2.2 The site is located within the built-up area where upward and roof extensions are prevalent, the site is in the Hampstead Conservation Area.



3. Proposals forming part of the Appeal

- 3.1. The appeal proposal is to increase the size of the main bedroom suite at second storey to encompass existing roof terrace area, wrought iron balustrading finish to be replicated to form new Juliet balcony detail. Installation of internal spiral staircase leading to a newly formed extended roof terrace which is to be located on existing flat roof dormer. Perimeter wrought iron railing to match existing finish to rear of property and top of which not to breach existing roof ridge.

4. Planning History

- 4.1. Other than the host planning application, no applications are considered relevant to this appeal. The Inspector is invited to view neighbouring properties via aerial photographs contained within this statement and a future site.

5. Planning Policy

- 5.1. Within the Council's Decision Notice specific reference is made to the following policies. Copies of these policies will be provided by the Council.

London Borough of Camden Local Plan 2017

D1 (Design)

D2 (Heritage)

Hampstead Neighbourhood Plan 2018

DH1 (Design)

DH2 (Conservation areas and listed buildings)

6. Assessment of the Appeal Scheme

6.1 The main issue relevant to this appeal is the following: -

Would the proposal, due to its detailed design, size, bulk, materials, and location, would appear as an incongruous addition to the host dwelling and out of context with its surroundings.

Appellant Response:

6.2 From the outset it is important to note that while the appeal site is located within a Conservation Area, it is not a Listed Building nor are there any Listed Buildings within the vicinity of the site.

6.3 Despite formal consultation taking place with neighbouring properties, there were no objections submitted by neighbours. One can rightly therefore conclude that in terms of neighbouring views specifically, no person felt that the proposal was inappropriate, had they done so, comments would have been submitted. The locality is considered affluent and in such engagement with planning is not considered to be a problem which might otherwise explain limited interest.

6.4 Further, it is noted that the Hampstead Conservation Area Advisory Committee elected not to comment on the proposal, signifying that the proposal was not worthy of comment. While it is noted that the Heath and Hampstead Society did provide comments, this report will set out why the comments raised are without merit.

6.5 At no time during the consideration of this appeal has the council raised objection to amenity, whether relating to neighbours or amenity of occupants. The appellant elects to therefore not expand further on this issue. While amenities were raised by the Heath and Hampstead Society, they were not afforded any negative weight by the Council in their assessment of the scheme, and no amenity issues are included

in the reason for refusal. The Council instead confirmed that compliant with Policy A1 Local Plan which deals with amenities.

6.6 Looking at the substantive points of refusal; the Council rightly points out the property currently benefits from a rear dormer with a moderate roof terrace which extends up to the main roof eaves. Further; they acknowledge that the resulting width and height of the enlarged dormer would remain like the existing.

6.7 While it is accepted that the proposed dormer would increase in depth; when seen in the context of the locality and the existing roofscape of the building, the proposal is entirely in keeping with other examples visible from the site. There is a plethora of much larger windows that can be seen both to the front of units and thus obvious in the public domain and, just as in the case of the appeal property to the rear out of public views. The proposal will remain a subservient addition to the locality.





- 6.8 While the Council highlight the lack of ‘even distances’ to the roof margins this completely ignores the current and existing dormer windows found on both 41 and 37 Pilgrim’s Lane and many other dormers in the local area, all of which are located within their host roof’s ‘off centre’. A centrally located dormer window to the rear of No.41 would be atypical and not consistent with other prevalent dormer window designs in the local area.
- 6.9 It is simply not the case that the rear dormer would result in the roof becoming visually over-heavy and bulky and leading to unacceptable visual harm to the rear roofscape of the host building. To the contrary, the dormer would be viewed as others are in the locality and would not be out of keeping or dominant in appearance.
- 6.10 While the Conservation Area is a material consideration, the prevalence of large dormers is a key feature of the immediate locality, further the siting of the window to the rear of the property would ensure it does not feature prominently within views from the public domain, the Conservation Area is therefore not detrimentally impacted.

- 6.11 It is noted that the Council does not support the use of render, this was chosen because of the relationship to the neighbouring property No.43, the appellant is however open to an alternative material, and this could be secured by way of a planning condition.
- 6.12 Regarding the roof terrace element, again this should very much be seen in the context that the existing dormer window which is serviced by a good sized terrace. It is also noted that No.43 has a roof top terrace on 2 levels, the proposed terrace would not look out of place or at odds in terms of immediate impact.



- 6.13 The council's position of a roof terrace being unacceptable in principle is considered without merit and simply not a sustainable position to take as part of this appeal. Within the appendix of this document there are a number of photographs that highlight full width roof terraces. These are often set at a much

higher height than the appeal proposal and are more visually noticeable from all angles

- 6.14 The resultant roof terrace would remain subservient to the wider terrace roofscape, while it would be level with the ridge of the roof this should not be a point of objection. The balustrade would be light weight and would in no way dominant or be viewed as out of character, noting that it would still be lower than the adjacent roof terrace at No.43 as well as the other taller buildings in the immediate locality all of which have large roof additions in one form or another. The extension at No.43 is invasive and while we have not sought to replicate, its presence within the locality cannot be ignored. The extension is both unneighbourly as it allows for views into the appeal site but also dominating when viewed from windows.
- 6.15 Regarding any impact on the prominence from the public highway from the street scene/ front elevation, this matter was given careful consideration by the design team. The current design proposal considers the following; ground levels from the public highway, pitch of the existing roof, associative dormer window, as well as the party wall that extends through the roof. The current design ensures that of a person would not be visible from any angle from the public highway, this was a specific design requirement.
- 6.16 The council's claim that the terrace would appear as an additional storey on top of the dormer and thus would fail to preserve the roof form or complement the elevation upon which they are to be located, is again without merit. The balustrade railings would be seen as exactly that, a railing feature. They would in no way have the same appearance as an additional floor. When seen against the existing roofscape of the locality, the railings would not appear as visual clutter, instead they

would be seen in the context of corresponding grey roofs and when viewed from ground level they would assimilate into the roofscape.

- 6.17 Wrought iron railings are present on the host building and adjacent building, on the front elevation at street level, as well as the rear, on existing Juliet balcony at second storey level and on ground floor level balcony, thus being in keeping with the architectural interest within heritage significance.

7. Summary

- 7.1 This statement has been prepared in support of an appeal against the Council's decision to refuse planning permission for the development.
- 7.2 The information submitted with this application and subsequent appeal statement demonstrates that the proposed extension of the appeal property represents a sustainable form of development, compatible with the local context.
- 7.3 The proposal meets all policies and guidelines as set out by the Council; with no letters of objection received it is fair to conclude that surrounding residents did not consider that the application was to be detrimental to their residential environment.
- 7.4 Regarding the specific reasons for refusal, this statement has demonstrated why the single reasons for refusal should not be supported. The development respects the wider residential context and would not be dominant or visually intrusive nor would the development be detrimental to neighbouring amenities.
- 7.5 For the reasons outlined in this appeal statement, it is respectfully requested that this appeal is allowed subject to appropriate planning conditions.

Photograph Montage

July 2017 (41 Pilgrim's Lane behind tree) - Junction of Pilgrim's lane/ Denning St – High Level Balcony and Balustrade in clear view – while this site has been redeveloped, it highlights a historical balustrade features has always had a presence.



Outlook from existing terrace showing render, wrought iron railings. Note: balustrade and terrace at higher elevation on the brick building.



View looking at no 37 dormer and towards junction of Denning St – Note presence of high level balconies and large dormer windows



Views from the appeal property – Notable High Level Balcony with Iron Railings





High Level walls and railings on adjacent property when viewed from appeal property

