

FAO Chris Ries
The Planning Inspectorate
3/19 Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

Tel 020 7974 4444
Fax 020 7974 1930
Textlink 020 7974 6866

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Your Ref: APP/X5210/A/13/2204227
Please ask for: Gideon Whittingham

Telephone: 020 7974 5180
Email: Gideon.whittingham@camden.gov.uk

22nd October 2013

Dear Chris Ries,

Town and Country Planning Acts 1990 (as amended)
Appeal by Jake Dutton
Site at Flat 3, 124 Fleet Road, London, NW3 2QQX

I write in connection with the above appeal against the refusal of planning permission dated 7th June 2013 for the **erection of a roof extension with roof terrace in connection with residential flat (Class C3)** on design, form, bulk and prevailing development grounds.

- 1.1 The Council's case is set out in detail in the officer's report that has already been sent with the questionnaire and it will be relied on as the principal Statement of Case. Copies of the relevant LDF policies and accompanying Camden Planning Guidance have also been sent with the questionnaire.
- 1.2 In addition to these submissions, I would be pleased if the Inspector would also consider various matters set out below relating to the confirmation of the status of policy and guidance, comments on the grounds of appeal and conditions that the Council requests should the Inspector is minded to grant permission.

2.0 Status of Policies and Guidance

- 2.1 On 8th November 2010 the Council formally adopted the Core Strategy (CS) and Development Policies (DP) documents of the Local Development Framework (LDF). These documents went through an Examination in Public, and the appointed Inspector found the documents to be sound in a decision published on 13th September 2010. The relevant LDF policies as they relate to the reason for refusal are set out on the

Council's decision notice. The Council also adopted all its Camden Planning Guidance (CPG) on 7th November 2011.

- 2.2 The Council's policies are recent and up to date and should be accorded full weight in accordance with paragraphs 214-216 of the NPPF

3.0 Reasons for refusal

- 3.1 The application for the erection of a roof extension with roof terrace in connection with residential flat (Class C3) which is the subject of the appeal was refused on 7th June 2013 for the following reasons:

The proposed roof extension, by reason of its design, form, bulk and location in a roofscape largely unimpaired by later additions, would result in harm to the character and appearance of the building, the terrace of which it forms part and this part of the Mansfield Conservation Area, contrary to policy CS14 (Promoting high quality places and conserving our heritage) the London Borough of Camden Local Development Framework Core Strategy; and policies DP24 (Securing high quality design) and DP25 (Conserving Camden's heritage) of the London Borough of Camden Local Development Framework Development Policies.

4.0 Comments on the Appellants' Grounds of Appeal

The following summarises the appellants' grounds of appeal in bullet points, followed by the Council's comments

4.1

- The appellant acknowledges that, strictly speaking the proposed roof extension would be contrary to the guidance within CPG1; CPG1 does not constitute adopted policy and serves the purpose of providing guidance only. The fact that a proposal does not comply with the guidance within CPG1 should not mean that the extension is unacceptable in principle. Such proposals must be assessed having regard to the relevant adopted planning policy and in the context of the specific site circumstances.

The Council adopted all its Camden Planning Guidance (CPG) on 7th November 2011 to support the policies of the Local Development Framework (LDF) which itself was published on the 13th September 2010.

Camden Planning Guidance has been prepared to support the policies of the Local Development Framework (LDF). This guidance is therefore consistent with the Core Strategy and the Development Policies, and forms a Supplementary Planning Document (SPD) which is an additional "material consideration" in planning decisions. The Council formally adopted CPG1 – Design on 6th April 2011 following statutory consultation. This document has subsequently been updated on 4th September 2013. The Camden Planning Guidance covers a range of topics (such as housing, sustainability, amenity and planning obligations) and so all of the sections should be read in conjunction, and within the context of Camden's LDF.

High quality design makes a significant contribution to the success of a development and the community in which it is located. Design of the built environment affects many things about the way we use spaces and interact with each other, comfort and enjoyment, safety and security and our sense of inclusion.

The purpose of CPG1 (Design) is to promote design excellence and to outline the ways in which you can achieve high quality design within your development. This guidance primarily relates to Core Strategy Policy CS14 Promoting high quality places and conserving our heritage and Development Policies DP24 Securing high quality design. Within this policy context, the assessment of the proposal in accordance with criteria forming CPG1 (which is an additional “material consideration” in planning decisions) amongst other policies listed within the reason for refusal is appropriate.

4.2

- The appellant considers that planning permission in line with the NPPF should be refused only if a proposed development would lead to substantial harm to the significance of a designated heritage asset (including a Conservation Area)

The Council's interpretation of the NPPF differs from that of the appellant. Paragraph 12 of the NPPF indicates proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise.

The National Planning Policy Framework (NPPF) was published on 27 March 2012, replacing all the previous Planning Policy Statements, including PPG3, PPG13, PPS1 and PPS3. The application, valid from 13th September 2012 and determined on 8th November 2012, was therefore assessed with the NPPF. The NPPF ‘provides a framework within which local people and their accountable councils can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of their communities’ (paragraph 1). The Council's LDF, although adopted two years before the adoption of the NPPF, represents a distinctive plan which reflects the needs and priorities of Camden's communities which reflects the aims and criteria of the NPPF.

In assessment of chapter 12 of the NPPF, Local planning authorities should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.

The Council maintains the Mansfield Conservation Area is the designated heritage asset. In such a large area different elements of the designated heritage asset will have varying levels of significance. With particular regard to the application site, the main building is characterised by a decorative brickwork parapet and small

pediments over the bay windows, masking valley roofslopes behind which forms a characteristic feature of this rear elevation. In this regard, it is considered No.124 Fleet Road is of significant value, set within a uniform three storey terrace, with a largely unimpaired valley roofscape and therefore greater weight should be given to its conservation.

In this instance, the proposal by virtue of its location within a group which remains largely unimpaired and position of over prominence, being the subject of clear and direct views (both public and private) from Fleet Road and Tranley Mews and Byron Mews at the rear, conflicts with the up-to-date Local Plan, the LDF.

5.0 Conclusions

5.1 On the basis of information available and having regard to the entirety of the Council's submissions, including the content of this letter, the Inspector is respectfully requested to dismiss the appeal.

Should the Inspector be minded to allow the appeal, the following conditions are recommended.

1. The development hereby permitted must be begun not later than the end of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall be carried out in accordance with the following approved plans 124FR/101-A, 124FR/102-A and 124FR/103.

Reason: For the avoidance of doubt and in the interest of proper planning.

If any further clarification of the appeal submission is required, please contact this office.

Yours sincerely

Gideon Whittingham
Planning Officer
Culture and Environment Directorate