



APPEAL BY:
Mr Jake Dutton

AGAINST THE LONDON BOROUGH OF CAMDEN COUNCIL'S REFUSAL
TO GRANT PLANNING PERMISSION FOR:
The erection of a roof extension with roof terrace in connection with residential flat

AT
Flat 3, 124 Fleet Road, London, NW3 2QX

The London Borough of Camden Council's Reference: 2013/1496/P

WRITTEN REPRESENTATIONS: GROUNDS OF APPEAL

August 2013

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1.0 INTRODUCTION

- 1.1 This statement has been prepared by RJS Planning, on behalf of Mr Jake Dutton, in support of the appeal lodged against the refusal of planning application 2013/1496/P.
- 1.2 The application was submitted on 14th March 2013 and sought planning permission for the construction of a roof extension with a front roof terrace in connection with the existing upper floor flat.
- 1.3 The application was refused under delegated authority on 7th June 2013 for the following reason:
- 1) *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) of 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.*
- 1.4 This grounds of appeal will address the central concern raised within the Council's reason for refusal, notably:
- Whether the proposed roof extension would be of detriment to the character and appearance of the existing building and the visual amenities of the Mansfield Conservation Area.
- 1.5 For clarification, the Council raised no objection to the impact of the roof extension on the residential amenities of the neighbouring properties in terms of visual impact, loss of light, or loss of privacy.
- 1.6 To set some context, this statement will first provide a description of the appeal property, the surrounding area and the proposed development. This statement will then discuss the relevant national and local planning policy before responding to the Council's concerns.

2.0 THE SITE & THE SURROUNDING AREA

- 2.1 The appeal site is located on the northern side of Fleet Road and comprises a three storey mid-terraced building which is subdivided into 3 no. self-contained flats.
- 2.2 The building features an inverted butterfly roof with parapet walls to the front and at the party junctions. A roof terrace is located to the rear over the flat roof of the existing rear projection.
- 2.3 The building is not listed but is located within the Mansfield Conservation Area. It is worth noting however that this specific part of the Conservation Area is of no particular aesthetic value. Situated directly opposite the appeal site, The Royal Free Hospital, with its rudimentary high-rise blocks, dominates the landscape, providing Fleet Road with a backdrop that is far from picturesque. Fleet Road also features a mishmash of different buildings which vary in terms of style, height and appearance. Consequently, the makeup of the streetscene is visually inconsistent and uncharacteristic of Hampstead at large.

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3.0 THE PROPOSED DEVELOPMENT

- 3.1 The appeal application sought planning permission for the erection of a timber frame roof extension in between the valley of the existing butterfly roof to provide third floor accommodation comprising a living room. The extension would be set back 1.6m from the front façade and would measure 5m in width by 6.6m in depth with a flat roof incorporating solar panels above. The front and rear elevations of the extension would be fully glazed, with the front patio doors leading out on to a small roof terrace. The extension would require the marginal building up of the parapet walls at the party junctions. The existing front parapet wall would be retained with the extension being set back behind the existing parapet.

4.0 RELEVANT PLANNING POLICY

- 4.1 The reason for refusal refers to Policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and to Policies DP24 and DP25 of the Camden Local Development Framework Development Policies.
- 4.2 Although it is not referred to within the reason for refusal, the National Planning Policy Framework is also considered to be of relevance to this appeal. The following paragraphs provide a brief summary of the relevant policies. The paragraphs are in a hierarchical order relative to the importance of national and local planning policy.

National Planning Policy Framework (NPPF)

- 4.3 The National Planning Policy Framework sets out the Government's planning policies for England and how these are expected to be applied. The following sections and paragraphs make reference to the parts of the NPPF which are directly relevant to this appeal.

Presumption in Favour of Sustainable Development

- 4.4 Paragraph 14 of the NPPF sets out that a presumption in favour of sustainable development is at the heart of the National Planning Policy Framework with paragraph 197 stating that local planning authorities should approach decision making in a positive way and should look for solutions rather than problems. The NPPF also advises that decision takers at every level should seek to approve applications for sustainable development where possible.

- 4.5 For decision making this means:

- *Approving development proposals that accord with the development plan without delay;*
- *Where the development plan is absent, silent or relevant policies are out of date, granting planning permission unless:*
 - *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
 - *specific policies in this Framework indicate development should be restricted.*

Core Planning Principles

- 4.6 Paragraph 17 of the NPPF sets out 12 core land-use planning principles which should underpin both plan-making and decision taking. The second, fourth and tenth bullet points state that planning should:

- *Not simply be about scrutiny but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives.*
- *Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.*
- *Conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.*

Requiring good design

- 4.7 Section 7 of the NPPF refers to design, however there are no specific policies or guidance relating to residential extensions. Indeed paragraph 60 states:

“Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles”.

Conserving and enhancing the historic environment

- 4.8 Chapter 12 of the NPPF refers specifically to “Conserving and enhancing the historic environment” and sets out that planning permission 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).

- 4.9 The NPPF does not define “substantial harm” but it is widely accepted as including the total loss of a heritage asset, or fundamental compromise of its significance by means of extensive physical alterations, or inappropriate development within its setting. Such an impact can only be justified on the grounds that the harm is necessary to deliver important public benefits that outweigh the value of the heritage asset. In these terms it is absolutely clear that the application proposal will not result in substantial harm to the application building. Moreover, it must be pointed out that even the Council do not state within the reasons for refusal that the proposal would lead to substantial harm to the Conservation Area.

Decision-taking

- 4.10 Paragraph 196 reiterates that the planning system is “plan led” stating that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 196 clarifies that the NPPF is a material consideration in planning decisions. Paragraph 197 states that in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.

The Adopted Core Strategy – Policy CS14

- 4.11 Only Policy CS14 of the Core Strategy is referred to within the reason for refusal. Policy CS14 refers to “Promoting high quality places and conserving our heritage” and states that the Council will seek to ensure that Camden’s places and buildings are attractive by requiring development to be of the highest standard of design that respects local context and character and by preserving and enhancing Camden’s heritage assets and their settings, including Conservation Areas.

The Adopted Development Policies DPD – Policies DP24 & DP25

- 4.12 Policies DP24 and DP25 of the Development Policies DPD are referred to within the reason for refusal.
- 4.13 Policy DP24 relates to “securing high quality design” and states that the Council will require all developments, including extensions to existing buildings, to be of the highest standard of design. The policy sets out that all proposals should consider the character, setting, context and the form and scale of existing and neighbouring buildings and the materials to be used.
- 4.14 Policy DP25 refers to “Conserving Camden’s heritage” and states that the Council will seek to maintain the character of conservation areas by taking account of conservation area statements, appraisals and management plans when assessing applications and by only permitting development that preserves and enhances the character and appearance of conservation areas.

THE APPELLANTS CASE**Introduction**

- 5.1 The Appellant’s case will focus on the central concern of the reason for refusal, notably whether the proposed roof extension would be of detriment to the character and appearance of the existing building and the visual amenities of the Conservation Area. This case will demonstrate that the proposed roof extension would preserve the character and appearance of the Conservation Area and that the roof extension, at the very least, would not be of substantial harm so as to warrant a refusal.

Clarification of the Council’s concern

- 5.2 As a starting point it is necessary to clarify the Council’s actual concern.
- 5.3 According to the decision notice and the Case Officer’s report, it would appear that the Council’s concern is focused on the fact that the roofs within this terrace are largely unimpaired by extensions or alterations other than roof lights (and other than an extension at No. 116). The Council considers that the roof extension is unacceptable in principle due to its location within a terrace which remains largely unimpaired at roof level. In addition, the Council raise additional concerns regarding the design and form of the extension, specifically the extent of glazing and the building up of the party walls and chimney. The Council consider that the extension would result in a top-heavy roof profile which would remove the “interesting characteristic roofscape feature shared with the remaining properties in this terrace”.

The principle of the roof extension

5.4 The Camden Planning Guidance 2011: CPG1 (Design) stipulates when roof extensions will be acceptable and unacceptable. The guidance states that roof extensions will be acceptable where:

- *There is an established form of roof addition or alteration to a terrace or group of similar buildings and where continuing the pattern of development would help to re-unite a group of buildings and townscape;*
- *Alterations are architecturally sympathetic to the age and character of the building and retain the overall integrity of the roof form;*
- *There are a variety of additions or alterations to roofs which create an established pattern and where further development of a similar form would not cause additional harm.*

5.5 The guidance further states that extensions will be unacceptable where:

- *There is an unbroken run of valley roofs;*
- *Complete terraces or groups of buildings have a roof line that is largely unimpaired by alterations or extensions, even when a proposal involves adding to the whole terrace or group as a co-ordinated design...*

5.6 In this instance, whilst it is acknowledged 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.

5.7 To recap, as set out in paragraphs 4.11 – 4.14 above, the policies referred to within the reason for refusal do not state that roof extensions are unacceptable in principle within conservation areas or that planning permission will not be granted for roof extensions. In accordance with the policies, an assessment of a proposal such as a roof extension should come down to whether the roof extension would preserve or enhance the conservation area and whether the extension would respect the character, setting, context and the form and scale of existing and neighbouring buildings.

5.8 Similarly, although the Mansfield Conservation Area Appraisal and Management Strategy suggests that roof alterations or additions are likely to be unacceptable where a building forms part of a complete terrace or a group of buildings which have a roof line that is largely unimpaired by alterations or extensions, it is important to note that the guidance does not state that such extensions *will be unacceptable*. It is pertinent that the guidance uses the word “likely”. This clearly suggests that there will be instances where roof extensions can and will be considered to be acceptable to buildings which form part of a complete terrace or a group of buildings which have a roof line that is largely unimpaired by alterations or extensions.

- 5.9 For the avoidance of doubt, a roof extension within a conservation area is not unacceptable in principle. The following sections will demonstrate that the roof extension would form an acceptable roof addition

The “actual” demonstrable impact on the Conservation Area

- 5.10 The Appellant understands why the Council may have concerns however the objection is focused on narrow guidance contained within the Conservation Area Appraisal and Management Statement and not on the specific wording of adopted policy and without any regard to the guidance within the NPPF. Moreover, the Council have failed to make an objective assessment of the “actual” demonstrable visual impact of the extension on the appearance of the building and the Conservation Area.
- 5.11 The proposed roof extension would alter the roof of the existing flat, however the extension would be set back from the front parapet façade and, as demonstrated by the plans submitted with the planning application, the roof extension would not be readily visible or noticeable at eye level from within the street scene.
- 5.12 Moreover, whilst it is acknowledged that the roof extension would not be traditional in its appearance, the extension does represent a high quality, contemporary addition that would make a positive contribution to the quality of the built environment within the Conservation Area. The roof extension would be relatively discreet and lightweight providing a reflection of the sky and, by virtue of the extent of glazing, would not attract the eye from surrounding windows as much as a traditional mansard or dormer roof extension.
- 5.13 The Appellant considers that the Council has placed too much emphasis on the desire to “preserve” the appearance of the Conservation Area, being concerned about the impact on a roof which is not overly visible from within any public realm. The Council have not given due regard to the high quality, innovative design proposed and the positive impact that the extension would have.
- 5.14 It is acknowledged that the appeal site is located within a Conservation Area, however as discussed above this in itself does not mean that the extension is unacceptable in principle or that the extension would be of detriment to the appearance of the building or the Conservation Area. As set out in paragraph 4.8 above, the NPPF states that planning permission 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 NPPF does not define “substantial harm” but it is widely accepted as including the total loss of a heritage asset, or fundamental compromise of its significance by means of extensive physical alterations, or inappropriate development within its setting. The proposed roof extension would clearly conserve the significance of the Conservation Area and peoples’ experience of it and it is strongly asserted that the significance and appreciation of the Conservation Area within the zone of influence of the proposal would be compromised by the proposed roof extension. It is therefore questioned as to what actual detrimental impact the extension would have on the Conservation Area and it is suggested that it is incorrect and an exaggeration to suggest that the proposed roof extension would be of harm to the character or appearance of the Conservation Area. The roof extension would not result in substantial harm to the building or the Conservation Area.

- 5.15 In summary, the proposed roof extension would not have a detrimental impact on the visual amenities of the building or the Conservation Area. The extension would actually make a positive contribution to the appearance of the building and would be of no substantial harm to the Conservation Area. Whilst it is understandable that the Council would want to prevent unsympathetic additions, the appeal application proposes a sympathetic contemporary roof extension. At the very least the proposed extension would conserve the appearance of the Conservation Area and it is a gross exaggeration to suggest that an extension such as this would be of substantial harm to the Conservation Area. Having regard to the National Planning Policy Framework (NPPF) this appeal should be allowed unless the Inspector considers that the extension would be of **substantial harm** to the Conservation Area. The Appellant maintains that the extension would be of no detriment to the Conservation Area and asserts that the proposal fully complies with the 12 core planning principles set out within the NPPF.

Other matters

- 5.16 The proposed extension will enable this one bedroom flat to be enlarged to create a two bedroom flat. Not only will this allow the appellant to accommodate a growing family but it will also go some way towards meeting the identified need for family housing within the borough.
- 5.17 If the appeal proposal is not ultimately permitted, then the appellant is likely to be forced to move home because the property will not be able to meet the requirements of a growing family. This would appear to conflict with governmental policies which encourage property owners to remain in their homes and extend as opposed to moving.

6.0 CONCLUSION

- 6.1 The proposed roof extension would be of no harm to the character or appearance of the building or the Conservation Area. The Council's objections lack substance, are based on a subjective Officer opinion and are overly cautious and exaggerated. Although the site is located within a Conservation Area and although the Council seem reluctant to allow roof extensions such as this within the Conservation Area, residential extensions within the Conservation Area are acceptable in principle. The Appellant understands why the Council may have concerns, however the Council have adopted an overly cautious approach failing to fully take into account the limited actual impact that the extension would have on the building and the Conservation Area.
- 6.2 The proposed extension is not contrary to any specific requirements within the policies of the Local Development Framework and the National Planning Policy Framework (NPPF) states that decision-takers at every level should seek to approve applications for sustainable development where possible and that applications should be considered in the context of the presumption in favour of sustainable development. The proposed roof extension would not be contrary to national or local planning policy and for the above reasons it is politely requested that this appeal is allowed.

Photographs of the existing property & surroundings



Photo 1: A view of the rear elevation from the existing roof terrace. The unsightly tower block in the background is one of many in the surrounding area.



Photo 2: Looking westwards across the rear of the terrace from the appeal property. Note, the mishmash of different building styles in the locality and lack of uniformity.

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