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Mr Lionel Hutt  
The Planning Inspectorate  
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2 The Square  
Temple Quay  
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BS1 6PN

Our Ref: 2012/5500/P  
Your Ref: APP/X5210/A/13/2191567  
Please ask for: Seonaid Carr  
Telephone: 020 7974 2766  
Email: seonaid.carr@camden.gov.uk  
Date: 23 April 2013

Dear Mr Hutt,

**Town and Country Planning Acts 1990 (as amended)**  
**Appeal by Mr Ronny Gottschlich**  
**Site at 3 Albert Street, London, NW1 7LU**

I write in connection with the appeal regarding the above address relating to the formation of a terrace on the existing roof to include glass balustrade for use by upper floor flat.

The Council's case is set out in detail in the delegated officer's report (ref: 2012/5500/P) that has already been sent with the questionnaire and should be relied on as the principal Statement of Case. Copies of the relevant LDF policies and accompanying guidance have also been sent with the questionnaire.

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 appellants grounds of appeal and further matters that the Council requests be considered if the Inspector is minded to grant permission.

**Summary of the case**

**Reason for refusal:**

The appeal relates to a positive contributor in the Camden Town Conservation Area. The proposed terrace is unacceptable in design grounds. By virtue of the siting, scale and material finish the proposed terrace would appear as an incongruous addition to the host building failing to respect its character and integrity in addition to failing to preserve and enhance the character and appearance of the conservation area

The Council consider however that the terrace would not cause harm to the amenity enjoyed by neighbouring residents.

### Relevant history:

It is important to note that there is currently a roof terrace present at the application site which occupies the entire roof area. This terrace is unlawful and subject to an Enforcement Notice. Planning permission was granted on 02 October 2012, for a reduced sized terrace which would not be visible from the public realm, a plan of which is shown in Appendix 1. The applicant then submitted another application for a terrace which is smaller than what has been built but larger than what has been approved. It is this latest proposal that is the subject of this appeal.

### Status of Policies and Guidance

The full text of the relevant policies was sent with the questionnaire documents.

On 8th November 2010 the Council **formally adopted** the Core Strategy and Development Policies documents of the Local Development Framework. These documents have been through an Examination in Public, and the appointed Inspector found the documents to be sound in a decision published on 13th September 2010. Therefore at the time of the determination of this appeal 'The Development Plan' for the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004 was Camden Core Strategy and Camden Development Policies. The relevant Local Development Framework policies as they relate to the reasons for refusal are:

CS14 (Promoting high quality places and conserving our heritage)  
DP24 (Securing high quality design)  
DP25 (Conserving Camden's heritage)

In refusing the application the Council also refers to supporting guidance in Camden Planning Guidance 1(Design) which was subject to public consultation and was approved by the Cabinet on 6 April 2011.

The council's policies are therefore recent and up to date. They should be given full weight in accordance with para 214-216 of the NPPF. There are no material differences between the council's policies and the NPPF in relation to this appeal.

### Summary of appellants grounds of appeal

The appellants grounds of appeal is set out within the planning appeal form together with an email from the appellant to their agent dated 12 July 2012. These can be summarised as follows.

- i. The terrace will not be an incongruous addition to the host building and the siting, scale and material finish of the proposal will not detract from the character of the property or the conservation area;
- ii. There are many established and visible terraces in the nearby area;
- iii. The proposed balustrade is set away from the adjoining residents/owners and the proposal will not impact on the privacy of neighbouring properties;

The contents of the email dated 12 July 2012 relate to the process of how the terrace as existing was established in 2011. As the email is dated prior to refusing this application, it doesn't make specific reference to the Council reasons for refusing the application. As such no comments will be made with regard to the contents of the email.

## **Comments on the Grounds of Appeal**

i.

Although the principle of a terrace has been accepted and one of a reduced scale approved at the property only last year, what has been proposed under this application is not considered appropriate to either the host property or the conservation area.

As the host building exists, it is a characterful property identified as making a positive contribution to the Camden Town conservation area. The host building forms part of a high quality streetscape, Nos.1-5 are a group of three early 19th century houses with a triumphal arch plaster centrepiece with pilasters at to the front of the application property. Together the buildings skilfully follow the curve of the street into Mornington Place. As such any form of development that would be visible from the streetscene would need to be sympathetic and complement the character of the parent building and the terrace within which it is located.

The proposed terrace due to its siting and scale, would be visible from street level and longer range views from both Albert Street and Mornington Place. It would also be visible from private views from properties to the front of the application site and also located to the rear at Mornington Place and Mornington Terrace. The Council consider that the proposed terrace fails to complement the elevations of the parent building and pays little regard to the setting and context of the parent building and wider area. Although one has been previously approved at the application site, as the approved application is of a lesser scale the impact would be mitigated by the siting and scale of the terrace.

Furthermore, the proposed material – glass with a blue tint, bears no relationship with the parent building or the conservation area and given the siting and scale of the terrace would undoubtedly cause harm to the conservation area, appearing as an incongruous addition to the roof of this characterful property.

In light of the above, the Council would contest the point that the appellant does not believe the terrace will be an incongruous addition to the host building and its siting, scale and material finish of the proposal will not detract from the character of the property or the conservation area. The Council has not acted unreasonably in refusing the application on the grounds that it would impact detrimentally on the surrounding conservation area and would appear as an incongruous addition at roof level due to the siting, scale and material finish of the proposed terrace.

ii.

The Council would disagree that there are many established terraces within the nearby area and do not consider these to be a characteristic of this part of the conservation area. It is noted there is a terrace to the rear of the Victoria Pub on Mornington Terrace which is at second floor level and visible from Albert Street, however this is lightweight in appearance due to its metal balustrade and not overly dominating. Other terraces which are on the front elevation of the properties on the opposing side of Albert Street form part of the original character of these properties, which are relatively modern additions to the streetscene and not traditional buildings. In terms of terraces on traditional properties within the locality, it is noted that there are a few terraces within the area, however these are all located to the rear of dwellings and are not visible from the public realm.

iii.

The application was not refused on grounds of amenity, the Council does not consider the development would impact on the amenity enjoyed by neighbouring residents to an extent that it would warrant a refusal on planning permission on these grounds.

## **Conclusions**

Having regards to the entirety of the Council's submissions, including the content of this letter, the Inspector is respectfully requested to dismiss the appeal.

Without prejudice to the outcome of the appeal, the Inspector is also asked to consider the imposition of the conditions included as an *Appendix 2* to this letter should the appeal be allowed.

If any further clarification of the appeal submissions are required please do not hesitate to contact **Seonaid Carr** on the above direct dial number or email address.

Yours sincerely

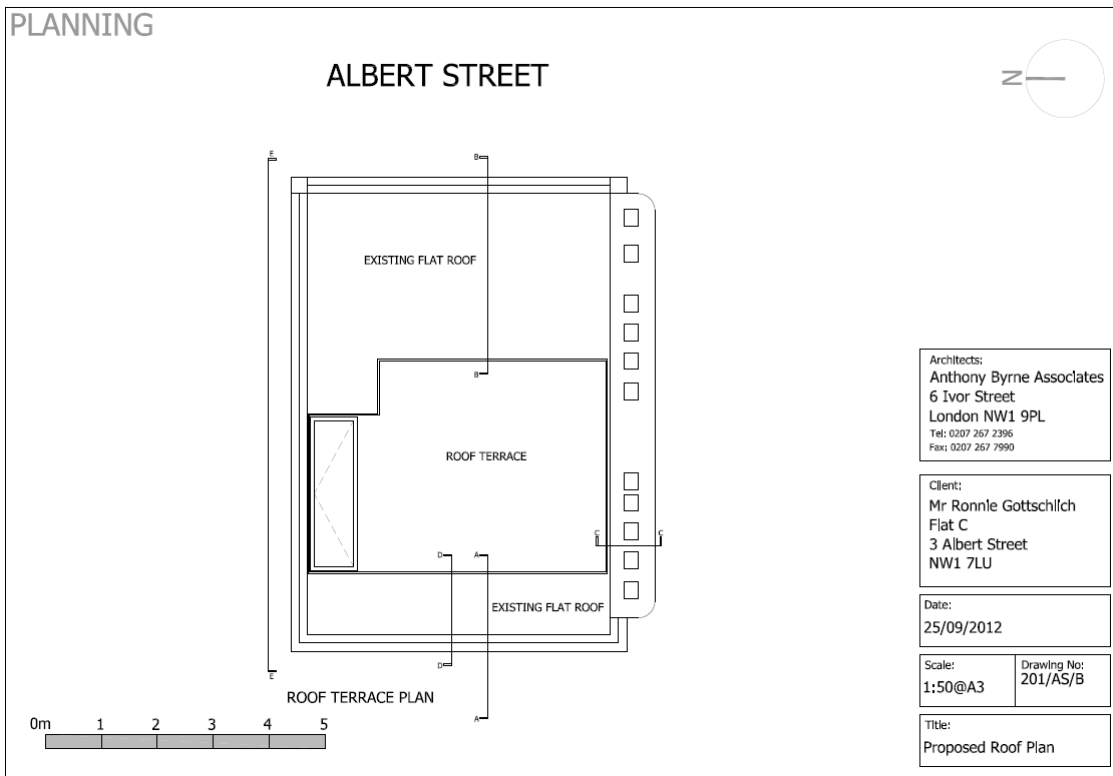
**Miss Seonaid Carr**  
Planning Officer  
Culture and Environment Directorate

**List of Appendices**

Appendix 1 – Approved Plan for application 2012/3937/P

Appendix 2 - Proposed Conditions

**Appendix 1 - Approved Plan for application 2012/3937/P**



## **Appendix 2 – Proposed conditions**

**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: 100/AS, 101/AS, 102/AS, 103/AS, 104/AS, 201/AS, 202/AS, 203/AS, 204/AS and 205/AS.

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

**3**

The existing balustrade which forms the existing terrace shall be removed within 3 months with all fixtures and fittings removed and all works made good.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 and DP25 of the London Borough of Camden Local Development Framework Development Policies.

**4**

All new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the existing building, unless otherwise specified in the approved application. Following the removal of the existing terrace the roof of the terrace shall be returned

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 and DP25 of the London Borough of Camden Local Development Framework Development Policies.