

Mr John Sheehy  
Development Control  
Planning Services  
London Borough of Camden  
Town Hall  
Argyle Street  
London  
WC1H 8ND

Ref: 129(A)-D01-120202- letter refusal response

2<sup>nd</sup> February 2012

Dear Mr Sheehy

**RE: 10-13 Charlotte Place Revised Planning Application: Statement of response to Reasons for Refusal: REF: 2011/3962/P**

Further to our application submitted in summer 2011 and determined on 11<sup>th</sup> November 2011 (REF: 2011/3962/P). We write to advise you of revisions for our updated design. This new design responds directly to your concerns set out in your refusal letter dated 11<sup>th</sup> November 2011.

Below we have listed the specific changes to the design and a written response explaining how we have responded to your specific reasons for refusal. This letter is to be read in conjunction with the revised and additional documentation formally submitted as part of our revised application and set out at the end of this letter along with an appended copy of the formal letter of refusal.

Key Design Changes in Revised Application:

The following design changes have been adopted to directly respond to your concerns:

- Reduction in overall height of proposed extension by 200mm to reduce overall massing.
- Dormer windows for Charlotte Place elevation have been set back behind direct line of sight from street to reduce impact on Conservation Area.
- Rear sloped, slated mansard roof introduced at rear of extension in place of vertical brickwork to reduce overall massing and maintain the character of the Conservation Area.
- Introduction of intermediate, leaded parapets to the mansard roof of all sides to maintain 'rhythm' of original facade below and reduce impact on Conservation Area.
- Introduction of reclaimed existing chimney stacks to central parapet to reflect the importance of these features.
- Drawings produced at 1:50 scale with more drawn, design detail and annotation to clarify detailed design intent.

- Production of daylight and sunlight analysis to follow BRE guidance 'Site Layout planning for daylight and sunlight'.

Response to key points set out in 'Reason(s) for Refusal outline in refusal letter dated 11<sup>th</sup> November 2011:

The following numbered points refer directly to numbered 'Reasons for Refusal' in the above letter and our response to key points quoted. There is an appended copy of the refusal at end of this letter:

Reason 1.

We have responded to your concerns over the 'scale' of the proposal by reducing the overall height and volume of the roof extension as well as setting back the street-facing dormer windows further to avoid pedestrian sight lines. The overall height of the roof top has been reduced by 200mm and the rear brick wall has been replaced with a sloping, slate, mansard. Furthermore we have broken up the apparent massing by means of the introduction of intermediate parapets to reflect the building lines below.

The 'location' of the proposed roof extension still remains across all 4 buildings. We however believe that the design changes set out above result in a proposal that does not adversely affect the location or surrounding buildings.

The 'detailed design' has been considered further as set out above and we believe that these changes show a response to the concern over the detailed design considerations. We are working exclusively with traditional materials that are in keeping with the Conservation Area. The introduction of the slated, sloped mansard at the rear reflects our understanding over concerns even in an area that will be seen by a minority of people that view the building in context. Furthermore we have produced our drawings at an enlarged scale with greater drawn and annotated detail to respond to concerns highlighted previously.

We believe that the proposed alterations create a design which, while extending the existing buildings in the Conservation Area also respond to the concern that the previous scheme 'fail[ed] to respond to the setting'. We have improved the development by reducing scale, responded to the existing buildings elevational pattern and proportion.

In considering all the above design changes we feel we have developed a design that is consistent with planning policy, and does not 'harm the character and appearance of the host buildings, the streetscene and the Charlotte Street Conservation Area'.

The concept of a Conservation Area is not to prevent development. Recent government guidance in PPS5 directs that there is preservation of heritage assets, so that any proposed development should respect such assets. Development can be progressive, but must respect, preserve and enhance. We believe our proposal does this.

In reaching these objectives account has been taken of the site and its surroundings. We believe rooftop development is a symptom of Charlotte Street Conservation Area. We have designed our revised proposals sensitively to conform to these aspirations. The Conservation Area would certainly not be harmed.

It is true that it is not enough to say that such development would not be visible from ground level. Yet, even from the higher floors of surrounding buildings, the scheme would not appear disproportionate or out of place.

For these reasons, the previous objection alleging prominence and 'top heavy' is not justified for this scheme. We ask Council officers to be reasonable and positive in considering this revised scheme.

#### Reason 2.

We have commissioned daylight and sunlight analysis for both the refused scheme (following the refusal) and for the revised scheme and both comply with BRE guidance 'Site layout planning for daylight and sunlight; a guide to good practice' (1991). Please see the report (REF: BRE Daylight and Sunlight 030212) which set out compliance for the revised scheme.

As such we believe that there are no adverse daylight or sunlight issues associated with the development and as such any implied references to adverse effect or 'likely' effects cannot be upheld.

#### Reason 3.

With regards to parking related matters: The applicant is prepared to enter into a legal agreement to secure car free housing and as such we believe that this reason for refusal can be overcome. We look forward to reviewing Camden's proposed requirements.

#### Reason 4.

With regards to Code for Sustainable homes- Level 3. The proposal endeavours to show a proactive response to the sustainability of the development and we have proposed active proposals with regards to onsite renewables, energy efficient construction and high levels of thermal performance, within the constraints of an existing building in a Conservation Area. We understand from our advisors that Code assessment cannot be correctly scored in schemes where proposals are extensions to existing buildings. The applicant is however prepared to enter into a legal agreement to secure and acceptable Level 3 equivalent for the extension and as such we believe that this reason for refusal can be overcome.

#### Reason 5.

With regards to 'justification why proposed development could not provide a residential unit comprising 2-bedrooms or more'. Both the refused scheme and the proposed scheme propose 2 No 1 bedroom units. These units meet the minimum area recommended by both Camden and London Housing Design Guide (Interim Edition). It would not be possible for to provide a 2 bedroom unit in parallel with a one bedroom unit without failing to meet these important and requisite space standards.

Furthermore there is a mix of accommodation types across the 4 properties in question (when including the existing accommodation which is under the same ownership) that provides a balance of residential accommodation including 'self contained homes'.

We trust that the above clearly sets out how we have responded to your concerns over our previous design and justifies why the proposed revisions are for a design that can be supported.

Yours sincerely,

A handwritten signature in dark ink, appearing to read 'Matthew Springett', with a stylized, cursive script.

Matthew Springett  
**MSA**

Continued.

This letter is to be read in conjunction with the following documents submitted as part of a Revised Full Planning Application:

Drawings:

129(A)-100	129(A)-205	129(A)-310
129(A)-200	129(A)-211	129(A)-311
129(A)-201	129(A)-212	129(A)-400
129(A)-202	129(A)-213	129(A)-401
129(A)-203	129(A)-300	129(A)-410
129(A)-204	129(A)-301	129(A)-411

Documents:

129(A)-D01-120202 Design and Access Statement  
129(A)-D01-120202 Environmental Considerations Statement  
129(A)-D01-120202 Lifetime Homes  
129(A)- D01-120202-SAP Calcs-Premier Consultants Ltd  
BRE Daylight and Sunlight 030212

Appendix:

Decision Letter dated 11<sup>th</sup> November 2011- REF 2011/3962/P (Attached)

MSA Limited  
70 Hatton Garden  
London  
EC1N 8JT

Application Ref: **2011/3962/P**  
Please ask for: **John Sheehy**  
Telephone: 020 7974 **5649**

11 November 2011

Dear Sir/Madam

### DECISION



Town and Country Planning Acts 1990 (as amended)  
Town and Country Planning (General Development Procedure) Order 1995  
Town and Country Planning (Applications) Regulations 1988

#### Full Planning Permission Refused

Address:  
**10, 11, 12 and 13 Charlotte Place**  
**London**  
**W1T 1SH**

Proposal:  
Erection of roof extension on 10-13 Charlotte Place to provide 2 x 1 bedroom self-contained flats (Class C3) relocation of water tanks to roof, installation of solar panels on roof and extension of kitchen extract on rear elevation of 13 Charlotte Place.  
Drawing Nos: 129-100, 202a, 203a, 204a, 205a, 211a, 212a, 213b, 300, 301, 310a, 311a, 400a, 401a, 410b, 411a; SAP2009 calculations by Premier Consultants Ltd; Environmental Considerations Statement by MSA dated August 2011; Lifetime Homes Standards by MSA Dated August 2011;

The Council has considered your application and decided to **refuse** planning permission for the following reason(s):

#### Reason(s) for Refusal

- 1 The proposed additional floor, due to its scale, location and detailed design would result in a prominent, obtrusive and top-heavy extension, which would fail to respect its setting and context and would harm the character and appearance of the host





buildings, the streetscene and the Charlotte Street Conservation Area. This would be contrary to policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policies DP24 and DP25 of the London Borough of Camden Local Development Framework Development Policies.

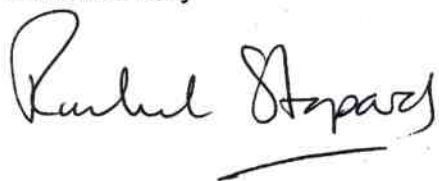
- 2 The proposed additional floor, in the absence of a daylight analysis assessing its impact upon the adjacent residential properties on Rathbone Street and Charlotte Place, would be likely to result in the loss of daylight to these residential properties which would be detrimental to the amenity of occupants, contrary to policy CS5 of the London Borough of Camden Local Development Framework Core Strategy and policy DP26 of the London Borough of Camden Local Development Framework Development Policies.
- 3 The proposed development, in the absence of a legal agreement to secure car-free housing, would be likely to contribute unacceptably to parking stress and congestion in the surrounding area, contrary to policies CS11 (Promoting sustainable and efficient travel) and CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Local Development Framework Core Strategy and policy DP18 (Parking standards and the availability of car parking) of the London Borough of Camden Local Development Framework Development Policies.
- 4 The proposed development, in the absence of a legal agreement to secure Level 3 of the Code for Sustainable Homes and on-site renewable energy measures, would fail to incorporate adequate levels of environmental performance and contribute to the Council's aims of tackling climate change, contrary to policy CS13 (Tackling climate change) of the London Borough of Camden Local Development Framework Core Strategy and policy DP22 (Promoting Sustainable Design and Construction) of the London Borough of Camden Local Development Framework Development Policies.
- 5 In the absence of justification why the proposed development could not provide a residential unit comprising 2-bedrooms or more, the development would fail to contribute the creation of mixed and inclusive communities by securing a range of self-contained homes of different sizes, contrary to policies CS6 (Providing quality homes) of the London Borough of Camden Local Development Framework Core Strategy and policy DP5 (Homes of different sizes) of the London Borough of Camden Local Development Framework Development Policies.

Informative(s):

- 1 Without prejudice to any future application or appeal, the applicant is advised that reason for refusal No.2 (Daylight) may be overcome by the submission of an independent daylight analysis which would assess the impact of the development on the windows of the adjacent residential properties on Rathbone Street and Charlotte Place. This analysis should follow the BRE guidance 'Site Layout planning for daylight and sunlight; a guide to good practice' (1991).

Your attention is drawn to the notes attached to this notice which tell you about your Rights of Appeal and other information.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Rachel Stopard', with a horizontal line drawn underneath the name.

Rachel Stopard  
Director of Culture & Environment

It's easy to make, pay for, track and comment on planning applications on line. Just go to [www.camden.gov.uk/planning](http://www.camden.gov.uk/planning).



## **Refusal of planning permission or grant of permission subject to conditions and other information.**

### **The applicant's right to appeal and other information**

#### **1. Appeals to the Secretary of State**

- If you are unhappy about the Council's decision to refuse planning permission or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country planning Act 1990.
- You must submit your appeals within 6 months of the date of decision, unless it is an appeal against a decision to refuse planning permission for a householder application, or an appeal the same or substantially the same development is subject to an enforcement notice.
- For appeals against a decision to refuse planning permission for a householder application you must submit your appeal within 12 weeks of the date of the decision.
- For appeals against a decision to refuse planning permission where the same or substantially the same land and development is subject to an enforcement notice, you must submit your appeal either:
  - Within 28 days of the date of decision or the expiry of the period which the Council had to decide the application; or
  - Within 28 days from the date the enforcement notice is served providing this does not extend the period beyond the time limit for appeals which do not involve an enforcement notice.
- Appeals must be made using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online at [www.planningportal.gov.uk/pes](http://www.planningportal.gov.uk/pes).
- The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

**Note:** Refusal of planning permission includes refusal of applications for non material amendments, extension of time limits and variation of conditions including minor material amendments.