

**Supplemental Planning Statement for application 2014/3814/P**

**Site Address:** Flat 4, 64 Lawford Road, London, NW5 2LN

**Proposal:** Proposed Roof Extension and Creation of Terrace Area

**Local Planning Authority:** London Borough of Camden

**1.0 Introduction**

- 1.1.1 This is a supplementary planning statement to be read in conjunction with the planning application and accompanying drawings and documents that have been prepared and submitted under planning reference: 2014/3815/P.
- 1.1.2 The statement does not seek to amend any of the application, but merely provides 'planning policy' support for the development for which planning permission is being sought.
- 1.1.3 The statement has been predicated by the concerns expressed so far in the planning application process by Officers, who have cited an objection to the creation of a roof extension and terrace by reason of the harm caused through the removal of the 'valley roofs' on the rear elevation of the building.
- 1.1.4 Objections on this basis are refuted by ourselves, on behalf of our Client, on the basis of an improper and unbalanced reliance on the prescriptive nature of the Council's supplementary guidance [SPD on Design (CPG1) and the Bartholomew Estate Conservation Area Appraisal and Management Strategy], over and above the heavily weighted materiality of the policies of the Framework as a whole.
- 1.1.5 This statement establishes that there is an identified and clear need for the development under the terms of policy 3.8 of the London Plan (2011) and policy DP 24 of LB Camden's Development Policies (2010).
- 1.1.6 An assessment is then made of the impact of the proposed development in terms of quantifying the harm that would be caused, if any, as our case establishes. Moreover, if the decision maker is minded to come to the conclusion that harm would be caused by the development, this is still insufficient in and of itself to form the basis for a refusal of planning permission, as paragraph 135 of the Framework establishes:

*"The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset."*

- 1.1.7 It is our firm contention that the proposed development has evolved through the design process to take into account the key features of this building that are worthy of protection, and by incorporating and retaining these sensitively into the final design solution, any harmful impact on the non-designated heritage asset (64 Lawford Road) has been avoided.
- 1.1.8 However, if, in the mind of the decision maker, there is a harmful impact on the significance of this non-designated heritage asset and the conservation area as a whole, then through any reasonable assessment under paragraph 135 of the Framework, it must be concluded that the harm on significance is minimal, and permission should not be withheld for this reason.

## 2.0 Site Description

- 2.1.1 The application site comprises of a second floor residential apartment (C3 use) at 64 Lawford Road, which is a three storey Victorian building positioned on the south-western side of the junction between Lawford Road and Bartholomew Road.
- 2.1.2 The building was formerly in use as a public house known as “The Duke of Cambridge” and this is evidenced though the retention of the frontage and sign on the Lawford Road street scene. The building is characterised by its attractive stucco facades, cornices and parapet walls above the second floors.
- 2.1.3 Since the cessation of the previous use, the building has been sensitively converted into residential apartments. The area to the rear of the building comprises of a private and communal areas of amenity space. The applicant and the other leaseholders of the building have retained the attractive facades of the building through sympathetic maintenance.
- 2.1.4 The building is positioned within sub-area 3 of the Bartholomew Estate Conservation Area, and is specifically referred to within the Conservation Area Appraisal and Management Strategy:

*“At the corner of Lawford Road and Bartholomew Road is a shop and a former public house ‘The Duke of Cambridge’. The latter has recently been granted planning permission for conversion into residential units but maintains the exterior character of the public house. There is an enlarged public space outside these two buildings with remnants of York stone paving.”*

- 2.1.5 The rear elevation of the building and the street scene/ views within which it sits are not specifically referenced anywhere within the Conservation Area Appraisal and Management Strategy.

### 3.0 Planning Policy Context

#### 3.1 National Planning Policy Framework ("The Framework")

- 3.1.1 In 2012, the government published the National Planning Policy Framework, and following the associated revocation of the various national planning policy guidance notes that preceded this framework, this is now the most relevant and material of national planning policy documents.

#### 3.2 Planning Practice Guidance ("PPG")

- 3.2.1 In 2014, the Government issued the web-based tool entitled Planning Practice Guidance, and the sections within this guidance tool are relevant to the consideration of this development, specifically in respect of the sections on 'design' and 'the historic environment'.

#### 3.3 London Plan (2011)

- 3.3.1 The following table sets out the relevant policies contained with the London Plan that are relevant to the consideration of this application.

Policy:	Policy Description:
Chapter 3 (3.5)	Quality and Design of Housing Developments
Chapter 3 (3.8)	Housing Choice
Chapter 7 (7.1)	Building London's Neighbourhoods and Communities
Chapter 7 (7.2)	All Inclusive Environment
Chapter 7 (7.4)	Local Character
Chapter 7 (7.6)	Architecture
Chapter 7 (7.8)	Heritage Assets and Archaeology

3.4 London Borough of Camden Adopted Core Strategy and Development Policies (2010)

3.4.1 The following table sets out the relevant policies contained within the Core Strategy and the Development Policies of LB Camden

<b>Core Strategy Policy:</b>	<b>Policy Description:</b>
CS 14	Promoting High Quality Places and Conserving Our Heritage
<b>Development Policies:</b>	<b>Policy Description:</b>
DP 24	Securing High Quality Design
DP 25	Securing Camden's Heritage
DP 26	Managing Impacts of New Development on Occupiers and Neighbours
<b>Supplementary Planning Document:</b>	<b>Document Description:</b>
CPG 1	Design
<b>Other Document:</b>	<b>Document Description:</b>
CAA & MS	Conservation Area Appraisal and Management Strategy – Bartholomew Estate (2000)

#### **4.0 Appraisal of the policies of the Local Plan against those of the Framework**

##### **4.1 Introduction to Assessment**

4.1.1 The Core Strategy and Development Policies were adopted in 2010, and therefore prior to the publication of “the Framework” in 2012. When assessing any planning application using a Local Plan that was adopted prior to the publication of the Framework, it is necessary to consider whether or not the former policies are ‘consistent’ with those of the latter.

4.1.2 This necessity is clearly established in the Framework, as below:

*“The planning system is plan-led. Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations dictate otherwise. This Framework is a material consideration in planning decisions.*

*“In assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.*

*“... due weight should be given to relevant policies in existing plans according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).”*

*(Paragraphs 196, 197 and 215 of the Framework respectively)*

4.1.3 As paragraph 215 of the Framework states, where the policies within the Local Plan are not consistent with those objectives of the Framework as a whole, there is a clear requirement for a greater, and in some cases more absolute weight, to be given to the policies of the Framework over those of the Local Plan.

##### **4.2 What the Framework says about Design?**

4.2.1 The Framework is clear within the Core Planning Principles (paragraph 17) of the necessity of a high quality of design within the overarching aims of sustainable development:

*“Planning should... 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.”*

- 4.2.2 Section 7 of the Framework establishes the need for development to sympathetically respond to local character and distinctiveness, as well as the important part that innovation and a variation of building styles, forms and materials can have in achieving a high quality of design:

*“Planning policies and decisions should aim to ensure that developments... respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation”.*

*“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 and styles. It is, however, proper to seek to promote or reinforce local distinctiveness.”*

*(Paragraphs 58 and 60 of the Framework respectively)*

- 4.2.3 It is clear from the above policies that, provided that a design solution has been reinforced through a proper and clear appraisal of the local context and character areas of distinctiveness, that planning permission should not be withheld.
- 4.2.4 It is also evident from the above policies that local planning authorities should not seek to impose architectural styles and building forms on development. Initiative, originality and innovation in design are all aspects of high quality, and should not be dissuaded by a strict and narrow implementation of prescriptive policies and guidance. Moreover, the local planning authority should, in accordance with the presumption in favour of sustainable development, seek to embrace good quality and innovative design.

*“Local planning authorities should not refuse planning permission for buildings or infrastructure which promote high levels of sustainability because of concerns about incompatibility with an existing townscape, if those concerns have been mitigated by good design (unless the concern relates to a designated heritage asset [Note: In this case, the Conservation Area] and the impact would cause material harm to the asset or its setting which is not outweighed by the proposal’s economic, social and environmental benefits).”*

*(Paragraph 65 of the Framework)*

#### 4.3 What the Local Plan policies and guidance say about Design?

4.3.1 The Core Strategy and Development Policies provide reference to design, and refer to the need for development to respond appropriately to locally distinctive contexts, and to preserve and seek to enhance the character of buildings, street scenes and the wider surrounding area.

4.3.2 The detailed policy guidance in respect of design is included in the Supplementary Planning Document: CPG1 – Design, which, with regards to roof extensions and terraces, provides the following guidance that has been selected from a not in-exhaustive list on the basis of relevance to the concerns raised under this application:

*“5.8. A roof alteration or addition is likely to be unacceptable in the following circumstances:*

- *There is an unbroken run of valley roofs”*

4.3.3 The particular reference to an unbroken run of valley roofs has been specifically picked out of section 5.8 as it forms the basis for the Officer’s concern with this application. It is also a very good example of a highly restrictive and prescriptive policy that fails to take into account the greater flexibility required by the Framework, and specifically paragraph 65 (referenced under paragraph 4.2.4 above).

4.3.4 The Supplementary Planning Document: CPG1 – Design, also states that roof terraces are unlikely to be acceptable in the following circumstances:

- *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 coordinated design;*

- *Buildings or terraces which have a roof line that is exposed to important London-wide and local views from public spaces;*

- *The building is designed as a complete composition where its architectural style would be undermined by any addition at roof level;*

- *Buildings are part of a group where differing heights add visual interest and where a roof extension would detract from this variety of form.*

4.3.5 Where roof terraces are considered to be acceptable, the SPD CPG 1: Design states that:

- *A terrace provided at roof level should be set back behind the slope of a pitched roof in accordance with Figure 7, or behind a parapet on a flat roof. A terrace should normally comply with the following criteria:*
- *The dimensions of the roof should be sufficient to accommodate a terrace without adversely affecting the appearance of the roof or the elevation of the property.*
- *A terrace will only normally be acceptable on the rear of properties. It is normally inappropriate to set back a mansard to provide a terrace.*
- *It should not result in the parapet height being altered, or, in the case of valley/butterfly roofs, the infilling of the rear valley parapet by brickwork or railings.*
- *Any handrails required should be well set back behind the line of the roof slope, and be invisible from the ground.*

4.3.6 Again, the implications of this restrictive policy on design do not avail the opportunities for innovation of building style, form or materials to provide an acceptable and sympathetically responsive design solution. The policy is highly and unnecessarily prescriptive. It is also prone to excessively strict and inflexible interpretations that lack discretionary implementation in the assessment of schemes by Officers.

4.3.7 Both the planning policy guidance in this section and its interpretation by Officers during this application are considered to be out-of-date with the planning policies and approach which is promoted in the design section within the Framework, and specifically under paragraph 60, which we reiterate again:

*“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 and styles. It is, however, proper to seek to promote or reinforce local distinctiveness.”*



4.4 What does the Framework say about Conservation Areas?

- 4.4.1 Firstly, it should be recognised that 64 Lawford Road is an undesignated heritage asset, insofar as that it is not statutorily or locally listed but that it is afforded some protection by reason of the fact that it sits within a Conservation Area. This is of great relevance in terms of the particular assessment that this application demands from Officers.
- 4.4.2 Paragraph 131 of the Framework establishes the important determinative points for the local planning authority's assessment of the application, of which the most relevant to this case is as follows:

*"... (iii) The desirability of new development making a positive contribution to local character and distinctiveness." (Paragraph 131 of the Framework)*

- 4.4.3 The Bartholomew Estate Conservation Area is a designated heritage asset, and as the application site is located within sub-area 3 of this designated asset, then there is a desirability and great weight to be afforded to its conservation under paragraph 132 of the Framework. The following paragraph of the Framework, 133, deals with substantial harm to the conservation area such as its total loss. Clearly this application does not fall within the realms of paragraph 133.
- 4.4.4 Paragraph 134 of the Framework relates to less than substantial harm to the heritage asset. As the building itself is non-designated, and as the photomontages (05 – 08) provided with the application show that there will be limited visibility of the proposal, any reasonable assessment could only conclude that there would be negligible harm caused to the designated heritage asset. No balance against public benefits is therefore required.
- 4.4.5 The application does, as previously stated, relate to the development of a roof extension/terrace on a non-designated heritage asset (i.e. the building). Any impact arising from this more local context needs to be assessed in respect of the contents of paragraph 135 of the Framework:

*"The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss of the significance of the heritage asset".*

4.4.6 In terms of the effect of the development on the non-designated heritage asset, and therefore any harm or loss of significance to the Bartholomew Conservation Area, this needs to be placed into the balance against the 'scale of any harm'.

4.4.7 In terms of the comparison with the Local Plan policy approach, it must be stressed that harm maybe permissible to a heritage asset in certain circumstances under the Framework, and that this harm does not necessarily result in the automatic refusal of permission as would otherwise be required by the out-of-date heritage policies and guidance of the Local Plan.

#### 4.5 What the Local Plan policies and guidance say about Design?

4.5.1 The Local Plan states under policy DP 25 of the Development Policies that:

*"In order to maintain the character of Camden's conservation areas, the Council will:*

*(a) Take account of conservation area statements, appraisals and management plans when assessing applications within conservation areas;*

*(b) Only permit development within conservation areas that preserves and enhance the character and appearance of the area."*

4.5.2 The contents of policy DP 25 does not avail the decision maker any scope to recognise harm to a heritage asset, and to balance this against the scale of the harm and make a judgement on the same. The policy is inconsistent with the aforementioned references to the heritage policies of section 12 of the Framework.

4.5.3 Moreover, policy DP 25 places a reliance on the conservation area appraisal and management strategy for the conservation area, which although being very useful in terms of its contents and description of the areas, its positive and negative attributes, and its threats and pressures, is a highly prescriptive document that fails to provide any balance between competing objectives, and nor does it seek to differentiate between levels of harm.

4.5.4 The conservation area appraisal and management strategy for the Bartholomew Estate Conservation Area is a useful document for assessing the significance of the area, its qualities and the points to which special attention needs to be given in assessing design, and flowing from this the form of prospective development.

4.5.5 The conservation area appraisal and management strategy therefore only feeds into the assessment of significance. The Framework requires the decision maker to go beyond just this consideration, and to then assess the scheme overall (i.e. in the balance), and to

consider the extent of any harm as part of this. It is considered that in this manner the conservation area guidance only carries limited weight in terms of the material considerations and process of assessment in paragraph 135 of the Framework.

## **5.0 Need and Housing Choice**

### **5.1.1 Policy 3.8 of the London Plan states that:**

*“Londoners should have a genuine choice of homes that they can afford and which meet their requirements for different sizes and types of dwellings in the highest quality environments.”*

5.1.2 The proposed development seeks planning permission to provide a further layer of living accommodation onto the existing dwelling house. This would provide both a quantitative and qualitative improvement for the living conditions of this property through enhanced layout and space, as well as by means of a well-lit and ventilated top floor of accommodation.

5.1.3 Evidently it is not just the internal living arrangements for the property that would be enhanced, but also the external amenity areas with the creation of a large open terrace area that will ‘spill’ out of the top floor addition through glazed openings. The whole development will sit neatly back from the rear elevation, allowing a significant proportion of the traditional valley-ed roof to be retained.

5.1.4 Moreover, a key planning consideration in the assessment of this application is the qualitative improvement to the living conditions and therefore the health and well-being of the family that resides within this home. The applicants have a strong desire to stay within their existing home and in order to achieve this there is a genuine need for further accommodation, and an enhanced outdoor amenity area. This can only realistically and feasibly be achieved through extending into the roof space.

5.1.5 The Local Plan policies are supportive of the creation of outdoor amenity space (as is the London Plan SPD: Housing), and policy DP 24 states:

*“Private outdoor amenity space can add significantly to resident’s quality of life and applicants are therefore encouraged to explore all options for the provision of new private outdoor space...”*

*Gardens, balconies and roof terraces are greatly valued and can be especially important for families”.*

## **6.0 Conclusion**

- 6.1.1 This statement seeks to demonstrate that the proposed development to 64 Lawford Road is an acceptable and policy compliant form of development, which would enhance the living conditions of the existing and any future occupiers in accordance with policy 3.8 of the London Plan (2011) and policy DP 24 of the Development Policies (2010).
- 6.1.2 There are very strong reasons for ensuring that the design of the development: (i) is not overtly visible in terms of the visual amenity of the undesignated building itself, and within the wider context of the conservation area; and (ii) does not have a significantly harmful and unjustified impact on the significance of the conservation area.
- 6.1.3 It is contended that the local plan policies relevant to design and the historic environment are not in strict conformity with the policies of the Framework, and that for this reason greater weight should be afforded to the innovative design and initiative that has been fed into the manner in which this scheme has evolved.
- 6.1.4 A less prescriptive approach should be given to the assessment of design in this instance, when it is clear that there is no/ low harm and that adequate attempts have been made to retain a key characteristic of the undesignated building, namely the valley roof forms.
- 6.1.5 In terms of the impact of the development on the significance of the heritage asset (Bartholomew Estate Conservation Area), the decision maker is respectfully requested to carefully consider the contents of paragraph 135 of the Framework (again, below) against the proposed street views 05 – 08 submitted with the original planning application.

*“The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss of the significance of the heritage asset”.*

- 6.1.6 There is only partial visibility of the roof extension in long-range views (07 and 08). The valley roof form on 64 Lawford Road is not featured within the assessment in the conservation area appraisal, and nor is the view along Bartholomew Road. The harm that the extremely limited visibility of the roof extension would have is negligible, and we would respectfully request that the application should be recommended for approval.

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