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Our Ref: **2013/7585/P**

Your Ref: **APP/X5210/A/14/2218052**  
Please ask for: Gavin Sexton

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17<sup>th</sup> June 2014

Dear Chris Ries,

Town and Country Planning Acts 1990 (as amended)  
Appeal by Linden Wates (West Hampstead) Ltd c/o Agent  
Site at Gondar Gardens NW6

I write in connection with the above appeal against the refusal of planning permission (Camden reference 2013/7585/P) dated 7<sup>th</sup> March 2014 for the ***“Redevelopment of reservoir street frontage to provide 28 residential units in 2 blocks from lower ground to 3rd floors with basement parking, following substantial demolition of roof and internal structure of reservoir and subsequent re-landscaping.”***

The main substantive reason for refusal is design. The proposed development is considered to be monolithic, harsh and orthogonal in form. The local townscape is characterised by a strong vertical emphasis arising from slim plot widths, narrow bays and a high degree of articulation, has a visually varied and interesting roofscape and has a richness of architectural detailing through the use of brick, moulding and decoration. The proposals fail to respond to or promote this local distinctiveness, which has been identified and valued by the inspectorate in dismissing previous appeals. The prevailing visual richness of the local townscape character is well maintained and acknowledged by the Council and local residents.

The decision to refuse permission was made during a public meeting of the Development Control Committee (DCC) which was held on the 27<sup>th</sup> February 2014. An extract of the relevant minutes of the meeting including the 13 reasons for refusal are attached at Appendix A. The written deputations received by the Committee Clerk in advance of the DCC are included in Appendix B.

The decision notice and DCC report have been sent with the questionnaire, as have copies of the relevant LDF policies and accompanying Camden Planning Guidance. The planning application case officer recommended approval to the committee. As a result this statement of case sets out the Council's justification for the reasons for refusal.

I would be pleased if the Inspector would consider the various matters set out below. The site has a detailed recent planning history, which is a significant material consideration in this appeal. This is discussed in section 2 (planning history). Furthermore, for reasons that will be amplified in section 2, this statement will focus on matters relating to the design of the refused scheme, as set out in Reason for Refusal #1. The remaining 12 reasons relate to S106 matters and will be dealt with in section 7.

This statement is set out as follows:

**Section 1:** (Subject of appeal) I shall provide a summary of the planning application and the reasons for refusal.

**Section 2:** (Planning history and substantive matters) I shall provide a brief summary of the planning history relating to the site.

**Section 3:** (Status of policies and guidance) I shall confirm the national, regional and local planning policies and guidance relevant to the reasons for refusal and the issues discussed in this statement.

**Section 4:** (Site and surroundings) I will describe the appeal site and surrounding area.

**Section 5:** (Consultation responses).

**Section 6:** (Assessment of design matters) I will assess how the design of the proposed development would harm the character and appearance of the streetscape and the local built environment.

**Section 7:** (S106 planning obligations) I will outline the Council's position on the requirement for section 106 obligations are set out in order to overcome reasons for refusal numbers: 2 to 13.

**Section 8:** (Planning balance and conclusion) I will conclude the arguments made in this statement.

The appendices contain supporting information as set out below, including proposed conditions, in the event that the inspector is minded to allow the appeal.

### **Appendices**

A : Minutes from Development Control Committee 27<sup>th</sup> February 2014

B : Deputation requests, extracted from Supplementary agenda of Development Control Committee 27<sup>th</sup> February 2014

C : Gondar Gardens Reservoir LDF site designations

D : Context photos

E: The Reservoir Inquiry Appeal Decision dated 1 Nov 2012 (APP/X5210/A/11/2167190)

F: The Frontage Inquiry Appeal Decision dated 03 June 2013 APP/X5210/A/12/2188091

G: Consultation responses from Miles Seaman (dated 16<sup>th</sup> Dec 2013) and Christine McCormick (dated 18<sup>th</sup> Dec 2013)

H: Proposed conditions

I: Draft S106 legal agreement

## 1. Subject of appeal

1.1 The application for the “erection of a 4 storey building with basement with terraces at front second and third floor levels to provide a maisonette at 1st-3rd floor levels (Class C3) and office/warehouse use at ground and basement levels (Class B1/B8) following the demolition of the existing building (Class B1/B8)” which is the subject of the appeal was refused on 27<sup>th</sup> February 2014. The decision notices cited 13 reasons for refusal: the first relating to design and the remaining 12 relating to the absence of a s106 legal agreement to secure appropriate mitigation measures.

1.2 For reasons which will be clarified below in section 2 the substantive focus of this statement is on Reason for Refusal #1, design, which is worded as follows:

*“The proposed development, by reason of its detailed design, would be detrimental to the streetscape and the character and appearance of the wider 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 policy DP24 (Securing high quality design) of the London Borough of Camden Local Development Framework Development Policies.”*

1.3 The remaining 12 reasons are set out and discussed in section 7.

## 2. Site history

- 2.1 The site has been the subject of two previous planning applications, each the subject of refusal and subsequent appeals. The previous appeals were both brought by the current appellant Linden Wates and were the subject of Public Inquiries. They are referred to throughout this statement as the 'Reservoir Scheme' (Appeal/Inquiry) and the 'Frontage Scheme' (Appeal/Inquiry) respectively. The chronology is summarised below:

### ***The Reservoir Scheme***

- 2.2 In June 2011 an application (2011/0395/P) was refused for "*Redevelopment of the covered reservoir structure to provide 16 x 4-bedroom residential units (Class C3) with associated parking, refuse storage and landscaping, following substantial demolition of the roof and internal structure (application is accompanied by an Environmental Impact Assessment).*" This scheme is hereinafter referred to as the 'Reservoir Scheme'.

- 2.3 The primary reasons for refusal were:

1. The proposed development, by virtue of the development on designated Open Space, would result in the loss of land protected because of its local amenity, habitat and biodiversity importance.
2. The proposed development, without the provision of sufficient affordable housing either on-site or off-site, secured by a S.106 Legal Agreement, would fail to maximise the contribution of the site to the supply of affordable housing in the borough.
3. The proposed development, by reason of the low number of residential units per hectare, would fail to maximise the contribution of the site to providing additional homes in the borough.
4. The proposed development, by virtue of its failure to provide an active street frontage, its disconnection from the local streetscene and the surrounding community, results in an inward-looking enclave which fails to contribute to community safety and security or to promote social cohesion.
5. The proposed development, by virtue of its failure to provide a mix of large and small homes, would fail to contribute to the creation of mixed and inclusive communities.
7. The applicant has failed to demonstrate, by way of a Basement Impact Assessment, that the works of demolition and construction would not result in an unacceptable impact on the structural stability of adjacent properties.

- 2.4 Further reasons related to the failure to secure appropriate mitigation measures by way of s106 legal agreement, relating to the following concerns:

6. Provision of on-site renewable resources including the provision of a CHP plant.
8. Environmental sustainability measures including compliance with Level 5 of the Code for Sustainable Homes and a contribution to off-site allowable solutions
9. Car-capped housing
10. Demolition and Construction Management Plan
11. Measures to support local labour and procurement
12. Highways works
13. Education Contribution

14. Provisions for the long term maintenance, protection and management of the retained area of Open Space
15. Provision of a compensatory off-site area of habitat
16. Contributions towards community facilities

- 2.5 The Council's decision was contested at a Public Inquiry, which sat for six days on 22-24 May, 27, 28 September and 1 October 2012 (Appeal Ref: APP/X5210/A/11/2167190).. Before the appeal, the Council withdrew objections to the scheme expressed in refusal reasons 6, 8, 9, 10, 11, 12, 13, 14 and 16 as they were resolved by a s1906 legal agreement agreed by the Council and the appellant. The Council's objection as expressed in reason 7, relating to basement works and policy DP27, was also withdrawn following the submission of an acceptable Basement Impact Assessment.
- 2.6 The Inspectorate resolved to allow the appeal on 1 November 2012. The decision is attached as Appendix E of this statement.

### ***The Frontage Scheme***

- 2.7 In May 2012 an application (2012/0521/P) was refused for '*Redevelopment of the reservoir street frontage to provide 28 residential units (Class C3 use) in two blocks from lower ground to third floors with basement parking, following substantial demolition of the roof and internal structure of the reservoir and its subsequent re-landscaping (application is accompanied by an Environmental Impact Assessment)*'. This scheme is hereinafter referred to as the '*Frontage Scheme*'.
- 2.8 The substantive reasons for refusal were:
1. The proposed development, by virtue of the development on designated Open Space, would result in the loss of land protected because of its local amenity, habitat and biodiversity importance and would be detrimental to the open nature of the site as viewed from the public realm.
  2. The proposed development, by reason of its detailed design, would be detrimental to the streetscape and the character and appearance of the wider area.
- 2.9 Further reasons related to the failure to secure appropriate mitigation measures by way of s106 legal agreement:
3. On-site affordable housing.
  4. Car-capped housing
  5. Education contribution
  6. Provisions for the long term maintenance, protection and management of the retained area of Open Space
  7. Community facilities contribution
  8. Construction Management Plan
  9. Ecology and Habitat Plan, including measures to secure the transfer of the retained protected land to a third party in perpetuity with a financial contribution towards long term management and maintenance.
  10. Local labour and procurement.

- 11. Highways works
- 12. Contributions towards pedestrian and environmental improvements in the area.
- 13. Sustainability measures and Code for Sustainable Homes.
- 14. Wheelchair accessible affordable housing

- 2.10 The Council's decision was contested at a Public Inquiry, which sat for three days on 9-11 April 2013 (Appeal Ref: APP/X5210/A/12/2188091). Before the appeal, the Council withdrew objections to the scheme as expressed in refusal reasons 3-14, as these had been overcome by entering into an appropriate s106 agreement.
- 2.11 The Inspectorate resolved to dismiss the appeal on 3 June 2013. However only the 'detailed design' reason was upheld, therefore the development on designated Open Space and the height, scale, massing and location of the buildings was fully accepted by the Inspectorate. The decision is attached as Appendix F of this statement.

***The Revised Frontage Scheme (subject of the current appeal)***

- 2.12 Subsequent to the dismissal of the frontage scheme appeal, the applicant submitted an application for a development which differed substantively only in design terms from the previous Frontage Scheme. This scheme is hereinafter referred to as the '*Revised Frontage Scheme*' and is the subject of the current appeal.
- 2.13 The application was recommended for approval and was presented to Development Control Committee on 27<sup>th</sup> February 2014. In his committee report the case officer advised Members that only the detailed design of the Frontage Scheme façade was under consideration because all other aspects of the Frontage Scheme, including loss of views over the open space, were agreed by the Inspectorate in their decision letter issued in June 2013. Following a debate on the merits of the scheme Members refused permission on the substantive grounds that the detailed design of the scheme would be detrimental to the streetscape and the character and appearance of the wider area. The decision notice was subsequently issued on 7<sup>th</sup> March 2014.
- 2.14 This statement therefore focusses in detail on the matter of design and the harm that it would cause. The remaining reasons for refusal are discussed in section 6.

### **3. Status of Policies and Guidance**

#### **Policy**

- 3.1 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.
- 3.2 The relevant LDF policies as they relate to the reason for refusal are set out on the Council's decision notice.
- 3.3 The Council's policies are recent and up to date and should be accorded full weight in accordance with paragraphs Nos.214-216 of the NPPF. There are no material differences between the NPPF and the Council's policies in relation to this appeal.
- 3.4 Statutory regional policy is established in the adopted London Plan 2014. In July 2011 the Mayor published the replacement of the spatial development strategy for London – known as the London Plan. On 11 October 2013, the Mayor published Revised Early Minor Alterations to the London Plan (REMA). From this date, the REMA are operative as formal alterations to the London Plan (the Mayor's spatial development strategy) and form part of the development plan for Greater London.

#### **Guidance**

- 3.5 The Council adopted its Camden Planning Guidance (CPG), in eight documents, on 7<sup>th</sup> November 2011, as follows:
  1. Design
  2. Housing
  3. Sustainability
  4. Basements
  5. Town Centres, retail and employment uses
  6. Amenity
  7. Transport
  8. Planning obligations
- 3.6 The council adopted revised CPG on four topics in September 2013 as follows:
  1. Design
  2. Housing
  4. Basements
  5. Town Centres, retail and employment uses



#### **4. Site and surroundings**

- 4.1 The 1.24 hectare site is located in West Hampstead and was formally known as Shoot-Up Hill Reservoir. The reservoir was built in 1874 and comprises a vaulted brickwork structure supported on brick piers and perimeter walls, mostly buried in the ground or contained within a grassed embankment. The covered brick arch structure itself is visually relatively benign due to its low aspect and the established grassland that now covers it. The reservoir was decommissioned in 2001/2002 and subsequently acquired by the developers Linden Wates in 2010. The site is not in a Conservation Area nor is the reservoir structure Listed.
- 4.2 The site frontage is bounded immediately to the North and South by three storey deep Mansion blocks with significantly deep rear extensions. To the North, where Gondar Gardens turns east, the street is largely comprised of early 20th century three storey red brick terraced houses and mansion blocks with decorative two storey bays and short front gardens.
- 4.3 The dwellings on Agamemnon, which also back onto the site, are a combination of two storey and two storey with attic accommodation, in brick, of an era to match the dwellings on Gondar Gardens. To the south along Hillfield the dwellings are also two storey brick of a similar era. Throughout the area the local properties are divided into flats, whilst others are in use as dwellinghouses. In general the terraced dwellings are not uniform and have a variety of richness in their detailing.
- 4.4 The site faces the street to the West. The opposite side of the road is characterised by single storey garages at the rear of the properties along Sarre Road. Further to the south at 1 Gondar Gardens several new two storey contemporary dwellings in brick were recently constructed.
- 4.5 With the exception of a 60m long strip of frontage along Gondar Gardens (narrowing from 21m deep in the north to 13m in the south) the site is designated as two Private Open Spaces, identified in LDF map 1. The designations are numbered 188 'Gondar Gardens' and 189 'Gondar Gardens Reservoir'. The site has the appearance of elevated open grassland, but is recognised as previously developed land by virtue of the reservoir structure and its manmade embankments. Most of the site is also a designated Site of Nature Conservation Importance (SNCI) of Borough importance II and identified as such in LDF Map 8. Extracts from the LDF maps giving details of the Open Space and SNCI designation is given in Appendix C.

## **5. Consultation**

- 5.1 The revised frontage scheme was the subject of public consultation. Letters were sent to 261 local addresses, including all residents who previously responded to the consultation on the Frontage Scheme application. Multiple site notices were placed on 20 December 2013 and notice was advertised in the Ham & High on 12 December. The appellant held a public exhibition on Tuesday 15 October 2013 and met with representatives from GARA on Monday 4 November 2013.
- 5.2 The consultation responses have been included with the questionnaire previously submitted to the Inspectorate. Two local residents, Mr Miles Seaman (from Sarre Road) and Christine McCormick have recently advised that their consultation responses were not put on the Camden website and hence were not included amongst those attached to the questionnaire. Mr Seaman objected, while Ms McCormick raised 'no objection'. The issues and concerns raised in their correspondence were considered as part of the assessment and included in the consultation section of the officer's Committee report. Both items of correspondence are attached as Appendix G to this statement.

## 6. Reason for Refusal #1: design

### Introduction

6.1 In this section I will discuss how the Revised Frontage Scheme fails to improve upon the unacceptable design which was dismissed as part of the Frontage Inquiry. The appellant has undertaken a successful re-assessment of the key features of local distinctiveness. However I will set out how the appellant has failed to interpret and translate this assessment into a design which goes beyond a superficial and cosmetic level of design detail or depth.

6.2 I will discuss how the design revisions have arisen from a methodical, tick-box approach to addressing the shortcomings identified by the Inspector and which result in proposals that are monolithic, harsh and orthogonal in form. Overall, I will demonstrate how the development has been revised without consideration of a holistic approach to addressing the crux of the inspector's decision: which is that the design fails to respond to or promote local distinctiveness.

### Local characteristics

6.3 Despite the different phases of development on Gondar Gardens and the surrounding streets there are many shared features and details which are common throughout which give the local area a distinct character.

6.4 This local character is not just derived from what the viewer immediately sees but also from a memory of buildings or streetscape they have passed to get to a specific viewpoint. Any person travelling to the site via West End Lane or Fortune Green Road would pass through an area of distinct local character to get there : along Achilles, Agamemnon or Ulysses Road to get to the east end of Gondar Gardens or from Hillfield Road to get to southern end of Gondar Gardens.

6.5 Local buildings are characterised by repetitive plot widths, interesting roofscapes and a notable level of architectural detailing, discussed in 6.6-10 below and identified by the inspector as seen in 6.12 below. There is a visual richness to the local townscape character which is well maintained and acknowledged by local residents.

### Streetscape rhythm

6.6 Existing buildings are characterised by their slim plot widths, vertical proportions and repetitive rhythm. Projecting bays, which are generally canted, break up the perceived bulk of a terrace or group of buildings to give them more of a human scale. Photographs from the surrounding street and extracts from the appellant's Design and Access statement (pages 9, 13) are provided in Appendix D. The design approach to bays differs between groups of buildings but they are a consistent element of the townscape on the surrounding streets and contribute to the distinct local character.

### Roofscape

6.7 The local roofscape use a combination of sculpted forms: bays rise through the eave lines and terminate in hipped form; prominent chimneys and parapet lines articulate the roof forms and break down the upper floor massing on the terraces. These features add character, variety, rhythm and flow to the local roofscape.

Rich architectural detailing

- 6.8 Local buildings are also characterised by a rich level of architectural detailing around window openings, door openings and at eaves level such as stuccowork and features derived from classical architecture. This is shown in photographs 1-9 in appendix D. These work by breaking up the perceived bulk of a building and terrace by avoiding large areas of unrelieved brickwork and also reinforce the vertical proportions and rhythm found in the area. The richness of the existing detailing which is found particularly on the buildings in Gondar Gardens creates the sense of an area of high quality domestic architecture on what would be otherwise quite modest houses.

Building materials

- 6.9 Building facades are clad in brickwork although stucco has been used as a decorative feature around openings. A weathered yellow London stock predominates although red bricks have been used as decoration around window openings and on corners.
- 6.10 Overall there is a strong sense of local distinctiveness, as identified by the previous inspector. The area is characterised by high quality buildings, with massing which is broken down by a variety of means to ensure variety and visual interest, on a domestic scale.

Revised Frontage scheme : local character assessment

- 6.11 The re-appraisal outlined in section 1 ('background') of the Design & Access Statement for the analysis of site context and character is thorough and laudable. It identifies that salient local townscape characteristics chime with those set out above in paragraphs 6.3-10. In setting out the context the Design & Access (DAS) statement identifies the items below, which accord with the Council's view of the essential local townscape characteristics.

- faceted roof capping (DAS page 9)
- curved profiles to bays (ibid)
- variety of bay design within the same street (ibid)
- eaves lines which are broken by the upper storey which results in animation of the roof line (ibid)
- faceted bays and articulated gable features (DAS page 11)
- articulation and faceted bays animating the roofline (DAS page 13)

Revised Frontage scheme : design response

- 6.12 The Inspector identified the following characteristics of the Frontage scheme as contributing to its harm (para 18 of appeal decision, Appendix F):
- varying size of projections
  - the large expanses of brickwork
  - combination of geometric shapes and four storey sections with flat roof
  - no visible connection to the intricate shapes and decorative detailing found in the surrounding townscape
  - no visible connection to the strong vertical emphasis of the local townscape

- 6.13 The appellant used the following methodology to revise the frontage design following the appeal:
1. re-appraise the local character and distinctiveness
  2. identify the individual design criticisms identified by the previous inspector
  3. replace the façade with an amended elevation which seeks to respond to these criticisms on a point by point basis
- 6.14 The first step carried out successfully as discussed in 6.11 above. The second step is manifested in the submitted Townscape and Visual Assessment November 2013 (TVIA). Paragraph 8.3 states “*We note that the inspector endorsed the suitability of a contemporary approach subject to its detailing and in particular found harm arising from the detailed design ... which was for a simpler and plainer ‘style’ of modern architecture.*” However these are terms that were not used by the Inspector. These are terms that the author of the report has applied to the Inspector’s decision, which mentions neither ‘*plain*’ nor ‘*style*’ nor ‘*modern*’ in the context of assessing the proposed design.
- 6.15 The TVIA continues (paragraph 8.3) by setting out the framework for the appellant’s response to the Inspectors decision with: “*the architects have analysed the Inspectors report and devised a range of features which specifically accommodate these considerations*”.

*Revised frontage scheme: plots and bays*

- 6.16 The appellant has made minor modifications to the plan form of the southern (larger) building in order to address the Inspector’s concerns about geometries, brickwork and verticality. This creates some additional symmetry or rhythm when viewed in pure elevation, but a sense of verticality is still lacking in the oblique views from the street itself where the buildings retain a squat appearance, as demonstrated in views 1b and 3 on pages 4 and 13 respectively of the TVIA (Dec 2013). An equally unsuccessful new intervention is the appellant’s interpretation of the locally characteristic bay form through the introduction of winter gardens to the front elevation. These prominent features add a predominance of glazing which is not characteristic of the area and have none of the softness, domesticity or detailing of the local canted bay form.
- 6.17 The Statement of Case (para 10.1.11) suggests the replacement of the winter gardens with glazed balcony balustrading and illustrates the change in the accompanying alternate visuals. However this would only partially mitigate the visually harmful impact of the extensive and projecting glazing and appears as an afterthought rather than part of a cohesive architectural response to the site. The balconies are unsuccessful in making a visual connection to the rhythmic local use of the bay form.

*Revised frontage scheme: roofscape*

- 6.18 The response at rooflevel has been to reduce the apparent ratio of flat roof to mansard from 75% to 25% (DAS section 4.05 page 42). The DAS (section 4.05 page 43) proposes that the greater prominence of the standing seam metal roof relates to the contemporary buildings recently completed at 152-158 Mill Lane (Emmanuel School) and 1 Gondar Gardens (several dwellings approved by the Council since 2009) . However both of these completed schemes incorporate the

roof form as a primary feature of the building's appearance. They use steep, prominent pitched roofs which complement neighbouring properties, are contained between simple brick flanks and they maintain a consistency to the immediate roofscape. The roof detailing in the comparison schemes uses high quality and well considered chimney/and gutter/eaves detailing which interface well with the contemporary brick colours.

- 6.19 Conversely the revised frontage scheme terminates the 'mansard' approach with vertical elements (ref. view 4 on page 15 and view 6 on page 17 of the TVIA Dec 2013). The opportunity to introduce relief, depth and variation at roof level in the elevation has not been taken (ref. detailed view 5 page 16 of the TVIA November 2013) because the monolithic roof form remains almost unchanged from the frontage scheme, terminating in vertical form at the ends of the buildings. This is especially evident in the rear elevation (drawing T20E03) and when comparing the images on page 42 of the DAS. The roofline continues the elevation's orthogonal approach to give a discordant and non-uniform form to features of the roofscape.

*Revised frontage scheme: detailing*

- 6.20 The proposals have added white rendered reveals and suggestions of recessed brick detailing in an attempt to add visual depth to the brick bays. The precast white surround reinforces the angular and orthogonal form of the bay interpretation and do not respond to the softer form of the canted bays, the pitched roofs and the variety of form which is locally evident. This is especially apparent in oblique views as evident in view 1a (pages 2 and 3 of the TVIA November 2013).

*Revised frontage scheme: overall approach*

- 6.21 The inspector identified that the proposals failed to respond to local distinctiveness and character. However my assessment above, based on the revised frontage scheme submission, demonstrates that the appellant has sought to address the Inspector's criticisms through adding a veneer of revisions to the elevation only. This echoes Members' observation recorded in the minutes of the DCC : "*Some lengths had clearly been gone to in order to address the concerns of the Planning Inspector but there was still little visible connection to the detailing found in the surrounding buildings*" (Appendix A, Members' comments).
- 6.22 There is no demonstration of greater consideration or understanding of the contribution of the architecture of the buildings to their appearance and contribution to the local townscape. Again this is echoed in the minutes of the DCC assessment by Members : "*It was disappointing that the changes seemed to be quite minimal*" and "*Some of the changes made were an improvement but others, such as the balconies that attempted to replicate the original terrace in a modern way, were unattractive*". (Appendix A, Members' comments).
- 6.23 The response of the revised frontage scheme has been to add a layer of façade which has a corporate or commercial appearance rather than a softer more locally characteristic domestic character. Abrupt and prominent right angles still predominate in the geometric form on the elevations, at roof level and in the detailing. This is in contrast to the faceting, animation and curved profiles of the local character which give variety, rhythm and enjoyment to the local character.

*Design conclusion*

- 6.24 Policy DP24 of the LDF is explicit in requiring all development to be of the highest standard of design. In particular part a) requires development to consider the *character, setting, context and the form and scale of neighbouring buildings*. The NPPF identifies the need for *'high quality design'* (para 57).
- 6.25 Camden Planning Guidance 1 (Design) does not set out a prescriptive approach to design but instead identifies principles for responding to context (para 2.9) and building design (para 2.10). This approach reflects the NPPF concern (para 60) that *"planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative"* through a requirement for conformity. However as with CPG1 para 2.9 the NPPF identifies (para 60) that it *"is proper to seek to promote or reinforce local distinctiveness"*.
- 6.26 It is the Council's view that the approach of systematic analysis and methodical response to the Inspector's comments is at the root of a fundamental failure to respond creatively and meaningfully to the local character, in a 'modern' form or otherwise. Overall the design represents a tick-box response to the Inspector's design criticisms from the dismissed Frontage Inquiry. The architect has failed to revisit their design with sufficient depth to enable them to respond with insight, imagination or understanding of the binding and coherent characteristics which give the area its essential distinctiveness. As Members concluded in their assessment: *"this proposal appeared to be largely the same as the previous scheme and the overall impression was still of four squat cubes amongst the surrounding tall, narrow houses"*. (Appendix A, Members' comments).
- 6.27 Overall the design has not responded in any holistic sense to the crux of the inspector's decision: which is that the design fails to respond to or promote local distinctiveness. Therefore the development remains unacceptable in appearance and fails to meet the high design standards and expectation of LDF policy DP24 and of the NPPF, particularly paragraphs 60-66.

## **7. Reasons for Refusal #2-13 (s106)**

- 7.1 Reasons for refusal 2-13 relate to the failure to secure certain measures by way of s106 legal agreement. Such measures would be required in order for the proposals to be acceptable.
- 7.2 An informative on the decision notice stated: *“You are advised that in the event of an acceptable development being found the Council would seek to secure, by way of a legal agreement, a feasibility study of providing new car club spaces in the area with a contribution towards the Council's costs in respect of providing the spaces on street should they be found to be feasible.”*
- 7.3 As part of the Frontage Appeal, the Council and the appellant agreed the wording of a s106 legal agreement. As part of this appeal the Appellant has submitted a Unilateral Undertaking (UU) to address the obligations with some proposed changes.
- 7.4 The Council's strong preference is for a s106 legal agreement. The legal agreement is currently under negotiation between the Council and the appellant, in consultation with the London Wildlife Trust. The most recent draft s106 agreement, prepared by the Council, is attached in Appendix I. A note addressing how the legal agreement is compliant with regulation 122 of the Community Infrastructure Levy (CIL) Regulations will be issued to accompany the final wording of the legal agreement.



**8. Planning Balance and conclusion**

- 8.1 In assessing the frontage scheme the inspector identified the benefits and harm of the proposals. In dismissing the scheme the inspector weighed the balance of benefits and harm and found (para 20) that the harm from the detailed design was such that it *“would not ... be overcome by the significant benefits of the scheme”*.
- 8.2 It is the Council’s position that the two dimensional approach to revising the dismissed scheme have resulted in no substantive improvements to the manner in which the development responds to or promotes local character or distinctiveness. The balance of harm against benefits therefore remains unchanged and the scheme remains unacceptably harmful and contrary to national and local plan policy.
- 8.3 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.
- 8.4 Should the Inspector be minded to allow the appeal, Appendix H sets out the Council’s recommendations for conditions.

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

Yours sincerely

Gavin Sexton  
Principal Planning Officer  
Culture and Environment Directorate