



APPEAL BY:
Miss Sameena Khan

AGAINST THE LONDON BOROUGH OF CAMDEN COUNCIL'S REFUSAL
TO GRANT PLANNING PERMISSION FOR:
A dormer roof conversion at rear including installation of two front rooflights

AT
Second Floor Flat, 29 Ariel Road, London, NW6 2EA

The London Borough of Camden Council's Reference: 2013/7848/P

WRITTEN REPRESENTATIONS: GROUNDS OF APPEAL

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1.0 INTRODUCTION

- 1.1 This statement has been prepared by RJS Planning, on behalf of Miss Sameena Khan, in support of the appeal lodged against the refusal of planning application 2013/7848/P.
- 1.2 The application was submitted on 7th December 2013 and sought planning permission for the construction of a rear dormer window and the installation of two rooflights in the front roof slope.
- 1.3 The application was refused under delegated authority on 13th February 2014 for the following reason:
- 1) *The proposed rear dormer by reason of its bulk, scale and detailed design on a terrace of properties with an unimpaired roofline, would be detrimental to the character and appearance of the building, the terrace as a whole and the general street scene, contrary to Policies 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.*
- 1.4 This grounds of appeal will address the central concern raised within the Council's reason for refusal, notably:
- Whether the proposed rear dormer would be of detriment to the character and appearance of the existing building and the visual amenities of the area in general.
- 1.5 For clarification, the Council raised no objection to the proposed rooflights or 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. Additionally, no objections were raised to the application by any local residents or by any statutory consultees / local groups.
- 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 western side of Ariel Road and comprises a three storey mid-terraced building which is subdivided into three no. self-contained flats. The building features a hipped roof.
- 2.2 The building is not listed and is not located within a conservation area. As the Inspector will note during their site visit, dormer roof extension are very common in this area. Many houses on the surrounding roads, Iverson Road and Maygrove road in particular, not only feature dormers to the rear but also have dormers to the front of the property which are clearly visible from the street and actually form part of the streetscene of the area.

3.0 THE PROPOSED DEVELOPMENT

- 3.1 The appeal application sought planning permission for the erection of a flat roofed rear dormer window and the insertion of two rooflights to the front roof slope. The dormer would measure 5m in width, being set in 200mm from both side boundaries, 300mm below the ridge and would be set back from the edge of the eaves level. The dormer and rooflights would facilitate the conversion of the loft into a second bedroom for the top floor flat.

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 Policy DP24 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 and fourth 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.*

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”.

Decision-taking

- 4.8 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

- 4.9 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

- 4.10 Only policies DP24 of the Development Policies DPD is referred to within the reason for refusal. 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.

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 rear dormer would be of detriment to the character and appearance of the existing building and the visual amenities of the area. This case will demonstrate that the proposed rear dormer would preserve the character and appearance of the building and the 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. According to the decision notice and the Case Officer's report, it would appear that the Council's concern is focused on the suggestion that the roofs within this terrace are largely unimpaired by extensions or alterations. 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 concern that the dormer would not comply with their planning guidance which states that a 500mm gap is usually required between the dormer and the ridge and which discourages full-length dormers.

The principle of the roof extension

- 5.3 For clarification, 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.*

- 5.4 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...*

- 5.5 In this instance it is acknowledged that strictly speaking the proposed dormer would be contrary to the guidance within CPG1, however 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.

- 5.6 To recap, as set out in paragraphs 4.9 – 4.10 above, the policies referred to within the reason for refusal do not state that roof extensions are unacceptable in principle or that planning permission will not be granted for roof extensions. In accordance with the planning policies, an assessment of a proposal such as a roof extension should come down to whether the extension would respect the character, setting, context and the form and scale of existing and neighbouring buildings. It is clear 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. For the avoidance of any doubt, a roof extension is not unacceptable in principle. The following sections will demonstrate that the roof extension would form an acceptable roof addition

The “actual” demonstrable impact of the dormer

- 5.7 The Appellant understands why the Council may have concerns however the objection is focused on narrow guidance 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 area and have also failed to take into account the existence of other rear dormer extensions in the immediate vicinity. Although it is acknowledged that development in one location does not necessarily set a precedent for development in another, in this instance it is evident that the Council have not given due regard to the existence of similar dormers at neighbouring properties. Additionally, it serves to demonstrate that the Council are incorrect in suggesting that the roofline of the terrace is unimpaired.
- 5.8 The proposed roof extension would alter the rear roof slope of the existing flat and would be sizeable; however, it is not excessive in scale and is set in from both flank walls and set down from the ridge. The front elevation of the house has remained unchanged and the appearance of the existing roof is still retained. Moreover, the Appellant wishes to emphasise that the proposed dormer would not be visible within the street scene or from within any public realm. It is clear that the street frontages provide the main features / characteristics of the area rather than the rear elevations of the buildings. The Council’s concerns in this regard are without substance and are based on a highly subjective Officer opinion and it is considered to be an exaggeration for the Council to state that the dormer would be of detriment to the character and appearance of the building or the area in general.
- 5.9 The Appellant contends that the dormer would cause no actual or demonstrable harm to the character or appearance of the dwelling or the surrounding area. When considering the visual impact of a dormer it is important that due consideration is given to a) where the impact will be perceived and b) what the actual or demonstrable impact would be. It follows that the impact on the public realm (i.e. the street scene) will be greater than that of an extension to the rear of a building which will have no impact on the public realm. Such an approach is validated simply by the General Permitted Development Order which allows for substantial dormers, extensions and outbuildings to the rear of buildings but no development (other than porches) to the front of dwellings.

6.0 CONCLUSION

- 6.1 The proposed roof extension would be of no harm to the character or appearance of the building or the area. The Council's objections lack substance, are based on a subjective Officer opinion and are overly cautious and exaggerated. Although the Council seem reluctant to allow roof extensions such as this, rear dormer windows 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 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.

Photos of similar roof extensions in the surrounding area



Photo 1: A view of the substantial dormer roof extensions that have been constructed in the rear roofslope of no. 3 and no. 5 Ariel Road



Photo 2: A view of the rear of the terrace in which the appeal property is situated (left) from Maygrove Road. Being at a high level, the proposed dormer will not be readily visible within the streetscene and will only be glimpsed by the average passer-by.

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