



Date: 12th September 2014
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Our Ref: 2014/3033/P
Contact: Carlos Martin
Direct Line: 020 7974 2717
Carlos.martin@camden.gov.uk

The Planning Inspectorate
3/05a Wing
Temple Quay House
2 The Square
Bristol BS1 6PN

Dear Sir or Madam,

Appeals by Ms Ienco
Site at Flat 4, 50 Aberdare Gardens, London NW6 3QA

The Council's case is largely set out in the officer's delegated report dated 3rd July 2014, which details the site and surroundings, the site history and an assessment of the proposal. A copy of the report was sent with the questionnaire.

In addition to the information sent with the questionnaire I would be pleased if the Inspector could take into account the following information and comments before deciding the appeal.

1.0 Summary

1.1 Reason for refusing planning permission

"The proposed terrace and associated railings, by reason of their siting and design, would harm the character and appearance of the host building, its semidetached pair and the wider South Hampstead Conservation Area, contrary to policies CS14 (promoting high quality places and conserving 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."

2.0 Development Plan Policies

2.1 The Development Plan' for the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004 will be The Camden Core Strategy and Camden Development Policies of the Local Development Framework.

The relevant LDF policies as they relate to each reason for refusal are listed below:

Core strategy:

CS5 – Managing the impact of growth and development

CS14 – Promoting high quality places and conserving our heritage

Development Policies:

DP24 – Securing high quality design

DP25 – Conserving Camden’s heritage

DP26 – Managing the impact of development on occupiers and neighbours

These policies were adopted following a full consultation exercise in November 2010. The policies are recent, up to date and in accordance with para. 214-216 of the NPPF.

Camden Supplementary Guidance

CPG 1 (design)

CPG 6 (amenity)

This document was adopted in September 2011 following a full consultation exercise. CPG1 was amended in 2013.

South Hampstead Conservation area character appraisal and management strategy.

This document was adopted in February 2011 following a full consultation exercise.

2.2 National Planning Policy Framework

3.0 Comments on the Appellant’s Grounds of Appeal

Ground: Is the principle of a Roof Terrace, in this Location, acceptable?

3.1 The appellant argues that the Council appears to be contradicting its own policy advice in asserting that the use of this roof as an outdoor facility is unacceptable.

3.2 The Council doesn’t agree with this argument. Camden Planning Guidance 1 in para. 5.7 states that roof alterations are likely to be acceptable when “*there is an established form of alteration to a group of similar buildings and where continuing the pattern of development would help to re-unite a group of buildings and townscape*”. As stated in the case officer report, terraces over the main roof of this group of properties do not constitute a pattern of development nor would the proposal serve to re-unite the group.

3.3 CPG1 goes on to state that roof alterations are likely to be acceptable when “*alterations are architecturally sympathetic to the age and character of the building and retain the overall integrity of the roof form*”. Despite the

reduced number of existing roof terraces in the area cited by the appellant, roof terraces do not form part of the character of this group of properties and the addition of planting at roof level would fail to retain their integrity.

Ground: Would the size, location and the height of the railings, as proposed, appear incongruous and inappropriate?

3.4 The appellant refers to the terrace granted under appeal at no. 70 Aberdare Gardens to indicate that the proposed terrace at no. 50 would have no harmful impact.

3.5 The differences between nos. 70 and 50 have been noted in the case officer report. In summary, the roof profiles of both properties are different; no. 70 has a higher ridgeline and more prominent chimney stacks which mitigate the impact of the railings, which in the case of no. 50, would project above the ridgeline. Therefore no. 70 is considered to have less of an impact on the wider conservation area.

3.6 The appellant claims that no one from the Council made an appointment to visit the property during the assessment. The Planning Officer was able to make a full assessment of the proposal from the public realm. Views from the public realm of the property enabled the impact of the proposal on the host building and wider area to be assessed. Furthermore the Council's main concern with the proposal, as noted in the case officer report, related to the impact of the proposed terrace on the street scene.

Ground: For Further Consideration

3.7 The appellant considers if any existing unauthorised roof alterations in the area were considered by the Council to be harmful, enforcement action would have been taken.

3.8 The Council has a current enforcement investigation which was opened recently relating to the construction of an unauthorised roof terrace at a property in this street. A number of terraces in the street have been in place for more than 4 years and therefore have become immune from enforcement action.

3.9 When the Council receives reports of unauthorised roof alterations it will always investigate the breach. In some cases works are immune from action however where there is resulting harm and it is expedient to do so formal action would be taken.

4.0 Other Matters

4.1 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.

4.2 Without prejudice to the Council's submissions and if the Inspector is minded to allow the appeal, it is requested that the list of conditions attached to this letter as **Annex A** be imposed. The justification is set out beneath each condition.

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

Yours sincerely

Carlos Martin
Planning Officer
Culture and Environment Directorate

Annex A

Conditions

1. The development hereby permitted must be begun not later than the end of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

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

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

3. The development hereby permitted shall be carried out in accordance with the following approved plans: 1072 ASU 001 A; -ASU 002 A; -ASU 003 A; -ASU 004 A; -ASU 005 B; 1072 APL 001 A; - APL 002 A; - APL 003 A; & - APL 004 A.

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