
17 Denning Road, Hampstead
London

Appeal by Raglan Housing Association Ltd

LPA Ref: 2013/6577/P

Appeal Statement of Case

August 2014

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**Land at 17 Denning Road,
Camden**

LPA Ref: 2013/6577/P

Appeal Statement of Case

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1.0 QUALIFICATIONS & EXPERIENCE

- 1.1 My name is Robin Meakins. I am a Partner of Barton Willmore LLP. I am a Member of the RTPI and have a degree and a Diploma in Planning from UCL. I have been a planning consultant for over 17 years. I am the planning consultant to the Appellant and I am familiar with the scheme, site and surrounding area and relevant planning policy.

2.0 INTRODUCTION

- 2.1 This appeal is in response to London Borough of Camden (LBC) ("the LPA") refusal of planning permission on 7th March 2014 for a full planning application for the Conversion from 5 flats (1x2 bed, 4x1 bed) to a single dwelling with erection of rear infill extension at lower ground floor level and single storey addition to closet wing extension at second floor level and associated elevational alterations ("the Appeal Scheme") at 17 Denning Road, Hampstead ("the Appeal Site"). A copy of the decision notice is provided as my **Appendix RM1**.
- 2.2 The appeal property is owned by Raglan Housing Association, a Registered Social Landlord (the Appellant). The Appellant intends to withdraw fully from operating within Camden and concentrate on boroughs where they have larger housing stock, which is consistent with the Homes and Community Agency's policy.
- 2.3 The Appellant's intention is to sell the appeal property on the open market and to then use the financial receipt gained for the purposes of furthering affordable housing provision across the Raglan network, outside of Camden. The Appellant is seeking to maximise the value of the unit, in order to maximise its ability to provide affordable housing elsewhere across the country. As a Registered Charity, the Appellant can only recycle its money for the purposes of providing affordable housing.
- 2.4 The Appeal Site was built as a single family dwelling house before the Planning system was brought into being. It has been subdivided into 5 flats at some point in its past, although the Appellant has no record of planning permission being granted for this.
- 2.5 There is no restriction on the use of the unit. Its use falls within Class C3. There is no differentiation between private or affordable use of a C3 dwelling in Use Class Order terms. The dwelling may or may not be purchased by another affordable housing provider and may or may not continue in affordable housing provision, post sale. This would be up to the new purchaser to determine. However, the Appellant does not intend to accept any limitation on occupation as part of the planning application process. A clear consequence of the property strategy for the Appellant is that Camden may lose up to 5 flats that are presently in affordable housing use. However, the planning system has no jurisdiction over this, and the sale proceeds will be used to further affordable housing elsewhere in the country.
- 2.6 All the units within the appeal property fail to meet the minimum space standards in some way for dwellings, when compared to Camden's own residential standards documents 2006 and 2013, and the London Plan 2011 and Housing SPD 2012, a floorspace schedule to demonstrate this has been provided in my **Appendix RM2**. The flats are all in a very poor

state of repair and require improvement, which the Inspector will see this on the site visit. In bringing the appeal property to the market the Appellant wants to secure planning permission for the property to be refurbished to provide accommodation that meets minimum London Plan Housing Standards. This will require the reconfiguration of the existing property.

2.7 I consider LBC's reasons for refusal reflect the issues of principle and design for the appeal. The main in principle planning issues raised by this appeal are reflected in the LBC's reasons for refusal one, which raises the following questions:

a) Is there justification for the loss of residential units having regard to policies CS1, CS6 and DP2?

b) Does the appeal proposal minimise the loss of residential units as required by policies CS1, CS6 and DP2?

2.8 Detailed design issues raised by this appeal, reflect the second and third reasons for refusal, which were that:

a) The second floor rear extension would be harmful to the character of the Conservation Area and the building itself, contrary to policy CS14, PD24 and DP25.

b) The rear roof terrace detailed design and materials would be harmful to the character of the Conservation Area and the building itself, contrary to policy CS14, PD24 and DP25.

2.9 I disagree with the LPA and consider there is justification for the loss of units proposed and that the design of the scheme is acceptable.

3.0 PLANNING POLICY CONTEXT

3.1 The Planning Policy context to the proposal is as listed in Section 4 of the draft SoCG. In terms of the appeal issues, the following sources of policy and other material considerations are of central relevance:

3.2 The Development Plan for the Appeal Site consists of the following:

- The London Plan (adopted 2011);
- Camden Council's Core Strategy (November 2010); and
- Camden Council's Development Policies (November 2010)

3.3 The key policies against which the proposal should be assessed are:

- London Plan Policies (provided as my **Appendix RM3**)
 - 3.5: Quality and Design of Housing Developments
 - 3.8: Housing Choice
 - 3.14: Existing Housing
 - 5.2: Minimising Carbon Dioxide Emissions
 - 5.13: Sustainable Drainage
 - 7.8 Heritage Assets and Archaeology
- London Plan Housing Supplementary Planning Guidance (Nov 2012) (extract provided as my **Appendix RM4**)
- Camden Core Strategy Policies (provided as my **Appendix RM5**):
 - CS6: Providing Quality Homes
 - CS14: Promoting high quality places and conserving our heritage
- Camden Development Policies (Nov 2010) (provided as my **Appendix RM6**):
 - DP2: Making full use of Camden's capacity for housing
 - DP5: Homes of different sizes
 - DP25 "Conserving Camden's Heritage"

3.4 Whilst not forming part of the Development Plan, the following SPD is also of relevance:
Camden Planning Guidance 2 – Housing (2013) (provided as my **Appendix RM7**)
Extract from Camden's Residential Standards 2006 (provided as my **Appendix RM8**)

Other Material Considerations

- 3.5 The National Planning Policy Framework (March 2012) (NPPF) is a material consideration for the appeal. Section 6 of the NPPF requires the delivery of a wide choice of high quality homes. Paragraph 49 (provided as my **Appendix RM9**) states that housing applications should be considered in the context of the presumption in favour of sustainable development.
- 3.6 The Government has recently published the National Planning Policy Guidance (NPPG). The content of the NPPG does not vary the principles set out in the NPPF.

4.0 RESPONSE TO REASONS FOR REFUSAL – PLANNING MATTERS

A) Loss of Housing in the Borough

- 4.1 Although there is a net loss of residential units through the reversion of the building back to its original format as a single family dwelling. We consider that for the reasons and evidence provided in this appeal statement that the appeal proposal is in accordance with planning policy and that there are a number of important material considerations which warrant approval due to the specific circumstances of the site.

Background

- 4.2 The LBC's first reason for refusal reads as follows:

"The proposed development would result in the net loss of four self-contained residential units which would compromise the Council's ability to meet the housing demands of the projected household growth in the future, contrary to policies CS1 (Distribution of growth) and CS6 (Providing quality homes) of the London Borough of Camden Local Development Framework Core Strategy and policy DP2 (Making full use of Camden's capacity for housing) of the London Borough of Camden Local Development Framework Development Policies."

- 4.3 LBC's reason for refusal effectively outlines the concern that LBC's Housing team wishes to impose a Section 106 agreement upon the Appellant binding them to restrict the property's use to affordable housing as they are concerned that there would be a loss of affordable housing in the Borough.
- 4.4 The officer's report (provided as my **Appendix RM10**) contends that the application does not accord with DP2 states in that although: *"the Council will favourably consider proposals that create large homes out of smaller homes in part of the borough where there is a relatively low proportion of large dwellings. The wards which have a low proportion of large dwellings are: Bloomsbury, Holborn and Convent Garden, King's Cross, Kilburn, Regent's Park and St Pancras, Somers Town. The site is in Hampstead Town which is not identified as a ward with a relatively low proportion of large dwellings and the proposal therefore fails to comply with this section of policy DP2"*. However, we note that Council has approached and interpreted the issue of a need for larger homes

incorrectly and not in accordance with policy. Paragraph 3.15 of Chapter 3 Housing (provided as my **Appendix RM11**) of the London Plan states:

“Though there are difference in the type, quality and cost of housing across London, the complex linkages between them mean that for planning purposes, London should be treated as a single housing market”.

- 4.5 As such, I consider it clear that a London wide view should be taken. In addition, when reviewing LBC’s most recent data available on their housing delivery (Annual Monitoring Report 2012-13 (AMR) provided as my **Appendix RM12**) confirms that Camden is on track to meet its targets for new housing over the plan period. Camden’s supply of deliverable homes for the next 5 years amounts to 7,072 homes (or circa 1,414 homes per year), significantly exceeding the annual target of 665 homes. As such, the loss of 4 units which meet policy criteria for their loss will not impact upon LBC’s overall housing provision.
- 4.6 The LBC’s Development Policy DP5 states that Camden *“will contribute to the creation of mixed and inclusive communities by securing a range of self-contained homes of different sizes”* and sets out a dwelling size priorities table (**Table 1** below). This is important when understanding the impact upon the Borough from the loss of fall units of low priority compared to the reconfigured unit being created.

Table 1. Dwelling Size Priorities Table

	1-bedroom (or studio)	2-bedroom	3-bedroom	4-bedroom or more	Aim	2012/13 completions
Social Rented	lower	medium	high	very high	50% large	34% large
Intermediate affordable	medium	high	high	high	10% large	0% large
Market	lower	very high	medium	medium	40% 2-bed	44% 2-bed

Source: Local Development Framework 2014

B) Standard of Existing Accommodation

- 4.7 The flats currently situated in the property are sub-standard in nature, layout and size of the flats. It is thus incorrect to assume that the property is currently providing five units of occupation or will continue do so in the future.

- 4.8 Provided as my **Appendix RM13** is a table prepared by Stitch which was provided to the officer and contained within the supporting Planning Statement which provided a comparison of existing accommodation and the London Plan's minimum space standards.
- 4.9 During the application determination process, discussions between the Appellant and the planning officer were held as to what space standards should be applied to examine whether the current units are sub-standard.
- 4.10 Although the Council acknowledges in paragraph 2.23 of LBC's Development Policies DPD that:

“some housing in the borough does not conform to current residential space standards and that these are usually homes that were built before the standards were introduced or without the benefit of planning consent”

Camden SPD – Residential Space Standards (CPG2 : Housing)

- 4.11 Residential space standards are set out in Camden's Supplementary Planning Document; CPG 2 Housing (2013) (provided as **Appendix RM7**) and before that in Camden's Residential Standards 2006 (provided as **Appendix RM8**) states that the Council may consider proposals involving the loss dwellings in order to meet the standards. The Council explains that they will consider proposals favourably if existing homes are 20% or more below the space standards and the loss of dwellings is no greater than is necessary to meet the standard.
- 4.12 The Council considered that the SPD figures and not the London Plan should be applied to assess whether the existing accommodation is sub standard (Paragraph 4.14-4.16). The London Plan (LP) is the regional policy document for London, and as part of the Development Plan as such decisions made by LPAs need to be in accordance with it unless there are material considerations that indicate otherwise (as set out in Local Development Schemes under the Planning and Compulsory Purchase Act 2004, s.15 (as amended by the Greater London Authority Act 2007, s.30)).
- 4.13 LBC's SPD was adopted in 2013 after the London Plan and which was adopted in 2011 and is not in conformity with it. In addition, it is a non-statutory document and has not been subject to independent examination but is required to be in conformity with policy requirements. As such, I consider that this document does not have Development Plan status and although a material consideration in the decision making process it is not planning policy itself.

- 4.14 As mentioned above, I do not consider it correct to apply LBC's SPD space standards. However, for completeness the table provided as my **Appendix RM2** shows where the current units fall below both the London Plan minimum space standards as well as those set out in LBC's SPD.

London Plan – Minimum Housing Standards

- 4.15 The Council also acknowledges that:

"There is a particular shortage of affordable homes for large families in the borough (see Core Strategy section CS6 and policy DP5 below). Opportunities to reduce this shortage and reduce overcrowding could arise by reconfiguring or redeveloping existing housing, especially the stock of Council housing, which contains a disproportionate number of one-bedroom dwellings. The Council will favourably consider proposals that create large affordable housing for families by combining or redeveloping smaller affordable dwellings provided that there is no overall loss of residential floorspace."

- 4.16 Policy 3.5 of the London Plan and paragraph 2.1.4 of the London Plan Housing SPG makes it clear that the London Plan standards apply to all new housing in London. It clarifies that the standards will apply to *"all new housing in London including new-build dwellings, conversions and change of use schemes where new dwellings are created"*. Paragraph 1.2.16 of the SPG refers to de-conversions and that this should be monitored it states that *"The conversion of two small dwellings in the social housing sector into a larger dwelling may be necessary to respond to overcrowding and to deal with an under supply of larger dwellings"*. Development Policy DP2 also provides for developments involving the net loss of two or more homes where they would enable existing affordable homes to be adapted to provide the affordable dwelling-sizes most needed, having regard to severe problems of overcrowding and the high proportion of one-bedroom dwellings in the Council stock.
- 4.17 Policy 3.5 of the London Plan addresses the quality of and design of housing developments (including conversions). Table 3.3, which sits within this policy sets out the minimum space standards. The London Plan states the LPAs *"should incorporate minimum space standards that generally confirm with Table 3.3"*. The London Plan's minimum space standards are larger than those set out by LBC's SPD. Paragraph 2.1.15 of the London Plan Housing SPG confirms that *"when considering application of*

LP standards in Boroughs which already have their own standards, the LP standards should be used as minima”.

- 4.18 We understand that in the officer's delegated report (provided as my **Appendix RM10**) that the officer considered that the current units met LBC's own residential standards, the delegated report states that:

“the site currently comprises 4 x 1-bed and 1 x 2-bed flats. The 1-bedroom flats have a floorspace of 34.8sqm; 45.2sqm; 45.9sqm; 43.8sqm respectively and the 2-bed has a floorspace of 65.6sqm. The Council's residential development standards are set out in Camden Planning Guidance 2 – Housing, chapter 4. The minimum floorspace for a 1 person flat is 32m², a 1 bedroom/2 person flat is 48sqm and a 2 bedroom/3 person flat is 61sqm. The smallest flat (top floor) is considered to be a 1 person flat as the bedroom is not large enough to qualify as a double bedroom due to the floor area and the sub 1.5m head height which results in the bedroom becoming 9sqm.

Paragraph 2.25 of DP2 states that the Council may consider proposals involving the loss of dwellings in order to meet the standards if the existing homes are 20% or more below the space standards and the loss of dwellings is no greater than is necessary to meet the standard. In addition, CPG 2, paragraph 4.12 states that the Council will be flexible in the application of guidelines to respond to site-specific circumstances.

Therefore, none of the flats are more than 20% below the minimum space standards. The proposal would fail to comply with this section of policy DP2.”

- 4.19 In deciding whether the existing units are sub-standard we consider that the Council should not have based their assessment on room sizes in isolation, but also considered the layout of the units together with other 'quality' indicators which are summarised in my **Appendix RM2**. Flats located on first and second floor are not self contained and the third floor flat is located wholly within the eaves of the property with reduced head height.
- 4.20 LBC's Core Strategy Policy CS6 states in paragraph 6.18 page 52 (provided as **Appendix RM5**) states:

"We recognise that there are situations where the loss of homes can be justified (such as where two homes are combined to resolve an overcrowding problem), and will take account of the specific circumstances of existing homes and proposed developments".

- 4.21 We note that even though the Planning Statement (**Appendix RM14**) highlighted the issue to the planning officer that two flats are not self contained, the officer has ignored this and Reason No. 1 of the decision notice states

"...The proposed development would result in the net loss of four self-contained residential units... .."

- 4.22 We have reviewed the comments made by the officer in the delegated report regarding the acceptability of each flat in accordance with LBC's own residential standards our response is provided in my **Appendix RM2**.

Configuration of proposed scheme

- 4.23 The appellant has explored the possibility of whether the current configuration could be altered to reduce the number of units lost. However, there are limited alternatives to configuring alternative layouts for the building without requiring such internal and external alterations as to destroy the proportions of the rooms and detrimentally impact upon the Conservation Area. As such, plans produced by Stitch (provided in my **Appendix RM15**) show the two 'most realistic' options. We have provided a detailed assessment (**Appendix RM16**) which clearly shows that these two configurations are not considered suitable.
- 4.24 The two options were considered the most realistic as limited options exist to reconfigure the units. Access to the upper storeys whilst providing a unit in the basement is the most constraining factor e.g. the only way to reach the second and third floor would be by walking through part of the first floor and again the only way to reach the third floor would be to walk through the first and second floor.
- 4.25 As can be seen from my **Appendix RM16**, the most significant element of either option would be the necessary introduction of a new two-storey external staircase in order to achieve private garden access for the large upper unit. The staircase would have an impact upon the Conservation Area and would impair the privacy of neighbouring houses

and gardens as well as its own and could not be constructed in any way to avoid this - i.e. providing it enclosed in a form of drum or box seems unfeasible as the experience of descending it would not be attractive, and the visual impact in the Conservation Area would be exacerbated.

- 4.26 As such, I consider it clear that the approach taken by the Appellant to return the property back to one dwelling to be the most appropriate and sensitive scheme configuration available which provides a unit which is policy compliant.

C) Loss of Affordable Housing Units in Borough

Use of Section 106 Agreement

- 4.27 The assertion by the LPA in the Delegated Report that a S106 legal agreement would be required to ensure that the property would remain as affordable and in the absence of a legal agreement is misguided.
- 4.28 The building remains in the same Use Class (C3); there is no change of use. As explained in correspondence to the planning officer and provided as my **Appendix RM17** the planning application sought the creation of a different planning unit to that which currently exists on site. The use class remains the same as the current use on the site.
- 4.29 It is of concern that the officer's delegated report (**Appendix RM10**) suggests that *"The Council would need to be satisfied that the proposed single dwelling would remain as affordable for future occupiers. Camden's housing department would also expect the applicant (who is a registered provider in the borough) to sign up to the Council's standard nominations agreement. A Section 106 legal agreement would be required to ensure that the property would remain as affordable and that Camden nominations would be taken"*. This paragraph suggests that the matter has not been decided according to planning considerations and policies but instead been decided with ulterior motives based on concern from the housing department. The formal consultation response from the Housing Department is unavailable on LBC's web site and has been requested by the Appellant's agent. However, we provide as my **Appendix RM18** a copy of the entire correspondence the Appellant's agent received from the Housing Department on the matter.
- 4.30 The Council is labouring under a misapprehension that for the property to be affordable housing it must be bound in perpetuity by a Section 106 agreement, which is clearly not the case.

- 4.31 The appeal site is privately owned and operated and is not the subject of any nominations agreement or other obligation with the Council or other parties to provide affordable housing. The use of the property as affordable housing is entirely a consequence of its ownership by Raglan and its letting of those units to tenants in social need is in accordance with its charitable objectives. Its use or continued use as affordable housing should not be dependent upon an in perpetuity obligation under Section 106 or any other statutory obligation to use the premises as affordable housing.
- 4.32 As such, the approach by the Council as seen from the correspondence from the housing officer (**Appendix RM18**) to the planning officer and the officer's delegated report by refusing the application due to a requirement to bind the property in perpetuity is clearly unfair to the Appellant.
- 4.33 It is of particular concern, when reviewing the correspondence between officers (**Appendix RM19**) that the Housing Department considers the merits and motivation for the application to be an overriding consideration for determining the application. It is also concerning that the Council appears to be under the misapprehension that any profit resulting from a potential future sale of the property would be for the benefit of individual persons. The Council clearly does not appreciate that any surplus gained by the Appellant (of any of its properties sold) will be applied to a social purpose of developing social housing in accordance with its charitable objectives as a not for profit registered provider. LBC's position is at odds with other London Boroughs. Ealing Council recently approved two similar schemes in 2013 and most recently in August 2014 without the need for a Section 106 agreement. The officer's report and decision notice for both planning permissions is provided as my **Appendix RM20** as an example of how another Council in London has approached the application.
- 4.34 Regardless of the Appellant's charitable status, it is clear that a planning department must act lawfully according to the policies which are currently in place. The planning department does not have jurisdiction to interfere in the lawful activities of landowners unless such activities are in breach of planning law and policy. As such, I consider the suggestion by the Council in correspondence (**Appendix RM19**) and contained in the Delegated Report (**Appendix RM10**) that permission would be refused unless a landowner enters into a Section 106 agreement to provide affordable housing is ultra vires.

Summary & Conclusions

- 4.35 Against this background, I am able to recommend to the Inspector that the Appeal Scheme complies with planning policy in that the loss of units in the borough can be

justified as set out in the circumstances set out above and as such is in accordance with LBC's Core Strategy policy objectives.

4.36 A summary of our findings and conclusions is outlined below.

- The loss of four units is in accordance with the policy requirements set out in LBC's Core Strategy;
- The approach taken by the Appellant to return the property back to one dwelling to be the most appropriate and sensitive scheme configuration available which provides a unit which is policy compliant; and
- The assertion by the LPA in the Delegated Report that a S106 legal agreement would be required to ensure that the property would remain as affordable and in the absence of a legal agreement is misguided.

4.37 Against this background, we respectfully request the appeal is allowed as the proposed scheme is compliant with the Development Plan and there are a number of important material considerations which warrant approval including compliance with the NPPF.

5.0 RESPONSE TO REASON FOR REFUSAL – DESIGN

- 5.1 LBC's second and third reason for refusals relate to the impact upon design and read as follows:

Reason No.2

“The proposed second floor rear extension, by reason of its location, form and detailed design, would be harmful to the character and appearance of the host building and the character and appearance of the Hampstead Conservation 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 policies DP24 (Securing high quality design) and DP25 (Conserving Camden's heritage) of the London Borough of Camden Local Development Framework Development Policies”.

Reason No.3

“The proposed rear roof terrace, associated fenestration and Juliet balconies, by reason of detailed design and choice of materials would be harmful to the character and appearance of the host building and the character and appearance of the Hampstead Conservation 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 policies DP24 (Securing high quality design) and DP25 (Conserving Camden's heritage) of the London Borough of Camden Local Development Framework Development Policies.”

- 5.2 A Statement produced by Stitch Studio responding to both reasons for refusal in detail is provided as my **Appendix RM21**.
- 5.3 Unfortunately, the first opportunity that the Appellant and project team were made aware that the Council had concerns regarding design matters, was upon receipt of the decision

notice. We consider that elements of the design, which form reasons for reasons for refusal, could have been dealt with and changes secured by way of planning condition.

5.4 As set out in the Appeal Statement produced by Stitch, we consider that the proposals cause no harm to the design aspirations set out in their policies and that precedent for such design changes are clearly set in the adjacent buildings and Hampstead Conservation Area, irrespective of the actual design quality of the surrounding buildings.

5.5 On page 5 of the officer's delegated report, the officer outlines the elements of the proposed scheme as follows:

- *Lower Ground Extension*
- *Rear Roof Terrace*
- *Closet Wing Alterations – Insertion of doors and Juliet balconies*
- *Extension of the 2nd floor extension to the rear of the extension below.*

5.6 We consider that the Appeal Statement produced by Stitch explains the design rationale and the reasons as to why the design is considered to be acceptable. I note in the officer's delegated report that the principle of a roof terrace was considered acceptable but the use of glazed balustrade was unacceptable. I consider that the design details regarding the finish and use of materials could have been dealt with via condition.

Hampstead Conservation Area

5.7 The Council has produced a Conservation Area Statement (CA adopted 2001) which explains that the Council will use in its assessment of development proposals. The report assesses Denning Road and explains that;

“There are terraces on both sides with considerable variety in the detail. Predominantly they are three storey, some with a semi basement. Nos. 1-7 have distinct porticoes and ground floor bays, Nos. 12-36 are brick with red brick dressings and sash windows with multi-panes with white painted wood details framing the recessed front door. The roof lines vary in design, although most are pitched. And as with other streets in this sub-area there are un-sympathetic roof alterations (Nos. 5, 7, 13, 22 & 23, 39). A former Hall (now in residential use) on the west side interrupts the rhythm of the street and provides contrast in scale, but with materials and details that relate to the

street. Nos. 29-33 are a terrace of distinct red brick houses with canopied front door and a gable/dormer in the roof. Nos. 47/49 is a 1960's pair of three storey houses with internal garages at ground floor level. The garages are typical of the period but detrimental to the streetscape".

The statement explains that:

"new development should be seen as an opportunity to enhance the Conservation Area and should respect the built form and historic context of the area, local views as well as existing features such as building lines, roof lines, elevational design, and where appropriate, architectural characteristics, detailing, profile, and materials of adjoining buildings" and that "extensions should be in harmony with the original form and character of the house and the historic pattern of extensions within the terrace or group of buildings. The acceptability of larger extensions depends on the particular site and circumstances."

- 5.8 As identified by the Council in the statement, Denning Road has been the subject of a number of planning applications for various extensions mentioned in the report and since its publication. We have provided a recent planning decision from 19 Denning Road which granted planning permission on 3rd June 2013 for ***"Alterations to rear fenestration and doors at upper and lower ground floor levels to existing dwelling house"***. The officer's delegated report and proposed plans are provided as my **Appendix RM22** and show that even though this building was identified as a building which makes a positive contribution to the area given the layout of surrounding development the rear of the building is not visible from the public realm. The works for this application (which appear to have now been implemented) included alterations to rear of dwellinghouse at lower and upper ground floor levels. Permission was granted for the replacement of an existing set of aluminium framed French doors which would be replaced with a new set of folding doors, also aluminium framed at upper ground floor. At lower level the existing window and aluminium concertina doors would be replaced with a new set of folding doors. The proposed works were considered to be minor and respectful of the character and appearance of the building by being concealed to the rear of the building, not visible from the public realm.

- 5.9 I consider this recent planning permission details clearly how the proposed alterations to the rear of the building were considered by LBC to be acceptable and not detrimental to the amenity of the surrounding properties or to the Conservation Area and as such is a material consideration when assessing the alterations proposed as part of the appeal scheme.

6.0 FOLLOWING DETERMINATION

- 6.1 Since the determination of the application (now the subject of this appeal), some circumstances have changed. These are identified below.
- 6.2 On 13th March, the Appellant wrote to the Chief Executive of the London Borough of Camden to explain his dissatisfaction of how the application had been dealt with by officers from. A copy of this letter is provided as my **Appendix RM18**.
- 6.3 The response and further correspondence from the Appellant dated 3rd April 2014 (provided as my **Appendix RM23**)

7.0 PLANNING CONDITIONS WORDING

Suggested Conditions

- 7.1 The appropriate wording of planning conditions has not been an extensive area of negotiation between the LPA. I therefore attach as my **Appendix RM24** a set of conditions which the Appellants propose.
- 7.2 I would request that the Inspector take into account the merits of our condition drafting in any positive decision letter.