

## 18 Burgess Park Mansions

### Appeal Statement

1. **Introduction** This appeal is made by Mrs Katherine Malugin. It relates to the proposal for

*Demolition of part of rear pitched roof to form a terrace at fourth floor, erection of rear dormer, installation of four front and one rear rooflights to existing residential unit.*

The application was made to the London Borough of Camden on 24 February 2014 and refused on 4 June 2014 for the following reason:

*The proposed roof extension and terrace, by reason of their bulk, mass and detailed design would result in an incongruous and obtrusive addition to the existing roof form which would harm the architectural integrity of the existing building and the character and appearance of the surrounding area contrary to policies CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Development Framework Core Strategy and Policy DP24 (Securing high quality design) of the London Borough of Camden Development Framework Development Policies.*

An earlier version of the proposal was submitted to Camden in 2013 and refused on 3 June 2013 for the same reason.

The application was accompanied by a Design and Access Statement which is included with the papers for this appeal.

2. **Site and Surroundings**

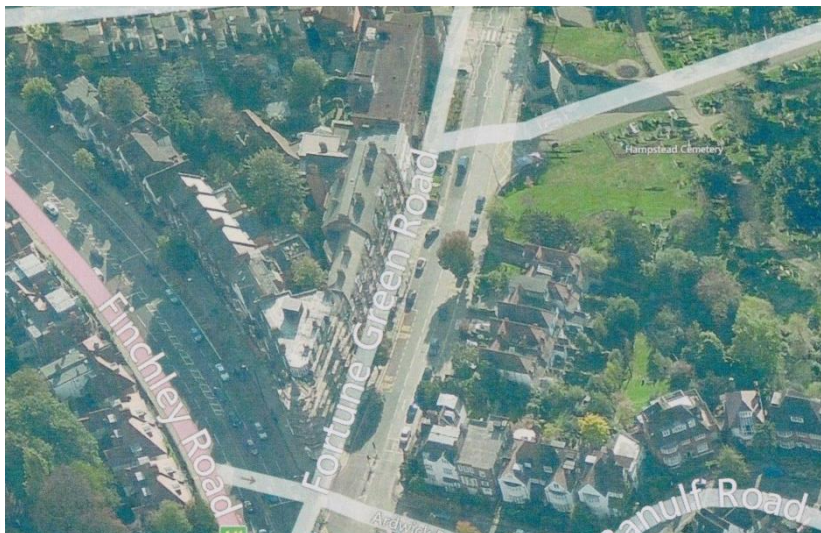


Fig 1

Burgess Park Mansions is located at the junction of Finchley Road and Fortune Green Road as shown above in Figure 1. The Junction block has been altered significantly by the addition of a storey (See Fig 1.1).

Burgess Park Mansions extends back along the Fortune Green Road frontage



Fig 1.1



Fig 2

as shown in Fig 2 and no 18 is the top flat of the end block, which has a full height return block at this point where sufficient space is afforded by width of the triangular site bounded by Finchley Road, Weech Road and Fortune Green Road.



Fig 3

3. The rear of the building is invisible from the street other than through a small gap between nos 14 and 15 Weech Road – see Fig 3, and in oblique views from one spot in Fortune Green Road – see Fig 4



Fig 4

4. Opposite the appeal site is located one of the entrances to Hampstead Cemetery, from which semi-public viewpoint longer views of the front of the building are obtainable.
5. The building is not listed as being of architectural or historic interest, nor is it locally listed, nor does it form part of a conservation area



Fig 5





Fig 6

6. There is significant redevelopment in the area, both by the development of the site opposite on Finchley Road by Barratt (Fig 5), and by the erection of Alfred Court further down Fortune Green Road on the west side in the last few years, see from the corner of Weech Road in Fig 6
  
7. The street facade of 18 Burgess Park Mansions is shown in Fig 7. The block of four flats accessed from its staircase is wider than any of the others in Burgess Park Mansions, in which there is a variety of elevation forms, and features two rather than one projecting bay on lower floors. This is described in more detail in Table 2

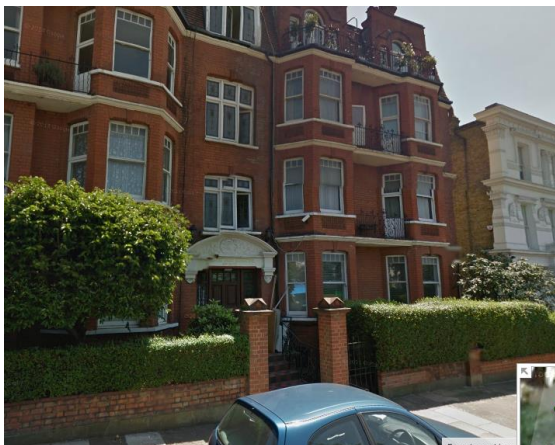


Fig 7

8. No 174, which is the building adjacent, was listed grade II in 1974, with the following citation

*Semi-detached house, formerly the home and business premises of John Cramb & Son, monumental mason; situated opposite the entrance to Hampstead Cemetery. 1886. Stucco with yellow stock brick left hand return. Eclectic Graeco-Egyptian style. Double fronted with 3 windows; 3 storeys. Projecting dentil cornice at each floor level. Ground floor with enriched pilasters, having capitals of lotus leaves and masks, flanking altered entrance and plate glass showroom windows. Upper floors with enriched pilasters at angles linked to enriched architraved sashes; 1st floor sashes separated by large attached palmettes; central 2nd floor window of 2 lights separated by an Ionic type pilaster. Entablature with paterae in frieze and projecting cornice*

It is shown in Fig 8 below. There is no suggestion that it or its setting is affected by the proposals.



Fig 8

9. **Proposal** 18 Burgess Park Mansions is unique in the block in that it has both the full height rear extension and a very substantial roof space in pitched roofs covering both the frontage and rear extension. The appellant's flat at present comprises two reception rooms at the front and three bedrooms in the centre and at the rear, with a kitchen in the centre and a bathroom and ensuite adjacent on the inside of the rear extension.
  
10. The architect, Richard Keep, has designed a scheme to access the existing roof from a new staircase located in the westerly of the two front rooms. A new room would be created without the need to raise the roof height, and new dormer, set back from the party walls on either side, would be projected out at the rear into the space over the rear extension, where the existing roof would be removed to form a new terrace. No existing chimneys would be removed.
  
11. Richard Keep is a small architectural practice located nearby in Camden Town. Its impressive track record can be viewed at <http://www.richardkeep.com/>. As a practice, Richard Keep Architects is driven by a considered approach to the design process which derives from a thorough understanding of context, urban integration, function, materiality, proportion, beauty and budget. It says *'By working closely with our clients and consultants we aspire to become synonymous with the delivery of exceptional buildings'*
  
12. There has been consultation with local people. Nobody has objected and some are in support of the proposal
  
13. **Reason for Refusal - Commentary** broken down to its component parts the reason for refusal has 5 elements presented with commentary as follows (Table 1).

| <b>Table 1 Analysis of Reasons for Refusal</b>   |  |
|--|--|
| <b>Element of refusal</b>  | <b>Commentary</b>  |
| 'by reason of ... bulk, mass and detailed design... result in an incongruous and obtrusive addition to the existing roof form' | The words 'bulk' and 'mass' are not appropriate here. The rear extension roof would be removed in the proposals and a dormer extension of limited scope and considerably lower than the existing roof would be added, so that the mass is reduced. |

|  |   |
|--|---|
|  | <p>The extension would not be visible from public areas other than through the very small gaps between buildings in Fortune Green Road and Weech Road.</p> <p>There is no satisfactory evidence basis for this judgment.</p>  |
| ' which would harm the architectural integrity of the existing building' | <p>Architectural integrity' is a concept which is usually employed in relation to heritage assets.</p> <p>English Heritage define heritage asset as follows:</p> <p><i>'building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage asset includes designated heritage assets and assets identified by the local planning authority (including local listing)'</i>.</p> <p>This building is neither listed nor locally listed nor is it in a conservation area. On this definition the building is not a heritage asset. The Council's report states that <i>'the proposal would result in the loss of the rear gable which is considered key to the integrity of the building'</i> This can only relate to the view (which is never expressly stated) that Burgess Park Mansions is a Non-Designated Heritage Asset. The point is dealt with below</p> |
| ' [and would harm] the character and appearance the surrounding area'    | <p>This is not correct and is not reflected in the officers' report. There are several terraces at different levels on buildings in Finchley Road and Weech Road which look out over the private triangular area behind the site, and when completed this will be indistinguishable from these. The proposal is undeniably well designed and functional.</p> <p>It is accepted by the Council that there would be no harm to amenity from the proposals, and the Council's report concludes in this respect that <i>'the proposal is considered not to significantly affect the amenities of the neighbouring residential properties'</i></p>   |
| 'Contrary to policies CS14'  | This is dealt with in more detail below   |
| 'and policy DP24'  | This is dealt with in more detail below   |

14. **Policy** Policy is set out in the National Planning Policy Framework (NPPF) and explained further in National Planning Practice Guidance (NPPG) in addition to the Camden Core Strategy and Development Policies, and Camden Planning Guidance Note 1 (CPG1)

15. Para 60 of the NPPF provides *'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. It is, however, proper to seek to promote or reinforce local distinctiveness'*.

16. The decision to refuse permission is not in accordance with this policy. It constitutes over-prescriptive imposition of a particular taste and is based on an unsubstantiated requirement to retain the rear roof. The proposed dormer is carefully designed to give a modest amount of additional volume to the main roof. It will not alter the form of the main roof; nor will the flush rooflights proposed at the front be visible from the street other perhaps than in quite distant oblique views or from the cemetery. Moreover the Council considers them to be acceptable.
17. The removal of the rear extension roof will change the appearance of the building in views from private areas at the rear, but in a manner, once it is completed, which will be very comparable to other rear extension terraces and which the Council accepts would not cause loss of amenity. Moreover its mass would be reduced.
18. By contrast, the additional amenity created by the proposal for the benefit of the appellant's flat is very significant and needs to be weighed in the balance by the Inspector.
19. NPPG provides as follows: *'As a core planning principle, plan-makers and decision takers should always seek to secure high quality design. Achieving good design is about creating places, buildings, or spaces that work well for everyone, look good, last well, and will adapt to the needs of future generations.*  
  
*'Good design responds in a practical and creative way to both the function and identity of a place'*  
*'Good design should enhance the quality buildings and spaces, by considering amongst other things form and function; efficiency and effectiveness and their impact on wellbeing'*
20. The proposal meets these criteria. It will enhance the usability of the building for the applicant and increase well-being without substantive adverse effects on its surroundings, including the continued visibility of the rear pitched roof for nearby private residents, for whom its loss cannot be said to diminish wellbeing.
21. Camden's policy CS14 which is cited in the reasons for refusal states *'The Council will ensure that Camden's places and buildings are attractive, safe and easy to use by:*
  - a) *requiring development of the highest standard of design that respects local context and character;*
  - b) *preserving and enhancing Camden's rich and diverse heritage assets and their settings, including conservation areas, listed buildings, archaeological remains, scheduled ancient monuments and historic parks and gardens;*
  - c) *promoting high quality landscaping and works to streets and public spaces;*
  - d) *seeking the highest standards of access in all buildings and places and requiring schemes to be designed to be inclusive and accessible;*
  - e) *protecting important views of St Paul's Cathedral and the Palace of Westminster from sites inside and outside the borough and protecting important local views'.*
22. The only relevant part of this policy is at a), since the building is not a heritage asset, nor is it within a conservation area, there are no effects on streets or public spaces or on strategic views.

23. As has been explained, the proposal is not out of keeping with other roof terraces and dormers in the area and they have no effects on the amenity of surrounding occupiers. Moreover the effects on the publicly viewable aspect of Burgess Park Mansions are minimal, because the proposed rooflights as the front will be invisible or barely visible and the demotion of the roof at the rear, the new dormer and roof terrace will be seen only fleetingly through the gap between 14 and 15 Weech Road. Hence it cannot be said that the proposed alterations would cause harm to local context and character.
24. Camden's policy DP24 says *'The Council will require all developments, including alterations and extensions to existing buildings, to be of the highest standard of design and will expect developments to consider:*
- a) character, setting, context and the form and scale of neighbouring buildings;*
  - b) the character and proportions of the existing building, where alterations and extensions are proposed;*
  - c) the quality of materials to be used;*
  - d) the provision of visually interesting frontages at street level;*
  - e) the appropriate location for building services equipment;*
  - f) existing natural features, such as topography and trees;*
  - g) the provision of appropriate hard and soft landscaping including boundary treatments;*
  - h) the provision of appropriate amenity space; and*
  - i) accessibility.*
25. Points d) to g) and i)) of this policy are not of relevance as the proposals are barely visible from the front and not at street level, changes to building services equipment are not involved, natural features such as topography and trees are neither relevant nor affected, neither are landscaping nor boundary treatment, and accessibility is unchanged.
26. The proposals have significant benefits for amenity space – a feature which has not been taken into account by the Council at all.
27. The Council's decision has turned on the character of the surroundings and/or the existing building. The considerations are set out on the officers' report and in CPG 1. CPG1 is set out as principles to be considered when considering development, rather than prescriptive requirements of development. This is clear from para 1.7 which states *'It should be noted that the guidance covered in this section only forms part of the range of considerations that you should address when proposing new development'*.
28. The document refers to Non-Designated Heritage Assets (NDHA), which are *'...attractive, historic, locally significant buildings and features which contribute to the distinctiveness of local areas, but which are not formally designated'*. Although it is nowhere stated specifically in the officers' report, it is clear that Burgess Park Mansions is being treated as just such an NDHA.



29. Policy for NDHAs is as follows (see para 3.36 of CPG 1):

*'However if planning permission is required for any proposal that would either directly or indirectly affect the significance of a non-designated heritage asset (either on the Local List or not) then the Council will treat the significance of that asset as a material consideration when determining the application.*

*OFFICERS - will make a balanced judgment having regard to the scale of any harm or loss and the significance of the asset/s affected. They will take account of:*

- the desirability of sustaining and enhancing the significance of any non-designated heritage asset/s and putting them to viable uses consistent with their conservation;*
- the positive contribution that the conservation of heritage assets can make to sustainable communities including their economic vitality;*
- the desirability of new development that affects non-designated heritage assets to preserve and enhance local character and distinctiveness.*

*APPLICANTS - will need to show how the significance of the asset, including any contribution made by their setting, has been taken into consideration in the design of the proposed works. The level of detail required will be proportionate to the asset/s importance and no more than is sufficient to understand the potential impact of the proposal on the significance of the asset/s affected'*

30. This approach introduces a range of tests which are relatively novel in policy. However it is suggested that the requirements for the applicant were and are discharged by this statement, and the 2013 and 2014 planning applications, both of which included full Design and Access Statements which described the property and the development, and make it clear that the building is *'an attractive Queen Anne Style mansion block'* (para 4.1).

31. GPG 1 also includes specific policy on dormer windows in Section 5 as follows:

*'Alterations to, or the addition of, roof dormers should be sensitive changes which maintain the overall structure of the existing roof form. Proposals that achieve this will be generally considered acceptable, providing that the following circumstances are met:*

*a) The pitch of the existing roof is sufficient to allow adequate habitable space without the creation of disproportionately large dormers or raising the roof ridge. Dormers should not be introduced to shallow-pitched roofs.*

*b) Dormers should not be introduced where they cut through the roof ridge or the sloped edge of a hipped roof. They should also be sufficiently below the ridge of the roof in order to avoid projecting into the roofline when viewed from a distance. Usually a 500mm gap is required between the dormer and the ridge or hip to maintain this separation (see Figure 4). Full-length dormers, on both the front and rear of the property, will be discouraged to minimise the prominence of these structures.*

*c) Dormers should not be introduced where they interrupt an unbroken roofscape.*

*d) In number, form, scale and pane size, the dormer and window should relate to the façade below and the surface area of the roof. They should appear as separate small projections on the roof surface. They should generally be aligned with windows on the lower floors and be of a size that is clearly subordinate to the windows below. In some very narrow frontage houses, a single dormer placed centrally may be preferable (see Figure 4). It is important to ensure the dormer sides ("cheeks") are no wider than the*

*structure requires as this can give an overly dominant appearance. Deep fascias and eaves gutters should be avoided.'*

*e) Where buildings have a parapet the lower edge of the dormer should be located below the parapet line (see Figure 4).*

*f) Materials should complement the main building and the wider townscape and the use of traditional materials such as timber, lead and hanging tiles are preferred*

32. Before commenting on the officers' report it is to be noted that these rules are substantively followed in the present case for the dormer, which is located well into the roof slope and at the rear of the long rear extension. There is no question of cutting the roof hip or ridge. Because of the depth of the rear extension at this point, the condition of the roof is different from others in Burgess Park Mansions, and the relationship of glazing to the fenestration below is no relevant as envisaged in the policy because the vertical plane of the dormer and the rear wall are entirely different.

33. The Officers' report is quoted and commented on below in Table 2:

| <b>Table 2 Analysis of Officers' Report</b>  |  |
|--|--|
| <b>Quote from Officers' Report</b>   | <b>Comment</b>   |
| As the building existing 1-18 Burgess Park Mansions has a traditional pitched roof profile which suits the traditional appearance of this building. The building is comprised of two parts, the main body and the rear return which occupies approximately a third of the width of the building, therefore contributing to the integrity and character of the building. Furthermore the existing roof profile of the building contributes to the uniform design of this mansion blocks. Although it is noted that the adjoining corner building (571-575 Finchley Road) to the north is higher than Burgess Park Mansions and has a different roof profile this does not interfere with the architectural composition of Burgess Park Mansions which is distinctly different to the neighbouring properties. | <p>Whilst it is true that Burgess Park Mansions as a whole is quite different from its neighbours, it is in fact a building in a number of parts and without symmetry, either as a whole or in each part, as follows:</p> <p>Nos 1-8 - four residential floors above commercial. Two storey roof with terrace – upper floor added. Three projecting angled bays above first floor level and one full height.</p> <p>Nos 7-10 – four residential floors. One flat and one angled bay to left of main door, two angled bays to right of main door. Triple round headed dormers above angled bays and two larger pedimented dormers above flat projecting bay and non-projecting front wall. Terraces over and between adjoining angled bays</p> <p>Nos 11-18 – four residential floors. Two angled bays separated by a flat bay to left of front door with terrace with round headed and pedimented dormers above. To right of front door, two adjoining projecting bays with terrace and round headed dormers above. Pedimented dormer over staircase.</p> <p>The rear roof slope is plain but more or less invisible, and rear elevations are very plain</p> |
| The proposed dormer, is considered to be bulky in its appearance. At 4.2m wide the dormer would not relate to the windows in the elevation below as noted within paragraph 5.11 point d of CPG1. As such the   | The proposed dormer is designed to relate in proportion to and to the pattern of fenestration of the projecting extension below. It is certainly a modern intervention, but cannot be said to ignore the proportions of the existing building. It I also in  |

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|---|---|
| development would fail to take account of the proportions of the existing building, contrary to DP24.   | the same proportion as the existing dormers in the rear elevation.  |
| The proposal would result in loss of the rear gable feature which is considered to be key to the integrity of the building, as such its loss would be wholly out of context with the traditional appearance and detailing of the existing building. As such the loss of this feature of the property would not consider the character of the existing building thereby directly contravening DP24.  | This is the fulcrum of the Council's argument. It is not within the scope of policy in CPG 1 that the analysis should be in terms of integrity, which is normally a term reserved for the fabric of listed buildings. By elevating this aspect in this way the report does not perform the judgment required by policy in CPG 1, which should assess significance in terms of visibility and location. As the gable in question is of very limited visibility its importance to the character and appearance of the area is similarly limited. Moreover the advantages of the proposal to the applicant should have been weighed in the judgment. |
| The proposed terrace would occupy the entire area of the rear return measuring 44.6 sqm which is a considerable size for a terrace. The principle of having a terrace at this level is not considered acceptable. The terrace would have a significantly detrimental impact on the existing elevation by virtue of the removal of the hipped roof and additional visual clutter at this elevated position.  | This part of the report is not justified other than by opposition to the removal of the existing roof and substitution of a terrace. The proposal itself is not assessed in the round. Nor is the utility of the proposal for the applicant considered.   |
| The proposed roof addition and roof terrace would partially be visible from Fortune Green Road on oblique angles and would be more obvious on Weech Road (between two houses). Given the high level position of the proposed roof addition and alterations the proposal would have a considerable impact on the character and appearance of the surrounding area. The proposed roof addition and alterations would not be subservient to the existing roof profile as they would substantially alter and dominate the existing roof profile | There are fleeting glimpses of the application location between buildings from Fortune Green Road and Weech Road - see Figs 3 and 4 above, but the Council also accepts that the proposal would have no effects on amenity . It is not consistent with this (correct) judgment to conclude that the proposal would have a considerable impact on the character and appearance of the surrounding area.  |

The proposed roof lights are considered not to affect the appearance of the existing roof profile significantly and on their own are considered to be acceptable in design terms.

34. This appeal asserts that the Council has not applied its policy properly, performing the policy analysis incorrectly and ignoring the benefits of the proposal to the applicant. This appeal argues that it would have been in accordance with the Development Plan to grant permission, and that the policies of the Development Plan do not require or justify a refusal. However even if the analysis is found to have been correct, it is still necessary for the Inspector to consider the advantages and disadvantages of the proposal independently of Development Plan policy. This is a proposal with considerable advantages and utility for the applicant. It involves the demolition of a pitched roof which serves no specific purpose and its replacement with a flat one which can be used as a terrace. The location is barely visible and will not alter the character of the area. The location of the proposed dormer is unusual in that it is at the inside end of a very long extension, and it will provide well designed useful additional accommodation. It would not, in

this location, as an alternative approach, produce a better development to retain a portion of the pitched roof and the end gable.

35. **Summary and Conclusion** Burgess Park Mansions is a building about 110 years old with a varied street façade and a plain back. The location of the proposal is barely visible from public areas other than in glimpses between buildings. The Council accepts the proposed rooflights at the front. The location of the proposed dormer at the rear is very unusual because of the long extension in front of it. The dormer is designed to conform with the proportions of the building and it would make no sense for its fenestration to be aligned with that of the floors below as they stand well away from it on quite a different vertical plane. The roof terrace will be of good appearance and useful to the appellant.

36. The Inspector is requested to grant planning permission.