



APPEAL BY:
Mr David Josephs

AGAINST THE LONDON BOROUGH OF CAMDEN COUNCIL'S REFUSAL
TO GRANT PLANNING PERMISSION FOR:
*The demolition of the existing dormer roof extension and the erection of an enlarged
dormer extension and the replacement of an existing rooflight with a new dormer
window all associated with works to the front elevation*

AT
Flat Second & Third Floor, 26 Steeles Road, London, NW3 4RE

The London Borough of Camden Council's Reference: 2014/1366/P

WRITTEN REPRESENTATIONS: GROUNDS OF APPEAL

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RJS PLANNING

T: 0208 3543582 M: 07884 138682 E: info@rjsplanning.co.uk
RJS Planning. 132 Brunswick Road, London, W5 1AW

1.0 INTRODUCTION

- 1.1 This statement has been prepared by RJS Planning, on behalf of Mr David Josephs, in support of the appeal lodged against the refusal of planning application 2014/1366/P.
- 1.2 The application sought planning permission for the construction of two front dormer windows to replace an existing front dormer window and rooflight. The application was refused under delegated authority on 8th July 2014 for the following reason:
- 1) *The proposed roof dormers, by reason of their scale, siting and detailed design would harm the appearance of the host building, wider terrace and the character and appearance of the Eton 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 Policy DP24 (Securing high quality design) and DP25 (Conserving Camden's heritage) of the London Borough of Camden Local Development Framework Development Policies.*
- 1.3 This grounds of appeal will address the central concern raised within the Council's reason for refusal, notably:
- Whether the proposed front dormer windows would be of detriment to the character and appearance of the existing building and the visual amenities of the terrace and the Conservation Area in general.
- 1.4 For clarification, the Council raised no objection to the impact of the dormers on the residential amenities of the neighbouring.
- 1.5 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 & THE PROPOSED DEVELOPMENT

- 2.1 The appeal site is located on the north-western side of Steeles Road, a residential road within the Eton Conservation Area and comprises a four storey terraced building, with loft accommodation, comprising two maisonettes and one flat. The existing building features a pitched roof dormer window and rooflight to the front and an inverted roof terrace to the rear.
- 2.2 Neither the appeal building nor the surrounding buildings are listed, however the terrace of buildings is considered by the Council to make a positive contribution to the Conservation Area.
- 2.3 As noted by the Case Officer within the delegated report, a number of the neighbouring properties within the terrace feature a variety of front dormer windows. Many of these dormers are wide with flat roofs. Photos of the neighbouring dormer windows are attached at **Appendix A**.
- 2.4 The appeal application sought planning permission for the replacement of the existing pitched roof dormer and front rooflight with two flat roofed dormer windows. The larger

dormer would measure 2.7m in width by 1.5m in height and would project a maximum of 1.5m from the roof slope. The smaller rear dormer window would measure 1.2m in width by 1.5m in height and would also project 1.5m from the roof slope. The windows would be timber framed and would match the appearance of many of the surrounding properties, being set well back from the eaves and in from the side boundaries.

3.0 RELEVANT PLANNING POLICY

3.1 The reason for refusal refers to Policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and to Policies DP24 & DP25 of the Camden Local Development Framework Development Policies.

3.2 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)

3.3 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

3.4 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.

3.5 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

3.6 Paragraph 17 of the NPPF sets out 12 core land-use planning principles which should underpin both plan-making and decision taking. The second, fourth and tenth 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.*
- *Conserve heritage assets in a manner **appropriate to their significance**, so that they can be enjoyed for their contribution to the quality of life of this and future generations.*

Requiring good design

- 3.7 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”.

- 3.8 Paragraph 58 states that planning policies and decisions should aim to ensure that development should respond to local character and history and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation.

Conserving and enhancing the historic environment

- 3.9 Section 12 of the NPPF refers to the conservation and enhancement of the historic environment. Paragraph 133 states that local planning authorities should refuse consent if a proposed development would lead to **substantial harm** to the significance of a designated heritage asset (including a Conservation Area).

- 3.10 The NPPF does not define “substantial harm” but it is widely accepted as including the total loss of a heritage asset, or fundamental compromise of its significance by means of extensive physical alterations, or inappropriate development within its setting. Such an impact can only be justified on the grounds that the harm is necessary to deliver important public benefits that outweigh the value of the heritage asset. In these terms it is absolutely clear that the application proposal will not result in “substantial harm” to the Conservation Area. Moreover, it must be pointed out that even the Council do not state within the reason for refusal that the proposal would lead to substantial harm to the historic significance of the Conservation Area.

- 3.11 Paragraph 134 of the NPPF sets out that “less than substantial harm” arises from proposals which include physical alterations or development within the setting, which on balance retain the fabric-authenticity and integrity of the heritage asset. The NPPF advises that such proposals should be “weighed against the public benefits of the proposal”. Such benefits include securing a sustainable future for the heritage asset.

Decision-taking

- 3.12 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

- 3.13 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 & DP25

- 3.14 Policies DP24 and DP25 of the Development Policies DPD are referred to within the reason for refusal.
- 3.15 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 proposals should consider the character, setting, context and the form and scale of existing and neighbouring buildings and the materials to be used.
- 3.16 Policy DP25 refers to “Conserving Camden’s heritage” and states that the Council will seek to maintain the character of conservation areas by taking account of conservation area statements, appraisals and management plans when assessing applications and by only permitting development that preserves and enhances the character and appearance of conservation areas.

4.0 THE APPELLANTS CASE**Introduction**

- 4.1 The Appellant’s case will focus on the central concern of the reason for refusal, notably whether the proposed front dormers would be of detriment to the character and appearance of the existing building and the visual amenities of the terrace and the Conservation Area in general. This case will demonstrate that the proposed dormers would preserve the character and appearance of the building, the terrace and the Conservation Area and that the dormers, at the very least, would not be of substantial harm so as to warrant a refusal.

Clarification of the Council’s concern

- 4.2 As a starting point it is necessary to clarify the Council’s actual concern. According to the decision notice and the Case Officer’s delegated report, it would appear that the Council’s concern is focused on the suggestion that the dormers would not be subservient to the roof and would not be set well below the ridge and back from the eaves and the sides (primarily on the basis that the smaller dormer would be located 300mm from the side boundary rather than 500mm. The delegated report is poorly written and contains a number of errors, and it is unclear as to whether the Council object to both dormers or just to the larger dormer (or indeed the smaller dormer), as the delegated report makes reference to the “front dormer”, rather than “dormers”. In summary though it is evident that the Case Officer considers that the dormers (whether one or both) would not relate well to the building and would be of harm to the Conservation Area.
- 4.3 In response it is first pointed out that the Council’s concern is based on the subjective opinion of the Case Officer. It does not appear that the Case Officer has received any specialist advice / comments from a Conservation Officer and whilst it is noted that an

objection has been raised by the Eton Conservation Area Advisory Committee, this objection refers to a separate application for a rear roof terrace. For the avoidance of any doubt, no objections are raised to the proposed front dormer windows by the Eton Conservation Area Advisory Committee or by the neighbouring residents. The Case Officers delegated report appears to have been copied and pasted from another application, with the Officer making no reference within the assessment section of the report to the numerous similar dormer windows that already existing at the immediate neighbouring properties. The Officer appears to have simply ignored the existence of these dormers. The Case Officer's concern is somewhat exaggerated and without substance, with the Officer failing to make an objective assessment of the "actual" impact on the appearance of the building and the Conservation Area.

The actual impact of the proposed dormers

4.4 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.*

4.5 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...*

4.6 In this instance it is clear from the photos attached at **Appendix A** that virtually all of the neighbouring buildings on both sides of the road feature large, flat roofed front dormer windows. The dormers are set down from the ridge by 500mm and the larger dormer is set well back from the eaves and sides of the roof. It is acknowledged that the smaller dormer is only 300mm from the side of the roof rather than 500mm, however a difference of 200mm is roughly the width of the A4 paper on which this appeal is written and would hardly be noticeable from eye level within the street scene. The guidance within CPG1 does not constitute adopted policy and serves the purpose of providing guidance only. The fact remains that the principle of the front dormers is acceptable and that the smaller front dormer is marginally at odds 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.

- 4.7 To recap, as set out in Section 3 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. The following paragraphs will demonstrate that the dormers would form acceptable roof additions in the context of the terrace as a whole.
- 4.8 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 dormers on the appearance of the building and the area and have also failed to take into account the existence of other virtually identical front 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 and this serves to demonstrate that the Officer’s assessment is not robust.
- 4.9 The proposed dormers would both be subordinate in scale to the roof slope within which they are located and would form sympathetic additions which would be in keeping with the neighbouring dormer windows. The dormers would not be of an excessive scale and would be set in from both flanks, be set down from the ridge and be set back from the eaves. Although the dormers would be visible within the street scene they would be viewed in the context of the neighbouring dormers and therefore would not appear unduly prominent or visually intrusive. It is therefore considered to be a gross exaggeration to suggest that the proposed dormers would be of detriment to the character and appearance of the building or the area in general. The Appellant contends that the dormers would cause no actual or demonstrable harm to the character or appearance of the dwelling or the surrounding area. The Appellant has no desire to construct dormer windows which are not worthy of the appearance of the existing building, the street scene or the Conservation Area and strongly feels that the proposed dormers would make a positive addition to both the external appearance of the existing building and to the level of internal accommodation that could be provided. The proposed dormers would clearly sustain the significance of the Conservation Area and peoples experience of it and it is strongly asserted that the significance and appreciation of the Conservation Area within the zone of influence of the proposal would not be compromised by the proposed dormers.
- 4.10 As set out above, the NPPF states that planning permission should be refused only if a proposed development would lead to **substantial harm** to the significance of a designated heritage asset (including a Conservation Area). The NPPF does not define “substantial harm” but it is widely accepted as including the total loss of a heritage asset, or fundamental compromise of its significance by means of extensive physical alterations, or inappropriate development within its setting. It is absolutely clear that the appeal proposal will not result in substantial harm, or even less than substantial harm to the setting of the Conservation Area. Whilst it is understandable that the Council would want to prevent unsympathetic development, it is asserted that the Council have failed to adequately assess or appreciate the appeal proposal.

- 4.11 It is acknowledged that the Council's policies seek to conserve and enhance heritage assets including the character, appearance and setting of Conservation Areas. However the National Planning Policy Framework (published in 2012) states that heritage assets should be conserved in a manner appropriate to their significance. It is put forward that the proposed works, by virtue of their limited actual impact on the street scene and the public realm, would at the very least, conserve the character and appearance of the Conservation Area. The proposed works would, at worst, have a neutral impact and would be of no harm to the Conservation Area. The Appellant maintains that the development would be of no detriment to the visual amenities of the area or the setting of the Conservation Area and asserts that the proposal fully complies with the 12 core planning principles set out within the NPPF.

5.0 CONCLUSION

- 5.1 The proposed dormers 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, front dormer windows are acceptable in principle and many similar dormer windows are located in neighbouring roofs. 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.
- 5.2 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 dormers would not be contrary to national or local planning policy and for the above reasons it is politely requested that this appeal is allowed.