

LOCAL PLANNING AUTHORITY REF: 20142037/P

TOWN & COUNTRY PLANNING ACT 1990 (AS AMENDED)

**APPEAL BY MISS KATHERINE SOMERS AGAINST THE REFUSAL OF A
PLANNING APPLICATION FOR THE ERECTION OF A TWO STOREY
BUILDING PLUS BASEMENT FOLLOWING THE DEMOLITION OF EXISTING
BUILDING TO PROVIDE FOUR DWELLINGHOUSES (4 X 5-BED)**

SITE AT 22 LANCASTER GROVE, LONDON, NW3 4PB

**APPEAL TO BE DETERMINED BY WAY OF WRITTEN REPRESENTATIONS
PROCEDURE**

STATEMENT OF CASE ON BEHALF OF APPELLANT

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1.0 Introduction

- 1.1 This Appeal Statement relates to an application to the London Borough of Camden for planning permission for the 'erection of a two storey building plus basement following the demolition of existing building to provide four dwelling houses (4x5-bed) at 22 Lancaster Grove, London, NW3 4PB' (The Proposals). The Application was submitted on the 20th March 2014, and accompanied by a full set of documents which are listed in Appendix 1, and form the Core Documents underpinning this Appeal.
- 1.2 The Committee Report, reproduced as Appendix 2, recommended that planning permission be granted, subject to a section 106 Legal Agreement. However, the Planning Committee resolved to refuse the application against officer's advice. Minutes of the Planning Committee are reproduced as Appendix 3.

The decision notice, dated 3 October 2014, gives two reasons for refusal:

- 1. The proposed development by virtue of its bulk, mass and extent of site coverage would result in overdevelopment of the site to the detriment of the character and appearance of the conservation area contrary to policy CS14 of the London Borough of Camden Core Strategy and the London Borough of Camden Development Policies DP24 and DP25.*
 - 2. The proposed development by virtue of its bulk, mass and proximity to neighbouring properties would have an unacceptable impact on residential amenity by virtue of a combination of reduction of light, outlook and a heightened sense of enclosure contrary to policy CS5 of the London Borough of Camden Core Strategy and the London Borough of Camden Development Policies DP26.*
- 1.3 This Statement has been prepared by DP9 Ltd, which is a leading independent planning consultancy, specialising in residential and commercial development projects throughout London and the South East. The practice regularly advises on projects in Camden, and conservation and residential amenity issues. This Statement has been prepared under the Direction of Chris Goddard BA (Hons) Bpl MRTPI MRICS, who is a Board Director of DP9 Ltd and has more than 25 years professional experience.

- 1.4 The Statement draws on the Core Documents and additional specialist input from KAS (architects), Beacon Planning (conservation matters) and Point2 Surveyors (daylight/sunlight). The Statement demonstrates that the Proposals accord with the Development Plan, the NPPF and the PPG and there is a clear presumption in favour of granting planning permission without delay. The reasons for refusal are not supported by the evidence in this case, and any adverse impacts are outweighed by the wider planning benefits the Proposals will deliver.

2.0 Site and Surrounding Area

2.1 The site and surrounding area are described in some detail in the Design, Access & Heritage Statement (Core Document 1) and the Committee Report (Appendix 2).

2.2 In summary, the site comprises of a detached 4 bedroom dwellinghouse, built in the mid 1980's. The house stands in a substantial plot which covers an area of approximately 0.11 ha. The existing dwelling is of no historic significance, has no particular architectural merit, and makes no contribution to the character of the surrounding residential area. The Committee Report states:-

The building is a mock tudor half-timber house dating from the 20th Century and given the materials and detailing is considered to be at odds with the predominant character and appearance of the area, It includes uncharacteristic metal railings to the front boundary and is considered to make little or no contribution to the sub area of the Belsize Park Conservation Area or stretch of dwellings on the south side of Lancaster Grove' (Para 6.4.6)

2.3 The site is located with the Belsize Park Conservation Area. Conservation matters are addressed in DAS/Planning Statement, the Committee Report, and in the independent report prepared by Beacon Planning (discussed later in this Statement). The assessments all conclude that the existing property detracts from the character of the Conservation Area, and the proposed development would make a positive contribution to the character of the area.

2.4 Nos. 18-20 Lancaster Grove (adjoining the site to the west) are identified as being unlisted buildings that make a positive contribution to the Conservation Area. In 2007 applications for planning and conservation area consent were made which sought to erect a new two storey plus attic level and basement dwellinghouse, following the demolition of 2 existing dwellinghouses. This application was granted on appeal in 2008, and renewed in 2010. The appeal decision is reproduced in Appendix 4.

2.5 In summary, the inspector concluded that Nos. 18-20 had been subject to numerous unsympathetic alterations and therefore made little contribution to the Belsize Park Conservation Area. Furthermore, the south side of Lancaster Grove varies enormously

in age, size, style, use of materials, and to some degree the distance of which development is set back from Lancaster Grove. Overall, the principle of redevelopment of the site and re-provision of residential use was accepted.

- 2.6 We concur with this description of the area. It is characterised by large detached properties, on large, generally regular plots, developed in relatively close proximity to each other. The notable exception is Number 24, which adjoins the site to the East, which occupies a compromised, wedge shaped plot reflecting its position on the curve in Lancaster Grove at this point.

3.0 The Appeal Proposal

- 3.1 The Proposal seeks permission to demolish the existing dwelling on the site and erect four, five bed houses contained within one building. The principle of the proposed development was agreed by the planning officer, who noted in his report that “*the continued use of the site for residential use is considered acceptable*” and in paragraph 6.2.2 highlighted the proposals accordance with London Plan density standards.
- 3.2 The proposed building will be of a high quality and has been designed to use elements found throughout the Conservation Area; it will be viewed as a single dwelling set back from the street in a walled and gated boundary. The high quality and acceptability of the design is acknowledged in the Committee Report which states: - “*the proposal is of a high quality, imaginative design which would be a welcome addition to the area once complete*” (para 6.4.20).
- 3.3 The Proposals optimise the potential of the site, delivering high quality housing which is needed in Camden. The Proposals are of a scale and mass which is consistent with the neighbouring properties, and the wider context. The Proposals comply with all relevant density standards, and the resultant plot ratio will be in keeping with neighbouring properties.
- 3.4 The Proposals are described in more detail in the Design, Access & Heritage Statement (Core Document 1) and the submitted plans (Core Document 2). In response to comments by objectors, amended front and rear elevations based on surveys of neighbouring properties have been prepared by KAS showing elevations drawn parallel to the front and rear elevation of No.22, which are set out in Appendix 5. For the avoidance of doubt, these do not include any material amendments having regard to the Wheatcroft test, and should be read in conjunction with the submitted plans.

4.0 Consultation & Application Process

4.1 In line with good practice and the NPPF, the Proposals were subject to a formal pre-application process. A pre-application meeting was held on 17 December 2013 with Planning Officers at LBC reference 2013-7870-PRE_171213. A copy of the formal written response to the initial proposals is enclosed within Appendix 6.

4.2 Following the pre-application process, LBC confirmed that:

- The principle of development was accepted as housing is a priority land use and the creation of additional dwellings on the site would be welcomed
- Height, form and width of the development was considered appropriate for the site and streetscape
- Architectural design was considered to be high quality.
- The proposed removal of certain trees and the proposed arboricultural plan including tree retention measures was accepted.

4.3 The comments received from LBC and responded to following the pre-application process related to:

- A more exaggerated step to better mediate between the varied adjoining building lines, particularly to the western gable to address the consented development at nos. 18-20 Lancaster Grove.
- The main façade should be pulled forward to provide a more consistent front building line with the adjoining buildings, as this would help mitigate the impact of the ample depth on the amenity of adjoining occupants with particular regard to no. 24 Lancaster Grove.
- Setting back the building from the trees on the western boundary next to 18-20 Lancaster Grove.

4.4 Following further consultation with the neighbours and the Council, the Appellant carefully considered all concerns identified. As a result the appellant made their best effort to compromise and work with the neighbours and the council addressing any legitimate issues raised. The main changes involved:-

- Reducing the overall height of building by 600mm;

- Revising the front entrance to houses 2&3;
- Removing the bay from house 4;
- Reducing the amount of stone on the front and rear elevations;
- House 1 pulled away from no.24 by 1m at first and roof level;
- Internal layout updated to show future lift position, and;
- Minor changes to the plans to meet lifetime homes.

4.5 Due to changes in personnel, the Appellant had discussions with three separate case officers during the course of the application. All visited the site and each concluded that the proposals were acceptable. During the application process, email correspondence continued between the Appellant's design team and LBC officers after the Application was submitted, and further material was submitted as detailed in the Committee Report, and included as Appendix 7. This includes a drawing tracker showing the various changes made to the original scheme in response to consultation and discussions with the Council and neighbours. During the course of the LPA's consideration of the application, the Appellant had discussions with three separate case officers who, following site visits, each concluded that the proposals were acceptable.

5.0 National Planning Policy Framework

5.1 The National Planning Policy Framework ('NPPF') (2012) sets out the Government's planning policies and how these are expected to be applied. Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions.

5.2 Paragraph 14 confirms that at the heart of the NPPF is a presumption in favour of development. For decision making this means approving proposals that accord with the development plan without delay.

5.3 Paragraph 17 sets out the core planning principles, which underpin how planning should operate to ensure the delivery of sustainable development. It advises that, inter alia, planning should:

- *be genuinely plan-led*
- *proactively support the delivery of homes that the country needs*
- *always seek to secure high quality design*
- *always seek to secure 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*

5.4 Paragraphs 56-68 relate to the importance of good design setting out is a key aspect of sustainable development. Paragraph 58 sets out aims for planning policies and decisions to ensure high quality design. Paragraph 60 states, inter alia, that planning policies and decisions should not attempt to impose architectural styles or particular tastes, but it is proper to seek to promote or reinforce local distinctiveness. Paragraph 66 advises that applicants will be expected to work closely with those affected by their proposals to evolve designs, and proposals that can demonstrate this in developing the design should be looked on more favourably. It is also relevant to consider the provisions of the Planning Practice Guidance. (PPG)

5.5 Paragraph 131 relates to conservation and heritage matters, and states that in determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and,
- the desirability of new development making a positive contribution to local character and distinctiveness.

5.4 Paragraphs 128, 131, 132, 137 and 138 are also relevant to this case, and are addressed in more detail in the Heritage Statement prepared by Beacon Planning. This also addresses the relevant heritage provisions of the PPG.

6.0 The London Plan 2011 (As amended 2013)

- 6.1 The London Plan, together with the Camden Core Strategy and Development Management Policies, comprise the Development Plan. The London Plan identifies the strategic need to increase housing supply in London. Policy 3.3 sets out the London Plan approach to delivering more housing. Camden has an annual target of 665 dwellings, but this figure is proposed to be raised by 34% to 899 dwellings as set out in the Further Alterations to the London Plan (FALP).
- 6.2 Due to the pressing strategic demand for housing, Policy 3.4 sets out that planning decisions should seek to optimise housing potential in developments. The relevant density standards for the Appeal Site are between 200-450 habitable rooms and 45-120 units per hectare. Supporting paragraph 3.29 states *“the form of housing output should be determined primarily by an assessment of housing requirements and not by assumptions as to the built form of the development”*.
- 6.3 Policy 3.5 and 3.8 of the London Plan (2011) seek well designed housing that enhances the quality of local places, taking into account physical context, local character; density; tenure and land use mix; and to deliver dwellings of different sizes and tenures. The Proposals deliver a density of 391 habitable rooms and 36 dwellings per hectare, which the Committee Report concludes is *“of an appropriate density acceptable with regards to policy 3.5 of the London Plan”* (Para 6.2.2). The Committee Report confirms the proposed site coverage, at 33% is *‘consistent with the built development plot ratio in the area’* (Para 6.4.14).
- 6.4 The London Plan confirms that affordable housing is of strategic importance. The Committee Report confirms that it is not possible to provide for on-site affordable housing on the Appeal Site, but an appropriate contribution for off-site provision will be secured through the Section 106 obligation. This was discussed and agreed with Planning Officers, and the latest draft is included within the appeal documentation.
- 6.5 Policy 7.6 of the London Plan (2011) relates to architecture, and requires that buildings should not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy and overshadowing. This matter

is addressed in more detail later, but the Committee Report concludes that “*the proposed development is not considered to cause significant harm to the residential amenities of the occupiers of neighbouring properties*” (Para 6.5.11).

7.0 Camden Core Strategy

7.1 Camden's Core Strategy highlights the importance of delivering good quality, affordable housing. Policy CS14 seeks to ensure all development is of the highest quality design and considers the character, setting, context and form of neighbouring buildings.

7.2 Specifically, supporting paragraph 14.7 of policy CS14 states that:-

“as Camden is a densely built-up borough where most development involves the replacement, extension or conversion of existing buildings, taking account of context and local character is particularly important. The Council will therefore expect the design of buildings and places to respond to the local area and its defining characteristics and reinforce or, if appropriate, create local distinctiveness.”

As well as outlining the importance of responding to local character, the Core Strategy highlights the densely built-up nature of the Borough.

7.3 Policy CS5 seeks to manage the impact of development and as part of this, protects the amenity of residents within the Borough by *“making sure that the impact of developments on their occupiers and neighbours is fully considered; and seeking to ensure development contributes towards a strong and successful communities by balancing the needs of development with the needs and characteristics of local areas and communities”*.

7.4 Supporting paragraph 5.8 expands on this policy outlining that LBC *“will expect development to avoid harmful effects on the amenity of existing and future occupiers and nearby properties or, where this is not possible, to take appropriate measures to minimise potential negative impacts”*.

7.5 These matters are addressed in detail later, but the Committee Report does not identify any conflict with the Core Strategy.

8.0 Development Management Policies

8.1 Policy DP24 supports CS14 and sets out criteria to implement the requirement for high quality design based on the considerations previously stated. Supporting paragraph 24.4 of policy DP24 states that high quality design *“is not just about the aesthetic appearance of the environment, but also about enabling an improved quality of life, equality of opportunity and economic growth.”*

8.2 Policy DP25 seeks to preserve and enhance the character and appearance of Conservation Areas in Camden. The Policy states that the Council will *“take account of conservation area statements, appraisals and management plans when assessing applications within conservation areas;”*

8.3 Policy DP26 outlines the factors upon which the LPA will consider when determining the impact of development on neighbours. These will include: visual privacy and overlooking; overshadowing and outlook; and sunlight, daylight and artificial light levels. Paragraph 26.3 states:-

“a development’s impact on visual privacy, overlooking, overshadowing, outlook, access to daylight and sunlight and disturbance from artificial light can be influenced by its design and layout, the distance between properties, the vertical levels of onlookers or occupiers and the angle of views. These issues will also affect the amenity of the new occupiers. We will expect that these elements are considered at the design stage of a scheme to prevent potential negative impacts of the development on occupiers and neighbours.”

8.4 Policy DP26 states that to assess if the levels of daylight and sunlight are acceptable, the council relies upon the British Research Establishment’s (BRE) *Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice (1991)*.

The Committee Report concludes that the Proposal is in accordance with Camden’s Development Policies. Paragraph 6.4.19 states that:-

“the proposal would accord with LDF policy DP 24 which seeks to ensure that, among other things, that development is of a high standard and that it respects its site and setting and seeks to improve the attractiveness of an area and not harm its appearance or amenity. In addition, it is considered that the proposal would accord with policy DP 25 which seeks to ensure that new development in a conservation area preserves and enhances the special character or appearance of the area. Similarly, the proposal would accord with the advice set out in the NPPF paragraph 137 that states “proposals preserve those elements of the setting of the Conservation Area and make a positive contribution to or better reveal the significance of the asset should be treated favourably.”

9.0 Camden Planning Guidance

- 9.1 Camden Planning Guidance 6, which deals with Amenity, states that a daylight sunlight reports will be required where there is a potential impact upon existing levels of daylight and sunlight.

Paragraph 6.5 acknowledges that:-

“While we strongly support the aims of the BRE methodology for assessing sunlight and daylight we will view the results flexibly and where appropriate we may accept alternative targets to address any special circumstances of a site. For example, to enable new development to respect the existing layout and form in some historic areas. This flexible approach is at the Council’s discretion and any exception from the targets will assessed on a case by case basis.”

- 9.2 Paragraph 6.13 states that:-

“For existing dwellings the Council will consider the overall loss of daylight as opposed to the minimum acceptable levels of daylight. As the BRE guidance suggests, the readings will be interpreted flexibly as their aim is to support rather than constrain natural lighting. However, daylight is only one of the many factors in site layout design. Therefore, when applying these standards in Camden, we will take into consideration other site factors and constraints.”

- 9.3 Paragraph 7.8 explains that:-

“outlook is the visual amenity enjoyed by occupants when looking out of their windows or from their garden.”

- 9.4 The Committee Report addresses both issues, and confirms in section 6.5 that the Proposal accords with all relevant Camden Planning Guidance. Again, this issue is discussed in more detail in later in this Statement, which is supported by an independent assessment, undertaken by Point 2, included as Appendix 9, which examines the degree of impact on residential amenity in regards to loss of light, overshadowing and sense of enclosure.

10.0 Camden's Planning Assessment

- 10.1 The Committee Report provides a comprehensive assessment of the Proposal. This sets out the key planning issues and benefits, relevant policies and takes account of all comments made during the public consultation.

i. Principle of development

- 10.2 The principle of development was accepted in the pre-application response (Appendix 6), which states that *“residential accommodation is a priority land use in the Councils Local Development Framework and as such the creation of additional dwellings on the site would be welcomed”*. The Committee Report (Paragraph 6.2.1) states that *“the continued use of the site for residential development is considered to be acceptable in principle”*.

ii. Density

- 10.3 The density of the Proposed development is in line with London Plan Policy 3.5. The Committee Report states *“the proposed development is therefore considered to be of an appropriate density and acceptable with regards to Policy 3.5 of the London Plan and Policy DP2”* (Para 6.2.2). The Report confirms the plot ratio is in keeping with the area. (Para 6.4.14). As such, we consider the Proposal to be of an appropriate density having regard to the Development Plan and the established character of the area.

iii. Residential mix and quality

- 10.4 The Report states:- *“the proposal includes the provision of four 5-bed dwellings which are regarded as being of a medium need relative to supply”* and confirms that *“good quality family accommodation is identified as being needed in the borough and therefore acceptable with regards to Policy DP5”* (Para 6.3.1).

- 10.5 The Report confirms that all the residential units exceed the minimum space standards and Lifetime Homes standard as set out by policy. In addition, the Proposal provides private rear gardens which “*are considered acceptable areas of private amenity space to meet the requirements set out in Guidance CPG2*” (Para 6.3.3). We consider the mix and quality of the residential uses is appropriate and in accordance with the Development Plan and identified local needs.

iv. Basement element

- 10.6 No issues were raised with regards to the proposed basement and it was considered in accordance with policy by the officer. The Report confirms:- “*the proposed basement is considered acceptable with regards to Policy DP27*” (Para 6.6.3).

v. Trees

- 10.7 The proposed development will result in the removal of 6 trees on the site, all but one being classified as category C – trees in a poor condition. The single category B tree was proposed to be removed by the tree officer as it is under the crown of the tree next door which would benefit from its removal. The development is not affected by this tree. All trees were discussed in depth at the pre-application stage with the tree officer. The Committee report concludes that as the majority of trees are to be retained, the loss is considered acceptable. The Report states:- “*the submitted Arboriculture assessment which includes tree protection measures is considered acceptable*” (Paragraph 6.7.1)

vi. Sustainability

- 10.8 The Proposal will deliver four sustainable dwellings all that meet Level 4 of the Code for Sustainable Homes. The officer welcomed these measures and considered them “*in accordance with policy DP22*” (Para 6.8.1). We consider the Proposals are sustainable, and meet all the relevant Policy requirements.

vii. Transport

- 10.9 The Proposals will be car capped in line with DP18 and with the application of this measure was considered acceptable by the officer who stated, *“the proposed level of off-street parking is considered acceptable with regards to Policy DP18.”* (Para 6.9.2). As such, we consider the Proposals are acceptable in transport terms.

viii. Planning obligations and Community Infrastructure Levy

- 10.10 The Proposal will deliver a policy compliant financial contribution towards affordable housing, and CIL.

ix. Design and conservation

- 10.11 The Design and Access report sets out in some detail the evolution and rationale for the design, which successfully accommodates four dwellinghouses in a single building, which will be in keeping with the houses on this side of Lancaster Grove and will preserve and enhance the character this part of the Conservation Area.
- 10.12 Design and conservation matters were the subject of considerable objections raised during consultation. The Committee Report identifies and addresses the objections in some detail, and concludes:-

6.4.18 The new building would assimilate with its surroundings enhance the character and appearance of this part of the Belsize Park Conservation Area and its design justifies the increase in scale from the poor quality architecture of the existing dwelling

6.4.19 The proposal would accord with LDF policy DP24 which seeks to ensure that, among other things, that development is of a high standard and that it respects its site and setting and seeks to improve the attractiveness of an area and not harm its appearance or amenity. In addition, it is considered that the proposal would accord with policy DP25 which seeks to ensure that new development in a conservation area preserves and enhances the special character or appearance of the area. Similarly, the

proposal would accord with the advice set out in the NPPF paragraph 137 that states “proposals preserve those elements of the setting of the Conservation Area and make a positive contribution to or better reveal the significance of the asset should be treated favourably.”

- 10.13 We concur with these conclusions, which are supported by the new independent assessment of design and conservation matters undertaken by Beacon Planning which is set out in Appendix 8. These issues are considered in more detail in Section 11 of this Statement.

x. *Daylight and Sunlight and effects on residential amenity*

- 10.14 Daylight and sunlight matters were the subject of detailed objections raised by and on behalf of two neighbouring properties during consultation. The Report identifies the objections and the Appellant’s responses and addresses the issues raised in some detail. The Report concludes that:

6.5.7 The proposed development will result in loss of light to the existing breakfast room of number 24. However the breakfast room is connected to the kitchen through an arch and not considered to be a habitable room in its own right. Given that the kitchen will not be adversely impacted by the development, the proposed impact on the breakfast room is considered acceptable.

6.5.9 Concern has also been raised by the impact on the neighbouring property of number 18-20 Lancaster Grove. It is noted that the loss of daylight to the side facing windows S9 and S10 of 18-20 Lancaster Grove will be below the levels stipulated in the BRE guidance however as these are secondary windows to these rooms, with the primary windows of S7 and S8 not affected by the development, the impact on S9 and S10 is considered negligible. The proposed impact on the daylight and sunlight of 18-20 Lancaster Grove is therefore considered acceptable.

- 10.15 These matters are addressed in more detail in section 12 of this Statement, which draws on further detailed, independent analysis of daylight and sunlight matters, and outlook, and sense of enclosure.
- 10.16 Having reviewed the material submitted, we consider that the Proposals accord fully with Policy CS5 and Policies DP 24, 25 and 26. The Committee Report addresses all the relevant considerations, and supports our conclusion that the Proposal is in accordance with an up to date development plan and delivers a series of important planning benefits; not least by providing additional housing and enhancing the character of the Conservation Area.
- 10.17 In these circumstances, we consider the Proposals accord with the Development Plan, the NPPF and PPG, are acceptable in planning terms and planning permission should be granted.

11.0 The First Reason for Refusal

11.1 The first reason for refusal states:

“The proposed development by virtue of its bulk, mass and extent of site coverage would result in overdevelopment of the site to the detriment of the character and appearance of the conservation area contrary to policy CS14 of the London Borough of Camden Core Strategy and the London Borough of Camden Development Policies DP24 and DP25.”

11.2 Breaking this reason down into its constituent elements, it raises two interrelated questions:

- Would the design of the proposed building by virtue of its bulk, mass and extent of site coverage result in overdevelopment of the site, and as a consequence;
- Would the proposals impact on the character and appearance of the conservation area such as to warrant a refusal having regard to the Development Plan, NPPF and PPG?

11.3 The NPPF highlights that not all elements of a conservation area will necessarily contribute to its significance (Para 138). Paragraph 137 guides local planning authorities to seek opportunities for new development to enhance their significance. Where the proposal does so, they should be “*treated favourably*” (Para 137). This guidance is substantiated at local level by Policy DP25, which states that the Council will “*only permit development within conservation areas that preserves and enhances the character and appearance of the area*”.

11.4 The Committee Report confirms our conclusion that the existing building on the site is not listed and does not make a positive contribution to the Conservation Area. Paragraph 6.4.7 states “*its removal and replacement would not harm the character and appearance of the conservation area*”. Therefore the loss of the building would not cause harm and creates an opportunity to enhance the area and secure the optimum viable use in line with the officer’s report.

11.5 London Plan Policy 7.8 sets out that new development should identify, value and conserve heritage assets. Core Strategy Policy CS14 states the council will promote high quality places and conserve heritage by, amongst others,

- *requiring development of the highest standard of design that respects local context and character;*
- *preserving and enhancing Camden's rich and diverse heritage assets and their settings,*

This is supported by both Policy DP25 Conserving Camden's Heritage and DP24 Securing High Quality Design. Specifically, DP24 states that development's character, scale and form should be informed by neighbouring buildings.

11.6 The Design and Access statement demonstrates that the existing house is not characteristic of the area, and sits uncomfortably alongside some good arts and crafts style architecture. Paragraph 6.4.11 of the Committee Report states "*the proposed building has been sympathetically designed, to enhance the traditional arts and crafts character of the area*", adding that "*the design cleverly incorporates four dwellings into a building which appears as a single family dwellings thereby preserving the character of this side of the street as well as making best use of the land for family housing*" (Para 6.4.13).

11.7 With regards to the extent of the site coverage, the Report states in Paragraph 6.4.13 that "*the footprint and the massing of the proposed dwelling is larger than the existing by approximately 185sqm, however the building does not feel oversized and the footprint with a site coverage of 33% (ratio of 1:4) is consistent with the built development to plot ratio in the area. A plot ratio analysis of the surrounding area has been submitted which shows a number of other sites with similar coverage and ratios*" furthermore "*the distance from adjoining boundaries would also be more consistent with other properties on the south side of the street and the position and layout of the design has also managed to cleverly mediate between the building lines of properties curving away from the site*" (Para 6.4.13).

11.8 There is a slight increase in height of the proposed ridgeline when compared to the immediate property of no.24 Lancaster Grove but the proposed development is no higher than the wider surrounding properties in the conservation area. The Committee

Report notes that “*the height of no. 24 Lancaster Grove is in fact an anomaly in the local context*”. As such, this should not determine the design of new development, particularly where its height, bulk and mass are all consistent with the wider area and would preserve and enhance the Conservation Area.

11.9 Overall the Report concludes that the proposal is in accordance with policies DP24 and DP25 and ‘*the new building would assimilate with its surroundings, enhance the character and appearance of this part of the Belsize Park Conservation area and its design justifies the increase in scale from the poor quality architecture of the existing dwelling.*’ (Para 6.4.18). The Report concludes that ‘*the proposal is a high quality, imaginative design which would be a welcome addition to the area once complete*’ (Para 6.4.20). We concur with this view.

11.10 Notwithstanding this clear conclusion, the Appellant has appointed Beacon Planning, a highly experienced planning practice specialising in conservation and Heritage matters, to undertake a further, detailed, independent analysis of the Conservation Area and to consider the impact of the proposals on the setting of the Conservation Area. This report is contained within Appendix 8. Furthermore, the Appellant has commissioned the development of a CGI to enable provide an indication of how the proposed scheme will look, which is contained within Appendix 11.

11.11 Beacon Planning conclude that:

- The proposals are considered to be entirely consistent with the relevant Development Plan policies, the NPPF and the PPG. The design and heritage considerations of the development were supported by the Case Officer in the Committee Report, which concluded that the proposals would be ‘*a welcome addition to the area*’ (paragraph 6.4.20).
- The design is high quality that takes proper account of and responds to the local architectural character, spatial characteristics, topology, and use of materials, thereby ensuring that the proposed development will preserve the character and appearance of the conservation area. The existing building does not make a positive

contribution, and its demolition creates an opportunity to deliver an enhancement to the conservation area. The proposals will deliver this enhancement through reinforcing local distinctiveness that characterises the conservation area through both the replacement building and the boundary treatment.

- The high quality of the design has been recognised in the Committee Report, for examples at paragraphs 6.4.11, 6.4.13, 6.4.16, and 6.4.18. The Committee Report concludes that:
 - *The proposal would accord with LDF policy DP24 which seeks to ensure that...development is of a high standard and that it respects its site and setting and seeks to improve the attractiveness of an area and not harm its appearance or amenity. The proposal is a high quality, imaginative design which would be a welcome addition to the area once complete.* Paragraph 6.4.20
- With reference to the Development Policies, the proposals are therefore in accordance with DP24.
- Development Policy DP25(b) states that only development that preserves and enhances the character and appearance of the conservation area will be permitted. For the reasons set out above, the proposals are entirely in accordance with this policy, and will deliver an enhancement upon the existing.
- This same conclusion was made in the Committee Report:
 - *...it is considered that the proposal would accord with policy DP25 which seeks to ensure that new development in a conservation area preserves and enhances the special character or appearance of the area.* Paragraph 6.4.19
- This statement has taken account of the Conservation Area Statement which has not identified No. 22 as making a positive contribution. As a building that does not make a positive contribution, DP25(c) does not apply in this instance.
- For the same reasons as set out above, the proposals are in accordance with Core Strategy Policy CS14, and policy 7.8 of the London Plan.
- Paragraph 137 of the NPPF guides that local planning authorities should look for opportunities for new development within conservation areas to enhance or reveal their significance. Proposals that better reveal the significance of the asset should be treated favourably. In the present case, the proposals both preserve and enhance the character and appearance of the conservation area in line with paragraph 137. This is reflected in the Committee Report, which concluded that the application accorded

with local development policies DP24 and DP25 as well as paragraph 137 of the NPPF (paragraph 6.4.19).

- By virtue of both preserving and enhancing the character and appearance of the conservation area, the proposals are consistent with the provisions of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- Therefore, whilst the Statement of Case addresses the planning balance in detail, there are no heritage reasons that would justify the refusal of permission.

11.12 The first reason for refusal essentially links the alleged overdevelopment with a detailed impact on the character and appearance of the Conservation Area. Our analysis, supported by the Beacon Planning Report, concurs with the clear views of the Planning Officer that the proposal accords with Policy CS14 and Policies DP24 & DP25, the NPPF and PPG and will actually enhance the character and appearance of the Conservation Area. As such, we conclude that the first reason for refusal is unfounded.

12.0 Second Reason for Refusal

12.1 The second reason for refusal states:

The proposed development by virtue of its bulk, mass and proximity to neighbouring properties would have an unacceptable impact on residential amenity by virtue of a combination of reduction of light, outlook and a heightened sense of enclosure contrary to policy CS5 of the London Borough of Camden Core Strategy and the London Borough of Camden Development Policies DP26.

12.2 Breaking this reason down into its constituent elements, it raises two interrelated questions:

- Does the bulk, mass and proximity to neighbouring properties result in a combination of reduction in light, outlook and a heightened sense of enclosure, and as a consequence;
- Does this combination of effects result in an unacceptable impact on residential amenity?

12.3 The reason for refusal relies upon a combination of: a reduction in light, outlook and a heightened sense of enclosure and it is not alleged that taken individually, any of these matters would justify refusal of permission.

Impact on Daylight and Sunlight

12.4 In line with policy, a daylight and sunlight assessment was submitted in support of the application in compliance with the BRE's *Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice (2011)*. The assessment was undertaken by Syntegra Consulting and contained within Core Document 6.

12.5 During the consultation stage of the application, two Objectors questioned the accuracy of the daylight and sunlight assessment; Mr Barrie Tankel FRICS of 43a Lancaster Grove; and Mr John Carter FRICS of Brookes, Vincent and Partners (BVP) on behalf of Dr. Oliver Samuel of 24 Lancaster Grove. Syntegra provided further

clarification and analysis, reproduced in Core Documents 7 and 8, which conclude that the Proposals are acceptable having regard to the relevant BRE guidelines.

12.6 The Officer having assessed all the data available accepted that the proposal would result in change in excess of the BRE guidelines to four windows-notably the 'breakfast room' window and one of the two dining room windows at No.24 and certain secondary windows at No 18-20. However, assessing the impact in line with policy and guidance, the Officer determined that this was acceptable in paragraph 6.5.8 and 6.5.9 of his report.

12.7 The officer confirmed that taking the effects on the dining room at no.24 as a whole, rather than one window in isolation, there would be no significant impact. The Officer concluded the affected breakfast room is connected to the kitchen at no.24, which will not be affected, and is not a habitable room in its own right. He noted some loss of daylight to the side facing windows S9 and S10 of 18-20, but concluded these were side windows and the primary windows to these rooms (S7/S8) were not affected and the impact on daylight and sunlight on 18-20 is acceptable.

12.8 Notwithstanding this clear conclusion, the Appellant has appointed Point2 Surveying to review the conclusions reached by Syntegra and the planning officer, by undertaking a further, detailed independent assessment of the Proposals' impact on light, outlook and overshadowing, using a laser scanned survey and in accordance with BRE Methodology. This report is contained within Appendix 9.

12.9 Their conclusions are:

- The Point 2 opinion and technical analysis has been undertaken accurately relying upon a laser scanned measured site survey and in accordance with BRE methodology.
- The BRE guidelines are not mandatory and the BRE document repeatedly states that it is intended to be applied flexibly where considered appropriate and that local Authorities may prefer to adopt alternate target values to those set down within the BRE. Breaches of BRE Guidance are therefore not uncommon and are simply one of the matters which the Planning Authority will need to balance.

- The circumstances in which it would be appropriate to consider alternate target values for daylight and sunlight include:
 - I. Architectural features specific to neighbouring properties which inherently inhibit the penetration of light e.g. restricted location or “projecting wings” which may make changes in daylight beyond guidance unavoidable.
 - II. Whether the neighbour itself has been reasonable in its development setting back a reasonable distance from the boundary.
- In daylight terms 3 out of 5 neighbours will entirely satisfy BRE guidance. 2 of the immediate neighbours to the east and west will experience isolated breaches of one BRE daylight guidance test which is undertaken at the window face though all rooms when tested internally will satisfy the NSL daylight test.
- The breaches experienced by the currently under construction 18-20 Lancaster Grove are considered minor given the volume of glazing (6/7ths) which is unaffected and which serves the same rooms. As a result there is barely any alteration in daylight penetration into the room, and there will be no harm to amenity.
- The breach in daylight experienced by 24 Lancaster Grove is considered reasonable in relation to the ground floor dining room given that there are 2 windows which serve the same room and barely any change in daylight penetration to the room. The 1 affected window (W3/10) will retain a reasonable amount of sky visibility, despite the fact that it looks directly at the development site and is restricted in its outlook by virtue of its inherent building design. On balance the breach of guidance is not considered to cause material harm.
- The breach in daylight to the converted garage is also considered reasonable for similar reasons though the room looks obliquely across the development site and retains a VSC of 16.54%. This being close to a level which the BRE considers capable of providing a reasonable level of daylight.
- In sunlight terms there are no breaches of guidance which are considered material. All neighbours will retain good sunlight.
- In relation to shadow/sun-on-ground to neighbours gardens, there is no meaningful change and the proposed scheme is BRE compliant.

- Of the 93 windows and 44 rooms analysed, the vast majority will be barely, if at all, affected in terms of daylight and sunlight by the proposed scheme for 22 Lancaster Grove.
- There are 2 windows within 24 Lancaster Grove which experience breaches of daylight beyond
- BRE Guidance. However, these breaches are not considered material or harmful, and are anticipated in BRE Guidance because:
 - The windows are close to the boundary and derive light across the development site, thereby placing an unreasonable burden on it (BRE 2.3.1).
 - The inherent design of the neighbour's building makes breaches "unavoidable" (according to BRE 2.2.12).
 - The windows retain adequate or good levels of daylight (VSC) (BRE 2.3.5).
 - The rooms behind the windows both satisfy the daylight distribution (NSL) test, and are in fact barely affected.
 - There are viable mitigation measures which would improve the natural light to the converted garage, including glazed panels in the solid door, a window at the front or roof lights
- There are no breaches of sunlight, or sun-on-ground/shadow which constitute material harm.

12.10 The report also confirms that the 'Breakfast room', which comprises a converted garage, would not be regarded as a habitable room in its own right, and is linked to the kitchen which will be unaffected. The design of this room is inherently compromised, but there is scope for mitigation to improve daylight levels, including inter alia, installation of a window facing Lancaster Grove, roof lights, and a glazed door.

Reduction of outlook and sense of enclosure

12.11 There is no technical standard upon which the level of impact can be assessed in relation to outlook and sense of enclosure. In Camden's policies, 'outlook' is defined as "*the visual amenity enjoyed by occupants when looking out of their windows or from their*

garden” and the quality of the outlook “*depends on what is being viewed*”. There is no definition of ‘sense of enclosure’.

12.12 The Committee Report (Appendix 2) does not highlight any issue with a reduction in outlook or sense of enclosure. The Report notes that during consultation the following assertions, amongst others, were made:

- Will block light into neighbouring garden
- Will be very imposing and domineering

12.13 The Committee minutes contained within Appendix 3 explain that additional information was presented at the committee in objection of the scheme, comprising of photos blocked out with marker pen. The minutes state that in relation to the material put forward by the objectors, the Planning Officer ‘*could not verify the accuracy of the images and expressed concern that the photographs were taken to illustrate daylight and sunlight impact so as to give a false impression.*’

12.14 The minutes go on to state that “*further discussion took place in relation to outlook of the neighbouring properties. In response the Planning Officer clarified that all applications were given a thorough site inspection which included looking at it from the neighbouring properties. Private views were not a reason for refusal of an application. The windows in the breakfast room and dining room of 24 Lancaster Grove faced towards the development which was taken into consideration.*

12.15 Having assessed all the information, including undertaking an additional site inspection to supplement the two undertaken by previous case officers, the Officer concluded that there was no issue with regards to a reduction in outlook or a heightened sense of enclosure. This conclusion is supported by the Point 2 report, which concludes the proposals comfortably satisfy BRE Guidance in relation to shadow and sun on ground therefore there is no adverse impact on the outside amenity.

12.16 The reason for refusal gives no indication as to which windows the alleged reduction in outlook relates. Given the relationship of neighbouring buildings to the proposed development, we assume the concern relates entirely to number 24 Lancaster Grove, and specifically, the windows of the converted garage and dining room.

- 12.17 The current outlook from the windows of the converted garage and dining room of 24 Lancaster Grove is upon a tall boundary brick wall which in the first instance diminishes any quality of outlook. One window serving the dining room directly faces the plot of number 22 Lancaster Grove, and the boundary wall. The outlook from these windows is already limited. This is primarily as a consequence of their aspect and proximity to the existing boundary wall.
- 12.18 As the gap analysis included at Appendix 10 shows, the proposed gap between Nos. 24 and 22 (as proposed) is not out of context with the surrounding area. The angle of number 24 and its proximity to the boundary wall already compromises the outlook from the converted garage window and the side dining room window to some degree. We do not consider that this will be materially affected by the proposals, and in any event, any further reduction in outlook from these windows would not materially affect the outlook or increase the sense of enclosure for the property as a whole.
- 12.19 Taken in the wider context of the area, the gap and height analysis highlight that the extent and scale of the development is in keeping with surrounding density of the area. The development is in accordance with the appropriate density for the area as set out by London Plan Policy 3.5, as confirmed by the Committee Report. The Report also confirms the plot ratio is in keeping with the character of the area.
- 12.20 The second reason for refusal relies upon the combined impacts of the proposal in terms of reduction of light, outlook and heightened sense of enclosure and the degree of this overall impact. On these matters, the officer is clear in his assessment stating *“the proposed development is not considered to cause significant harm to the residential amenities of the occupiers of neighbouring properties and therefore acceptable with regards to Policy DP26 and CPG6”* (Para 6.5.11).
- 12.21 Our own analysis supports this conclusion. The evidence demonstrates that taken individually, or in a combination, the proposals will not lead to any unacceptable impact on amenity by virtue of any reduction in light, outlook, or a heightened sense of enclosure.

13.0 The Planning Balance

- 13.1 We consider the principle of redevelopment of the site for residential uses is fully in accordance with the Development Plan. The residential density and plot ratio are in line with Planning policy requirements and consistent with the character of the area. The Proposals are of a high quality design, and will deliver new homes that are needed. They will also enhance the appearance of the site, and the character of the Conservation Area.
- 13.2 The Proposals have been carefully designed and have evolved in response to pre application discussions to reduce any potential impacts on local residential amenity. The evidence demonstrates that the Proposals will have no material harm on the amenity of nearby residential occupiers, and specifically, the Proposals accord with Policies CS5, CS14 and Policies DP24, 25 and 26.
- 13.3 The Proposals also accord with the London Plan, which seeks to provide new homes to meet identified needs, and comply with all relevant standards.
- 13.4 The Proposals accord with the objectives of the NPPF, and PPG which seek to proactively drive and support sustainable economic development to deliver the homes that the country needs.
- 13.5 The supporting documentation submitted with the application, the changes made pursuant to the consultation process and the detailed assessment by the Council's professional officers all demonstrate that the scheme is a high quality, sustainable development that should be granted permission.
- 13.6 As part of the appeal process, the Appellant has commissioned additional work by expert consultants to address the two reasons for refusal, including reviewing the technical heritage and daylight and sunlight information considered by the Council when the application was determined. The result of that review is a clear endorsement of the merits of the proposed scheme and no policy conflict or material consideration has been identified that would justify refusal of planning permission.

- 13.7 Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) states that where regard is to be had to the Development Plan, the determination must be made in accordance with the plan unless material considerations indicate otherwise. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (subsection 1) states that in the exercise of any functions with respect to any buildings or land within a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
- 13.8 The Proposals comply fully with the Development Plan, the NPPF and the PPG, and will not lead to any material impact on the amenity of nearby residents. It is also accepted by the Local Planning Authority, and demonstrated by the further independent analysis undertaken by Beacon Planning, that the Proposals will preserve and enhance the character of the Conservation Area. In these circumstances, the NPPF confirms that there is a clear presumption in favour of development and permission should be granted without further delay.
- 13.9 If, contrary to the evidence, it was to be concluded that any material harm arises as a consequence of the Proposals, this needs to be balanced against the many acknowledged and material benefits of the scheme. In particular, the Proposals will:-
- Make more effective use of a residential site in central London to optimize its potential and deliver family housing that will contribute to the clearly defined need within Camden and greater London;
 - Secure the redevelopment of an unattractive and unremarkable house which makes no contribution to the Conservation Area in which it is located;
 - Deliver of a well-designed, contextual and high quality building that will enhance the Conservation Area and retain the majority of trees on site.
 - Delivery four high quality sustainable homes that meet the current energy requirements and space standards.
 - Make a significant financial contribution to affordable housing and infrastructure development in Camden and London.

13.10 There is a clear presumption in favour of development which is in accordance with the Development Plan. As the Officers Report to Committee demonstrates, this Proposal is in accordance with the Development Plan. The evidence does not indicate any material adverse impact on the character and appearance of the area, or on residential amenity and the Proposals will deliver a number of significant benefits.

13.11 Further, in so far as any adverse impacts might be found to arise, none (either individually or cumulatively) would significantly and demonstrably outweigh those benefits,. In these circumstances, we consider the planning balance in this case to be overwhelmingly in favour of the grant of planning permission and there are no sound grounds for refusal.

14.0 Conclusions

- The Proposal is in accordance with the London Plan and the relevant local plan policies. As such, planning permission must be granted in this case unless material considerations indicate otherwise.
- As outlined by the committee report and this statement, the proposal is in line with the NPPF and PPG, is a good example of sustainable development and should be approved in accordance with the presumption in favour of sustainable development.
- The two reasons for refusal cited in the decision notice are not supported by the conclusions of the London Borough of Camden Planning Officers, as set out in the report to Committee, reached after a careful assessment of the issues and site visits;
- Contrary to the first reason for refusal, the evidence demonstrates that the design is of a high quality, and the Proposals will enhance the character and appearance of the Conservation Area.
- The evidence submitted with the application and the further technical evidence set out in and appended to this Statement, including new detailed surveys, demonstrates that the proposals will have no material adverse impact on residential amenity, having regard to any reduction in light, outlook or a heightened sense of enclosure.
- The development will optimise the potential of the site and deliver high quality residential dwellings of a kind that is in demand within LBC and London's growing population.
- The design has been carefully considered by an applicant that engaged with and responded to LBC and the consultation responses from third parties, and the overall size, scale, bulk, height and mass of the development is in keeping with and will enhance the Lancaster Grove and the Belsize Park Conservation Area.
- As such, it is respectfully requested that the appeal is allowed and planning permission is granted.

APPENDIX 1

