



Appeal by Mr Simon Sprecher

24 Goldhurst Terrace, London, NW6 3HU

Under Section 78 of the Town and Country Planning Act 1990

Statement of Mark Williams BA(Hons), MA, MRTPI

DLA Ref: 13/172A
LPA Ref: 2014/7879/P

May 2015

The evidence, which I have prepared and provided for this appeal in this written statement is true and has been prepared and is given in accordance with the guidance of the Royal Town Planning Institute and I confirm that the opinions expressed are my true and professional opinions.

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1.0 INTRODUCTION

On the 22nd December 2014, a planning application was submitted to the London Borough of Camden for the erection of a rear dormer to create a one-bedroom self-contained dwelling at No 24 Goldhurst Terrace, London, NW6 3HU.

1.1 The application was refused in a decision notice dated the 21st April 2014 for the following 2 reasons:

“1. The proposed rear dormer, by virtue of its siting, scale, bulk and design would be an unsympathetic and harmful addition to the existing building and row of terraces of which it is part and would fail to preserve the character and appearance of the South Hampstead Conservation Area contrary to policies CS14 of the Local Development Core Strategy (2010) and DP24 and DP25 of the Local Development Framework Development Policies (2010).

2. The proposed development, in the absence of a legal agreement securing car-free housing, would be likely to contribute unacceptably to parking stress and congestion in the surrounding area, contrary to policies CS11 (Promoting sustainable and efficient travel) and CS19 (Delivering and monitoring in the Core Strategy) of the London Borough of Camden Local Development Framework Core Strategy (2010) and policies DP18 (Parking standards and the availability of car parking) and DP19 (Managing the impact of parking) of the London Borough of Camden Local Development Framework Development Policies (2010).”

1.2 Summary

Contrary to the above, I will demonstrate in my Statement as follows: -

- The proposed roof extension would represent a proportionate addition to the existing building. It would have a limited impact on the character of the Conservation Area and the creation of an additional residential unit weighs in favour of the proposal.

- A legal agreement to provide secure car free housing could be subject to a condition. This would ensure that the proposal would not contribute unacceptably to congestion and parking stress within the locality.

2.0 APPEAL SITE & SURROUNDING AREA

2.1 Site Location

The appeal site is located on the western side of Goldhurst Terrace and within the urban area of South Hampstead.

2.2 Site Description

The site comprises a four-storey mid-terrace building. The property is currently occupied as 4 one-bedroom flats. Two of the units have their bathroom facilities located on a half landing and which are not accessed directly from within the flats.

2.3 The front elevation of the appeal terrace is relatively uniform, albeit there is a large dormer window on the front roofslope of No 26 Goldhurst Terrace. To the rear there is more variation due to a number of extensions. Roof extensions are visible to properties in both Goldhurst Terrace and Greencroft Gardens.

2.4 Proposals Map Notation and Other Relevant Designations

The proposals map of the Camden Local Development Framework shows the site within the South Hampstead Conservation Area.

2.5 Surrounding Area

The immediate area is residential in character comprising predominantly terraced properties. There is a mix of single family homes and flats. To the north, on Finchley Road, the area has a commercial character with a wide range of Class A1 to A5 uses, often with residential above.

2.6 Accessibility

The site is located in a very sustainable location with good access to shops, services and public transport links. The site is within 300m of Finchley Road underground station and bus stops. The nearest retail outlets are located within 200m of the site.

3.0 RELEVANT PLANNING HISTORY

3.1.0 The Appeal Site

3.1.1 **LA Ref: PWX0103159** This application for the erection of a rear dormer, the insertion of 3 rooflights on the front roofslope and the conversion of the loft space to habitable accommodation for the existing second floor flat was granted planning permission on the 15th February 2002. The permission was never implemented.

3.1.2 **LA Ref: 2014/5025/P** This application for the insertion of a rear dormer and the creation of a 3-bedroom unit at second and third floor level was granted planning permission on the 23rd October 2014. Am copy of the drawing is attached as Appendix 1.

4.0 APPEAL PROPOSAL

4.1 This is for the erection of a rear dormer window and the creation of a one bedroom unit within the roofspace.

4.2 Table 4.2 below shows the size of the proposed dormer window in comparison to the previously approved scheme.

	Appeal scheme	Approved scheme (14/5025/P)
Width	5.05	3.25
Height	2.2	2.2
Depth	3.8	3.8

4.3 The proposed third floor flat would have an internal floor area of 43.6m². The unit would comprise a bedroom, a living room / kitchen and a shower room.

4.4 The proposal also includes alterations to the internal layout of the units on the lower floors and the insertion of 3 rooflights on the front roofslope. All of these elements have been approved by planning permission 2014/5025/P.

5.0 PLANNING POLICY

5.1.0 National Planning Guidance

In the context of the reason for refusal and the nature of the proposal, the relevant sections of the National Planning Policy Framework (NPPF) are identified below.

5.1.1 Requiring good design

Paragraph 56 advises that 'Good design' is a key aspect of sustainable development. Of relevance are paragraphs 59 to 61 as follows:

“Local planning authorities should consider using design codes where they could help deliver high quality outcomes. However, design policies should avoid unnecessary prescription or detail and should concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally.

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.

Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.”

5.1.2 Conserving and enhancing the historic environment

Paragraph 128 advises as follows in respect of the determination of planning applications which affect heritage assets:

“In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.”

5.1.3 Paragraph 129 continues:

“Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset’s conservation and any aspect of the proposal.”

5.2.0 **Development Plan**

This comprises the London Plan, the adopted Core Strategy and the Development Policies. The London plan is not referred to by the LPA in their decision notice and the essence of the relevant policies is repeated in the Council’s own guidance. The decision notice refers to Core Strategy Policies CS11, CS14 and CS19 and Development Policies DP18, DP19, DP24 and DP25.

6.0 PLANNING ISSUES

- 6.1 The Council has not objected to the principle of creating an additional residential unit within the roofspace. The unit conforms to the space and living standards set out in the London Plan, the Development Plan and the Council's Supplementary Planning Guidance. The Council also accepts that the proposal would not detract from the residential amenity of any neighbouring occupiers.
- 6.2 In light of the above, national guidance, local planning policies and the reasons for refusal, I consider that this appeal raises the following 2 issues:
- 1) Would the proposed dormer window preserve the character and appearance of the existing terrace and the South Hampstead Conservation Area?
 - 2) Would the proposal ensure there is no undue impact on parking and congestion in the surrounding area?

Taking each of these issues in turn.

6.1.0 Issue No 1. Would the proposed dormer window preserve the character and appearance of the existing terrace and the South Hampstead Conservation Area?

6.1.1 Contrary to Council's first reason for refusal, I consider that by reason of its size, siting and design, the proposed rear dormer would be read as a proportionate addition to the rear elevation of the building.

6.1.2 The height and depth of the proposed dormer window would be identical to that approved by planning permission 2014/5025/P. The only difference in size would be an increase to its width of 1.8m. The structure would still sit comfortably on the rear roofslope. A gap of 0.8m would be retained to the ridge, 0.7m to the eaves and 0.6m to the side boundaries of the property. The proposal would incorporate good quality materials and the fenestration would reflect the design and proportions of the rear windows on the lower levels.

6.1.3 In the above circumstances, I do not consider that the proposed dormer window would appear unduly large or dominating. The original roof form would remain evident and the structure would remain subservient to the scale and proportions of the building.

6.1.4 Whilst I consider that the proposal is of an acceptable size and design, account must also be taken of the siting of the dormer window on the rear roofslope. There would be no public views of the structure from Goldhurst Terrace or any of the surrounding roads. The impact of the proposal on the residential character and appearance of the Conservation Area would therefore be limited.

6.1.5 This is borne out to some degree by the Article 4 Direction, which covers most of the properties in the Conservation Area. The Direction requires planning applications to be made for a number of works which would otherwise be permitted development. However, in respect of roof extensions this only covers the front of the house. Therefore, if the property was still in use as a single house, the proposed dormer window would be permitted development. Details of the Article 4 Direction are contained within the

Council's Conservation Area Character Appraisal, and an extract is provided as Appendix 2.

6.1.6 The Officer's report notes that the structure could be seen from the rear gardens of neighbouring properties, but even here the views would be limited from most gardens due to the significant mature landscaping. The structure would also be read in the context of existing dormer windows on several other properties both in Goldhurst Terrace and Greencroft Gardens.

6.1.7 Finally, I consider that considerable weight should also be given to the creation of an additional self-contained unit. The site is within a very sustainable location, with excellent access to shops, services and public transport links. The proposal would therefore have a positive impact on the Council's housing supply and would contribute to the Government's overriding aim of promoting sustainable development.

6.1.8 **Conclusion**

To conclude this issue, the proposed dormer window would remain subservient to the proportions of the building and would not appear overly dominant on the rear roofslope. The proposal would therefore preserve the residential character and appearance of the terrace and the wider Conservation Area in compliance with Policies CS14 of the Local Development Core Strategy and DP24 and DP25 of the Local Development Framework Development Policies.

6.2.0 Issue No 2. Would the proposal ensure there is no undue impact on parking and congestion in the surrounding area?

6.2.1 Reason No 2 refers to the absence of a legal agreement to secure car-free housing. The Appellant is willing to enter into a legal agreement and this could be secured by condition. As the agreement would not relate to the provision of financial contributions I consider that the use of a condition would be appropriate. The proposal would not therefore contribute towards parking stress and congestion in compliance with CS11 and CS19 of the Camden Local Development Framework Core Strategy and DP18 and DP19 of the Camden Local Development Framework Development Policies.

7.0 CONCLUSIONS

- 7.1 This statement relates to a proposal for the erection of a rear dormer to create a one-bedroom self-contained dwelling at No 24 Goldhurst Terrace, London, NW6 3HU.
- 7.2 The proposed dormer window would remain subservient to the proportions of the building and would not appear overly dominant on the rear roofslope. The proposal would therefore preserve the residential character and appearance of the terrace and the wider Conservation Area in compliance with Policies CS14 of the Local Development Core Strategy and DP24 and DP25 of the Local Development Framework Development Policies.
- 7.3 The appellant is willing to enter into a legal agreement to secure car-free housing and which could be ensured by a condition. The proposal would not therefore contribute towards parking stress and congestion in compliance with CS11 and CS19 of the Camden Local Development Framework Core Strategy and DP18 of the Camden Local Development Framework Development Policies.

8.0 APPENDICES

- 8.1 Appendix 1 – approved drawing and decision notice 2014/5025/P
- 8.2 Appendix 2 – Extract from South Hampstead Conservation Area Character Appraisal and Management Strategy February 2011