

The Planning Inspectorate  
3/10 Temple Quay House  
2 The Square  
Bristol, BS1 6PN

**SUBMITTED BY PLANNING PORTAL**

Date 26 August 2015  
Our ref 0621/AG-J  
Your ref

Dear Sir | Madam

**18 Grove Terrace, London, NW5 1PH**

Please find attached an appeal against the refusal of planning permission issued by the London Borough of Camden Council on the 5 June 2015. The proposed development comprises the 'Excavation of single storey basement level rear extension, sunken rear courtyard, and associated internal and external alterations'. The Council's Case Reference is 2015/1217/P. A listed building application for the same development was also refused on the same date under reference 2015/1695/L and this is subject to a separate appeal – APP/X5210/Y/15/3133369.

The application was refused under officer delegation for the following reasons:

- 1 The proposed single storey basement level rear extension and sunken courtyard, by reason of their excessive depth, overall footprint, scale and design, would be an  
  
overly dominant and inharmonious addition that would be materially detrimental to the special architectural and historic significance of the grade II\* listed building and neither preserve nor enhance the character and appearance of the Dartmouth Park Conservation Area. Thus, it would be contrary to policy CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy, and policies DP24 (Securing high quality design) and DP25 (Conserving Camden's heritage) of the London Borough of Camden Local Development Framework Development Policies.
- 2 The Applicant has failed to demonstrate that the proposed basement development would maintain the structural stability of the building and neighbouring properties and avoid adversely affecting drainage and run-off or causing other damage to the water environment avoid cumulative impacts upon structural stability or the water environment in the local area contrary to policy CS5 (Managing the impact of growth and development) of the London Borough of Camden Local Development Framework Core Strategy and policies DP23 (Water) and DP27 (Basements and lightwells) of the London Borough of Camden Local Development Framework Development Policies.

- 3 The proposed basement extension, by reason of the height and location of the basement roof in proximity to the neighbouring properties, would materially increase opportunities for overlooking resulting in a loss of privacy for those occupiers. Thus, it would be contrary to policy CS5 (Managing the impact of growth and development) of the London Borough of Camden Local Development Framework Core Strategy, and policy DP26 (Managing the impact of development on occupiers and neighbours) of the London Borough of Camden Local Development Framework Development Policies.
- 4 The proposed development, in the absence of a legal agreement to secure the submission and implementation of a Construction Management Plan, would be likely to contribute unacceptably to traffic disruption and dangerous situations for pedestrians and other road users and be detrimental to the amenities of the area generally. Thus, it would be contrary to policies CS5 (Managing the impact of growth and development), CS11 (Promoting sustainable and efficient travel) and CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Local Development Framework Core Strategy and policies DP20 (Movement of goods and materials), DP21 (Development connecting to the highway network) and DP26 (Managing the impact of development on occupiers and neighbours) of the London Borough of Camden Local Development Framework Development Policies.

No officer delegated report has been issued by the Council to expand on their reason for refusal and therefore the Appellant has responded in this statement only to the reasons contained in the decision notice. The Appellant reserves their right to provide further comments in the event that the Council provides any further information to substantiate or justify their decision.

## **APPLICATION CONTENT**

The listed building application comprised the following documents and drawings:

Drawing Nos: (1049) 01-01 Issue A; 01-02 Issue A; 01-03 Issue A; 01-04 Issue A; 02-01 Issue 3; 02-02 Issue 2; 02-03 Issue 2; 02-04 Issue 2; 02-05 Issue 2; 02-06 Issue 2; 07-01 Issue 2; 08-02 Issue A; 08-03 Issue A; 08-04 Issue A; 08-05 Issue A, Scale 1:1250 (Ordnance Survey), Planning Statement dated November 2014, Construction Method Statement dated October 2014, Heritage Statement dated February 2015, Design and Access Statement dated February 2015, Basement Impact Assessment and Site Investigation Report (ref: J11987) dated 28/10/2014. Site Investigation Report (ref: J11987) dated 28/11/2014 and Landscaping.

## **APPEAL CONTENT**

The appeal comprises the application documents and drawings as listed above together with the following documents:

- 1) This letter which includes the Appellants Appeal Statement
- 2) Householder Application Form
- 3) Decision notice 2015/1217/P dated the 5 June 2015
- 4) Listed Building Consent 2015/2192/L for 18 Grove Terrace
- 5) Appeal Decision APP/X5210/E/08/2078808
- 6) Perspective images of proposal granted on appeal for 19 Grove Terrace
- 7) Proposed plans of proposal granted on appeal at 19 Grove Terrace
- 8) Independent Basement Impact Verification Report.

## **GROUND OFS OF APPEAL – MATTERS AT ISSUE**

From a review of the decision notice there appears to be four issues of concern to the Council. These are:

1. Material detriment to the special architectural and historic significance of the Grade II\* listed building and Dartmouth Park Conservation Area arising from excessive depth, overall footprint,

scale and design, overly dominant and inharmonious addition and conflict with Camden Core Strategy Policy CS14 and Camden Development Policies DP24 and DP25.

2. Lack of independent verification of basement impact assessment and conflict with Core Strategy CS5 and Development Management Policies DP23 and DP27.
3. Loss of privacy for neighbouring properties due to proximity of basement roof and conflict with Core Strategy CS5 and Development Management Policy DP26.
4. Absence of a Construction Management Plan to demonstrate how traffic disruption and dangerous situations for pedestrians and other road users would be mitigated and managed and conflict with Core Strategy Policies CS5, CS11 and CS19 and Development Management Policies DP20, DP21 and DP26.

The decision notice contained the following informatives in respect of Reasons for Refusal 2 and 4.

- 1 You are advised that the harm identified in Reason for Refusal 2 could be overcome by agreeing to an independent verification of the Basement Impact Assessment funded by the developer and adequately responding to any concerns raised.
- 2 You are advised that the harm identified in Reason for Refusal 4 could be overcome by agreeing acceptable mitigation by way of a s106 legal agreement.

As a consequence the Appellant has commissioned an independent verification of the Basement Impact Assessment and this is attached in support of the appeal. It is suggested that the Reason for Refusal 2 has been addressed and overcomes the Council's objection, since the verification is positive. In respect of Reason for Refusal 4, the Appellant submitted a Construction Management Statement with the application. If further information is required then it is proposed that this can adequately be dealt with by the imposition of a suitable worded condition and a legal agreement is both unnecessary and does not meet the statutory tests for such agreements. It is therefore argued that Reason for Refusal 4 can be overcome by the imposition of a suitably worded condition. The Appellant is in agreement to the following model condition:

#### **CONSTRUCTION METHOD STATEMENT**

*No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:*

- i. *the parking of vehicles of site operatives and visitors*
- ii. *loading and unloading of plant and materials*
- iii. *storage of plant and materials used in constructing the development*
- iv. *the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate*
- v. *wheel washing facilities*
- vi. *measures to control the emission of dust and dirt during construction*
- vii. *a scheme for recycling/disposing of waste resulting from demolition and construction works*

It is therefore considered that the Reasons for Refusal 2 and 4 can be addressed in the manner outlined sufficient to demonstrate that they do not need to be dealt with in this appeal statement. The focus in the appeal statement is therefore Reasons for Refusal 1 and 3.

## COMMON GROUND

From a review of the decision notice it is clear that the following matters are common ground and therefore not at issue:

- 1) The proposed development does not conflict with the provisions of the London Plan 2015. The London Plan is part of the development plan. The reasons for refusal do not cite any conflict with London Plan policies, including those that concern the protection of heritage assets.
- 2) The proposed development does not conflict with the provisions of the National Planning Policy Framework (the 'Framework'). The Council has not highlighted any conflict with the Framework in their decision notice.
- 3) Internal alterations including a new bathroom at second floor have been deemed to be acceptable to the Council as LBC 2015/2192/L confirms.
- 4) A new lower ground floor extension at the rear and internal alterations have been granted LBC on appeal at 19 Grove Terrace and this is also a GII\* listed building and forms part of the same listed group.
- 5) Reason for Refusal 2 can be addressed by an independent verification of the submitted BIA.
- 6) Reason for Refusal 4 can be addressed if there is some form of legally binding CMP in place.

## GROUND OF APPEAL

Dealing with the 2 issues identified above, the Appellants grounds of appeal are:

- 1. Material detriment to the special architectural and historic significance of the Grade II\* listed building and failure to preserve or enhance the character and appearance of the Dartmouth Park Conservation Area.**

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority, or as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 72(1) of the 1990 Act requires that in exercising any powers in respect of buildings or other land in a conservation area special attention should be paid to the desirability of preserving or enhancing the character or appearance of that area. It is now settled planning law<sup>1</sup> that preserving the character or appearance of a conservation area can be achieved not only by a positive contribution to preservation, but also by a development which leaves the character or appearance of the area unharmed.

The National Planning Policy Framework (the 'Framework') sets out the policy framework for assessing the impact on the significance of heritage assets of which listed buildings form part. The Framework advises:

131. 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;

---

<sup>1</sup> See for example *South Lakeland DC v Secretary of State for the Environment* [1992] 2 AC 141 and the interpretation provided by LJ Mann

- 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.

132. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

Significance is defined in the Framework as follows:

Significance (for heritage policy): The value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting.

The Framework further advises that:

133. Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- the nature of the heritage asset prevents all reasonable uses of the site; and
- no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
- the harm or loss is outweighed by the benefit of bringing the site back into use.

134. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

In summary, the requirements of planning policy, guidance and law are that development proposals affecting a listed building or located within a conservation area should be assessed having special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses; should have regard to preserving or enhancing the character or appearance of the area and that applications should be supported by an assessment of the proposal to determine the impact on the significance of the heritage asset.

In terms of the assessment required by the Framework the guidance is clear:

*“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.”*

The planning application was accompanied by a heritage statement. This is attached in support of the appeal but confirms that the relevant historic environment record has been consulted together with other sources to clarify the significance of the heritage asset. The listing description is as follows:

CAMDEN

TQ2886SW GROVE TERRACE  
798-1/20/714 Nos.6-27 (Consecutive)  
10/06/54 and attached railings and  
lamp-holders

GV II\*

Terrace of 22 houses. Nos 6-14, c1793 built by R Cook; Nos 14-17, c1793; Nos 18-27, c1780 built by J Cheeke. Yellow stock and brown brick. Nos 19-22, rusticated stucco ground floors. Most with slate mansard roofs and dormers. 3 storeys and attics, No.14, 3 storeys. 2 windows each except Nos 14, 21 & 22, 3 windows; Nos 27, 4 windows. Most with wooden doorcases carrying simplified entablatures with Doric columns, panelled reveals, some with open pediments and arched fanlights. Most have radial fanlights and panelled doors. No.15, plain doorway with gauged brick head; No.21 entrance in side portico. Gauged brick flat arches to recessed sashes (mostly), 1st floors with cast-iron balconies except Nos 9-11 & 13. No.21 has cast-iron verandah to 1st floor with tented hood; Nos 22 & 24, blind boxes to 1st floor. Parapets with brick bands below (No.14, no bands). Nos 6-13, original lead rainwater heads. INTERIORS: not inspected but noted to be original and good, especially Nos 14 and 27. SUBSIDIARY FEATURES: attached cast-iron railings with urn finials to areas; Nos 7-9, 11, 13 & 27 with overthrow lamp-holders. (Survey of London: Vol. XIX, Old St Pancras and Kentish Town, St Pancras II: London: -1938: 36, 63-69).

The significance of the appeal property is therefore as one in a row of 22 terraced houses built towards the end of the 18<sup>th</sup> Century. The Inspector in accepting the proposals for a rear extension at No 19 Grove Terrace (which forms part of the same group listing) concluded that:



6. The listing description concentrates on the front of the terrace and no mention is made of the rear gardens. The terrace is described in detail in the Dartmouth Park Conservation Area statement but mention of the rear is limited to the sheds and buildings at the end of some of the gardens. Nevertheless, Planning Policy Guidance Note 15, Planning and the Historic Environment (PPG15) advises that *'setting is often an essential part of the building's character, especially if a garden or grounds have been laid out to complement its design or function'*. The terrace and its gardens are all of a piece and the layout has changed little, if at all, since the houses were built. The proposed conservatory would extend 6.6m into a garden that is 38m long. It would be hidden from views at ground level by the garden walls on either side and would not undermine the sense of space created by the rear gardens. As a consequence, I do not consider that it would have a detrimental impact on the setting of the terrace or the Conservation Area.

Since No 18 and 19 are neighbouring properties with rear gardens of equal length (see extract from site location plan below) then it is inconceivable that the same conclusion should not be drawn in respect of this appeal proposal.



Whilst in their defence the Council may claim that the appeal decision dates from December 2008 and the policy context has changed with the adoption of the Core Strategy in 2010 and the publication of the Framework in 2012, the requisite legal test has not. In addition there has been no fundamental shift in the national or local policy requirements for assessing proposals that may impact a listed building.

In summary the proposed rear extension will not materially harm or negatively impact the significance of the grade II\* listed building and it is inconceivable that it could, given the precedent established at the neighbouring property, No 19. The features of special architectural or historic interest which the building possesses have been identified and assessed. No harm will be caused to these features and the statutory and national heritage tests are therefore clearly met and complied with.

The submitted heritage assessment also considered the impact of the proposed development on the character and appearance of the Dartmouth Park Conservation Area. In so doing it referred to the Dartmouth Park Conservation Area Statement which the Council had submitted with their appeal submissions. Although this Statement was adopted in January 2009, the Inspector who determined the 19 Grove Terrace Appeal specifically referred to the statement notwithstanding that his decision pre-dated adoption of the statement. His view on the conservation area is germane to this appeal. He concluded as follows in respect of the conservation area:

6. The listing description concentrates on the front of the terrace and no mention is made of the rear gardens. The terrace is described in detail in the Dartmouth Park Conservation Area statement but mention of the rear is limited to the sheds and buildings at the end of some of the gardens. Nevertheless, Planning Policy Guidance Note 15, Planning and the Historic Environment (PPG15) advises that *'setting is often an essential part of the building's character, especially if a garden or grounds have been laid out to complement its design or function'*. The terrace and its gardens are all of a piece and the layout has changed little, if at all, since the houses were built. The proposed conservatory would extend 6.6m into a garden that is 38m long. It would be hidden from views at ground level by the garden walls on either side and would not undermine the sense of space created by the rear gardens. As a consequence, I do not consider that it would have a detrimental impact on the setting of the terrace or the Conservation Area.

It is clear that the erection of a rear extension at the neighbouring property was not considered to have a detrimental impact on the Conservation Area. Paragraph 7.17 of the Conservation Area Statement supports this view in that it focuses on the front elevation and relationship with the street:

**7.17 Grove Terrace** The terraces totalling 27 houses form an impressive and striking composition, enhanced by being set back from the road on elevated ground. Nos.1 - 5 are listed at Grade II in yellow stock brick with rusticated ground floors, completed by 1823. Nos. 6 - 27, with their curtilages including their railings and lampholders are an unusually comprehensive survival of an 18<sup>th</sup> century piece of speculative development and are listed Grade II\*. Building started in 1777 with two houses at the north end (now Nos 27A, 27 and 26; Nos. 25-23 followed in 1778, the larger pair, Nos 21 and 20 in 1780, and the twenty two houses were complete by 1793. They are in two groups, divided by the entrance to Grove Terrace Mews. Narrow frontages and multiple floors maximised profitability for the developer. Built in yellow stock and brown brick there are some variations in the widths and details. Nos.19-22 have rusticated stucco ground floors. Most have three storeys with area basements and attics with slate mansard roofs and dormers. No.14, which may have been rebuilt in the 1820s, has three storeys. They have two windows each except Nos. 14, 21 & 22 that have three windows; No. 27, now divided into two, is double fronted and has four windows. Most have wooden doorcases carrying simplified entablatures with Doric columns, panelled reveals, some with open pediments. Most have radial fanlights and panelled doors and some have ornamental cast iron first floor balconies. Each group is supported at the ends by slightly grander buildings acting as "bookends" to the composition. These are sometimes wider than the other houses and have rendered ground floors. The terrace reads as a unified whole but has a pleasing rhythm within it. An important aspect of the whole terrace is its front gardens with mature shrubs, railings, low walls and original flagstones that form part of the setting of the listed buildings. Nos 9 and 13 have surviving fire company plaques. There are also original coalhole covers with foundry marks still visible. The pavement has fine York stone paving, and the gutters granite setts.

Whilst the Statement did identify that unsympathetic rear and side extensions (including inappropriate roof terraces) can sometimes alter the harmony and balance of a property or group of buildings within the conservation area, this is not an issue at the appeal property given the existence of a similar rear extension at No 19 Grove Terrace.

On this issue the Council claim that the proposal conflicts with Core Strategy Policy CS14 which states:

CS14 - Promoting high quality places and conserving our heritage

The Council will ensure that Camden's places and buildings are attractive, safe and easy to use by:

- a) requiring development of the highest standard of design that respects local context and character;
- b) preserving and enhancing Camden's rich and diverse heritage assets and their settings, including conservation areas, listed buildings, archaeological remains, scheduled ancient monuments and historic parks and gardens;
- c) promoting high quality landscaping and works to streets and public spaces;



- d) seeking the highest standards of access in all buildings and places and requiring schemes to be designed to be inclusive and accessible;
- e) protecting important views of St Paul's Cathedral and the Palace of Westminster from sites inside and outside the borough and protecting important local views.

Unfortunately the Council has failed to articulate which aspects of CS14 are contravened. Logic would suggest however that it can only be in respect of b) and the requirement to preserve or enhance heritage assets. Our assessment on this issue clearly demonstrates that the appeal proposal will not affect or negatively impact the significance of the heritage asset and therefore, for this reason it is argued that this policy is not contravened.

The Council claim conflict with Development Management Policies DP24 and DP25. These policies state:

#### Policy DP24 - Securing high quality design

The Council will require all developments, including alterations and extensions to existing buildings, to be of the highest standard of design and will expect developments to consider:

- a) character, setting, context and the form and scale of neighbouring buildings;
- b) the character and proportions of the existing building, where alterations and extensions are proposed;
- c) the quality of materials to be used;
- d) the provision of visually interesting frontages at street level;
- e) the appropriate location for building services equipment;
- f) existing natural features, such as topography and trees;
- g) the provision of appropriate hard and soft landscaping including boundary treatments;
- h) the provision of appropriate amenity space; and
- i) accessibility.

#### Policy DP25 - Conserving Camden's heritage

##### Conservation areas

In order to maintain the character of Camden's conservation areas, the Council will:

- a) take account of conservation area statements, appraisals and management plans when assessing applications within conservation areas;
- b) only permit development within conservation areas that preserves and enhances the character and appearance of the area;
- c) prevent the total or substantial demolition of an unlisted building that makes a positive contribution to the character or appearance of a conservation area where this harms the character or appearance of the conservation area, unless exceptional circumstances are shown that outweigh the case for retention;
- d) not permit development outside of a conservation area that causes harm to the character and appearance of that conservation area; and
- e) preserve trees and garden spaces which contribute to the character of a conservation area and which provide a setting for Camden's architectural heritage.

##### Listed buildings

To preserve or enhance the borough's listed buildings, the Council will:

e) prevent the total or substantial demolition of a listed building unless exceptional circumstances are shown that outweigh the case for retention;

f) only grant consent for a change of use or alterations and extensions to a listed building where it considers this would not cause harm to the special interest of the building; and

g) not permit development that it considers would cause harm to the setting of a listed building.

#### Archaeology

The Council will protect remains of archaeological importance by ensuring acceptable measures are taken to preserve them and their setting, including physical preservation, where appropriate.

#### Other heritage assets

The Council will seek to protect other heritage assets including Parks and Gardens of Special Historic Interest and London Squares.

Again the Council has not identified which aspects of these policies they consider are contravened and the lack of any delegated report does not help and indeed does disadvantage the Appellant in preparing their grounds of appeal. It is appropriate therefore that the Appellant's position is reserved pending any further clarification that the Council are able to provide to justify their reasons for refusal.

However, on the basis of the two development management policies that the Council base their refusal on it is considered that Policy DP24 is not relevant to this application and only the 'listed building' and 'conservation area' sections of DP25 have any relevance. Sub-section a) is complied with as evidenced in the submitted heritage statement. Sub-sections c), d) and e) are not relevant and sub-section b) seems to conflict with the statutory test in Section 72(1) of the 1990 Act and the court's interpretation of it, in requiring developments that preserve and enhance the character and appearance of a conservation area. Sub-sections e) and f) of the policy are not relevant and therefore all that remains is whether the proposed development will cause harm to the setting of the listed building or fail to preserve or enhance the character or appearance of the conservation area. The assessment undertaken in dealing with this issue confirms that in terms of the listed building that it does not and this is a view supported by the Inspector who determined the appeal in respect of the neighbouring property, No 19 Grove Terrace, which forms part of the same row of terraced houses which comprise the group listing.

Furthermore in terms of the conservation area, the conclusion is that this proposed development will leave the character and appearance of the conservation area unharmed and this is sufficient to meet both the statutory and policy tests. This was a view that the appeal Inspector also came to in respect of 19 Grove Terrace.

## **2. Loss of privacy for neighbouring properties due to proximity of basement roof and conflict with Core Strategy CS5 and Development Management Policy DP26.**

The Council claim that the height and location of the basement roof in proximity to neighbouring properties would materially increase opportunities for overlooking resulting in a loss of privacy for those occupiers. This is difficult to comprehend. Policy CS5 states:

CS5 - Managing the impact of growth and development

*The Council will manage the impact of growth and development in Camden. We will ensure that development meets the full range of objectives of the Core Strategy and other Local Development Framework documents, with particular consideration given to:*

*a) providing uses that meet the needs of Camden's population and contribute to the borough's London-wide role;*

- b) providing the infrastructure and facilities needed to support Camden's population and those who work in and visit the borough;*
- c) providing sustainable buildings and spaces of the highest quality; and*
- d) protecting and enhancing our environment and heritage and the amenity and quality of life of local communities.*

*The Council will protect the amenity of Camden's residents and those working in and visiting the borough by:*

- e) making sure that the impact of developments on their occupiers and neighbours is fully considered;*
- f) seeking to ensure development contributes towards strong and successful communities by balancing the needs of development with the needs and characteristics of local areas and communities; and*
- g) requiring mitigation measures where necessary.*

Presumably the Council's refusal is based on non-compliance with sub-paragraph e). This has been assumed from the precise wording of the reason for refusal.

Development Management Policy DP26 – 'Managing the impact of development on occupiers and neighbours' states:

The Council will protect the quality of life of occupiers and neighbours by only granting permission for development that does not cause harm to amenity. The factors we will consider include:

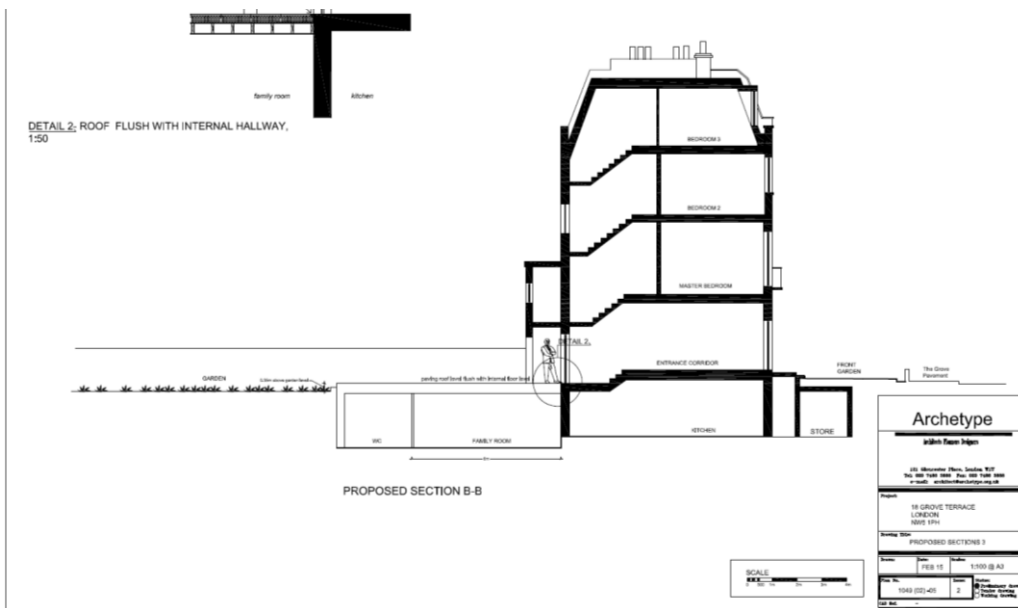
- a) visual privacy and overlooking;
- b) overshadowing and outlook;
- c) sunlight, daylight and artificial light levels;
- d) noise and vibration levels;
- e) odour, fumes and dust;
- f) microclimate;
- g) the inclusion of appropriate attenuation measures.

We will also require developments to provide:

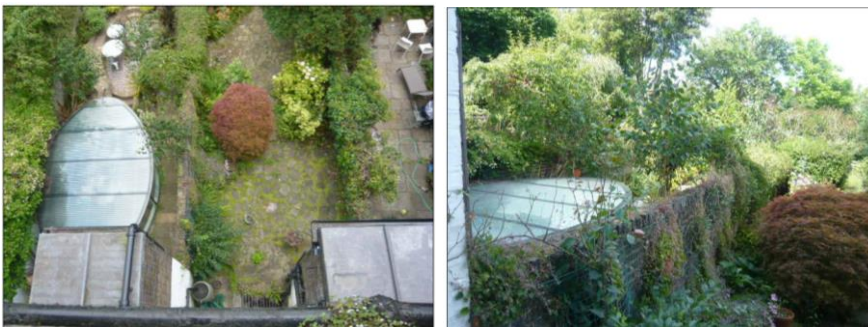
- h) an acceptable standard of accommodation in terms of internal arrangements, dwelling and room sizes and amenity space;
- i) facilities for the storage, recycling and disposal of waste;
- j) facilities for bicycle storage; and
- k) outdoor space for private or communal amenity space, wherever practical.

Only sub-paragraph a) has any relevance to the Council's refusal reason. The remaining parts of this policy are therefore not contravened.

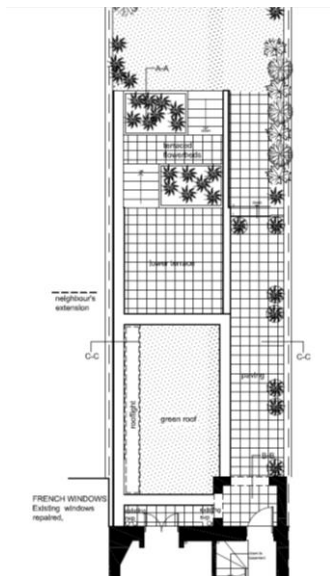
The Council's concern is regarding the basement extension and the potential of this to cause overlooking. Although the Inspector in the 19 Grove Terrace appeal considered the impact on the amenity of neighbouring properties this was not an issue that he identified as a cause of concern. The following extract from the submitted sectional drawing confirms that the roof of the basement extension roof will sit 0.35m above garden level.



The following photographs taken from the rear of the appeal property not only feature the approved extension at No 19 but also demonstrate that any opportunity for overlooking is constrained by the means of enclosure that exist on both boundaries.



In addition the following extract from the layout plan confirms that the 'raised' area will be a green roof and lightwell and therefore its use as an amenity area would be constrained and not conducive to sitting out in the same way that the dedicated terraces at upper and lower level would be. Given the length of the rear garden the pressure for amenity space is not so great as to necessitate constant use of the green roof.



The Council's concern on this issue is therefore unfounded and if it was considered necessary the use of the green roof as an amenity area could be precluded by condition. It is the Appellants view that such a precaution is however unnecessary because the primary function of the green roof is to assist with surface water absorption and aid biodiversity.

A detailed assessment of the policies relied on by the Council confirms that there is no conflict with their provisions and that the Council's reliance on them is misguided and unsubstantiated. Accordingly it is respectfully requested that this appeal should succeed.

I trust that this appeal can proceed through validation and registration. If any additional clarification or information is required please contact me.

Yours faithfully

**Alan Gunne-Jones MRTPI**  
**Managing Director**  
a.gunnejones@plandev.co.uk