



## **GROUNDINGS OF PLANNING APPEAL SUPPORT STATEMENT**

**BY DR ANTON LANG MRTPI OF  
ANTON LANG PLANNING SERVICES LIMITED**

**INFORMING THE DECISION OF  
THE PLANNING INSPECTORATE**

**AGAINST THE 2015/0766/P REFUSAL BY  
LONDON BOROUGH OF CAMDEN**

Development description:

*"Erection of mansard roof extension  
with dormer windows to front & rear"*

At: Flat B, 177 Prince of Wales Road, Kentish Town  
London NW5 3QB

For: Mr Constantinos Mourouzides

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# **1 INTRODUCTION**

## **QUALIFICATIONS & EXPERIENCE**

- 1.1 I am DR ANTON LANG MRTPI. I am a Bachelor of the Arts with Honours in the subject of Town Planning, I hold a Diploma in Town Planning, am a Master of Town Planning, and have also been awarded a Doctorate of Philosophy by research from the Faculty of Law, Social and Environment Sciences at the University of Newcastle-upon-Tyne.
- 1.2 Additionally, I am an academically fully-qualified, non-practising barrister; having been admitted as a member of the Honourable Society of the Inner Temple. I have been awarded a First Class Bachelor of Laws degree and two Post-graduate Diplomas in Law from the University of Northumbria at Newcastle.
- 1.3 I am a Chartered Town Planner with full Royal Town Planning Institute membership and over twenty years experience of the public and private sectors in academia, local government, quango and consultancies both multi-national and small.
- 1.4 I am a member of the Urban Design Group, English Heritage, The National Trust and The Woodland Trust.
- 1.5 I have operated as a sole practitioner Planning & Development Consultant for the last twelve years and am Owner and Director of the incorporated registered company Anton Lang Planning Services Limited.
- 1.6 A large proportion of my work involves detailed assessment of development control applications and appeals and the deliberation of material planning considerations for both private clients and local planning authorities.
- 1.7 I have considerable experience in dealing with these matters and in particular applications for householder / residential extensions, alterations including sites within conservation areas and with heritage issues.

## **2 BACKGROUND & CONTEXT**

- 2.1 The applicant (now appellant) wishes to extend this property as per the submitted planning application drawings attached, by creating an extra-storey through a roof extension / conversion creating a mansard-style arrangement.
- 2.2 This redevelopment scheme is proposed in order to better use the property, to enable a growing family to stay in their home, and, to make a more effective and efficient use of the property; which are all, of course, in principle acceptable and in line with national guidance to make the best use of previously-developed land, sites & structures.
- 2.3 The applicant (now appellant), design team and appeal agent believe that this sensitively-designed, roof-level extension scheme would benefit the property itself and would have a no more than benign impact on the locality; and thus would not be objectionable in planning terms.
- 2.4 At such a high level, the scheme is not considered to adversely impact on the immediate or wider locality.
- 2.5 It is underlined that the property is not within, or particularly close to, a conservation area.
- 2.6 It is recognised that the property is part of a non-designated heritage asset as per Camden's Local List; however it is considered that such a designation is not a moratorium on all forms of development.
- 2.7 All development policies, even, (especially?) those restrictive or conservation ones, now have to be applied pragmatically in the age of the NPPF (see Section 5, to follow); and should not prevent minor, sensitive changes which create additional residential floorspace.
- 2.8 It is understood that this Borough has policies and some guidance which can/could be interpreted to resist development such as is proposed here.
- 2.9 However as the planning unit report details, there are existing similar extensions nearby and along this street, some approved as recently as 2013.

2.10 The single refusal reason states:

- 1 The proposed mansard roof extension, by reason of its height, bulk, design and location, would impair the unaltered run of valleys roofs within the street of which it forms part and would be detrimental to the appearance of the building, terrace and wider street scape, resulting in substantial harm to the non-designated heritage asset, contrary to policies CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy; and to policies DP24 (Securing high quality design) of the London Borough

2.11 On balance, it is considered there is nothing achieved by attempting to retain "*the unaltered run of valley roofs*" – especially as the ones atop single houses could all be in-filled under permitted development rights; so planning permission for that is already granted by Central Government statute.

2.12 It is also worth considering, and bearing in mind, the more positive approach to development from the other local plan policies as discussed in Section 4 (to follow).

2.13 This modest mansard would in no way be: "*detrimental to the appearance of the building terrace or wider street scape*" due to its location so high.

2.14 To describe the possible impacts of this scheme as "*substantial harm*" is a total and subjective exaggeration.

2.15 It is considered that should this appeal be successful then other properties along this particular terrace will likely take up the opportunity to extend and make a more effective & efficient use of this potential space – and that, 'on balance' would be a good thing in these times of land shortage.

2.16 It is considered this appeal should be upheld and this scheme should be approved because:

2.17 Firstly, Central Government has made it clear that a much more positive approach to development schemes should be taken by decision-makers, particularly since the 'Planning for Growth' agenda was implemented in Spring 2011 and the NPPF was brought into force in Spring 2012.

2.18 Only schemes which compromise 'national' sustainability aims or that can be actually demonstrated to have "*significant adverse impacts*" should be resisted.

2.19 This modest extension scheme on a single dwelling obviously does not compromise any 'national' sustainability aims and there is nothing significant about it.

- 2.20 Secondly, there continues to be a chronic shortage of housing; housing-available land; and, housing schemes actually being commenced across the country. As the recession continues and continues, Central Government has made it clear that a positive view has to be taken with regards to all residential development schemes (and that includes extension development) in an effort to kick-start the economy at all levels.
- 2.21 Thirdly, the main, mansard element of the extension is set back from the parapet wall which softens impact and thus, at the level proposed, it is well out of day-to-day sight and normal street scene views, as it is so high up.
- 2.22 Fourthly, the original detailing and cornicing treatment of the front elevations of the host property and many of the others in the nearby vicinity (to the east of the site it has been replaced with a plain brick frontage) has already been lost and thus it is clear that the most prominent frontage treatments of this terrace have been the subject of change, alteration and removal of original features. The character of this terrace has thus evolved and changed from when it was first constructed.
- 2.23 Fifthly, the views of this mansard extension scheme from street level are considered to be insignificant due to the high-up location of the proposal, the height of the existing parapet feature wall which is to be retained and screens part of the proposed extension, the extension set-back and the narrow width of the pavement - all of which means that views of the scheme cannot easily be taken, nor would be seen by day-to-day pedestrians walking along the street.
- 2.24 One would have to crane one's neck and look very obtusely upwards in order to see this proposed mansard feature.
- 2.25 Furthermore, right opposite this terrace, the blocks of flats have a mansard level already as part of their design - thus a mansard-feature is a characteristic of the immediate locality.
- 2.26 This single scheme really would not be prominent, nor seen much by the average walker down this road for these reasons.
- 2.27 The proposed straight-down, bird's-eye, roof plan view submitted with the proposal would never be the vantage point for 99.9% of people exposed to this development and thus cannot be accorded much weight at all.

- 2.28 It is considered much more appropriate to accord weight to a view taken from standing, at street level, which is where most views would be taken.
- 2.29 At that level, most people would have to crick and tilt their necks in order to make out even the uppermost part of the proposed extension; something that would make walking down the street difficult. The proposed height and the set-back really would ameliorate this development to make it acceptable.
- 2.30 Sixthly, it is considered that the local planning authority has refused planning permission for subjective, overly-protective reasons which are unsustainable in the light of the extent of the proposals; the design, location and aspect of this modest proposal; new government guidance; and, the push for growth and development.
- 2.31 Seventhly, under the auspices and the push for 'Localism' the level of consultation response and objection must now be given more weight. This scheme does not appear to have garnered any adverse consultation response from neighbours. More weight must be given to such a factor under the push to empower communities under localism.
- 2.32 Eighthly, this appeal is submitted by residents who live on this terrace 24/7 and thus know what they like and what they want. It is not reasonable to resist this form of development just because of some ill-conceived standpoint of wanting to preserve things 'as was' just for the sake of it. Buildings need to change and adapt to continue to serve purpose and to reflect the needs and demands of their occupiers.
- 2.33 Approving this extension scheme helps maintain this property as a family home and maintains its occupants' links with this community, without having the unnecessary expense of having to move – which is a sustainable aim in itself.
- 2.34 Ninthly, if this was a stand-alone single property as a house, it would be permitted development to infill the 'butterfly' gap, so it could be lost anyway.
- 2.35 Tenthly, as the Planning Unit report details, the local authority has very recently, in 2013, granted planning permission for two other mansard-style roof extensions on this very street; at Numbers 29 and 51. It is considered unfair to distinguish this stretch of terrace from that, especially as not one of them is within a conservation area (although noting that Numbers 29 & 51 are closer to a conservation area at their end of the street).

- 2.36 Finally, other Planning Inspectors have granted permissions in similar circumstances despite the extension being the first on the terrace.
- 2.37 This happened under Appeal Ref: APP/A5840/D/11/2154850 at 4 Sharsted Street, London SE17 3TN which is admittedly within LB Southwark.
- 2.38 However the reasoning made by the Planning Inspector that a mansard on a butterfly roof (as here), along a terrace which is otherwise unchanged (as here), IS acceptable, as only really seen from rear views, is a material planning consideration which must be given some weight.
- 2.39 To quote directly [my underlining]:
- 2.40 *"The rear elevations of the terrace have what are known as 'butterfly' roofs and the proposed mansard would remove the characteristic inverted gabled roof profile. I accept that this would alter the architectural character of the terrace. However, in itself the design is acceptable and the buildings are not listed or within a conservation area, which suggests that there should be a greater tolerance of alterations."*
- 2.41 Likewise it is worth considering Appeal Ref: APP/U5360/D/13/2207591 at 123 Hassett Road, Hackney, London, E9 5SL, which is admittedly in London Borough of Hackney, but is very similar to this case here insofar as:
- 2.42 *"3. The appeal property is not within a conservation area and the terrace is not listed [as is the case here, although it is locally listed].*
- 2.43 *"The overall integrity of the terrace has been compromised to an extent by unsympathetic alterations such as painting of some of the facades [as is the case here].*
- 2.44 *"The worst, and most obvious alteration, and one that immediately draws the eye, is the removal of the cornice detail from the parapet of some properties, including the appeal dwelling" - [as is the case here, as the cornice is removed towards the east].*
- 2.45 It is extrapolated that that appeal is similar to this one as well insofar as (from Paragraph 4):
- 2.46 *"Whilst that extension is visible from the street, it is intrinsically well-designed and does not detract from the appearance of the property. Its effect on the appearance of the*

*terrace as a whole is slightly negative, but only insofar as it is the odd one out. In my view, it represents a reasonable example for others who wish to invest in their properties to follow."*

- 2.47 Likewise it is also considered similar in that:
- 2.48 *"I consider that the appeal proposals represent a sustainable form of development. The investment in the property and the improvement of the accommodation available within it would be of long-term benefit to the housing stock of the area and **would not cause the substantial harm that would be necessary to outweigh the presumption in favour of sustainable residential development contained in the NPPF.** I therefore conclude that the appeal should succeed."*
- 2.49 Thus, in the age of the NPPF, this type of mansard extension development is seen as desirable and actually of benefit; as it does not cause substantial harm.
- 2.50 I apologise for referencing two appeal decisions outwith the local authority for this appeal, however it is the only two that I have with regards similar style mansard-type development in London (I was the appeal agent for both, and the application agent was the same too), and, as they are similar, it is considered that they are worth referencing as they reflect many of the issues also salient here.
- 2.51 Quite simply, this scheme here is very modest and extremely sympathetic to the design-lead of the host building. The proposals would have a benign impact on the host structure and the character and appearance of the locality. The appeal site is not within, nor even directly adjacent to any of the conservation areas within this borough (as the 4 Sharsted site was).
- 2.52 This type of development is allowed on similar properties in all other adjoining London Boroughs; that Camden is attempting to resist this form of development, trying to preserve this aspect of its past 'in aspic', with a very draconian application of policy, does not fit with a modern approach, nor the agenda for growth which is now in place and thus this scheme should be approved.
- 2.53 The relevant material planning considerations, and policies, are more closely considered within the following sections.



## **3 DESIGN & ACCESS CONSIDERATIONS**

### **DESIGN OBJECTIVES**

- 3.1 The primary objective of this development is to create a form of development on the site which provides limited extension of internal space, whilst also not adversely affecting the existing property and having a benign impact on the street scene and surroundings within which the application site is located.
- 3.2 The architectural objective of this development was to create a suitably-sized, well-designed, visually-appealing extension scheme. It is considered that the resulting development pays high regard to this and complements the existing building and its locality.
- 3.3 The conversion can generally be considered to be conservative and complementary in design which reduces its impact on the locality.

### **DESIGN CONSIDERATIONS**

- 3.4 CABE guidelines (within Design & Access Statements, CABE 2006) advise that proposals should be considered under the following topic areas: Amount, Scale, Layout, Landscaping, and External Appearance ('Use' is considered moot as it will not change).
- 3.5 It is considered that the AMOUNT of development is acceptable. The proposed scheme involves a limited roof extension by virtue of a mansard construction. This is a modest development by any consideration; especially in the context of other similar extensions which have occurred on this and nearby streets.
- 3.6 It is considered that the SCALE of the development on the site is acceptable. The increase in rooms at the property makes for a more effective and efficient use of a lot of, currently-wasted, internal (and external) roof void.
- 3.7 This conversion would not dominate or be disruptive to the street scene due to its sensitive design and, to the front, due to its limited exposure in views set-back behind the parapet wall.

- 3.8 It is considered that the LAYOUT of the extension/conversion development on the site is logical, obvious and therefore appropriate in layout terms.
- 3.9 There are no LANDSCAPING aspects to this scheme.
- 3.10 The EXTERNAL APPEARANCE of the extension/conversion complements the fenestration and design of the host dwelling and is therefore considered acceptable.

### **URBAN DESIGN ASSESSMENT**

- 3.11 Urban design recognises seven qualities of successful places: character; continuity and enclosure; quality of public realm; ease of movement; legibility; adaptability; and diversity.
- 3.12 The scheme preserves the character of the locality as it retains the residential nature of its environs. Similarly, the scheme provides for visual continuity by maintaining the design and finish similar to the host and other properties in the wider vicinity. Siting within the existing building lines is obviously acceptable.
- 3.13 It is considered that despite the local planning authority's concerns, it is rather that this proposal makes no tangible adverse impact on the public realm in itself or in the context within which it sits.
- 3.14 Ease of movement is ensured around and within the development by the existing footpaths and road access. The proposed residential use is both legitimate and legible as it is as existing. There are no adaptability or diversity issues.

### **ACCESS & CAR PARKING CONSIDERATIONS ASSESSMENT**

- 3.15 No relevant issues to this mansard conversion scheme as access and car parking all remains unchanged and as existing.

### **SUSTAINABILITY ASSESSMENT**

- 3.16 It is important to consider the sustainability aspect of this scheme. The proposal is sustainable for a number of reasons, which include:
- The scheme makes for a more effective and efficient use of previously-developed land.
  - The residential accommodation is to be renovated, repaired and up-kept sympathetically with the extension and roof-

conversion of an existing structure which is sited within an existing curtilage and the design of the development is sensitive, suitable and acceptable.

- The development provides for much improved and extended residential accommodation of a high quality which will be of benefit to the Borough.

## 4 LOCAL PLANNING POLICY

### INTRODUCTION

- 4.1 The duties of decision-makers when making any determination under the Planning Acts are set out in Section 38(6) of the Planning and Compulsory Purchase Act 2004. This states that:

*"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."*

### DEVELOPMENT PLAN POLICY

- 4.2 For the purposes of Section 38(6) of the Planning & Compulsory Purchase Act 2004 the development plan as relevant to this proposal is formed by the 2010 documents: the London Borough of Camden Core Strategy Document and the Development Plan Policies Document.
- 4.3 National guidance will be addressed in the next section.
- 4.4 The relevant policies are discussed below:

### **POLICY CS14: PROMOTING HIGH QUALITY PLACES AND CONSERVING OUR HERITAGE**

- 4.5 With regards to high quality places, Policy CS14 states that:

***"Policy 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."*

- 4.6 It is considered that the alterations as development is, *"of the highest standard of design that respects local context and character"* for the reasons articulated throughout this document.
- 4.7 The scheme certainly does not impinge on the stated aim of, *"preserving and enhancing Camden's rich and diverse heritage assets and their settings, including conservation areas"*.
- 4.8 The limited extent of the works, within curtilage and at a high level, are considered development which is appropriate to their context, the historic environment and important local views.
- 4.9 The other limbs of this policy are considered to not be relevant to this proposal.
- 4.10 It is stated in the support material that:
- 4.11 *"Para 14.2 Our overall strategy is to sustainably manage growth in Camden so it **meets our needs** for homes, jobs and services in a way that conserves and enhances the features that make the borough such an attractive place to live, work and visit. Policy CS14 plays a key part in achieving this by setting out our approach to conserving and, where possible, enhancing our heritage and valued places, and to ensuring that development is of the highest standard and reflects, and where possible improves, its local area.*
- 4.12 This proposal is sustainable and manageable, and is proposed in order to meet a need and extend a limited residential property. It is considered to enhance the property as a place to live.
- 4.13 Overall, it is considered this scheme is sensitively designed and located to complement its locality with particular regard to scale, massing and appearance and thus should be considered compliant with this policy.

#### **POLICY CS1: DISTRIBUTION OF GROWTH**

- 4.14 It is noticeable that the decision notice does not reference the first, and thus can be considered to be most important, policy within the Core Strategy which states [my under-lining]:
- 4.15 *"Policy **CS1: Distribution of growth: Overall approach to growth and development:** The Council will focus Camden's growth in the most suitable locations, and manage it to make sure that we deliver its opportunities and benefits and achieve*

*sustainable development, while continuing to preserve and enhance the features that make Camden such an attractive place to live, work and visit. We will promote: a) a concentration of development in the growth areas of King's Cross, Euston, Tottenham Court Road, Holborn and West Hampstead Interchange; b) appropriate development at other highly accessible locations, in particular Central London and the town centres of Camden Town, Finchley Road / Swiss Cottage, Kentish Town, Kilburn High Road and West Hampstead; and c) more limited change elsewhere. Following this approach, the Council expects that in the order of 12,250 additional homes will be provided in Camden between 2010/11 and 2024/25. We will identify, and provide guidance on, the main development opportunity sites in the borough through our Camden Site Allocations Local Development Framework document. **Making the best use of Camden's limited land** **The Council will promote the most efficient use of land and buildings in Camden by: d) seeking development that makes full use of its site**, taking into account quality of design, its surroundings, sustainability, amenity, heritage, transport accessibility and any other considerations relevant to the site; **e) resisting development that makes inefficient use of Camden's limited land**; f) expecting development that will significantly increase the demand of travel to be located in growth areas and other highly accessible parts of the borough; **g) expecting high density development in Central London, town centres and other locations well served by public transport**; and **h) expecting the provision of a mix of uses in suitable schemes, in particular in the most accessible parts of the borough, including an element of housing where possible**".*

- 4.16 It is considered this scheme is "development that makes full use of its site", and makes the best use of the limited land Camden has.
- 4.17 It is stated in the supporting materials that:
- 4.18 **"Para 1.6: Overall approach to growth and development: The Council's overall strategy for managing future growth in Camden is to promote the provision of homes".**
- 4.19 The mansard extension scheme helps enable extended residential provision and also better serves the existing residential unit.
- 4.20 Furthermore it is stated:
- 4.21 **"Para 1.21: Making the best use of Camden's limited land: If we are going to adapt successfully to Camden's growing population, we need to make the best use of the**

**borough's limited land.** *The Council will promote the most efficient use of Camden's land and buildings while also seeking to improve the quality of our environment, protect the amenity of occupiers and neighbours and meet its other planning objectives".*

4.22 **The plan talks about the MOST efficient use of land; not more efficient, but most.**

4.23 This extension / alteration development thus is actually supported by development plan policy.

4.24 The plan actively seeks more dense development:

4.25 "**Para 1.22: Density:** *One way of making the most efficient use of our land and buildings is to **encourage higher densities** (that is, have more buildings or rooms in a given area). The Council wants to encourage developments with high densities in the most accessible parts of the borough".*

4.26 The underlined section is particularly pertinent.

4.27 This scheme is directly involved with making a more effective and efficient use of land and it is considered with an acceptable impact on its environs.

4.28 Thus this scheme is not only policy compliant, but to be supported.

#### **POLICY DP24: SECURING HIGH QUALITY DESIGN**

4.29 With regards to quality in design the policy states that:

4.30 "**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."*

4.31 This policy can be applied pragmatically or draconically to any development. It is very flexible and relies on a professional judgment call which is unfortunately heavily-laced with subjectivity.

- 4.32 It is noted that it demands: "**d) the provision of visually interesting frontages at street level**" which should be considered to not be impacted upon by this roof level, but also 'interesting', development.
- 4.33 It is my professional opinion that these alterations achieve a high quality of both architectural and urban design, enhancing the quality of the built form in order to create an attractive, high amenity, environment.
- 4.34 I also consider the scheme involves a creative and high quality appropriate design solution, specific to the site's shape, size, location and development opportunities.
- 4.35 It is considered that the development is compliant with the aims of this policy, as it is considered that the resultant structure is in-keeping with the host property and the locality by virtue of its resultant frontage, design and layout; with complementary materials to be used in construction.
- 4.36 In the supporting materials it is stated:
- 4.37 "*Para 24.5: Camden is a densely built-up borough where most development involves the replacement, extension or conversion of existing buildings. **Design should respond creatively to its site and its context.** This concerns both smaller-scale alterations and extensions and larger developments, the design and layout of which should take into account the pattern and size of blocks, open spaces, gardens and streets in the surrounding area (the 'urban grain')*".
- 4.38 This scheme is considered to be a creative response to allow for this property to be altered.
- 4.39 It is considered that this scheme is acceptable with regards to the: height, scale and massing of buildings; is appropriate to the local context and does not dominate its surroundings inappropriately; has regard to the existing urban grain, development patterns and density; is designed with regard to local context; and, makes a positive contribution to the character of the area.
- 4.40 In urban design terms this is a very modest development which has a benign impact on the public realm or the non-listed heritage asset and does not tangibly conflict with the aims and intentions of this policy.

## **POLICY DP25: CONSERVING CAMDEN'S HERITAGE**

- 4.41 Policy DP25 states that:
- 4.42 "**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. [NB: Next two sections on Listed Buildings / Archaeology are not quoted as not relevant]*

- 4.43 **"Other heritage assets:** *The Council will seek to protect other heritage assets including Parks and Gardens of Special Historic Interest and London Squares."*
- 4.44 It is considered this scheme has a benign impact on the non-designated heritage asset and thus does not impinge on preserving or enhancing the historic environment.
- 4.45 The scale, density, massing, construction and materials are considered to provide for a suitable scheme which is fit for purpose.
- 4.46 The scheme provides for extended space; but is not unacceptably overbearing to its neighbours, the wider terrace as a non-designated heritage asset, or the street scene.
- 4.47 It is considered that the impact of the alterations on its site, local amenity, the environment, the wider terrace as a non-designated heritage asset, and adjoining land uses, is minimal at most and it is considered this scheme is sensitive to its setting for the reasons discussed throughout this document.
- 4.48 The limited extent and set-back behind a parapet of the extension, ensures that both the host property and its neighbours continue to benefit from acceptable external standards of space, light, outlook and privacy.
- 4.49 The other, all dissimilar, alterations at the other properties along this section of the street cannot be discounted, (such as different front doors, changes to the cornices, changes to the front boundary treatments); certainly cannot be discounted with regards views and impact on the non-designated heritage

asset – this terrace has thus already been disrupted, and mainly at the more noticeable street-level.

4.50 It is considered there are no tenable or tangible adverse heritage merit issues with regards to resisting this scheme and that such issues do not and cannot outweigh the benefits of this scheme.

4.51 It is also worth considering the London Plan:

#### **LONDON PLAN: POLICY 7.4: LOCAL CHARACTER**

4.52 It is considered that Policy 7.4: Local Character when applied positively rather supports the proposals:

4.53 "POLICY 7.4: LOCAL CHARACTER:

*Strategic A: Development should have regard to the form, function, and structure of an area, place or street and the scale, mass and orientation of surrounding buildings. It should improve an area's visual or physical connection with natural features. In areas of poor or ill-defined character, development should build on the positive elements that can contribute to establishing an enhanced character for the future function of the area.*

*Planning decisions B: Buildings, streets and open spaces should provide a high quality design response that:*

*a) has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass;*

*b) contributes to a positive relationship between the urban structure and natural landscape features, including the underlying landform and topography of an area;*

*c) is human in scale, ensuring buildings create a positive relationship with street level activity and people feel comfortable with their surroundings;*

***d) allows existing buildings and structures that make a positive contribution to the character of a place to influence the future character of the area;***

*e) is informed by the surrounding historic environment".*

4.54 This scheme should be considered to apply innovative, but modest design to this aged building/terrace and be compliant with the limbs and the spirit of this policy.

4.55 It would be obtuse to resist this scheme in the light of a positive application of the content of this policy.

## **LONDON PLAN: POLICY 7.6: ARCHITECTURE**

4.56 It is considered that Policy 7.6: Architecture when applied positively rather supports the proposals:

4.57 "*POLICY 7.6 ARCHITECTURE:*

*Strategic A: Architecture should make a positive contribution to a coherent public realm, streetscape and wider cityscape. It should incorporate the highest quality materials and design appropriate to its context.*

*Planning decisions B: Buildings and structures should:*

*a) be of the highest architectural quality*

*b) be of a proportion, composition, scale and orientation that enhances, activates and appropriately defines the public realm*

***c) comprise details and materials that complement, not necessarily replicate, the local architectural character***

*d) not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy, overshadowing, wind and microclimate. This is particularly important for tall buildings*

*e) incorporate best practice in resource management and climate change mitigation and adaptation*

*f) provide high quality indoor and outdoor spaces and integrate well with the surrounding streets and open spaces*

*g) be adaptable to different activities and land uses, particularly at ground level*

*h) meet the principles of inclusive design*

*i) optimise the potential of sites.*

4.58 The complementary, well-considered design is regarded to, "*be of the highest architectural quality*" under Limb A.

4.59 The modest extent and inline location is considered to, "*be of a proportion, composition, scale and orientation that enhances, activates and appropriately defines the public realm*" under Limb B.

4.60 The design of the elevations has ensured that the resultant scheme would, "*comprise details and materials that complement, not necessarily replicate, the local architectural character*" under Limb C.

4.61 The limited scale and mass, and location within side boundary lines will ensure the extension would, "*not cause unacceptable harm to the amenity of surrounding land and buildings,*

*particularly residential buildings, in relation to privacy, overshadowing, wind and microclimate”* under Limb D.

- 4.62 More effective and efficient use of this previously-developed site should be considered to uphold the principles of an attempt to: *“incorporate best practice in resource management and climate change mitigation and adaptation”* under Limb E.
- 4.63 The elevations demonstrate that the design suits the host and the terrace in order to, *“provide high quality indoor and outdoor spaces and integrate well with the surrounding streets and open spaces”* under Limb F.
- 4.64 It is considered this residential extension proposal does not necessarily have to, *“be adaptable to different activities and land uses, particularly at ground level”* under Limb G.
- 4.65 It is considered this residential extension proposal at roof level does not necessarily have to, *“meet the principles of inclusive design”*, yet it does what it can under Limb H.
- 4.66 It is considered this residential extension proposal is all about an effort to *“optimise the potential of sites”* under Limb I.
- 4.67 This scheme should thus be considered policy compliant.

## **SUMMARY**

- 4.68 It is considered this scheme is subordinate to its host property, as it is modest in extent and limited in its actual extension.
- 4.69 This scheme has been designed to be in-keeping, using the architectural language of the original building, but by utilising a small-scale, contrasting, subordinate addition.
- 4.70 It is considered the design is in accord with its host and follows the style and detailing of the terrace. This scheme will use matching and complementary materials to the original building; and can be conditioned accordingly to ensure this.
- 4.71 This scheme would not contrast with, but would rather complement, the original building. The proposals do not unbalance the character of the building or the terrace.
- 4.72 This scheme would not critically adversely undermine the existing uniformity of the terrace or the group of buildings, and it would have a very limited impact on the street scene; especially when considered from the usual front street-level view.
- 4.73 This within-boundary proposal would not unacceptably harm the amenities (privacy, outlook, sunlight and daylight) of adjoining residents, nor result in an undue loss of residential amenity space, nor, create an unacceptable sense of

enclosure, due to the in-line, straight-orientated fenestration layout and reduced bulking away from sides.

- 4.74 This roof level alteration, extension and additional floor should be considered acceptable as they all are considered to be successfully integrated with their surroundings.
- 4.75 It is considered that these sensitive proposals would not demonstrably harm the architectural integrity of the original building, nor do they unacceptably harm the proportions, character or uniformity of the building or group, due to their modest extent and sensitive design in a non-Conservation Area location.
- 4.76 This scheme respects the scale, proportions, architectural form of the building and continues its style and character due to its limited extent.
- 4.77 Overall, it is considered that under examination, the development is compliant with the relevant policies cited and discussed above.
- 4.78 National guidance is addressed in the next section.

## 5 NATIONAL PLANNING POLICY

- 5.1 Up until 27 March 2012 there was an established national planning framework made up of a number of Planning Policy Guidance Notes (PPGs) and Planning Policy Statements (PPSs) which were material considerations which could be applied to development proposals. These no longer apply and have all been cancelled.
- 5.2 From that date, that morass of unwieldy paperwork has been swept away by a single document called the National Planning Policy Framework (NPPF), which is intended to ensure that development proposals can be assessed and decided more proactively, more progressively and more promptly.
- 5.3 The NPPF makes it clear from the very start, in the Ministerial Forward, that:
- 5.4 *"The purpose of planning is to help achieve sustainable development. Sustainable means ensuring that better lives for ourselves don't mean worse lives for future generations. Development means growth. We must accommodate the new ways by which we will earn our living in a competitive world. **We must house a rising population**, which is living longer and wants to make new choices."*
- 5.5 The use of the word "must" makes it clear it is imperative that development proposals are considered positively.
- 5.6 It is further stated that:
- 5.7 *"Sustainable development is about positive growth – making economic, environmental and social progress for this and future generations. The planning system is about helping to make this happen."*
- 5.8 The planning process is about helping make "growth" happen; not about restricting or stopping "growth". Decision-makers should thus not be resisting growth, but should rather be helping it happen; by approving applications.
- 5.9 *"In order to fulfil its purpose of helping achieve sustainable development, planning must not simply be about scrutiny. **Planning must be a creative exercise** in finding ways to enhance and improve the places in which we live our lives"*.
- 5.10 The negative, 'all boxes must be ticked' ways of approaching assessing planning applications should no longer hold back development.

- 5.11 Planning, planners and planning decisions should all strive to be "creative" as much as possible. This scheme is creative in the way it provides a design solution to acceptably provide for more useable internal space.
- 5.12 At Paragraph 7 it is stated:
- 5.13 *"There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles".*
- 5.14 The first dimension (and, having that primary position can be extrapolated to be the most important), is stated as:
- 5.15 **"An economic role** – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;"
- 5.16 The second and third dimensions are:
- 5.17 **"A social role** – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and"
- 5.18 **"An environmental role** – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy".
- 5.19 At Paragraph 8 it is made clear that:
- 5.20 *"Economic growth can secure higher social and environmental standards".*
- 5.21 Such as under these development proposals.
- 5.22 Under a social role, this extension scheme helps in, "providing the supply of housing required to meet the needs of present and future generations".
- 5.23 This is re-enforced at Paragraph 9:
- 5.24 *"Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life, including (but not limited to):*

- *making it easier for jobs to be created in cities, towns and villages;*
  - *moving from a net loss of bio-diversity to achieving net gains for nature;*
  - *replacing poor design with better design;*
  - *improving the conditions in which people live, work, travel and take leisure; and*
  - *widening the choice of high quality homes*".
- 5.25 How this is to be done is explained in paragraph 14:
- 5.26 "At the heart of the National Planning Policy Framework is a **presumption in favour of sustainable development**, which should be seen as a golden thread running through both plan-making and decision-taking. For **decision-taking** this means:
- *approving development proposals that accord with the development plan without delay; and*
  - *where the development plan is absent, silent or relevant policies are out-of-date, **granting permission unless:***
    - any adverse impacts of doing so would **significantly and demonstrably** outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
    - *specific policies in this Framework indicate development should be restricted*".
- 5.27 The test of significantly and demonstrably is a very high test.
- 5.28 In order to resist and refuse these proposals the local authority must have demonstrated **significant adverse impacts**.
- 5.29 It is considered that on the basis of the materials submitted as part of this planning application and now this appeal they would be unable to do that.
- 5.30 On any fair balance, any adverse impacts do NOT significantly and demonstrably outweigh the benefits of this scheme.
- 5.31 Paragraph 17 states that:
- 5.32 "*Within the overarching roles that the planning system ought to play, a set of [twelve] core land-use planning principles should underpin both plan-making and decision-taking:*" [inter alia]
- 5.33 "*ii) not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives*".
- 5.34 "*iii) proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and*



*then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth*".

- 5.35 "*viii) **encourage the effective use of land by reusing land that has been previously-developed (brownfield land), provided that it is not of high environmental value.***"
- 5.36 This development scheme accords with these relevant core planning principles as identified above and is considered to not significantly adversely conflict with the others.
- 5.37 The first aim is in the first part of the section called "*Delivering sustainable development*" and is called: "*1. Building a strong, competitive economy*".
- 5.38 At Paragraph 18 it is stated:
- 5.39 "*The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.*"
- 5.40 This development proposal will create employment and new jobs through its construction.
- 5.41 This economic function is stated and re-stated, as per Paragraph 19:
- 5.42 "*The Government is committed to ensuring that the planning system **does everything it can to support sustainable economic growth.** Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system*".
- 5.43 And Paragraph 20:
- 5.44 "*To help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century*".
- 5.45 Within the NPPF there is Section "*7. Requiring good design*".
- 5.46 It is stated that:
- 5.47 "*Paragraph 56. The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people*".
- 5.48 "*58. Planning policies and decisions should aim to ensure that developments: [inter alia]*

- 5.49 “• **optimise the potential of the site** to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;”
- 5.50 “• respond to local character and history, and reflect the identity of local surroundings and materials, **while not preventing or discouraging appropriate innovation;**”
- 5.51 It is underlined that:
- 5.52 “Paragraph 59: 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.
- 5.53 This is underlined further within the NPPF:
- 5.54 “Paragraph 60: 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.**”
- 5.55 **The proposed mansard might not be to everyone’s taste, however that is not the correct test. This scheme does not compromise building lines, or lead to overlooking or over-shadowing issues, or otherwise unacceptably compromise the street scene and thus should have been considered to be acceptable.**
- 5.56 With regards to the actual theory and practice of “Decision Making” it is stated in Paragraph 186 that:
- 5.57 “Local planning authorities should approach decision-taking in **a positive way to foster the delivery of sustainable development.** The relationship between decision-taking and plan-making should be seamless, translating plans into high quality development on the ground”.
- 5.58 This is further emphasised at Paragraph 187:
- 5.59 “Local planning authorities should look for solutions rather than problems, and **decision-takers at every level should seek to approve applications** for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area”.
- 5.60 With regards to determining applications, it is stated at Paragraph 197:

- 5.61 *"In assessing and determining development proposals, local planning authorities should apply the **presumption in favour of sustainable development**".*
- 5.62 These proposals are sustainable on previously-developed land, and therefore there is a clear presumption they should be considered favourably.

## **MINISTERIAL STATEMENT**

- 5.63 Account must also now be taken of the Written Ministerial Statement: Planning for Growth (23 March 2011) made by The (then) Minister of State for Decentralisation (Mr. Greg Clark) as Annex A to the Planning for Growth letter of 31 March 2011) which should now be regarded as a material planning consideration of considerable weight.
- 5.64 Within that letter it is stated that:
- 5.65 *"These objectives need to inform the decisions that local planning authorities are taking now – through plan production as well as development management.*
- 5.66 *The Minister for Decentralisation issued a Written Ministerial Statement on 23 March (Annex A to this letter) to emphasise this point and this statement is capable of being regarded as a material planning consideration. Your attention is drawn especially to the weight that the Secretary of State will give to this statement in cases that come before him for decision."*
- 5.67 It is important to underline that it is clear Central Government (and thus the Secretary of State and also Planning Inspectors) will be seeking that local authorities, and decisions by all those within the development control/management process, are positive and encourage growth.
- 5.68 To quote the statement [my underlinings and bold):
- 5.69 *"The Chancellor of the Exchequer has today issued a call to action on growth, publishing an ambitious set of proposals to help rebuild Britain's economy.*
- 5.70 *The planning system has a key role to play in this, by ensuring that the sustainable development needed to support economic growth is able to proceed as easily as possible.*
- 5.71 *We will work quickly to reform the planning system to achieve this, but the Government recognises that many of these actions will take some months to deliver, and that there is a pressing need to ensure that the planning system does everything it can to help secure a swift return to economic growth. This statement therefore sets out the steps the*

Government expects local planning authorities to take with immediate effect.

- 5.72 The Government's top priority in reforming the planning system is to promote sustainable economic growth and jobs. **Government's clear expectation is that the answer to development and growth should wherever possible be 'YES'** except where this would compromise the key sustainable development principles set out in national planning policy.
- 5.73 The Chancellor has today set out further detail on our commitment to introduce a strong presumption in favour of sustainable development in the forthcoming National Planning Policy Framework, which will expect local planning authorities to plan positively for new development; to deal promptly and favourably with applications that comply with up-to-date plans and national planning policies; and wherever possible to approve applications where plans are absent, out of date, silent or indeterminate.
- 5.74 Local planning authorities should therefore press ahead without delay in preparing up-to-date development plans, and should use that opportunity to be proactive in driving and supporting the growth that this country needs. They should make every effort to identify and meet the housing, business and other development needs of their areas, and respond positively to wider opportunities for growth, taking full account of relevant economic signals such as land prices.
- 5.75 Authorities should work together to ensure that needs and opportunities that extend beyond (or cannot be met within) their own boundaries are identified and accommodated in a sustainable way, such as housing market requirements that cover a number of areas, and the strategic infrastructure necessary to support growth. When deciding whether to grant planning permission, local planning authorities should support enterprise and facilitate housing, economic and other forms of sustainable development.
- 5.76 Where relevant - and consistent with their statutory obligations - they should therefore:
- 5.77 (i) consider fully the importance of national planning policies aimed at fostering economic growth and employment, given the need to ensure a return to robust growth after the recent recession;
- 5.78 (ii) take into account the need to maintain a flexible and responsive supply of land for key sectors, including housing;

- 5.79 *(iii) consider the range of likely economic, environmental and social benefits of proposals; including long term or indirect benefits such as increased consumer choice, more viable communities and more robust local economies (which may, where relevant, include matters such as job creation and business productivity);*
- 5.80 *(iv) be sensitive to the fact that local economies are subject to change and so **take a positive approach to development** where new economic data suggest that prior assessments of needs are no longer up-to-date;*
- 5.81 ***(v) ensure that they do not impose unnecessary burdens on development.***
- 5.82 *In determining planning applications, local planning authorities are obliged to have regard to all relevant considerations. They should ensure that they give appropriate weight to the need to support economic recovery, that applications that secure sustainable growth are treated favourably (consistent with policy in PPS4), and that they can give clear reasons for their decisions.*
- 5.83 *To further ensure that development can go ahead, all local authorities should reconsider, at developers' request, existing section 106 agreements that currently render schemes unviable, and where possible modify those obligations to allow development to proceed; provided this continues to ensure that the development remains acceptable in planning terms.*
- 5.84 *The Secretary of State for Communities and Local Government will take the principles in this statement into account when determining applications that come before him for decision. In particular he will attach significant weight to the need to secure economic growth and employment.*
- 5.85 *Benefits to the economy should, where relevant, be an important consideration when other development-related consents are being determined, including heritage, environmental, energy and transport consents."*
- 5.86 *This should now be a new key factor in taking a positive and pragmatic approach to this application.*
- 5.87 *This has already occurred in decisions such as that made on 26 April 2011 reference APP/K3605/A/11/2143384 (can be sourced through Planning Inspectorate Case Search web page) which stated, at paragraph 9:*
- 5.88 *"Very recently the Rt Hon Greg Clark MP has published 'Planning for Growth'. This statement indicates that the government wishes to ensure that 'the sustainable development needed to support economic growth is able to*

*proceed as easily as possible' and that the 'government's clear expectation is that the answer to development and growth should wherever possible be 'yes', except where this would compromise the key sustainable principles set out in national planning policy'. This is a significant material consideration."*

5.89 It is worth repeating the last sentence of this paragraph as that is the weight that the Planning Inspectorate are giving to the statement already:

5.90 **"This is a significant material consideration."**

## **SUMMARY**

5.91 From the information and proposals provided, and the use of standard planning conditions regarding matters such as the external materials, it is clear that national guidance and policy indicates this appeal should be upheld and planning permission approved.

5.92 We are in an age when Central Government is stressing the importance of utilising land to its optimum degree; this is particularly with regard to new development schemes.

5.93 National guidance encourages the efficient and effective use of urban land. It would be obtuse and contrary to the spirit and intention of national policy to inhibit minor, regenerative, extension development such as this.

5.94 The determination of individual planning applications is intended to be on their specific merits within the framework of the planning system and not a blanket application of policy without consideration.

5.95 A balanced view of this modest extension in the context not just of the locality but the aims of national planning policy should result in a planning approval; albeit with standard planning conditions for matching materials.

5.96 From the identification and discussion of the policies in the previous section and this, it is clear that this mansard extension accords with all the policies and their provisions and thus is generally and on balance acceptable.

5.97 Acknowledging that the development plan policies and national guidance carry significant weight in the consideration of this proposal, and in view of this proposal's compliance, this appeal should be upheld and planning permission should now be granted.

## **6 CONCLUSION**

- 6.1 These proposals under consideration here are a relatively modest development.
- 6.2 The Planning Unit's concerns are noted; however that should not mean that development which is not inappropriate should be resisted when it comes to the reasonable consideration of planning applications and appeals.
- 6.3 Especially as the NPPF is directing that now a much more positive approach is taken to making decisions on application proposals.
- 6.4 This is exactly the type of development which the NPPF supports, despite old policies or guidance perhaps being able to be construed so as to resist.
- 6.5 Quite simply, this scheme does not cause any real harm or offence, does not unacceptably impact on neighbours and does not damage the character or appearance of the building or this locality to any tangible extent.
- 6.6 There are other similar conversions across this whole of London.
- 6.7 There are 10 clear reasons in favour of this proposal, listed with Section 2: Background & Context, which provide firm foundations for approving this development scheme.
- 6.8 The single refusal reason cannot now be considered sustainable at this appeal following the analysis and policy discussion above.
- 6.9 The butterfly roofs atop houses could be lost under permitted development rights in any case, and the existing non-original parapet wall to the frontage would screen a large proportion of the proposed development, which would not be readily visible from normal street views in any case.
- 6.10 To conclude, there are no outweighing material planning considerations that preclude the approval of planning permission for this extension/conversion at this site as described in the planning application and discussed in this appeal statement.

6.11 Therefore, it is respectfully requested that, for the reasons outlined in this statement, this appeal is upheld and planning permission is granted for the development.

Dr Anton Lang MRTPI – June 2015