

STATEMENT OF CASE

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) – s78

Appeals by Blue Dot Properties Ltd

97 Parkway

London

NW1 7PP

LBC Ref: 2014/7841/P

1.0 INTRODUCTION AND PROPOSAL

1.1 This Statement of Case has been prepared on behalf of Blue Dot Properties Ltd (the appellant) in respect of the appeal lodged against the London Borough of Camden's (the Council) refusal of full planning application 2014/7841/P. The appeal relates to land at 97 Parkway, London, NW1 7PP.

1.2 The planning application was registered by the London Borough of Camden on 19 January 2015 with a description of development seeking

'Extension to the 2nd and 3rd floors over existing rear terrace'.

1.3 The Council determined the application on 6 July 2015 under delegated powers and refused the planning application for the reason outlined in the decision notice.

Proposal (in Detail)

1.4 The appeal site currently comprises a two-bedroom flat that occupies the second and third floors. The appeal proposals seek to erect a rear extension at second and third floor level above what is currently a terrace area at second floor level above the built first floor.

1.5 At second floor level the existing flat comprises of a very small lobby area with separate kitchen, bathroom and living/dining areas. These existing spaces, whilst still in occupation, are in a sub-

standard condition and limited in size. The appeal proposal seeks to extend the second floor level to provide for an open living/dining and kitchen area to modern day accommodation standards. A second floor terrace to the rear of the extension would be retained as part of the proposals.

1.6 At third floor level the existing flat contains two small bedrooms, of which one would just meet the standards for a double bedroom and the other would not meet the current minimum standards as a single bedroom. Therefore, whilst the existing flat contains two bedrooms, its limited size would accommodate at most three persons in a confined space. The appeal proposal seeks to extend at third floor level within the same footprint to be extended at second floor level. This part of the extension would take the form of a mansard roof to replicate the existing massing, form and scale of the mansard roof to the adjoining properties at Nos. 88-95 Parkway. The extension would provide for two double bedrooms to accommodate up to four (4) persons. An independent bathroom and en-suite to one of the bedrooms would also be contained within the extended footprint.

1.7 The roof material would consist of sheet metal roofing to match that of the adjoining property while the extension would consist of brick to match that existing on the site. New doors and windows would be created to the rear to accommodate the new rooms to the rear in a style to match those at the adjoining property.

2.0 SITE AND SURROUNDINGS



Site Location Plan
Scale 1:1250

2.1 The appeal site is located on the southern side of Parkway near the four-way junction with Gloucester Avenue and Delancey Street, whilst Gloucester Gate continues on from Parkway to

the west. The site's location is designated within the Camden Town Centre and Camden Town Conservation Area of the Council's Local Development Framework Proposals Map.

- 2.2 The appeal site consists of a three-storey terrace building with a mansard roof containing accommodation within the roof area. The ground floor extends for the majority of the site area and is currently occupied by a commercial premise. The first floor extends practically above the ground floor built form and contains a self-contained residential flat. The rear elevation of the first floor area does not extend as deep as those on the adjoining properties.
- 2.3 At second floor level and within the mansard roof to the front of the site there is currently a self-contained two-bedroom flat. The extent of the rear elevation at second floor level is in line with its neighbour to the west at No. 99 Parkway, however the adjoining site at No. 95 Parkway extends beyond the rear elevation of the appeal site.
- 2.4 The site originally formed part of a row of terraces along Parkway, which have undergone considerable change and alterations over the course of time. The appeal site is single fronted and its alterations at ground, first and roof level are contained within the red line boundary. To the east, a group of terraces between Nos. 87-95 have undergone considerable redevelopment as a whole. These properties have extensions at all floor levels including the second floor and roof level. To the east, Nos. 99-101 Parkway have been redeveloped as a group with a roof extension and rear extensions at ground and first floor level.
- 2.5 To the rear of the site is a large three-storey building that has been refurbished to accommodate present day office uses, while at the junction of Parkway and Delancey Street that was previously occupied by a car tire and exhaust fitters, a new part 5/part-6 storey mixed use redevelopment has recently been constructed.
- 2.6 Appendix 1 contains aerial photographs of the appeal site as viewed from all four orientations depicting its relationship with its adjoining neighbours and wider context within Parkway.
* It should be noted the aerial photographs do not contain the part 5/part-6 storey mixed use redevelopment has recently been constructed, however photographs of this site are contained in Appendix 2.
- 2.7 Appendix 2 contains close up photographs of the site and its relationship with the neighbours, along with the surrounding built form at ground level.

3.0 PLANNING HISTORY

3.1 The previous planning applications relating to the appeal site are set out in the Council's Delegate Report.

Relevant Planning Applications for Adjoining Sites

3.2 However, the planning history of the adjoining property at Nos. 87-95 Parkway is also relevant to the appeal.

- **2006/0675/P** – Planning application for the *“demolition of existing buildings behind retained facade and the erection of a new four -storey building to the rear to form a retail showroom at basement and ground floor level, including alterations to shopfronts, and 8 x self contained residential units (5 x one-bed, 2 x two-bed and 1 x three-bed) on first, second and third floors.”* The application was granted consent on 22 September 2006.

The application was presented to the Camden Planning Committee on 06 June 2006 where it was resolved to grant consent subject to conditions and a legal agreement. The Planning Officer's Committee Report, which this statement refers to in Section is attached as Appendix 3.

4.0 CONSULTATION

4.1 The Council notified eighteen (18) adjoining owners and occupiers of the planning application to which one representation as received by the resident at Flat 3, No. 99 Parkway. The issues raised by the neighbouring resident were summarised within the Council's Delegate Report.

4.2 The planning application was also referred to the Camden Town Conservation Area Advisory Committee (CAAC) given the site's location within the Camden Town Conservation Area. No representation was put forward by the Camden Town CAAC.

5.0 POLICY AND GUIDANCE

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan for the area, unless material considerations indicate otherwise.

5.2 The statutory development plan comprises:

- London Plan March 2015
- Camden Core Strategy 2010 – 2015 (November 2010)
- Camden Development Policies 2010-2015 (November 2010)

NATIONAL PLANNING POLICIES AND GUIDANCE

National Planning Policy Framework (2012)

- 5.3 The NPPF sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system. The NPPF recognises that to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system (paragraph 8). It states that local planning authorities "should approach decision-taking in a positive way to foster the delivery of sustainable development, not to hinder or prevent development" (paragraph 186).
- 5.4 Paragraph 9 of the NPPF states that *'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): improving the conditions in which people live, work, travel and take leisure'*.
- 5.5 One of the core land use planning principles set out in the NPPF is stated in paragraph 17, which is that planning should *'always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings'*.

REGIONAL PLANNING POLICIES AND GUIDANCE

London Plan (March 2015)

- 5.6 The London Plan is the strategic plan for the future development of London and provides the London wide context within which boroughs set their own local planning policies.

7.4 (Local character)

7.6 (Architecture)

LOCAL PLANNING POLICIES AND GUIDANCE

Camden Core Strategy 2010 – 2015 (November 2010)

Policy CS 5 (Managing the Impact of Growth and Development)

Policy CS 14 (Promoting High Quality Places and Conserving our Heritage)

Camden Development Policies 2010-2015 (November 2010)

Policy DP 24 (Securing High Quality Design)

Policy DP 25 (Conserving Camden's Heritage)

Policy DP 26 (Managing the Impact of Development on Occupiers and Neighbours)

Camden Supplementary Planning Documents (SPDs)

- 5.7 There is an additional document applicable to the consideration of the appeal application. Whilst this document does not form part of the Development Plan, the Supplementary Planning Document (SPDs) provide advice and information to support the Local Development Framework (LDF) and assist in how the Council applies their development plan policies.
- 5.8 The relevant SPD to the appeal proposals is the Camden Planning Guidance. This is broken up into eight (8) separate documents, of which two are relevant:
- CPG1 (Design)
 - CPG 6 (Amenity)

Other Documents

- 5.9 The site is located on the north western fringe of the Camden Town Conservation Area and as such the "Camden Town Conservation Area Appraisal and Management Strategy (October 2007) is applicable to the appeal site.
- 5.10 However, it should be noted that since this appraisal was adopted in October 2007 there has been significant change to the built form surrounding the appeal site and therefore the appraisal is dated in that it does not take into account the large scale mixed use redevelopment to the west and south of the appeal site.

6.0 THE CASE FOR DEVELOPMENT

6.1 This section of the Statement of Case puts forward the Appellant's case in response to the Council's decision to refuse the planning application. Whilst the solitary refusal reason focuses on design and conservation matters relating to the proposal, this section also explains the Appellant's case in response to the amenity matters raised by the neighbouring occupier.

Conservation and Design

Policy Context

6.2 The reason for refusal makes reference to Policy CS14 (Promoting high quality places and conserving our heritage) of the Core Strategy and Policies DP24 (Securing high quality design) and DP25 (Conserving Camden's Heritage) of the Development Policies.

6.3 Section 5 of this Statement of Case sets out the relevant cascade of policies contained within the London Plan and the Council's Local Development Framework. In addition to the above policies, the Council's Delegate Report makes reference to the supplementary planning document 'Camden Planning Guidance – CPG1 (Design) with specific regard to paragraph 4.13.

6.4 Paragraph 4.10 (Rear Extensions) of the SPD provides the general principles to be considered when designing rear extensions.

6.5 Further, paragraphs 4.12 and 4.13 provide guidance on the height of rear extensions.

“4.12 In order for new extensions to be subordinate to the original building, their heights should respect the existing pattern of rear extensions, where they exist. Ground floor extensions are generally considered preferable to those at higher levels. The maximum acceptable height of an extension should be determined in relation to the points outlined in paragraph 4.10 above. In cases where a higher extension is appropriate, a smaller footprint will generally be preferable to compensate for any increase in visual mass and bulk, overshadowing and overlooking that would be caused by the additional height.

4.13 In most cases, extensions that are higher than one full storey below roof eaves/parapet level, or that rise above the general height of neighbouring projections and nearby extensions, will be strongly discouraged.”

Assessment

6.6 The underlying thread of consideration that runs through the cascade of policies in the London Plan, Core Strategy, Development Policies and guidance contained within the SPD is that

proposals to extend properties should be of a high quality design and respect the local context, character, the form and scale of neighbouring buildings and character, and the proportions of the existing building.

- 6.7 Additionally, given the site's location within a Conservation Area, proposals should preserve and enhance the character of these areas.

Impact on the Conservation Area and Visibility from the Public Realm (Parkway, Gloucester Avenue and Delancey Street)

- 6.8 The existing building has already been extended to the rear at ground and first floor levels whilst there is also the addition of a mansard roof extension to the front of the site built in the early 1990s. Adjoining the site at Nos. 87-95 Parkway there is an existing extension at second and third floor levels, which the appeal proposals seek to replicate.
- 6.9 It should be noted that the existing extensions at Nos. 87-95 Parkway are not visible from the front of the site along Parkway. Further, they are not visible from oblique views as one walks from east to west along Parkway. Even at the junction of Parkway, Gloucester Avenue and Delancey Street as one would move away from the appeal site, the neighbouring extensions are not visible. The only element of the neighbouring extension that would be minimally visible from Parkway, and from certain specific oblique views is the very top of the lift shaft that projects above the mansard roof line. It should be noted that the appeal proposals do not seek to replicate the lift shaft built form that occurs on the neighbouring property. On the other side of the appeal site, at Nos. 99-101 Parkway there is also a mansard roof extension.
- 6.10 Therefore, given the existing mansard roof extension to the appeal site and the neighbouring roof extensions at both Nos. 99-101 and Nos. 87-95 Parkway, the appeal proposals to extend to the rear would not be visible from any vantage point along Parkway.
- 6.11 At the junction of Parkway and Delancey Street there was previously a site that contained a petrol filling station with low level buildings. This gap between the traditional three storey terraces that run along both Parkway and Delancey Street afforded minimal views to the rear elevation of the appeal site. This gap has since been enclosed by the significant redevelopment of this site with a part-5/part-6 storey building. As such, there would be no views of the appeal proposals to extend the rear of the property from any vantage point along Delancey Street.
- 6.12 It is therefore considered that the appeal proposals respect the character, setting, context and the form and scale of neighbouring buildings, as they would not protrude above the existing roof lines as viewed from both Parkway and Delancey Street. Additionally, the appeal proposals would

enhance and conserve the existing character of the Camden Town Conservation Area given no part of the development would be visible from the predominant frontages. Therefore, any consideration of the appeal proposals in the context of the local character is limited to the views afforded to the rear from internal views of neighbouring properties surrounding the appeal site.

Impact on the Conservation Area and Visibility from the Rear of the Site and Neighbouring Properties

- 6.13 The site originally formed part of a row of terraces along Parkway, which have undergone considerable change and alterations over the course of time. The appeal site is single fronted and its alterations at ground, first and roof level are contained within the red line boundary of the site. To the east, a group of terraces between Nos. 87-95 have undergone considerable redevelopment as a whole. These properties have extensions at all floor levels including the second floor and roof level. To the east, Nos. 99-101 Parkway have been redeveloped as a group with a roof extension and rear extensions at ground and first floor level. As such, the appeal site and immediately neighbouring properties between Nos. 87-101 Parkway do not represent an intact and consistent character. There have been varying types of roof mansard extensions approved across the group of properties, whilst to the rear there are also varying degrees of extensions allowed at all floor levels.
- 6.14 Further, beyond these properties there have also been significant alterations to properties along Parkway to both the east (Nos. 103-105 Parkway) and west (Nos.65-67), which further supports the contention put forward by the appellant that there is no consistent character to the rear of these properties given the varying nature of extensions at all floor levels.
- 6.15 The appeal proposals seek to replicate the existing second and third floor extension that is contained at Nos. 87-95 Parkway. This extension was granted approval by the Council on 06 July 2006. (Planning Ref: 2006/0675/P). The same considerations were before the Council with regard to the second and third floor extension on the adjoining property at the time. Whilst Development Plan documents have altered in the ensuing time since July 2006, the main considerations in terms of extensions being of a high quality design and respecting the local context, character, the form and scale of neighbouring buildings and character and the proportions of the existing building, haven't altered in policy terms. Similarly, the same applies in terms of assessing the impact of the extension on the Conservation Area, and whether the extension would preserve and enhance the character of such area.
- 6.16 The assessment contained within the Council's Planning Officer Committee Report (Appendix 3) with regard to the neighbouring extension stated the following:

“The rear of Parkway has been extensively modified in the past. There is a strong variety in types, depths and materials used in extensions.

Many of the proposed demolition, extension and alteration works considered here are all reminiscent of previous recent planning permissions at the application buildings and could be considered to represent a hybrid of a series of these previous permissions. Other aspects of the development including the rear extensions are established as acceptable by virtue of existing building lines and extensions...

...The front façade of the building is the only façade which is visible from the public realm. The rear of the buildings have been extensively altered and extended and there remain only small areas of open space to the rear of each building. Behind the rear yard walls is a large office building used as an architects’ office.”

- 6.17 Therefore, the appeal proposals take into consideration the context of the local area as viewed from internal views from the rear and the design of the proposed extension reflects the existing patterns of development to the rear of properties along Parkway. Additionally, they have been designed in a manner to respect the amenity of neighbouring properties and ensure they are not visible from any public realm area along Parkway or Delancey Street.
- 6.18 It was considered by the Council with regard to the neighbouring extension at Nos. 87-95 Parkway that *“whilst demolition behind a retained façade is not encouraged in conservation areas in this instance since the rear of the buildings has been extensively altered and they cannot be seen from the public realm it is considered that an argument could not be sustained to object to the proposal... the bulk is however, acceptable. As discussed above the depth of protrusion is justifiable on the basis of existing extensions to neighbouring properties. To refuse permission on grounds of excessive bulk would require harm to the character and appearance of the conservation area to be demonstrated and the presence of the existing extensions combined with the fact that the extensions are not visible from the public realm would make this impossible.”*
- 6.19 As previously stated, the appeal proposals seek to replicate the extension at the neighbouring property, which provides a context and form of the existing local character as viewed to the rear and previously considered acceptable by the Council when granting other consents along Parkway. It is acknowledged that the appeal extensions would protrude beyond the second floor and roof of the adjoining property to the east at No. 99 Parkway, however this relationship would be no different to the existing relationship that occurs between the appeal site and No. 95

Parkway, which was previously considered acceptable by the Council when considering the extension proposals for the adjoining site in July 2006.

- 6.20 The Council's Officer Delegate Report with regard to the appeal proposals states that *"in terms of the host building, the roof has been extended already as have the lower levels with rear additions. However, currently the roof and the upper level (second floor) respect the building's original footprint and building lines. It is considered that the proposal would in removing the rear building line completely be detrimental to the host building's character as well as making the building far bulkier in profile."*
- 6.21 The above assessment would be in contradiction to the assessment conducted by the Council with regard to the extensions approved at Nos. 87-95 Parkway. Whilst the proposals would extend beyond the original footprint and building lines at second and third floor level, this would not be any further than that established on the neighbouring site which forms part of the local form and character to the rear of these properties. Further, as highlighted above there is no acknowledgement in this assessment as to how the appeal proposal would not be visible from any public realm area along Parkway and Delancey Street. Moreover, protecting such building lines and footprints are necessary when they contribute to a consistent and intact character between properties. In this instance, the rear of properties between the row of terraces at Nos. 87-101 Parkway have been extensively altered at all floor levels and as such there is no established consistent pattern that contributes to any specific form or character.
- 6.22 The policies contained within the Development Plan (i.e. the London Plan, Core Strategy and Local Development Policies) do not introduce any new areas of consideration in terms of assessing the rear extensions in terms of their appropriateness in design terms and conservation principles, to those areas of consideration that were considered as part of the neighbouring extension, which was deemed acceptable.
- 6.23 However, the Council's Officer Delegate Report with regard to the appeal proposals states *"CPG1 (Design) stipulates that extensions that are higher than one full storey below roof level will be strongly discouraged. Although no.95 is adjoining the site, and has been cited as a template for the proposal, it is not considered to set a precedent for this scheme. It predates the CPG which was adopted in 2011 and was a part of a fundamental redevelopment of a bigger site."*
- 6.24 The Officer's Delegate Report dismisses the adjoining development as a precedent and offers no explanation of changes in development plan policy since 2006 when that extension was deemed acceptable in policy terms. Reference is made to Camden Planning Guidance adopted in 2011 and the fact that the adjoining redevelopment was part of a bigger site. These two matters are considered in turn below.

- 6.25 This statement of case contends that the fact the neighbouring extensions which the appeal proposal seeks to replicate were part of a bigger redevelopment of four terraced properties actually provides further justification on the acceptability of the appeal proposals, in addition to the reasons outlined above. The properties at Nos. 87-95 Parkway represent four (4) separate terrace properties and the acceptability of this type of second and third floor extension to this group as a whole introduces a new form and character to the rear of these terraces on a large scale that establishes a new pattern of development to the rear of Parkway.
- 6.26 The approved extension at Nos. 87-95 is not limited to a single property such as the appeal site, and not built at a time when no policies were in place to consider their acceptability, nor does the neighbouring extension represent a 'one-off' extension that is atypical to the established pattern of development to the rear, whilst it does not sit as an anomaly amongst an intact set of properties that have not been extensively altered at all levels, as is the case with the appeal site and its adjoining neighbours. Further, as previously stated, the neighbouring existing extensions were also considered against planning, design and conservation principles that do not differ from the areas of consideration that are subject to this appeal proposal.
- 6.27 The Council's Officer Delegate Report states that "*CPG1 (Design) stipulates that extensions that are higher than one full storey below roof level will be strongly discouraged*" and the approved extension at the adjoining property predates the CPG which was adopted in 2011. Specific reference is made to Paragraph 4.13 in the Report, which is listed below:
- 6.28 "*4.13 In most cases, extensions that are higher than one full storey below roof eaves/parapet level, or that rise above the general height of neighbouring projections and nearby extensions, will be strongly discouraged.*"
- 6.29 Whilst the decision on the extension at Nos. 87-95 Parkway was made in July 2006 and this literally predates the document CPG1 (Design) that was adopted in 2011, the actual paragraph contained within this SPD and referred to in the Officer's Delegate Report was not "new guidance" that wasn't part of the guidance that was required to be taken into consideration for the neighbouring property in 2006.
- 6.30 Camden Planning Guidance CP1 (Design) superseded the document Camden Planning Guidance (December 2006) (Appendix 4), which had previously superseded the document Camden Planning Guidance (July 2002) (Appendix 5). In all three documents the exact wording contained within the most recent Guidance in Paragraph 4.13 is also contained within the two documents that were replaced with regard to planning guidance to assist the interpretation and assessing of development plan policies applicable at the time.

Camden Planning Guidance (December 2006)

19.16. In most cases, extensions that are higher than one full storey below roof eaves/parapet level, or that rise above the general height of neighbouring projections and nearby extensions, will be strongly discouraged.

Camden Planning Guidance (July 2002)

2.7.17. Extensions that are higher than one full storey below roof eaves/parapet level or that rise above the general height of neighbouring or nearby extensions will be strongly discouraged.

- 6.31 The only difference with regard to this specific guidance since July 2002, was the introduction of “In most cases” at the beginning of the sentence in December 2006 and this was maintained exactly the same way in 2011 when the current SPD document was adopted. In fact, the appellant contends that the introduction of “In most cases” to the guidance in December 2006 and the current document actually adds flexibility to how this guidance may be applied so as not to be prescriptive in all cases but when necessary. In July 2006 when the neighbouring proposal at Nos. 87-95 Parkway was determined at the Camden Planning Committee, the recommendation put forward by planning officers at the time did not have the benefit of putting aside this guidance but nonetheless they still put forward an assessment that detailed why the proposal to the neighbouring properties was still an acceptable development, as detailed in the excerpts provided above of that Planning Committee Report.
- 6.32 Returning to the current proposals under consideration for the appeal site, it is not considered as identified within the Council’s Officer Delegate Report that this guidance was not in existence at the time of the Council’s decision in July 2006 when considering and determining in favour of the proposals at Nos. 87-95 Parkway. In fact, the Council’s Planning Officer Committee Report in July 2006 for the neighbouring extension cites the ‘Supplementary Planning Guidance 2002’ as one of the documents that was taken into account when considering those proposals.
- 6.33 Therefore, this statement contends that the decision to refuse the current appeal proposals on the basis of the guidance contained in paragraph 4.13 is inconsistent with the Council’s assessment of an identical proposal, albeit covering four (4) properties that had to consider the exact same guidance in July 2006.
- 6.34 Despite the above inconsistent application of the above guidance by the Council on two adjoining properties proposing the same type of rear extensions, the guidance contained within Paragraph 4.13 is applicable to the appeal proposals and as such is required to be assessed against it. It is worth noting that the guidance contained within CPG1 (Design) is not a policy in itself but guidance to assist in the assessment of policies contained within the Development Plan.

- 6.35 The guidance itself is not prescriptive and does in fact state that it should be applied in ‘most cases’. However, as was assessed in July 2006 it was not considered that Nos. 97-95 formed one of those ‘cases’ as was set out and justified in the Council’s Planning Officer Committee Report in July 2006, to which this statement has referred to extensively above. The decision to refuse the appeal proposal does not set out any ‘new’ information or circumstances that have altered since July 2006 to justify why the appeal site is different to that at Nos. 87-95 Parkway in terms of being a ‘case’ where this advice would be applicable. Therefore, it is not considered that refusing the appeal proposal for reasons at odds with an assessment conducted on an identical extension at the immediately adjoining site is warranted nor can be sustained.
- 6.36 Further, Paragraph 4.13 states that extensions that rise above the general height of neighbouring projections and nearby extensions will be strongly discouraged. In this instance, the proposals would be identical to those at No. 95 Parkway, however they would project beyond the main rear elevation at No. 99 Parkway. It is not considered that the resultant relationship between Nos. 99 and 97 Parkway would be inappropriate, as they would replicate the existing relationship that exists between Nos. 97 and 95 Parkway, which was considered acceptable in design and conservation terms in July 2006, which were also assessed against the exact same wording that is currently contained in CPG1 (Design), albeit without the benefit of being able to justify as the neighbouring site being one of those ‘most cases’.

Roof Extension

- 6.37 The Council’s Officer Delegate Report also states that *“In terms of the terrace it is part of a run from nos 81-101 Parkway which in the Camden Town Conservation Area appraisal are identified as making a positive contribution. By changing the roof line and increasing the bulk of the building it would be detrimental to the character of the terrace which would be perceptible in both public and private views, thereby having a detrimental impact on the character and appearance of the Conservation Area.”* These matters are dealt with in turn below.
- 6.38 The Council’s Officer Delegate Report assertion that the proposal would be visible from public views is not substantiated in any form and no assessment is provided outlining from which public view the appeal proposal would be visible from. This Statement of Case contends that the appeal proposals would not be visible from any view from the public realm. And therefore this assertion in the Council’s Delegate Report should not be afforded any weight. Paragraphs 6.8 ~ 6.12 of this statement clearly outline why no views would be afforded from the public realm. The existing extensions at Nos. 87-95 Parkway provide a measuring stick to assess the potential of any visibility. As noted above, the only element that is minimally visible is the lift shaft element of the neighbouring proposal and this aspect of development does not form part of the appeal

proposals. With regard to private views from the rear, this statement of case has already put forward its reasoning as to why this would be acceptable given the existing patterns of development to the rear and the fact that an identical proposal at the neighbouring property was deemed acceptable in conservation terms back in July 2006.

- 6.39 In terms of considering the proposal in conservation terms, no new information has been brought to light since July 2006 and changes in development plan policies with regard to conservation principles have not altered, as all proposals since that time will have had to have regard to the potential impact on the character and appearance of the Conservation Area.
- 6.40 Reference is made in the Council's Officer Delegate Report to the *Camden Town Conservation Area Appraisal* (Appendix 6), which was adopted on 4 October 2007. Given the neighbouring development was approved in July 2006 it is unknown if this development was fully built and complete prior to the adoption of the above guidance. In any event, there have been substantial changes to the patterns of development to the rear of properties at Nos. 81-101 Parkway since October 2007 and the above appraisal does not take these into account. Whilst the conservation area appraisal is a relevant consideration, the appellant is of the view that it must be considered on the basis that it is outdated and does not take into account the changes in patterns of development to the rear of these properties, which have undergone extensive alterations and created a new established pattern of development to the rear.
- 6.41 In any event, when one takes a closer look at the contents of the appraisal from October 2007 there is no specific information with regard to the properties at Nos. 81-101, and with particular regard to the rear of these properties. The comments contained within the Council's Officer Delegate Report that *"In terms of the terrace it is part of a run from nos 81-101 Parkway which in the Camden Town Conservation Area appraisal are identified as making a positive contribution"* can be attributed to Appendix 2 of the Appraisal whereby a list of addresses are noted as being 'positive buildings'.
- 6.42 Positive buildings in the appraisal are defined as *"buildings that make a positive contribution +general presumption in favour of retaining all positive buildings and any proposals involving their demolition will require specific justification"*.
- 6.43 The appeal site is located within 'Character Sub Area 1: Commercial', and the relevant character description of this area for Parkway is contained between pages 14 ~ 16 of the appraisal. A host of information is provided for a number of properties along Parkway, however there is nothing outlined for the properties between Nos. 81 ~ 101. Along the south side of Parkway towards the east, reference is only made to the *"example of unsympathetic modern development is the car*

tyre and exhaust fitters' garage located on a prominent site at No 86 Delancey Street on the corner of Parkway." This site has since been redeveloped with a part-5/part-6 storey building, which encloses any public realm views to the appeal site from Delancey Street.

- 6.44 The description offered in pages 14 ~ 16 is primarily focused on all of the properties as they are viewed from the public realm and where visible with the exception of some brownfield sites that are accessed via Parkway but do not have a traditional street elevation such as that at No. 77 Parkway. Therefore, it is not considered that the appeal proposals would have a bearing or negative impact on the positive contribution the terrace of buildings make along Parkway given the proposals would not be visible from the public realm. Additionally, the established pattern of character at the rear of this stretch of terraces has extensively altered since the adoption of the appraisal.
- 6.45 On a final note with regard to the Conservation Area Appraisal, it is noted that the planning application was also referred to the Camden Town Conservation Area Advisory Committee (CAAC). However, no representation was put forward by the Camden Town CAAC. Whilst it is acknowledged that no representation received by the CAAC does not equate to support for the proposals, the lack of representation however does potentially suggest that the lack of harm as a result of the proposals did not warrant the need for the CAAC to put forward any views on the appeal proposals.

Roof Mansard and Design Detail

- 6.46 The Council's Officer Delegate Report also states that *"With regard to the detailed design, the rear dormer and windows at lower level have no relationships with the existing windows of the building and would aid in making the extension appear incongruous to the rear of the property and would be out of keeping with the parent building and terrace within which the property forms part of."*
- 6.47 Paragraph 5.7 (Roof Alterations and Extensions) of the SPD states that additional storeys and roof alterations are likely to be acceptable where:
- *There is an established form of roof addition or alteration to a terrace or group of similar buildings and where continuing the pattern of development would help to re-unite a group of buildings and townscape;*
 - *Alterations are architecturally sympathetic to the age and character of the building and retain the overall integrity of the roof form; and*

- *There are a variety of additions or alterations to roofs which create an established pattern and where further development of a similar form would not cause additional harm.*

6.48 In this instance, it is considered that the extensive changes that have occurred to the rear of properties along this terrace of properties to the south side of Parkway has established a new pattern of development, with particular prominence of the extension at Nos. 87-95 Parkway, whereby this appeal proposal seeks to continue the established pattern. The Council's Delegate Officer Report states that the rear dormer would not have a relationship with the existing building, however this statement of case contends that creating a different type of roof extension, such as a traditional mansard extension, would appear at odds with its neighbours and not complement the existing built form, which would be to the detriment of the Conservation Area. Furthermore, as outlined earlier in this statement, it is not considered that the appeal proposal would add any harm to the existing built form to the rear.

6.49 Detailed Design

6.50 With regard to the design detail and the design of the windows at lower level, reference is made by the Council's Officer Delegate Report that they are incompatible with the host building. It is not considered that the existing windows on the host building contribute to any particular character as they have already been altered and not the original windows that once were part of the original building. Further, the types of windows to all properties along Parkway to the rear have been extensively altered and there is no consistent pattern or form of window that establishes a certain type of character. Given the level of change at all floor levels including the roof extensions, there is a combination of doors and windows to allow access to rear terraced areas, whilst some are more modern in design than others.

6.51 It is considered that the proposals incorporate a suitable response in terms of design detail with regard to windows and doors that would complement the existing array of openings that exist to the rear of properties in Parkway. Further, views to the rear would be limited to private views from adjoining properties and would not be visible from any vantage point from the public realm, and as such would not have a detrimental impact on the Conservation Area nor would they appear incongruous to the host building or the row of terraces the host building forms part of.

6.52 Whilst this statement of case contends that the proposed windows and doors provide for a sympathetic response to the existing building and assist in improving and enhancing the host building, the appellant would not be averse to a condition that reserved the details of the materials and detailed design of these openings to a later date. It should be noted that the first instance whereby this matter was raised as a concern by the Council was within the Officer's

Delegate Report and no opportunity was afforded to the appellant to potentially amend these details in line with any suggestions or recommendations by the Council. As such, it is not considered that this matter in isolation would warrant the appeal proposals being dismissed.

Amenity

- 6.53 The decision by the Local Authority only contained one reason for refusal, as discussed above, and did not contain any reason with regard to the impact of the proposal on the amenity of the neighbouring properties. Nevertheless, a representation was received during the consultation process conducted by the Local Authority as part of the planning application, and this was submitted by the occupier at No. 99 Parkway.

Policy Context

- 6.54 The Development Plan contains policies which seek to appropriately safeguard the amenities of residential occupiers when considering new development. London Plan Policy 7.6 (Architecture) states that in making planning decisions buildings should not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings in relation to privacy, overshadowing, wind and microclimate. The supporting text to the policy also states that 'New development, especially large and tall buildings, should not have a negative impact on the character or amenity of neighbouring sensitive land uses' (Paragraph 7.22).
- 6.55 Camden Core Strategy Policy CS5 states that "*the Council will protect the amenity of Camden's residents and those working in and visiting the borough by making sure that the impact of developments on their occupiers and neighbours is fully considered*". Furthermore, Camden Development Policy DP24 states that "*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.*" Factors to be considered, amongst others, include visual privacy and overlooking, overshadowing and outlook, sunlight, daylight and artificial light levels.
- 6.56 Camden Planning Guidance (SPD) - CPG6 Amenity provides further guidance in assessing the impact of proposed developments on neighbouring properties.

Assessment

- 6.57 No. 95 Parkway
- 6.58 The proposed rear extension would not have a detrimental impact on the sunlight, daylight and outlook of No. 95 Parkway given the proposed footprint of the extension at second floor level would match the built form at the neighbouring property and not extend beyond the rear elevation wall. As such, there would also not be an impact on the outlook of No. 95 Parkway.

- 6.59 The remaining area at second floor level of the appeal site would form a terrace accessed from the proposed extension. It should be noted that this area to be retained as a terrace is currently used as a terrace, albeit a larger terrace area, and the potential for overlooking to the first and second floor balconies of No. 95 Parkway is an existing situation which would not be further exacerbated by the proposed development.
- 6.60 The Council's Delegate Report makes reference to the possibility of a privacy screen along the common boundary between the properties to limit any overlooking, which could have been dealt with by condition should the planning application have been approved. Whilst the proposed extension would not result in any further overlooking to what current exists between these two properties, the appellant would not be averse to the imposition of a condition requiring the erection of a privacy screen to prevent overlooking. The appellant considers that such a screen should be placed along the existing brick boundary wall to a height of 1.7 metres above the finished floor level of the terrace, as this would represent a height just above the average eye level in a standing position.
- 6.61 No. 99 Parkway
- 6.62 The existing rear elevation wall of the appeal site at second floor level currently sits in line with that of No. 99 Parkway. Both properties have an extended roof area at the second floor level that sits over the first floor below, with that of No. 99 Parkway slightly longer than the appeal site. Both properties have terraces that are accessed from the rear of the second floor, however the appeal site currently has access to the full extent of this roof area whilst No. 99 Parkway contains a limited area to be used as a terrace which is setback from the common boundary and limited in length from the rear doors. The terrace at No. 99 Parkway is bounded by a transparent railing fence at a height of approximately 1.0 metre.
- 6.63 Given the existing set of circumstances, there is shared overlooking between the two properties. Currently, overlooking from the appeal site onto the terrace at No. 99 Parkway and into the rear habitable room at second floor level is possible from the full extent of the terrace at the appeal site. Similarly, views from No.99 Parkway are possible onto the existing terrace at the appeal site.
- 6.64 The appellant considers that the proposed extension at second floor level would improve the existing circumstances in so far as overlooking is concerned, as the extension would be greatly reduce the extent of the existing terrace and thus eliminate the existing shared overlooking. It is considered that this benefit of the appeal proposal outweighs to a large degree any limited impact the extension would have on the adjoining property in terms of loss of outlook. Whilst there would be some limited loss of outlook to No. 99 Parkway, this in no way differs to the existing impact

that No. 95 Parkway has on the appeal site and which was considered as an appropriate relationship between these two properties when the Council granted consent for the extensions to Nos. 87-95 Parkway.

- 6.65 The remaining area at second floor level to be retained as a terrace would be located further away from the terrace and rear windows of No. 99 Parkway in comparison to existing conditions. Overlooking from the retained terrace would be very limited as one would have to adopt an unnatural sitting or standing position and make an effort to try and look around the new side boundary wall that would exist as part of the proposal.
- 6.66 It is considered that not only does the proposed extension not exacerbate any existing levels of shared overlooking but significantly improves the current set of circumstances by reducing the extent of overlooking that exists between the two properties. Furthermore, as stated above with regard to the relationship between the appeal site and No. 95 Parkway, the appellant would not be averse to the imposition of a condition requiring the erection of a privacy screen along the existing brick wall adjoining No. 99 Parkway, so as to eliminate and limited views that may be still be possible.
- 6.67 With regard to daylight, the property at No. 99 Parkway has a door that accesses the limited terrace area from a habitable room. It should be noted that the frame of this door is setback from the common boundary with the appeal site. Camden Planning Guidance (SPD) - CPG6 Amenity provides further guidance in assessing the impact of proposed developments on neighbouring properties. Reference is made to the BRE Guidelines whereby the Vertical Sky Component (VSC) assessment is used to assess the impact on neighbouring properties. This method involves projecting a 25 degree line from the centre of the lowest window on the existing building. Given the neighbouring property at No. 99 Parkway does not have any windows directly facing the new extension, the development will not have a substantial effect on the daylight enjoyed by the occupants in the neighbouring building.
- 6.68 Although the neighbouring proposals would not be affected in terms of the VSC assessment there would be some minimal impact on the ambient light and outlook to the neighbouring property. However, as noted above this would also be outweighed by the beneficial reduction in existing overlooking and the fact that the relationship between Nos. 99 and 97 Parkway would be no different to what currently exists between Nos. 97 and 95 Parkway. This was noted by the Council's Planning officer report, which concluded that the new development would be acceptable in amenity, and upon which was concluded after a site visit had taken place by the planning officer.

"With respect to no.99 to the south-west, the effect on it from the proposal is comparable to that experienced by no.97 as a result of the development of no.95's upper floors. No.99 has a pair of doors nearest to the new extension and these may serve a habitable room. The outlook and light to this room would be affected by the new extension. However, the off-set of the doors from the extension and the orientation of the plots relative to each other should reduce the impacts to an acceptable level. The neighbour has referred to their terrace and once again this would be affected in a similar fashion and this impact is considered acceptable. An officer site visit has demonstrated that the effect of no.95 on no.97 in terms of amenity and in particular light can be accepted and would ensure good light penetration."

6.69 The representation received by No. 99 Parkway also makes reference to the impact on the neighbouring property in terms of construction should planning consent be granted. It is considered that should the appeals be granted, any concerns with regard to construction could be addressed through a suitably worded condition requiring details of a Construction Management Plan to be submitted. Furthermore, any construction practices on the site would require to adhere to other streams of legislation covering environmental health and pollution that are not within the remit of planning considerations. Finally, it is not considered that construction of the extension should the appeal proposals be granted on the traffic within the locality would be affected, as it would in no way differ to works taking place to a building as they have on a number of buildings directly adjoining the site from the side and to the rear.

7.0 Overall Planning Balance

7.1 It is also considered that this appeal should also be considered in light of the public benefit that would arise from the proposals in that it would modernise and improve quality of the existing residential flat, and provide for extended additional accommodation for both the appellant and future occupiers of the property.

8.0 Summary and Conclusion

8.1 In conclusion, the appellant considers that the appeals scheme falls squarely within the definition of the presumption in favour of sustainable development and does not result in significant or demonstrable material harm.

8.2 It is the appellant's case that the appeal scheme provides a well-designed, high quality and appropriate response to the appeal site which makes viable and sustainable reuse of a residential

flat that is in need of modern upgrade and repair, as well as contributing to the character and appearance of the surrounding area and the Conservation Area of the Borough.

- 8.3 The appeal scheme accords with the aims of national, regional and local planning policy, and as such it is respectfully requested that the appeal be allowed.