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SUBMITTED BY PLANNING PORTAL

Date 15 December 2015  
Our ref 0698/AG-J  
Your ref

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Dear Sir | Madam

### **Planning Appeal: 6 Glenmore Road, London, NW3 4DB**

Please find attached an appeal against the refusal of planning permission issued by the London Borough of Camden (the 'Council') on the 21.10.2015 under planning application reference 2015/4915/P.

#### **BACKGROUND**

The proposed development comprises 'The erection of rear dormer and associated roof terrace in upper roof slope'.

The appeal property is '6 Glenmore Road, London, NW3 4DB'.

The Appellant is Mr Pierson Austin, the owner and occupier of the property.

The application was refused for a single reason:

- 1 The proposed rear dormer and associated roof terrace, by reason of their sitting, width, bulk and detailed design, would harm the character and appearance of the host building and the wider Belsize Conservation Area, contrary to policies CS5 (Managing the impact of growth and development) and CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy (2010) and policies DP24 (Securing high quality design) and DP25 (Conserving Camden's heritage) of the London Borough of Camden Local Development Framework Development Policies (2010).

#### **PLANNING APPLICATION & APPEAL DOCUMENTS**

The planning application comprised the following documents and drawings:

1. Application Form

2. Design & Access Statement
3. Planning Statement
4. Drawing 468 00: Site & Location Plans
5. Drawing 468 26: Approved Basement, Ground & First Floor Plans
6. Drawing 468 27: Approved 2<sup>nd</sup>, Attic & Roof Plans with demolition for new dormer
7. Drawing 468 28: Approved Sections & Elevations
8. Drawing 468 30: Proposed Top Floor Plan
9. Drawing 468 31: Proposed Dormer Sections & Elevation
10. Drawing 468 32: Proposed Roof Plan.

The planning appeal documents comprise:

1. Planning Application Documents & Drawings as listed above
2. This covering letter containing the 'grounds of appeal'
3. Decision Notice
4. Delegated Report.

#### **MATTERS OF COMMON GROUND**

From a review of the Delegated Report and Decision Notice the following matters can be identified as common ground:

1. There is no conflict with the development policies identified in the London Plan 2015, consolidated with amendments since 2011.
2. There is no conflict with the National Planning Policy Framework (the 'Framework').
3. There is no conflict with Camden LDF Core Strategy Policy CS1.
4. There is no conflict with Camden Development Policies 2010 DP26 or DP28.
5. There is no conflict with Camden Planning Guidance CPG1 'Design' or CPG6 'Amenity' and the relevant sections identified in the Relevant Policies section of the Delegated Report.
6. There is no conflict with the Belsize Conservation Area Appraisal, April 2003.
7. The proposed materials for the rear extension are considered appropriate, apart from glazing on the dormer cheek.
8. There is no objection to the proposed rooflights which would be in the conservation style and fitted flush with the roof profile.
9. The proposal is not considered to result in an unacceptable loss of privacy to the occupants of neighbouring properties (15 and 17 Glenloch Road) below the standard that residents should reasonably expect to enjoy.
10. The proposals would minimise any potential impact upon neighbouring sites in terms of sunlight and daylight and sense of enclosure levels.

11. Whilst the planning application generated a letter of objection, none of the issues raised in this representation were considered to be material in the Council refusing planning permission.

A series of e-mail exchanges with the Planning Officer in the lead up to determination of the planning application is also instructive in determining matters of common ground and those that are at issue.

SENDER	DATE	CONTENT
Patrick Minns Associates, Architect	21-09-2015	<p>Thank you for coming to site last week with Nick. Please let me know if you need any further information or discussions about the dormer.</p> <p>Here, as requested, are the manufacturer's drawings of typical double glazed sliding sash and casement windows. The order confirms that the final versions must be 'Like for like'.</p>
LBC Planning Officer	29-09-2015	<p>Further to our earlier telephone conversation, could you confirm that it's no.19 Glenmore Road that has a comparable terrace?</p>
Patrick Minns Associates, Architect	29-09-2015	<p>Yes - it's No 19C... here are their sketches of the dormer, approved on appeal.</p>
LBC Planning Officer	30-09-2015	<p>Thank you for confirm this, apologies for the slight delay in getting back to you. I have assessed the above proposal with my colleague from the conservation department and will be looking to refuse the application for a dormer in the upper slope of the mansard roof.</p> <p>Our site visit and aerial photographs show that there are no comparable examples along this terrace and as such the proposed projection would be alien at that part of such a roof. The properties across the street, which you have referred to have an entirely different (catslide) roof form, rather than a true mansard.</p> <p>The proposal is therefore contrary to policies:</p> <ul style="list-style-type: none"> <li>- DP24 – Securing High Quality Design; and</li> <li>- CPG1 section 5 which state that a proposal is likely to be unacceptable where there is an unbroken run of valley roofs, or complete terraces have a roofline that is largely unimpaired by alterations or extensions, as is the case here.</li> </ul> <p>I apologise that this isn't better news and would be keep to learn how you wish to proceed.</p>

Applicant	07-10-2015	<p>Thank you for your time this afternoon on the phone.</p> <p>As discussed we will be coming back to you with some comments in regard to your email below.</p> <p>Would you be able to confirm if these comments would be included when submitted to the three-member councillor review panel.</p> <p>Could you also advise when the next meeting is or does this take place on a weekly basis? Would you also have the names of which councillors would be sitting on this review panel?</p> <p>If you get the chance could you also advise if a small roof terrace with veluxs would be permitted?</p>
Applicant	08-10-2015	<p>Following on from my email below dated 7th October and in reference to your email dated 30th September.</p> <p>It is a very disappointing response since we have tried to work within the planning policies and guidelines to ensure that the proposal can be viewed as policy compliant.</p> <p>You mention that there is perceived conflict with DP24 which seeks to secure high quality design.</p> <p>This policy has a number of sub-paragraphs as follows:</p> <p>The Council will require all developments, including alterations and extensions to existing buildings, to be of the highest standard of design and will expect</p> <p>developments to consider:</p> <ul style="list-style-type: none"> <li>a) character, setting, context and the form and scale of neighbouring buildings;</li> <li>b) the character and proportions of the existing building, where alterations and extensions are proposed;</li> <li>c) the quality of materials to be used;</li> <li>d) the provision of visually interesting frontages at street level;</li> </ul>

	<p>e) the appropriate location for building services equipment;</p> <p>f) existing natural features, such as topography and trees;</p> <p>g) the provision of appropriate hard and soft landscaping including boundary treatments;</p> <p>h) the provision of appropriate amenity space; and</p> <p>i) accessibility.</p> <p>Can you clarify which of these specific sub-paragraphs you consider would be contravened by our proposal.</p> <p>You consider that the proposal would also contravene the guidance in Section 5 of CPG1. Again this is a wide ranging set of guidelines (not policy) but could you also highlight which particular guideline you consider is specifically offended:</p> <p>A roof alteration or addition is likely to be unacceptable in the following circumstances where there is likely to be an adverse effect on the skyline, the appearance of the building or the surrounding street scene:</p> <ul style="list-style-type: none"> <li>• There is an unbroken run of valley roofs;</li> <li>• Complete terraces or groups of buildings have a roof line that is largely unimpaired by alterations or extensions, even when a proposal involves adding to the whole terrace or group as a coordinated design;</li> <li>• Buildings or terraces which already have an additional storey or mansard;</li> <li>• Buildings already higher than neighbouring properties where an additional storey would add significantly to the bulk or unbalance the architectural composition;</li> <li>• Buildings or terraces which have a roof line that is exposed to important London-wide and local views from public spaces;</li> <li>• Buildings whose roof construction or form are unsuitable for roof additions such as shallow pitched roofs with eaves;</li> </ul>
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		<ul style="list-style-type: none"> <li>• The building is designed as a complete composition where its architectural style would be undermined by any addition at roof level;</li> <li>• Buildings are part of a group where differing heights add visual interest and where a roof extension would detract from this variety of form;</li> <li>• Where the scale and proportions of the building would be overwhelmed by additional extension.</li> </ul> <p>In particular we are interested to understand how our proposal could have an adverse effect on the skyline, the appearance of the building or the surrounding street scene. Whilst you suggest that our proposal is considered an alien element, this in itself does not appear to breach these guidelines.</p> <p>I look forward to receiving your response which will assist us in understanding how to respond to your e-mail of the 30 September and in more detail the justification for the position that you are proposing to adopt and presumably submit to your line manager for sign-off?</p>
LBC Planning Officer	12-10-2015	<p>Thank you for your email, I hope the following helps to clarify why your proposal is considered unacceptable and which aspects of planning policy the proposal fails to comply with.</p> <p>DP24 – securing high quality design, requires all development to consider the ‘character, setting, context and the form and scale of neighbouring buildings’ and the ‘character and proportions of the existing building’. As discussed in my previous email, having visited the site and examined aerial photographs, there no examples of comparable extensions along this terrace. The proposal is therefore considered out of character with the neighbouring buildings and host property and fails to comply with subparagraphs a and b.</p> <p>With regard to CPG1 (Design) this document offers clear guidance on assessing applications for roofs, terraces and balconies. The guidance states that ‘a roof alteration or addition is likely to be unacceptable ... where it is likely to have</p>

		<p>an adverse effect on the skyline, appearance of the building or the surrounding area'. Please note the use of the word or; the application site is not exposed to important London-wide/local views and therefore the proposal is unlikely to have an adverse effect on the skyline, however it is considered to detract from the appearance of the building and surrounding area. Paragraph 5.8 states that a roof alteration or addition is likely to be unacceptable where a group of buildings have a roofline which is largely unimpaired by alterations or extensions. As emphasised above the proposed projection would be alien at that part of the roof and would interrupt the roofscape within this terrace. It is for this reason that the proposal is considered unacceptable.</p> <p>A small roof terrace would be equally unacceptable in this location for the reasons highlighted above.</p> <p>Finally, I have been informed that the application does not need to progress to members briefing as it is a refusal. It will therefore be decided under delegated powers, by planning officers.</p> <p>I hope the above information helps to clarify the Council's position, please let me know if you have any further questions.</p>
Applicant	13-10-2015	<p>Thank you for your email and your clarification on the points requested.</p> <p>As discussed on the phone I'm still somewhat at a loss how 19 C Glenmore Road was approved or 3 Howitt Road or number 2 Glenloch Road, as they were originally all in the same situation as my house and these have all been approved over last couple of years.</p> <p>However I understand you do not wish to deviate from your view of the policy, on this occasion, and I would therefore ask if you could proceed to determination.</p>
LBC Planning Officer	13-10-2015	<p>Thank you for your email, I apologise that it wasn't better news about the proposed dormer and terrace. Whilst writing up your application, I have looked again at the planning inspectorates report for 19C Glenmore Road.</p>

		<p>The inspector states that the rear elevations of many of the buildings on the southern side of the road have been altered over time and include dormer roof extensions, sometimes at two levels, and other additions. I hope that helps to explain why we have taken a firmer stance on your proposal.</p> <p>I have been writing up your application today and will send it for moderation tomorrow all being well.</p> <p>Please let me know if I can be of further assistance.</p>
Applicant	13-10-2015	<p>Thank you for your email and I appreciate you taking the time to review the appeal for 19 C Glenmore Road. If I could ask you to bear with me as I explain further regarding 19 Glenmore Rd</p> <p>As you'll see from aerial views of Glenmore Road, the roofs from 19 going towards Haverstock Hill are all uninterrupted, at top floor level, and there is a run of 14 in total. If you go from 19 Glenmore Rd towards Glenilla Road there are 4 roofs which are uninterrupted before you get to the first top dormer.</p> <p>On my side of Glenmore Road going towards Haverstock Hill there are only two uninterrupted roofs before you come to a large apartment block which increases its height by two further levels above any of the surrounding houses. If you go from my house towards Glenilla road there are only 12 houses with uninterrupted roof lines at the top level.</p> <p>What I'm trying to explain in essence is that 19 was not an exceptional case and my house and it's surroundings in fact has a more interrupted roofline or disjointed appearance than 19 Glenmore Road has.</p> <p>I'm of the opinion that there is a better case for allowing a dormer at 6 Glenmore Road than there is at 19 Glenmore Road and I would very much appreciate if you or a colleague could review the above information.</p>
LBC Planning Officer	14-10-2015	<p>Thank you for your email. I think this maybe where we don't quite see eye to eye, having</p>



		<p>looked at aerial photographs and visited the property both Nick Baxter and I consider the roofs on the northern side of Glenmore Road to be uninterrupted at top level.</p> <p>There is obviously the option to appeal our decision, which I know you intend to do, but on a positive note the application for replacement windows will be approved.</p>
Applicant	14-10-2015	<p>Thanks for your email and again I appreciate you making the extra effort to review this case before making a final decision.</p> <p>Could I ask if it has been only you and Nick that have reviewed this or has anyone else internally looked at the application?</p>
LBC Planning Officer	14-10-2015	<p>No problem at all, to date only Nick and I have looked at the application, which is standard practise for a proposal of this nature. The proposal will however be reviewed by a senior officer before being signed off.</p>

#### **MATTERS AT ISSUE**

From a review of the Delegated Report, Decision Notice and e-mail exchanges referred to above it is clear that the principal matter at issue is that in the Council's opinion the proposal is a dominant and bulky addition that would detract from the appearance of the host building. They claim that it would be out of keeping with rear elevations and roofline of buildings within this terrace and would neither preserve nor enhance the character and appearance of the Belsize Conservation Area. Their concerns translate into conflict with Core Strategy Policies CS5 and CS14 and Development Policies DP24 and DP25. The Council has clarified that only sub-paragraphs a) and b) of Policy DP24 are contravened.

#### **GROUND OFS OF APPEAL**

The essence of the Council's objection is that the proposed development is uncharacteristic in the roofline of the terrace within which the appeal property stands and that it would have an adverse effect on the uninterrupted rear roofscape of the terrace.

They dismiss the precedent established at No 19c Glenmore Road on appeal on the basis that 'the properties across the street, which you have referred to have an entirely different (catslide) roof form, rather than a true mansard'.

The Council suggest that the proposed development will harm the character and appearance of the conservation area.

In terms of the Belsize Conservation Area, the Conservation Area Statement (CAS)<sup>1</sup> confirms that the houses along Glenloch, Glenmore and Howitt Roads are two storey red brick terraces with a basement and an attic storey within a slate-faced mansard. At roof level the party walls are expressed as upstands with shared chimneys located at the ridge that step up the street. The terraces are of similar design but show variations. All have three light, two storey bays and dormers and utilise render and white painted timber frames to provide contrast. The upper portions of windows are sub-divided by glazing bars, some with a decorative sunrise motif. The elevations give strong rhythm and consistency to the terrace except where this is interrupted by inappropriate alteration. The appeal proposals do not impact any of these identified attributes or features of the conservation area.

Nos 1-65, 2-30 Glenmore Road are identified as buildings, which whilst not statutorily listed, are nevertheless important local buildings in their own right and make a positive contribution to the character and appearance of the Conservation Area. The general presumption should therefore be in favour of retaining such buildings. The building is to be retained and therefore the contribution that the appeal property makes as part of a group of locally important buildings is preserved.

The CAS identifies that the most noticeable changes within the area often result from one or more of various developments which include roof extensions - particularly the addition of overly large, inappropriately proportioned dormers, and the addition of mansard roofs.

The CAS provides a number of guidelines for development. For roof alterations it advises that:

BE26 Planning permission is required for extensions and alterations at roof level. Roof extensions and alterations, which change the shape and form of the roof, can have a harmful impact on the Conservation Area and are unlikely to be acceptable where:

- It would be detrimental to the form and character of the existing building
- The property forms part of a group or terrace which remains largely, but not completely unimpaired
- The property forms part of a symmetrical composition, the balance of which would be upset
- The roof is prominent, particularly in long views.

The guidelines are not prescriptive. They suggest that roof alterations can have a harmful impact and are unlikely to be acceptable if they are detrimental to the form and character of the existing building; the property forms part of a group or terrace which remains largely, but not completely unimpaired; forms part of a symmetrical composition the balance of which would be upset and the roof is prominent particularly in long views. It is the Appellants view that the proposals are not detrimental to the form and character of the appeal property. The proposals are considered to have limited impact. Although the appeal property forms part of a symmetrical group of buildings it is impaired in places; the rear of the property is not prominent in long views and since the proposal will be set below the ridge line, leaving the upstands to the party walls in tact the impact will be largely localised and limited. The point made to the Council by the Applicant in the e-mail dated the 13 October 2015 is that the roofscape along the western side of Glenmore Road is not uninterrupted or pristine. The CAS guidelines are not considered breached by the appeal proposal.

The Council do not identify any conflict with the Framework. However it is determinative of national policy in respect of heritage assets, which includes conservation areas and is predicated on assessing the impact on the significance of a heritage asset. In addition, the statutory test for developments within a

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<sup>1</sup> Published April 2003

conservation area is also pertinent, particularly since the Council claim that the proposed rear dormer is harmful to the Conservation Area. Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 requires that LPAs pay special attention in the exercise of planning functions to the desirability of preserving or enhancing the character or appearance of a conservation area.

The courts have determined that this statutory test is met by a development that leaves the character or appearance of the area unharmed. It is not necessary for a development to meet all of the section 72 tests. The Council has not identified how the character or appearance of the conservation area will be harmed; in so doing they have tacitly accepted that the character and appearance of the area will be unharmed and this is sufficient to meet the statutory test.

The national planning policy approach is set out in paragraph 131 of the Framework as follows:

In determining planning applications, local planning authorities should take account of:

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

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

The Framework defines significance as:

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

In paragraph 133 the Framework further advises that:

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

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

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

The distinction between 'harm' and 'substantial harm' in heritage terms had been open to considerable interpretation until clarification was provided in the National Planning Practice Guidance (NPPG) published in 2014. The NPPG advises in respect of substantial harm that:

In general terms, substantial harm is a high test, so it may not arise in many cases. For example, in determining whether works to a listed building constitute substantial harm, an important consideration would be whether the adverse impact seriously affects a key element of its special architectural or historic interest. It is the degree of harm to the asset's significance rather than the scale of the development that is to be assessed. The harm may arise from works to the asset or from development within its setting.

While the impact of total destruction is obvious, partial destruction is likely to have a considerable impact but, depending on the circumstances, it may still be less than substantial harm or conceivably not harmful at all, for example, when removing later inappropriate additions to historic buildings which harm their significance. Similarly, works that are moderate or minor in scale are likely to cause less than substantial harm or no harm at all. However, even minor works have the potential to cause substantial harm.

This guidance is quite broad but the issue has been further interpreted in a number of recent legal decisions, most notably *Bedford Borough Council v Secretary of State for Communities and Local Government and NUON UK Ltd* [2012] and the decision of the Secretary of State for Communities and Local Government in respect of Land at Chapel Lane, Wymondham, Norfolk (Application Reference 2012/1434/O). In the NUON case, the Inspector originally identified that:

There is no specific guidance as to the level at which harm might become substantial but on a fair reading, it is clear that the author(s) must have regarded substantial harm as something approaching demolition or destruction. ('NUON' Judgement, para. 22).

While it was queried whether this was setting too high a bar for substantial harm, Mr. Justice Jay identified that the above statement, given that the harm under consideration was indirect, and based on setting, rather than physical intervention, the above quotation was clearly intended to be appended by the words 'to significance'. Mr. Justice Jay therefore concluded that:

What the inspector was saying was that for harm to be substantial, the impact on significance was required to be serious such that very much, if not all, of the significance was drained away.

Plainly in the context of physical harm, this would apply in the case of demolition or destruction, being a case of total loss. It would also apply to a case of serious damage to the structure of the building. In the context of non-physical or indirect harm, the yardstick was effectively the same. One was looking for an impact which would have such a serious impact on the significance of the asset that its significance was either vitiated altogether or very much reduced (NUON Judgement, para. 24-25).

It is therefore clear based on the national planning guidance and interpretation by the Courts and Secretary of State that for substantial harm to be found from development within a conservation area the significance of the conservation area would in effect be 'drained away' to adopt the terminology used in the NUON judgement.

Applying the national planning policy test to the appeal proposals would result in a conclusion that the proposed development would leave the significance of the conservation area unharmed and neither substantial or less than substantial harm to the significance of the heritage asset would arise for the requirement for public benefits to outweigh harm to be invoked. This is particularly so given the attributes that contribute to the character and appearance of the Conservation Area that the Council identify in their CAS.

In terms of the Development Plan the policies that the Council consider are contravened are considered below with the Appellants comments highlighted in red.

CS5 – ‘Managing the impact of growth and development’ which states that the Council will manage the impact of growth and development in Camden and ensure that development meets the full range of objectives of the Core Strategy and other Local Development Framework documents, with particular consideration given to:

- a) providing uses that meet the needs of Camden’s population and contribute to the borough’s London-wide role; **The proposed development is wholly consistent with this requirement in providing enhanced living accommodation for the Appellant.**
- b) providing the infrastructure and facilities needed to support Camden’s population and those who work in and visit the borough; **The proposed development is wholly consistent with this requirement in providing enhanced living accommodation to support the Borough’s population.**
- c) providing sustainable buildings and spaces of the highest quality; and **The proposed development will be sustainable in meeting current building regulations.**
- d) protecting and enhancing our environment and heritage and the amenity and quality of life of local communities. **It is common ground that the quality of life of the local community is protected and there are no impacts on the environment. The issue of impact on the heritage has been considered in the context of national planning policy and this assessment concludes that the impact on the heritage is neutral.**

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

- e) making sure that the impact of developments on their occupiers and neighbours is fully considered; **This has been considered and found to be acceptable.**
- f) seeking to ensure development contributes towards strong and successful communities by balancing the needs of development with the needs and characteristics of local areas and communities; and **The development will contribute towards a strong and successful community by enhancing the quality of residential accommodation without detriment to the characteristics of the local area or community.**
- g) requiring mitigation measures where necessary. **No mitigation measures have been identified as necessary.**

CS14 – ‘Promoting high quality places and conserving our heritage’ which states that 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; **It is the Appellant’s view that the development is of the highest standard of design. It is architect designed and as demonstrated in the supporting DAS has considered the 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; **Based on the assessment provided in this statement, it is the Appellant’s contention that the appeal proposal will leave the character and appearance of the conservation area unharmed.**
- c) promoting high quality landscaping and works to streets and public spaces; **This is not applicable.**
- d) seeking the highest standards of access in all buildings and places and requiring schemes to be designed to be inclusive and accessible; **It is common ground that there is no conflict with this sub-paragraph.**

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. **It is common ground that there are no important strategic or local views to protect at this location.**

Policy DP24 – 'Securing high quality design' which states that 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; **These aspects have been considered in the formulation of the appeal proposal and this is described more fully in the supporting DAS.**

b) the character and proportions of the existing building, where alterations and extensions are proposed; **These aspects have been considered in the formulation of the appeal proposal and this is described more fully in the supporting DAS.**

c) the quality of materials to be used; **It is common ground that this sub-paragraph is not contravened<sup>2</sup>.**

d) the provision of visually interesting frontages at street level; **It is common ground that this sub-paragraph is not contravened.**

e) the appropriate location for building services equipment; **It is common ground that this sub-paragraph is not contravened.**

f) existing natural features, such as topography and trees; **It is common ground that this sub-paragraph is not contravened.**

g) the provision of appropriate hard and soft landscaping including boundary treatments; **It is common ground that this sub-paragraph is not contravened.**

h) the provision of appropriate amenity space; and **It is common ground that this sub-paragraph is not contravened.**

i) accessibility. **It is common ground that this sub-paragraph is not contravened.**

Policy DP25 – 'Conserving Camden's heritage' which states in respect of Conservation Areas that 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; **This statement considers the CAS and concludes that the appeal proposal does not breach their guidelines.**

b) only permit development within conservation areas that preserves and enhances the character and appearance of the area; **The interpretation of the statutory test which is reflected in this policy is that a development need only meet one of the requirements. The conclusion from the assessment that is included in these grounds of appeal is that the appeal proposal will leave the character and appearance of the conservation area unharmed and this is sufficient to meet the statutory, and this policy test**

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; **This is not applicable.**

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<sup>2</sup> This was confirmed in the e-mail from the LBC Planning Officer dated the 12-10-2015

d) not permit development outside of a conservation area that causes harm to the character and appearance of that conservation area; and **This is not applicable.**

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. **This is not applicable.**

In summary this appeal submission demonstrates that the appeal proposal will not conflict with the provisions of the development plan or result in harm to the character or appearance of the conservation area. Compliance with the development plan renders the development a sustainable one that should benefit from the presumption in favour of sustainable development that forms a golden thread running through decision-taking.

It is therefore concluded that the appeal proposal should benefit from a grant of planning permission and the Inspector is respectfully requested to uphold this appeal.

I trust that this appeal submission is clear. However if further information or clarification is required this can be provided on request.

Yours faithfully



**Alan Gunne-Jones MRTPI**  
**Managing Director**  
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