



APPEAL BY:
Ms Catherine McQueen

AGAINST THE LONDON BOROUGH OF CAMDEN REFUSAL
TO GRANT PLANNING PERMISSION FOR:

Erection of mansard roof extension

AT
144 Bayham Street, London, NW1 0BA

London Borough of Camden Council's Reference: 2015/5586/P

WRITTEN REPRESENTATIONS: GROUNDS OF APPEAL

January 2016

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1.0 INTRODUCTION

- 1.1 This statement has been prepared by RJS Planning, on behalf of Ms Catherine McQueen, in support of the appeal lodged against the refusal of planning application 2015/5586/P.
- 1.2 The application was registered on 21st October 2015 and sought planning permission for the erection of a mansard roof extension at 144 Bayham Street in London.
- 1.3 To recap, the appeal application was submitted further to the previous refusal of planning application 2015/1829/P (Attached in **Appendix A**). By the way of background, planning application 2015/1829/P was refused on 29th June 2015, after the decision was issued giving one reason for refusal, the architects reflected on this and resubmitted a fresh application to address this and other concerns raised by the LPA.
- 1.4 The resubmitted application was again refused under delegated authority on 10th December 2015 for the following almost identical reason:
1. *The proposed roof extension due to its bulk, scale, detailed design and location within a terrace of unbroken rooflines would have a detrimental impact on the character and appearance of the existing building and nearby non-designated heritage assets, contrary to policies CS14 (Promoting High Quality Places and Conserving Our Heritage) of the London Borough of Camden Local Development Framework Core Strategy and Policies DP24 (Securing High Quality Design) and DP25 (Conserving Camden's Heritage) of the London Borough of Camden Local Development Framework Development Policies.*
- 1.5 This grounds of appeal will address the central concerns raised within the Council's reason for refusal, notably:
- Whether the proposed roof extension due to its bulk, scale, detailed design and location would have a detrimental impact on the character of the existing building, and;
 - Whether the proposal would impact upon nearby non-designated heritage assets.
- 1.6 For clarification, no objections were raised by any of the neighbouring residents or any of the statutory consultees to either the previous planning application (2015/1829/P) or the appeal application (2015/5586/P).
- 1.7 To set some context, this statement will first provide a description of both the appeal site and the proposed development. This statement will then discuss the relevant national and local planning policy before responding to the Council's concerns.

2.0 THE SITE

- 2.1 No. 144 is located on north eastern side of Bayham Street at the corner junction with Greenland Road which sits to the north. The appeal property is a three storey end of terraced dwelling with flat roof construction and low parapet wall and one of three similar dwellings which are post-war constructions.
- 2.2 The appeal property is not listed and not located in a Conservation Area, although it is located adjacent to the Camden Town Conservation Area. The site is also located in close proximity to two locally listed terraces on Bayham Street at No.s 136-140 and No.s 146-152 (Ref 442 of Camden's Local Listed – January 2015) and adjacent to two Grade II Listed terraced properties on Greenland Road to the rear. To the opposite side of Bayham Street is a former hospital which is now utilised for public health services.

3.0 THE PROPOSED DEVELOPMENT

- 3.1 The appeal proposal sought planning permission for the erection of a mansard roof extension to provide additional living space to the existing single family dwellinghouse. The existing parapet walls would be retained with the mansard extension being set behind the existing parapets.
- 3.2 The mansard roof extension would facilitate the creation of two further bedrooms and an additional family bathroom. Large windows are proposed to both the front and rear elevations which would allow the upper floor to benefit from plenty of natural daylight, providing light and spacious accommodation.
- 3.3 This resubmitted scheme has been reduced in length to overcome original concerns relating to the overall bulk and scale of the development.

4.0 RELEVANT PLANNING POLICY

- 4.1 The reason for refusal refers to policy CS14 (Promoting High Quality Places and Conserving Our Heritage) of the London Borough of Camden Local Development Framework Core Strategy and policies DP24 (Securing High Quality Design) and DP25 (Conserving Camden's Heritage) of the London Borough of Camden Local Development Framework Development Policies.
- 4.2 Although it is not referred to within the reason for refusal, the National Planning Policy Framework is also considered to be of relevance to this appeal. The following paragraphs provide a brief summary of the relevant policies. The paragraphs are in a hierarchical order relative to the importance of national and local planning policy.

National Planning Policy Framework (NPPF)

- 4.3 The National Planning Policy Framework sets out the Government's planning policies for England and how these are expected to be applied. The following sections and paragraphs make reference to the parts of the NPPF which are directly relevant to this appeal.

Presumption in Favour of Sustainable Development

- 4.4 Paragraph 14 of the NPPF sets out that a presumption in favour of sustainable development is at the heart of the National Planning Policy Framework with paragraph 187 stating that

local planning authorities should approach decision making in a positive way and should look for solutions rather than problems. The NPPF also advises that decision takers at every level should seek to approve applications for sustainable development where possible.

4.5 For decision making this means:

- *Approving development proposals that accord with the development plan without delay;*
- *Where the development plan is absent, silent or relevant policies are out of date, granting planning 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.**

Core Planning Principles

4.6 Paragraph 17 of the NPPF sets out 12 core land-use planning principles which should underpin both plan-making and decision taking. The second, fourth and tenth bullet points state that planning should:

- *“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”.*
- *Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.*
- *Conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.*

Requiring good design

4.7 Section 7 of the NPPF refers to design, however there are no specific policies or guidance relating to residential development. Indeed paragraph 60 states:

“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”.

4.8 Paragraph 58 states that planning policies and decisions should aim to ensure that development should respond to local character and history and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation.

Conserving and enhancing the historic environment

4.9 Section 12 of the NPPF refers to the conservation and enhancement of the historic environment. Paragraph 131 sets out that local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets, to the positive contribution that the conservation of heritage assets can make to sustainable communities and the desirability of new development making a positive contribution to local character and distinctiveness.

4.10 Paragraph 132 states that when considering the impact of a proposed development on the significance of a designated heritage asset that great weight should be given to the asset’s conservation. Paragraph 133 states that local planning authorities should refuse consent if a proposed development would lead to substantial harm to the significance of a designated heritage asset (including a Conservation Area).

- 4.11 The NPPF does not define “substantial harm” but it is widely accepted as including the total loss of a heritage asset, or fundamental compromise of its significance by means of extensive physical alterations, or inappropriate development within its setting. Such an impact can only be justified on the grounds that the harm is necessary to deliver important public benefits that outweigh the value of the heritage asset. In these terms it is absolutely clear that the application proposal will not result in “substantial harm” to the Conservation Area. Moreover, it must be pointed out that even the Council do not state within the reason for refusal that the proposal would lead to substantial harm to the historic significance of the Conservation Area.
- 4.12 Paragraph 134 of the NPPF sets out that “less than substantial harm” arises from proposals which include physical alterations or development within the setting, which on balance retain the fabric-authenticity and integrity of the heritage asset. The NPPF advises that such proposals should be “weighed against the public benefits of the proposal”. Such benefits include securing a sustainable future for the heritage asset.

Decision-taking

- 4.13 Paragraph 196 reiterates that the planning system is “plan led” stating that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 196 clarifies that the NPPF is a material consideration in planning decisions. Paragraph 197 states that in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.

London Borough of Camden Local Development Framework Core Strategy

- 4.14 Camden’s Core Strategy sets out the key elements of the Council’s planning vision and strategy for the borough. The Strategy covers the physical aspects of location and land use but also addresses other factors that make places attractive, sustainable and successful, playing a key part in shaping the kind of place Camden will be in the future, balancing the needs of residents, businesses and future generations.

Policy CS14: Promoting High Quality Places and Conserving Our Heritage

- 4.15 Policy CS14 of the Core Strategy is referred to within the reason for refusal. Policy CS14 refers to “Promoting high quality places and conserving our heritage” and states that the Council will seek to ensure that Camden’s places and buildings are attractive by requiring development to be of the highest standard of design that respects local context and character and by preserving and enhancing Camden’s heritage assets and their settings, including Conservation Areas.

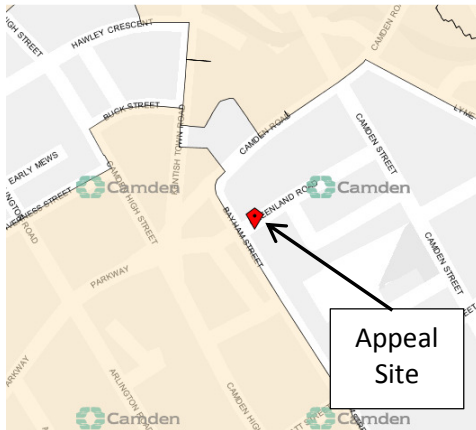
Policy DP24: Securing High Quality Design

- 4.16 Policy DP24 contributes to implementing the Core Strategy by setting out the Council’s detailed approach to the design of new developments and alterations and extensions. These principles ensure that all parts of Camden’s environment are designed to the highest possible standards and contribute to providing a healthy, safe and attractive environment. The policy sets out that proposals should consider the character, setting, context and the form and scale of existing and neighbouring buildings and the materials to be used.

Policy DP25: Conserving Camden's Heritage

- 4.17 Policy DP25 refers to “Conserving Camden’s heritage” and states that the Council will seek to maintain the character of Conservation Areas by taking account of Conservation Area statements, appraisals and management plans when assessing applications and by only

permitting development that preserves and enhances the character and appearance of Conservation Areas.



4.18 The excerpt from the Conservation Area Map, taken from the Council's website, highlights the area in pink as being contained within the Conservation Area. The appeal site is just outside of the boundary and therefore a degree of leniency should be afforded for development proposals that offer a high specification of design which will enhance the character and setting of the host dwelling and the surrounding locality.

5.0 THE APPELLANTS CASE

Introduction

5.1 The Appellants case will focus on the central concerns of the reason for refusal, notably whether the proposed roof extension would have a detrimental impact on the character and appearance of the existing building and nearby non-designated heritage assets. The case will also demonstrate that the proposed development would comply with the abovementioned policies and would not look out of place within the Conservation Area setting.

Impact on the Host Building and Surrounding Properties

5.2 The appeal property and two adjoining properties were constructed around the 1960's and are attached to 3 older, traditional Locally Listed terraced properties, which are attached to a large industrial building built in the 20th century. As shown in the image below the difference in property ages is obvious, with a variety of materials of construction, front facades, fenestration and entrances. The industrial building, occupying No. 116 to 134 and shown to the right of the photograph below, gained consent for its change of use from offices (Class B1) to residential (Class C3) comprising of 20 units (4 x 1 bed, 15 x 2 bed and 1 x 3 bed) against application ref 2014/3470/P in July 2014.



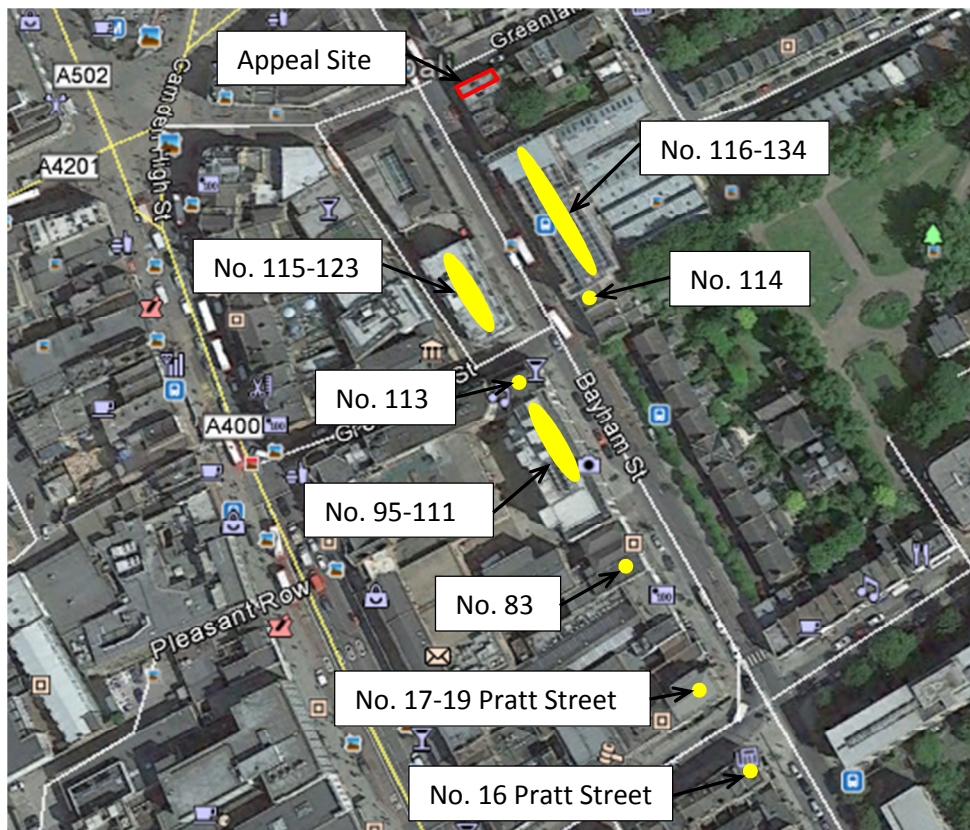
Appeal Site and Neighbouring Properties

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- 5.3 Of further significant importance is the substantial mansard roof extension which has recently been constructed above the original industrial building at No. 116 to 134 Bayham Street. Approval was granted against application ref 2014/3264/P for the “Erection of a single storey third floor roof extension to provide 2 x 3 bedroom residential units (Class C3) with plant enclosure to new roof, introduction of third floor roof terraces, alterations to front entrance, and alteration to fenestration of rear elevation of existing office building (Class B1a)” on 23rd July 2014. Details of the application and subsequent decision are attached in **Appendix B**.
- 5.4 No. 116-134 is a Locally Listed Building, Ref. 441 in Camden’s Local List, dated January 2015, and is listed due to its architectural and townscape significance. This building is also not within the Conservation Area but directly adjacent to it and is situated in the middle of a terraced row abutting other Locally Listed Buildings.
- 5.5 The Appellant proposes a mansard roof structure measuring just 3.7m in width x 2.3m in height x 9.7m in length which will provide 35.89m² in additional living space and will be constructed in brickwork to match that of the existing building. The mansard roof would rise at a 70° angle to the front and 90° angle at the rear. The appeal site development could therefore not be deemed to have a detrimental impact on the character and appearance of host building due to its detailed designed, proposed matching materials of construction and its size and scale which has been reduced to overcome earlier concerns.
- 5.6 The approved roof extension at No. 116-134 Bayham Street, located to the middle section of the complete terrace row, measures 48m in length x 3m tall, rising to 5.6m tall in the middle section that encompasses the lift shaft x 8.4m wide at its narrowest point extending up to 13.8m at the widest point and produces 506m² of residential living space. It appears that the council have not considered this vast third floor roof extension in their appraisal of the Appellants scheme, however it is apparent that the appeal site is not located within a terrace of unbroken rooflines and consequently the proposed mansard roof would not have a detrimental impact on the character and appearance of the existing building and nearby non-designated heritage assets.
- 5.7 Considering 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-unit a group of buildings and townscape, the appeal proposal should be seen as an acceptable form of development in this area. A large number of roof extensions exist in the immediate vicinity as seen on No. 114, No.s 116-134, No. 83, No.s 95-111 and No.s 115-123 Bayham Street and No. 16 and No.s 17-19 Pratt Street – who have elevations facing Bayham Street, therefore creating an established pattern of development as shown on the image below.



- 5.8 As such, the implementation of such a modest roof extension at the appeal site would not be out of keeping with the character of the area and should thus be considered acceptable in principle given the level of other similar developments fronting Bayham Street, including mansard roof extensions in other, more prominent corner locations.
- 5.9 In summary, the proposed roof extension would not have a detrimental impact on the visual amenities of the building or the surrounding properties. The extension would actually make a positive contribution to the appearance of the building, reflecting nearby extensions and would be of no substantial harm to the host property or adjoining Conservation Area.

Impact on the Adjoining Conservation Area

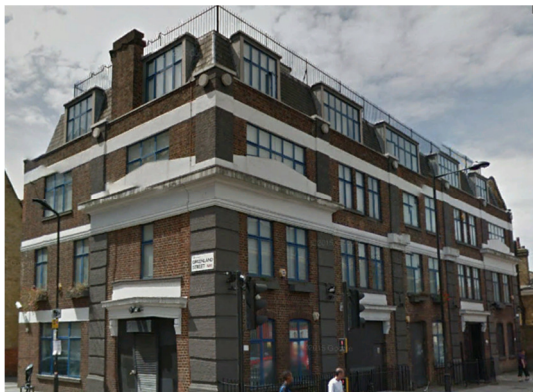
- 5.10 The proposed roof extension is considered to be of an acceptable design which would have limited impact on the curtilage of the adjoining Camden Town Conservation Area, considering that while the area was traditionally characterised by 3 storey buildings, properties in close proximity, many of which are within the boundary of the Conservation Area have roof extensions at the level proposed at the appeal site.
- 5.11 Due to the relatively narrow road width of Bayham Street and given the 900mm setback from the front elevation, the proposed increase in height will not appear overly dominant when viewed from the street and taken in context with the surrounding development, particularly that at No. 116 to 134 within the same terraced row and No. 115-123 to the opposite side of the road. As shown in the image below, the proposal although viewable to the side from Greenland Road, views from further along are restricted due to existing properties and the width of the road. The proposed mansard roof would certainly have no impact upon the listed buildings to the rear as expressed within the Planning Officers Report and as the side elevation will be constructed from brick that matches the host property the

extension will blend harmoniously with the building below, appearing as an original section of the dwelling and enhancing the roofline of an otherwise ordinary flat roof.

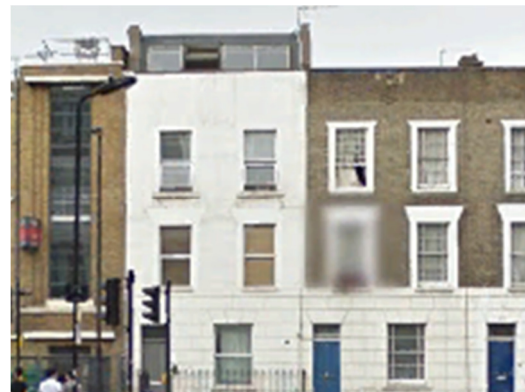


View from within Greenland Road

- 5.12 The scale is also in keeping with the host building and is of modest height, length and width so as not to overwhelm the original building or the neighbouring properties and is similar to other approved mansard roofs as shown below within Bayham Street; many of which are within the boundary of the Camden Town Conservation Area and do not create any detrimental impact upon the locality. The surrounding properties consist of many varying styles of property sizes, ages and rooflines confirming that not one individual style exists, thus the introduction of one additional mansard roof could not be seen as impacting detrimentally on the existing streetscene or impacting on the adjoining Conservation Area.



No. 115-123 Bayham Street



No. 114 Bayham Street

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No. 116-134 Bayham Street



No. 113 Bayham Street



No. 83 Bayham Street

- 5.13 Given the highlighted examples that have been constructed with the benefit of planning consent, which are also in fairly visible locations within the streetscene, the roof extension subject of this appeal, utilising established and suitable complementary materials and its modest size and scale should therefore also be deemed acceptable as it is outside of the Conservation Area boundary.
- 5.14 Whilst it is acknowledged that the appeal site is located adjacent to a Conservation Area, this in itself does not mean that the proposed extension is unacceptable in principle or that the mansard roof would be of detriment to the appearance of the host property or the Conservation Area. The mansard roof extension would not have a detrimental impact on the streetscene or any important views in and around the area. The proposal would clearly sustain the significance of the Conservation Area and peoples' experience of it and it is strongly asserted that the significance and appreciation of the locality would not be compromised by the roof extension. It is therefore suggested that it is incorrect to suggest that the proposed extension would not preserve the character and appearance of the existing building and nearby non-designated heritage assets when it would have such a negligible impact upon it.
- 5.15 Having regards to the previous points and considering other developments within very close proximity, it would appear to be overly cautious for the Council to suggest that the proposed

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development would be of detriment to the character and appearance of the existing building and nearby non-designated heritage assets and it is maintained that the mansard roof would relate acceptably well to the existing buildings and the locality. Whilst it is understandable that the Council would want to prevent unsympathetic development, it is asserted that the Council have failed to adequately assess or appreciate the appeal proposal. The Appellant has no desire to construct an extension that is not worthy of the existing building, the site or the adjacent Conservation Area and feels strongly that the proposed works would make a positive addition to the external appearance of the site and the internal configuration of the dwelling.

Impact on the Amenity of Adjoining Residents

- 5.16 In accordance with the Planning Officers Report, it is not considered that the proposal would impact upon the amenity of adjoining occupiers, based on the orientation of the site and the existing separation distances from nearby premises and habitable windows. The proposed bulk will also not result in unacceptable overshadowing, loss of sunlight or daylight, loss of outlook, loss of privacy, or sense of enclosure to adjoining and nearby properties.
- 5.17 The proposed front fenestration will be located approximately 19m from properties to the opposite side of Bayham Street and the rear window will be positioned approximately 9.5m from the blank side elevation of No. 6 Greenland Road and therefore will not give rise to a material increase in overlooking of nearby properties.

Other Considerations

- 5.18 In accordance with policy CS14 of the Core Strategy, the development seeks to implement an attractive mansard roof of the highest standard of design that respects the local context and character by preserving and enhancing Camden's heritage assets and their settings, including the adjoining Conservation area, therefore promoting high quality places and conserving our heritage.
- 5.19 The proposal also complies with policies contained within the Development Framework, in particular Policies DP24 and DP25, which again ensures that all new developments, alterations and extensions are designed to the highest possible standards and contribute to an attractive environment, whilst considering the character, setting, context and the form and scale of existing and neighbouring buildings and the materials to be used. The Council have already allowed the roofscapes to transform within Bayham Street and as a uniform terrace no longer exists, the proposal will complement the existing alterations which have already been carried out within the area.
- 5.20 It is considered that the introduction of a mansard roof extension in this location would not detract from the grouping of the terrace or set an unwelcome precedent, as the Council have approved numerous other schemes within the vicinity, some of which are singular roof extensions above residential dwellings where no other roof extensions exist upon the terrace, therefore it is unjust of the Council not to consider the appeal proposal to be acceptable. Residential amenity levels for both the current and future occupiers of the appeal property should also be taken into consideration as the proposal will facilitate the increase of floor space and improve the level of internal living accommodation available, thereby allowing the existing occupier and her family to remain in this property for the foreseeable future, whilst also providing suitable accommodation for future generations in line with the sentiments of the Core Strategy.

6.0 CONCLUSION

- 6.1 The proposed development would be of no harm to the character or appearance of the host property or neighbouring buildings or to the visual amenities of the adjacent Conservation Area. We consider that the proposal both preserves and enhances the setting by reason of its quality design, modest size and scale and the proposed materials of construction. The Appellant understands why the Council may have concerns; however it is considered that the Council have adopted an overly cautious approach in appraising the design of the development, whilst failing to fully take into account other similar developments within the area, the site and its context siting adjacent to the Conservation Area.
- 6.2 The National Planning Policy Framework (NPPF) states that decision-takers at every level should seek to approve applications for sustainable development where possible and that applications should be considered in the context of the presumption in favour of sustainable development. The proposed extension would not be contrary to national or local planning policy and for the above reasons it is politely requested that this appeal is allowed.