

# PLANNING APPEAL

## WRITTEN REPRESENTATIONS STATEMENT ON BEHALF OF APPELLANT

**Site:** Flat D, 299 West End Lane  
London  
NW6 1RD

**Applicant:** Mr Rick Carstens c/o Mr & Mrs Fort

**Proposal:** Addition of a 3rd Bedroom to existing roof level  
of a 2 Bedroom Flat.

1. Introduction

2. Design Context

2.1. Background

2.2. Relevant History

2.3 Planning Policy

2.3. Reasons for planning refusal

3. Response to reasons of refusal

4. Mitigating factors

5. Conclusion

Page 1

Page 2

Page 3

Page 4

Page 6

APPENDICES

- Appendix A: Site Location Plan

Appendix B: Site Analysis

Appendix C: BRE Daylight & Sunlight Study

Appendix D: Cutback Diagrams

Appendix E: Sustainable Living Wall Systems

1. Introduction

Appeal – Planning Application Ref: 2015/2435/P dated 18 April 2015

Site:

Applicant:

Proposal:

Drawing No's:

Flat D, 299 West End Lane, London, NW6 1RD

Mr Rick Carstens c/o Mr & Mrs Fort

Addition of a 3rd Bedroom to existing roof level of a 2 Bedroom Flat.

299D\_WEL.101.loc, 299D-WEL.001.RF(exist),  
299D-WEL.001.3-4F(exist), 299D-WEL.001.4F-5F(pro),  
299D-WEL.002.front, 299D-WEL.002.rear,  
299D-WEL.002.rear(colour), 299D-WEL.002.side,  
299D-WEL.003.exist, 299D-WEL.003.pro, 299DWEL-PL\_D&A

- 1.1 This Statement has been prepared by the appellant and commissioned by the client, to address the reasons for refusal of planning consent by London Borough of Camden.

1.2 The clients are a married couple whom has recently grown with the welcomed birth of a baby boy into the family and are looking to extend the property to maximize the available internal floor area, so that the house may comfortably accommodate the new family member as well as frequent guests.

1.3 The proposal is for the enlargement of an existing 2 bedroom flat situated within an end terrace property with commercial and residential uses. The ground floor level is occupied by a fast food takeaway and the upper floors are residential. The proposed design aims to utilize the existing roof level situated on the rear half of the multi apartment building for the addition of a third bedroom. This would back onto and tie in with the existing loft development of the client's neighbour which is situated on the street front portion of the building.

1.4 We feel that the proposal would be in line with Camden Replacement UDP Plan, Section 2 – Housing, Chapter 2.2 – “Providing housing as one of the most important issues” and Chapter 2.12 – “The council wishes to encourage schemes involving increases in residential floor space.” The proposal aims to offer a high quality, finely detailed and functional residential unit.

## 2.1 Background

The proposed development is located at the north end of West End Lane, West Hampstead, NW6. The building consists of commercial and residential users. The ground floor is occupied by a Kebab shop with the upper level comprising of residential units arranged on four levels.

Flat D is located on the third & fourth floor at the rear of the building. The proposal forming this planning application is for the construction of an additional rearward facing 3<sup>rd</sup> bedroom accessed by a newly constructed staircase on the existing 4<sup>th</sup> level of the building. The proposed addition will be in similar keeping with the existing building and back onto the current street front loft space conversion of Flat 299C. The proposed development would therefor mostly be concealed by the neighbour's unit.

The property is within the West End Green Conservation Area. The terrace in which the flat sits is grouped as a building which makes a positive contribution to the Conservation Area.

## 2.2 Relevant History

2010/0186/P - Additions and alterations including the erection of roof extension with terrace to existing **studio** flat and extension to existing extract duct (500mm) above roof level in association with ground floor restaurant use. Granted 01/06/2010

9101341 - Change of use of third floor flat to create two self-contained flats. Granted 12/03/1992

## 2.3 Planning Policy

- CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden.
- Local Development Framework Core Strategy, policies DP24 (Securing high quality design) and DP25 (Conserving Camden's heritage) of the London Borough of Camden Local Development Framework Development Policies.
- Camden Planning Guidance CPG1: Roof alterations and extensions – general principles paragraph 5.7 Additional storeys and roof alterations are likely to be acceptable where:

- a) 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*

- b) 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*

## 2.4 Reasons for planning refusal

- a)** The proposed roof extension would create an incongruous roof top addition to a building that has already been extended at roof level, and by reason of its size, location and detailed design, would be harmful to the character and appearance of.

The host building, group of buildings it forms a part of, and the West End Green conservation area. The extension is therefore contrary to policies CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden.

Local Development Framework Core Strategy, policies DP24 (Securing high quality design) and DP25 (Conserving Camden's heritage) of the London Borough of Camden Local Development Framework Development Policies.

Design guidance in CPG1 states that buildings that already have an additional storey are considered unacceptable for further development. The test of development in a conservation area is based on whether the development would enhance or preserve the character. The addition is not considered to accord with either of these statements.

- b)** The proposed single storey roof extension would have an unacceptable impact on the neighbouring amenity in terms of loss of light to the adjacent light well windows, contrary to policy CS5 (Managing the impact of growth and development) of the London Borough of Camden Local Development Framework Core Strategy and policy DP26 (Managing the impact of development on occupiers and neighbours) of the London Borough of Camden Local Development Framework Development Policies.

The height and mass of the roof extension would result in a considerable loss of direct and ambient daylight to the habitable windows facing on to a light well that was originally design without the existing roof extension, originally a "V" valley roof formation. As discussed on the phone if you wish to go appeal which is the applicant's right and prerogative. I would strongly suggest undertaking a Daylight and sunlight impact assessment that meets criteria and standards set out by BRE.

### 3.0 Responses to Reasons of Refusal

a) We feel that the proposal is subordinate to its host building in scale and incorporates principle guidelines set out in CPG1 paragraph 5.15: “Mansard roofs are often the most appropriate form of extension for a Georgian or Victorian dwelling with a raised parapet wall and low roof structure behind. Mansard roofs should not exceed the height stated in **Figure 1** so as to avoid excessive additional height to the host building. They are often a historically appropriate solution for traditional Townscapes.”

As shown in **Figure 2** the proposal has taken into account the Pre-Application advice and adapted the design further to resemble a flat top mansard roof and was set further back from the parapet wall as advised. The proposal is therefore smaller in size, 90% hidden from any street view and is therefore respectful to the character and appearance of the host building and surrounding neighbourhood. **This is further supported by the Conservation Officer’s abstain from any comment or objection.** The Development has no criteria outlined in paragraph HE9 of Planning Policy Statement 5 (PPS5) – Planning for the Historic Environment which apply to 299D West End Lane.

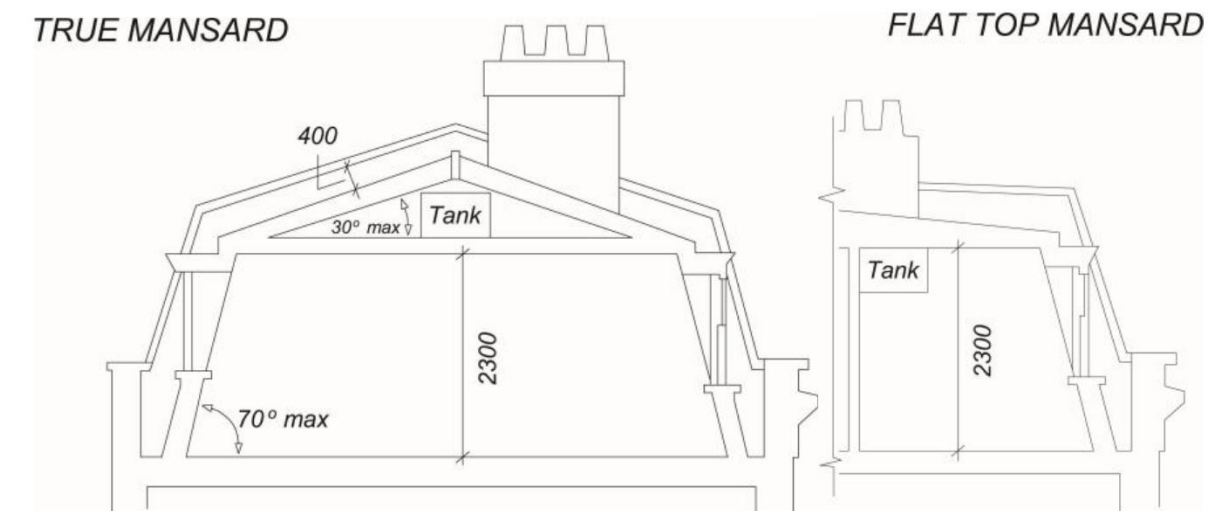
Further to the Pre-Application advice it is noted: “...that the neighbour Flat C has a larger roof extension and it is felt an established pattern has been created.” We further feel that in our opinion if left as existing flank elevation of the end terrace and roof line it would create an incongruous roof top and “unfinished” character to the roof line and contradictory to the majority of the neighbourhood’s mansard roof termination of the conservation area.

**Figure 3** clearly reflects the unbalanced symmetry and form if left undeveloped and further indicates the natural line the eye would follow and expect to be defined by the proposal as per CPG 1 paragraph 5.15.

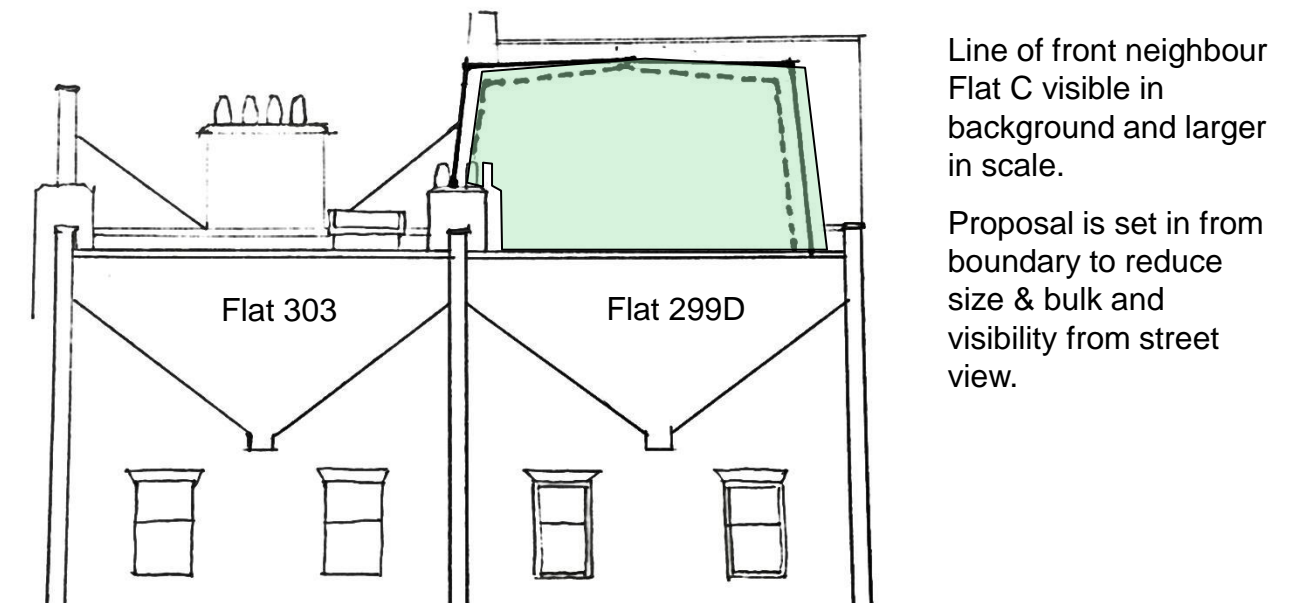
Although the original *studio apartment* had already received a roof level infill we feel it should be taken into consideration that the roof level was not razed and created much needed living space for initial residence. Since then the family has grown and so there is much need for the additional space to preserve and enhance the inhabitant’s quality of life.

Further more we feel in our opinion that the development would seek to preserve the character of the host building and neighbourhood by the use of roofing materials of the highest quality because of their significant visual impact on the appearance of a building and townscape and the need to be weather-tight. Natural slate is the most common covering and this would be laid with a traditional overlap pattern typical of buildings of such nature in West End Lane.

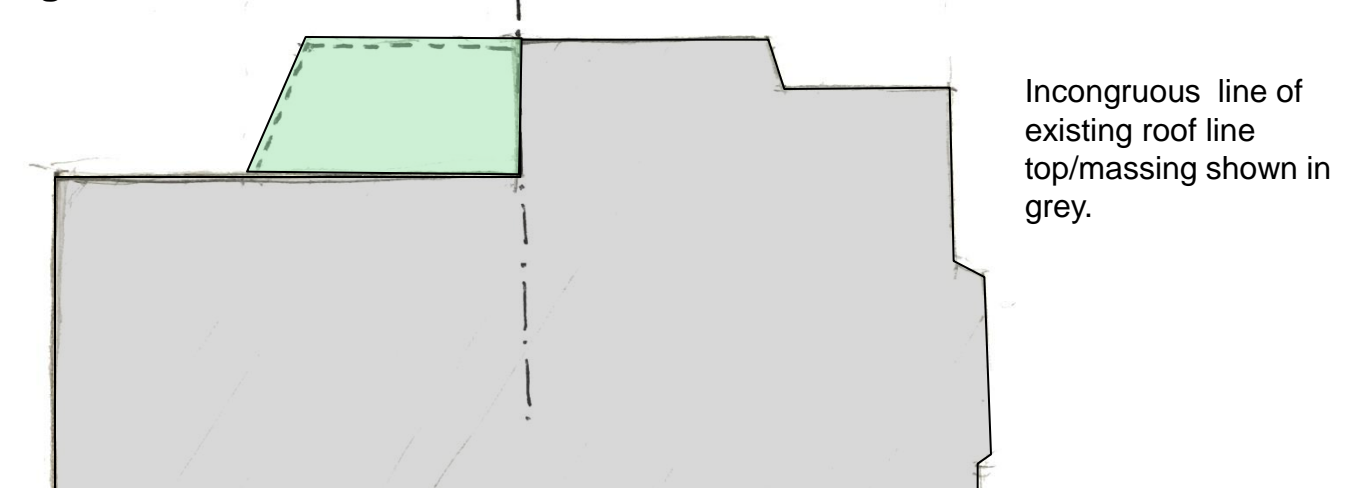
**Figure 1: Mansard Roofs**



**Figure 2: Proposed Flat Top Mansard Rear Elevation**



**Figure 3: Side Elevation**





### 3.0 Responses to Reasons of Refusal...continued.

- b) It was recommended by the appointed planning officer that a Daylight and Sunlight study should be undertaken. The results of such said study revealed that the majority of the windows tested meet or surpass the BRE numerical recommendations. Whilst some windows do not meet the recommendations, the results are not unusual in the context of an urban location and does not constitute a considerable loss as originally assumed by the appointed planning officer. The BRE guide explains that the numerical guidelines should be interpreted flexibly, since natural lighting is only one of many factors in site layout design. The local authority should therefore balance daylight and sunlight considerations against all other material planning considerations when deciding whether to grant planning permission. Please refer to the full report findings in the attached **Appendix C**.

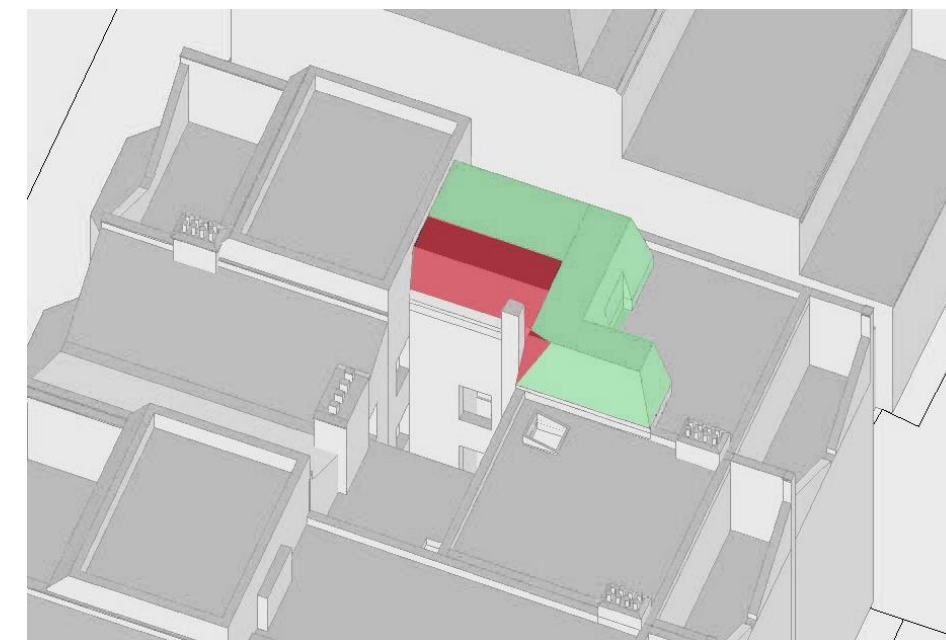
### 4.0 Mitigating Factors & Conditions

1. The original building had unbroken roof valleys but over time this has changed. The proposal would be for the creation of a roof extension in a similar position to the neighbour at Flat C. The addition would back onto the rear of the roof addition at Flat C. The extension would create an additional bedroom and a terrace area which is **well set back from the existing rear building line**. The extension would be set in from the side boundary with the Black Lion public house and would only be barely visible from some angles when walking down West End lane to the property.
2. The Conservation Officer has abstained from any comment or objection.
3. To further reiterate comments received during Pre-Application Advice: *"It is considered that the proposal would not appear out of character with the adjoining properties or the Conservation Area as a whole. There are extensions at roof levels in the immediate area and the proposal would be similar to those but would also be smaller in size. The extension needs to retain the relationship with the roof addition at Flat C. It is felt that the proposal should be stepped down from the extension at Flat C to reduce its prominence. The proposals ridge should fall just under that of the ridge at Flat C. It should be clad in roofing materials and this would help to keep the proposal to appear as a secondary addition. It is not felt that the proposal would undermine the architectural style of the terrace, additions have been common place at roof level on this section of West End Lane."*

*For the reasons listed above the proposal **is generally considered to be acceptable following amendments**. The proposal should be set in from the boundary which it shares with Public House. The proposal for a roof extension is unlikely to be detrimental to the character of the West End Green Conservation Area. The alterations to the fenestration should be in keeping with the original property in terms of materials to be used..."*

4. We are prepared to consider the condition to further cut back portions of the Mansard roof based on sensitive areas identified during the Daylight & Sunlight study as indicated by the areas shown in red in **Figure 4** below and in Appendix D. However, to make this feasible we would suggest bringing the mansard closer towards the opposite boundary which it shares with Public House.

**Figure 4: Cut back perspective**



Suggested cutback lines to mitigate Daylight & Sunlight concerns.



#### 4.0 Mitigating Factors & Conditions...continued.

5. With further consideration to policies CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden and Local Development Framework Core Strategy, policies DP24 (Securing high quality design) and DP25 (Conserving Camden's heritage) of the London Borough of Camden Local Development Framework Development Policies we have explored the possibility of introducing some form of improved façade treatment to the mass bulk flank wall as seen from the street view or isolated to the proposed development's roof only.

Although only a small portion of the wall forms part of the appellant's property this in our opinion is an unattractive element of the building and lends itself to the possibility of the instillation of a "Live Green Wall System" or artwork form of similar nature that would soften the mass and urban fabric of the street scene. We believe this may create an attractive and considerable improvement to the abrupt interruption of the existing street scene.

We therefore are willing to put forward as a condition the exploration of this addition to the design scheme, but it would be subject to a feasibility study and the input and collective co-operation of all the building occupants and community. Cost should equally be shared between all beneficiaries of above mentioned installation. **Figures 5 – 8** serves as concept images for such a proposal. Also refer to **Appendix E** for further information.



Figure 5: Victoria

Figure 6: Notting Hill



Figure 7: Edgware Station



Figure 8: Coco Cola Office Roof Terrace



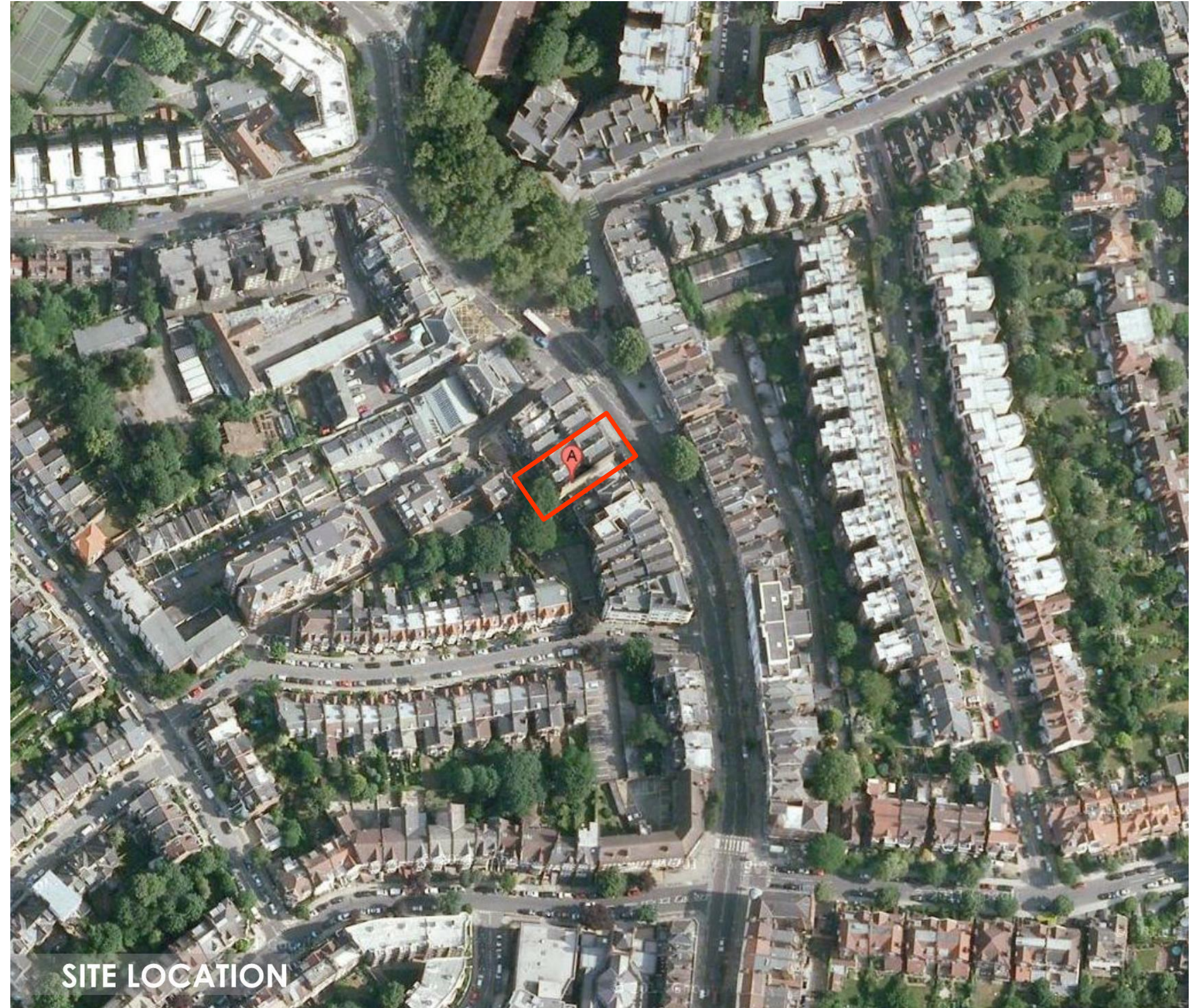
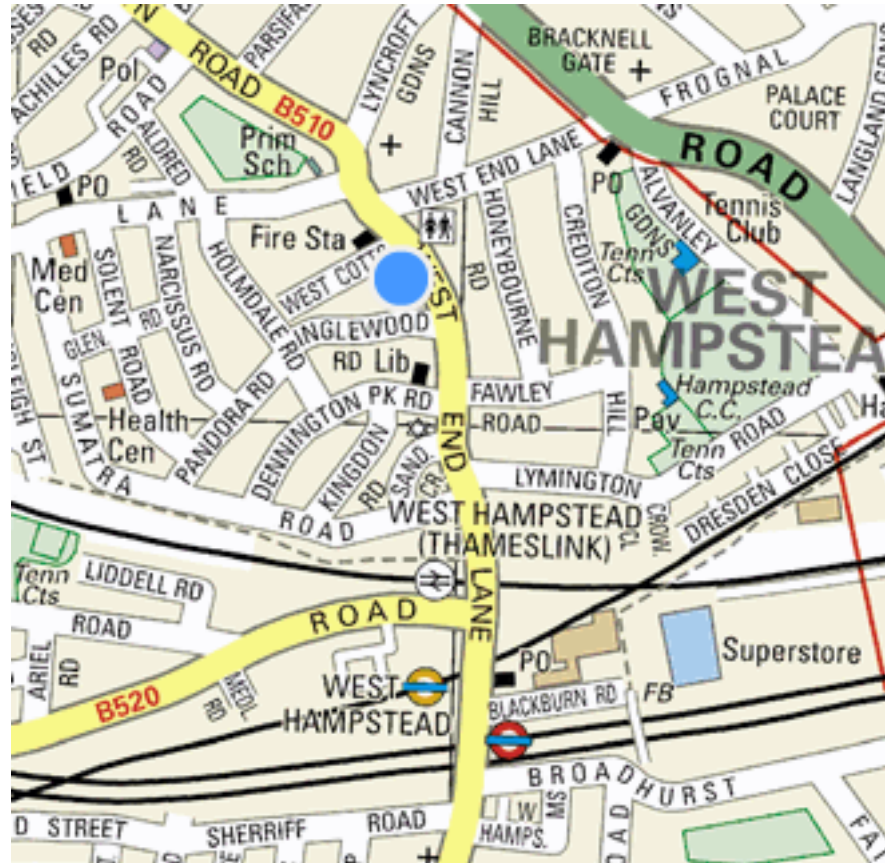
## 5.0 Conclusion

It is regrettable that this proposal has to come before the Planning Inspectorate for a decision.

Elements of concern such as Local Development Framework Core Strategy, policies DP24 (Securing high quality design) and DP25 (Conserving Camden's heritage) of the London Borough of Camden Local Development Framework Development Policies have been identified and measured against the proposed design scheme.

1. We feel through detailed and diagrammatic exploration of the design and surrounding environment that the proposed development respects existing building lines, is subordinate to its host building and is in similar keeping to the surrounding architectural style and material use within the conservation area.
2. We have taken on board the initial comments received from the Pre-Application Advice as best we could within the constraints of the site. We feel it should also be taken into account that the initial pre-application was generally received in a positive light.
3. In support of the appeal a professional BRE Daylight & Sunlight study revealed that the majority of the windows tested meet or surpass the BRE numerical recommendations. We have also put forward further conditions that the appellant would be willing to accept to mitigate any concerns relating to policy CS5 (Managing the impact of growth and development) of the London Borough of Camden Local Development Framework Core Strategy and policy DP26 (Managing the impact of development on occupiers and neighbours) of the London Borough of Camden Local Development Framework Development Policies.
4. The proposed development is for a family which consists of a married couple and with the addition of a new baby boy into the family they are looking to extend the property to maximize the available internal floor area, so that the house may comfortably accommodate the new family member as well as frequent guests.
5. The Inspector is respectfully requested to allow the appeal and if necessary subject to proposed conditions mentioned in Section 4 of this document.







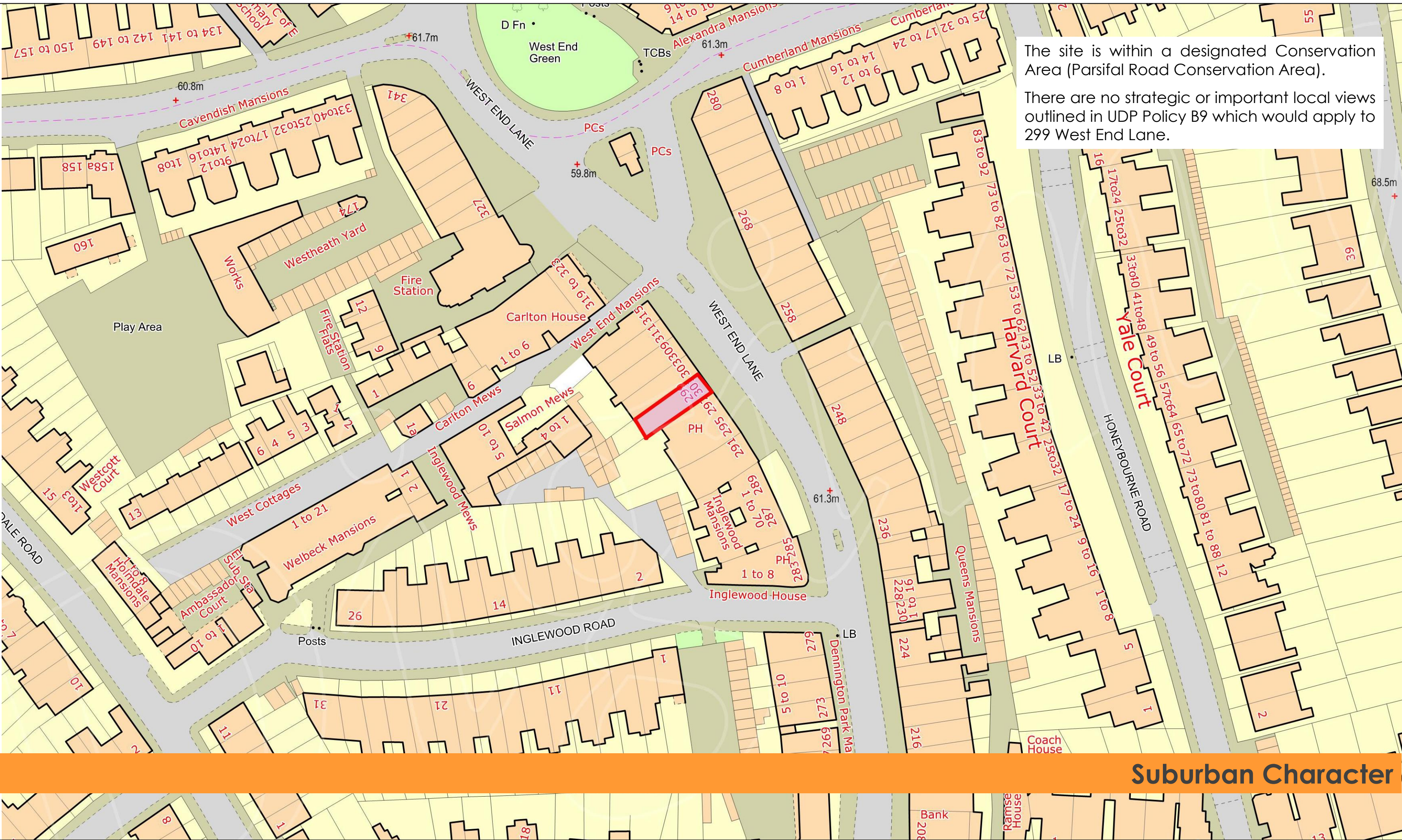


Aerial view from West



Aerial view from South





Suburban Character



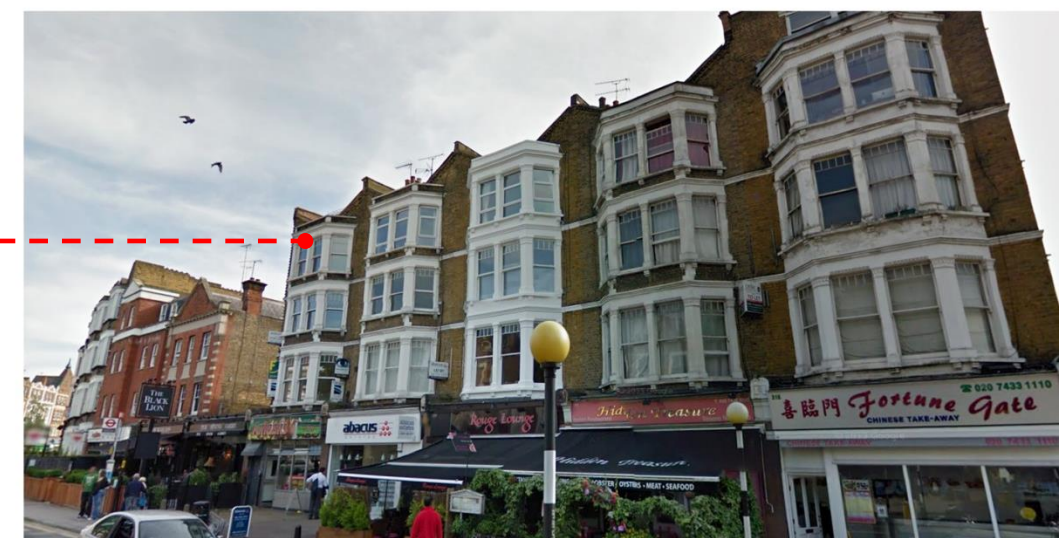
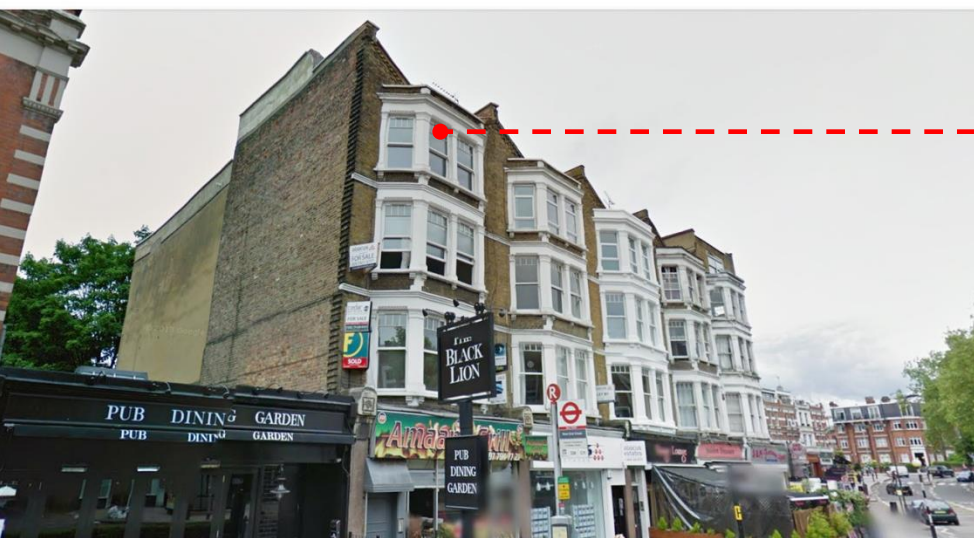


No. 295-297

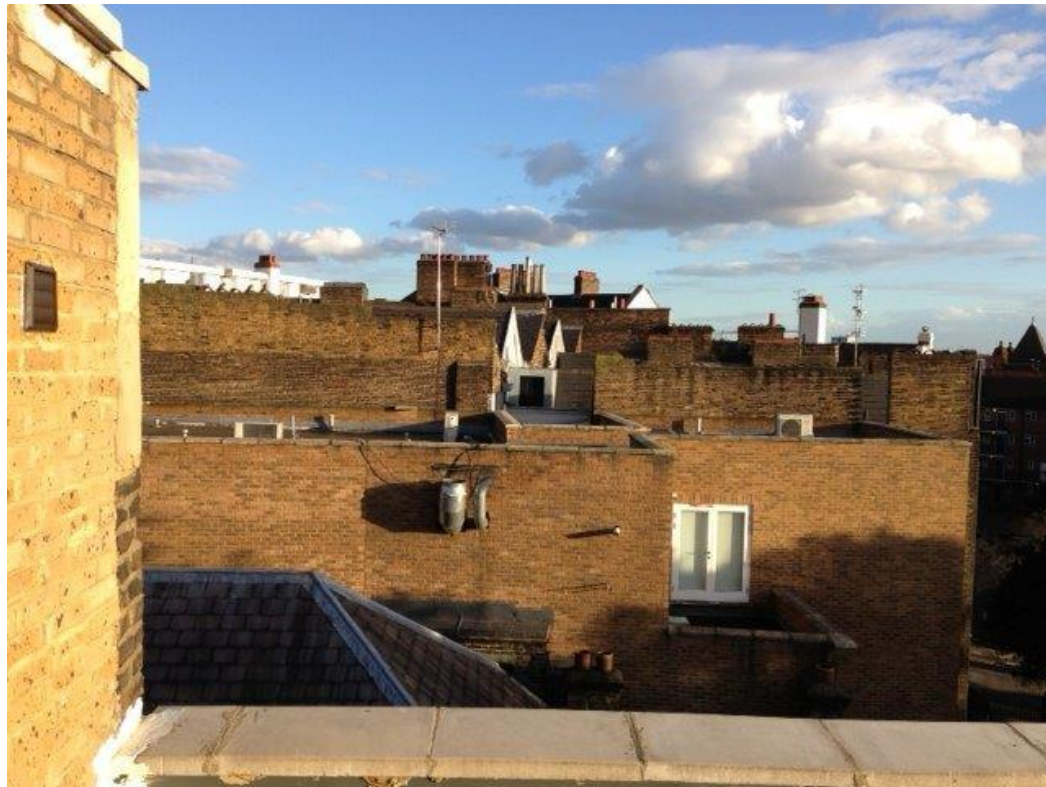
299 West End Lane

No. 303

No. 309



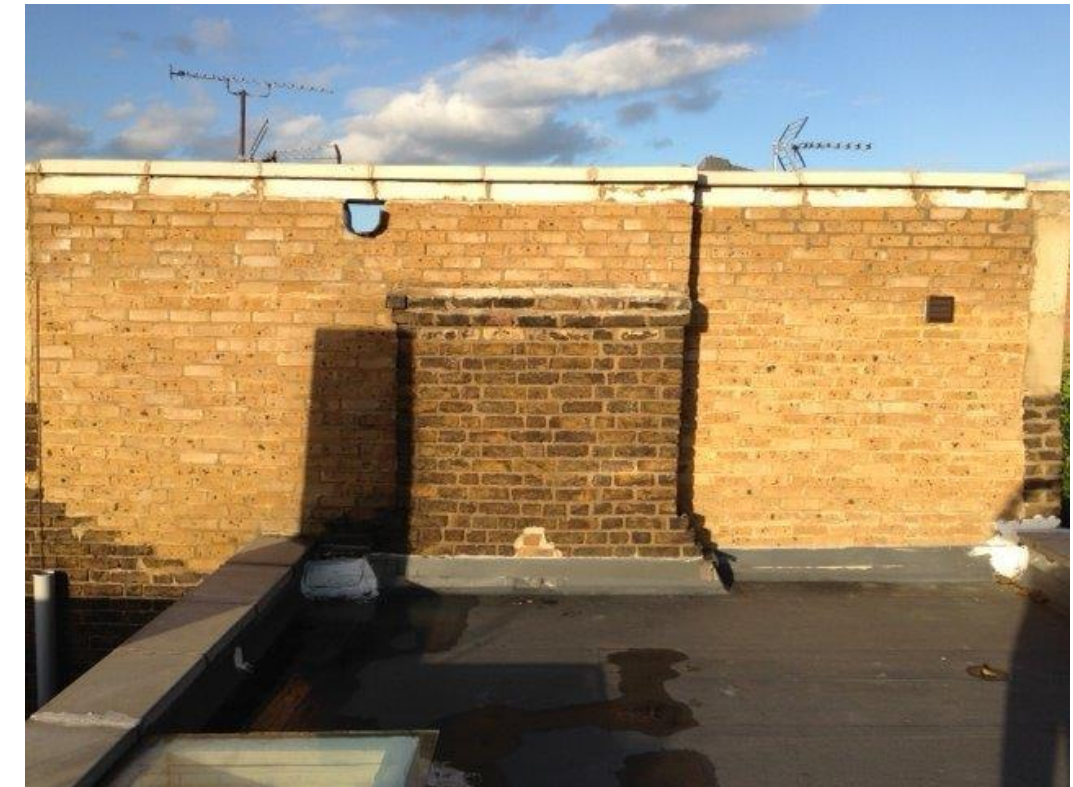




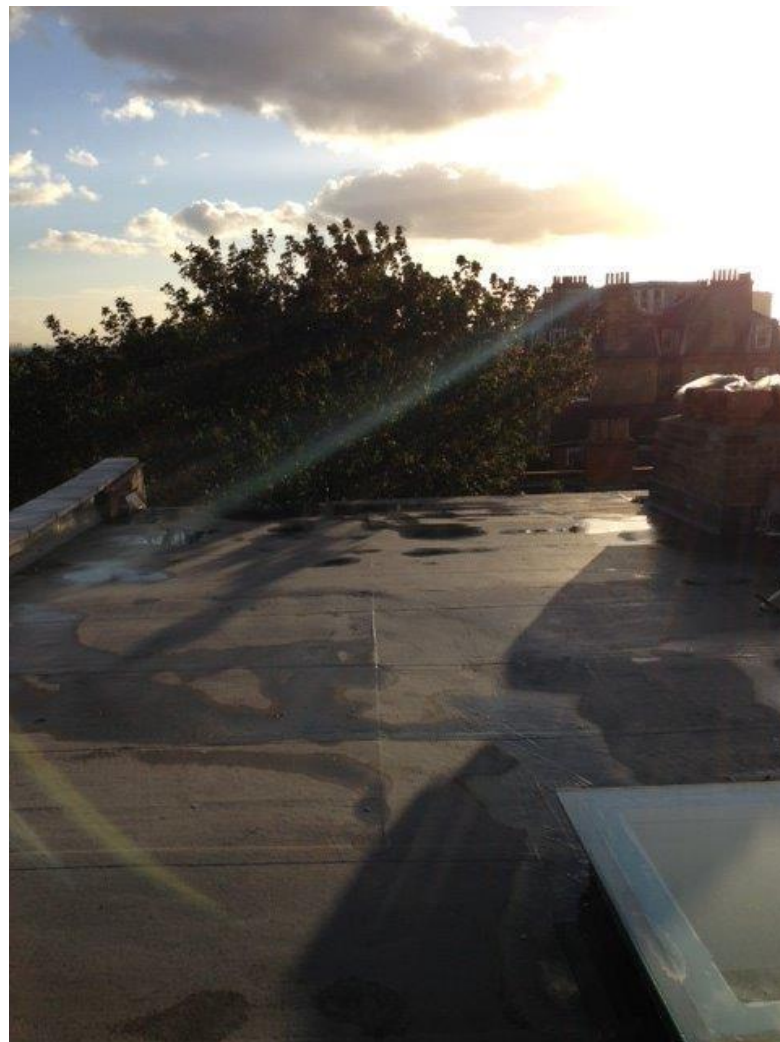
1. North to South View



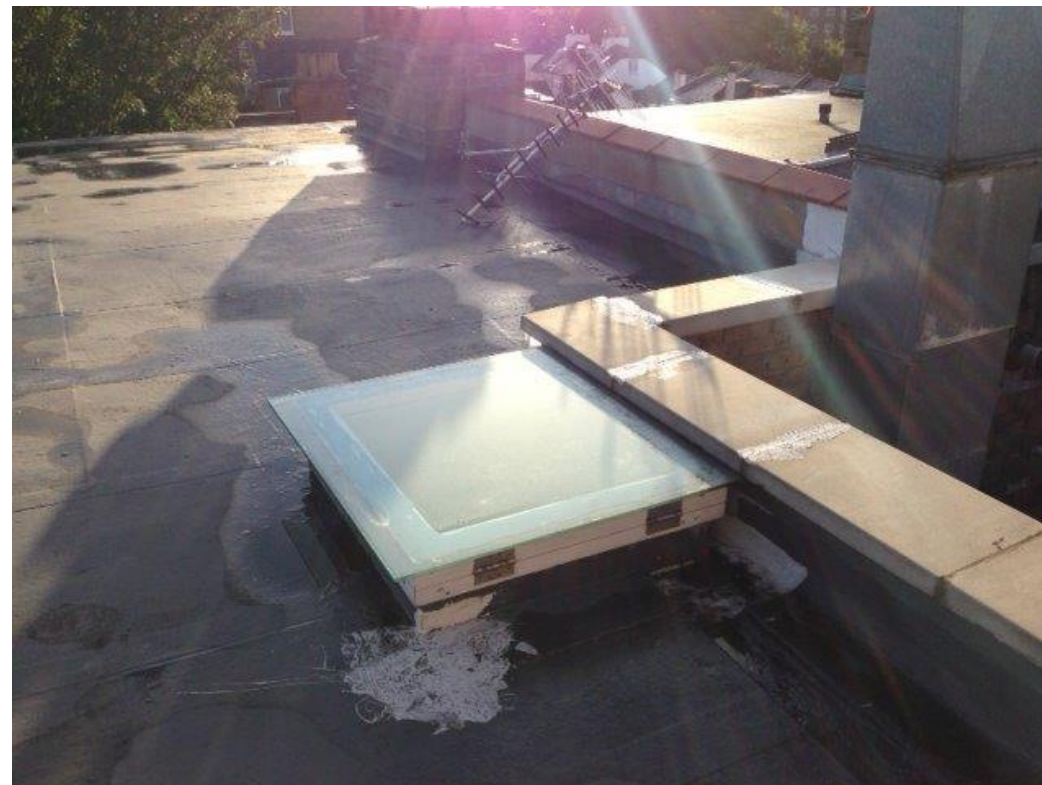
2. South to North View



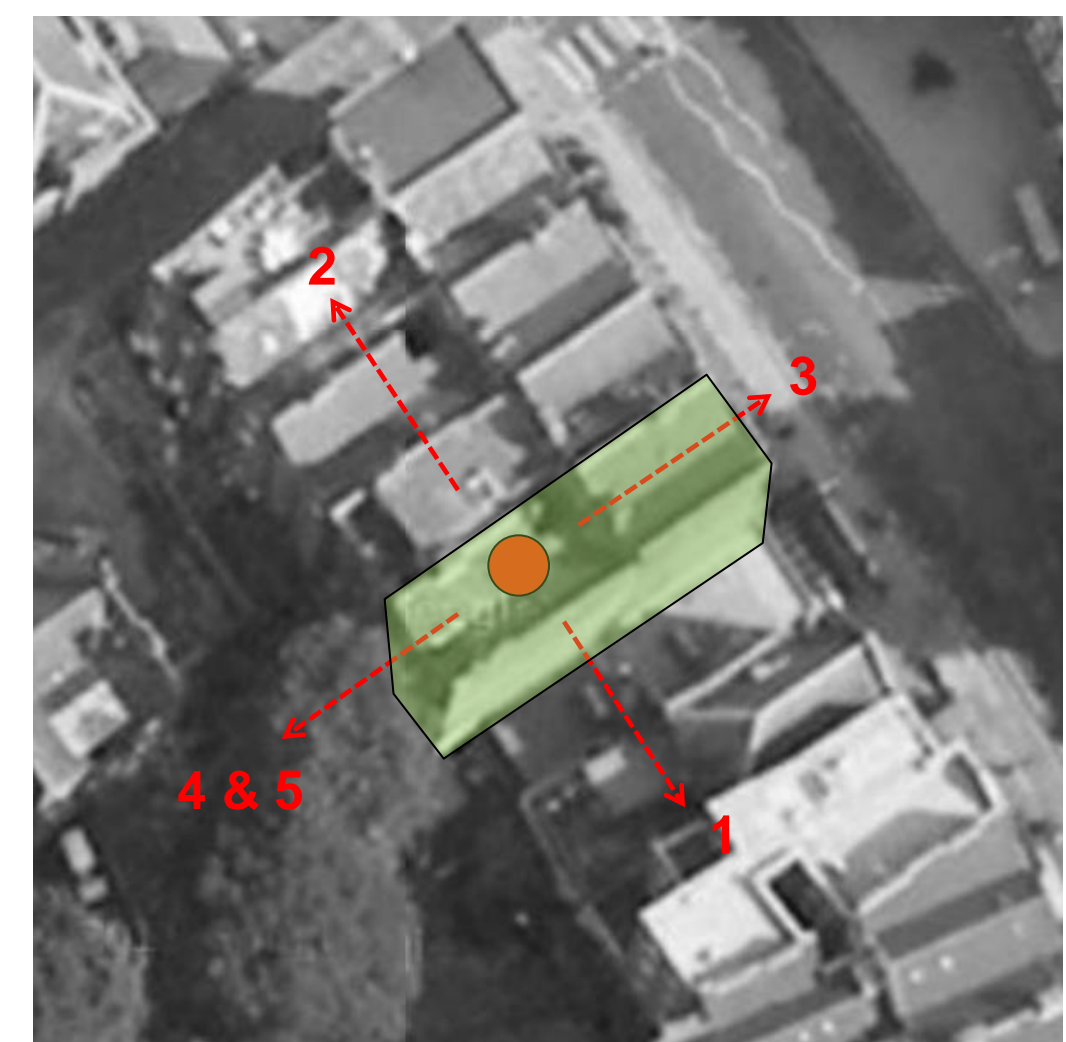
3. East to West View



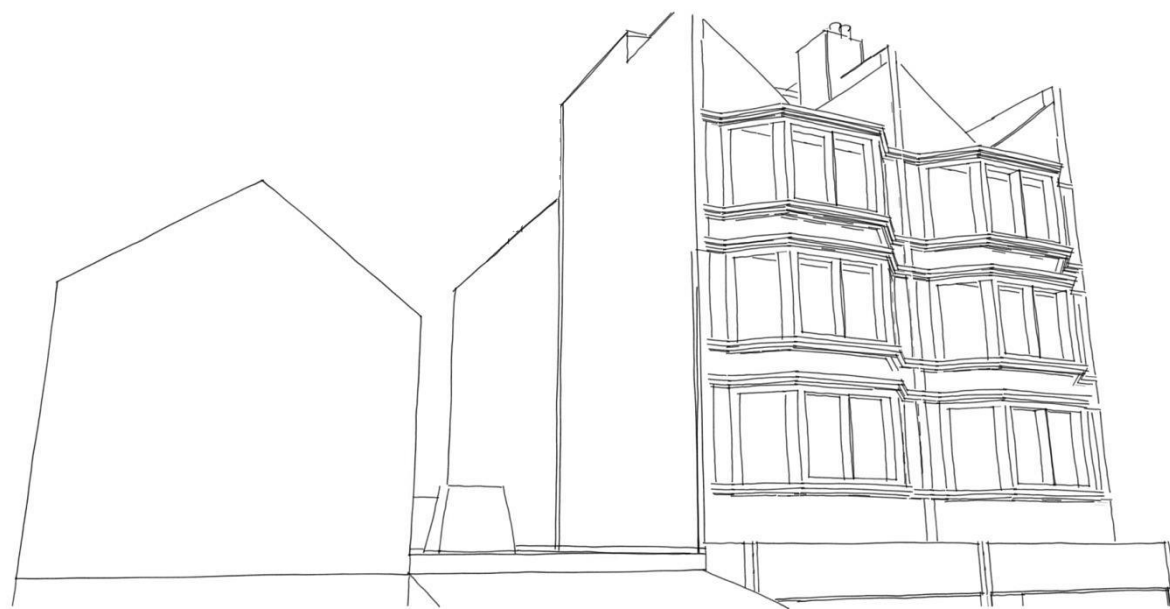
4. West to East View



5. West to East View







**View from Street**

Limited visibility of proposal from street shown in green.



**View from Street Proposed**

PROPOSED NEW ROOF LEVEL  
CONVERSION

MATERIAL: Brick to match  
existing London Yellow Stock  
brick high quality  
timber/aluminium windows.

