

**97 Camden Mews
London
NW1 9BU**

Full Appeal Statement

APPEAL REF: APP/

LPA REF:

Appellant:

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INTRODUCTION

- 1.1 This appeal is made on behalf of Simon Oliver (“the Appellant”).
- 1.2 This Statement of Case is prepared by Firstplus Planning Consultants on behalf of the appellant and it is in response to the decision of Camden Council (“the Council”) to refuse planning permission for “change of use from Car Garage (B2) to Residential (C3) to provide 2 x 3 storey, 3 bedroom houses following the demolition of the existing building” (“the proposed development”).
- 1.3 The subject site No 97 Camden Mews, London NW1 9BU is a single storey building which was previously used as a motor repair garage building.
- 1.4 The list of documents submitted as part of the application are set out in the submission letter and the case officer’s report
- 1.5 The Council undertook statutory consultation with the adjoining properties, however due to an oversight on their part, they excluded the occupiers of the properties directly opposite the site. *This action may have unduly antagonised the neighbours as is reflected in their responses.*
- 1.6 The responses to the Council’s statutory consultation is set out in the Officer’s report. The appellant has addressed the planning issues raised during the consultation process in the revised scheme. The change of use of the garage which is supported by marketing evidence is acceptable to the Council. However the council refused the application after *five reiterations even though at each stage the appellant sought to address the issues raised by the planning officers and statutory consultees.* Despite the numerous amendments to the scheme the Council decided not to grant planning permission. The reasons for refusing to grant planning permission are set out in the decision notice dated 11 November 2015.
- 1.7 This Appeal Statement of Case focuses mainly on the issues raised in the 1st two reasons for refusal.
 1. impact of the proposal (bulk, scale, mass and detailed design) on the character and appearance of the Camden Square Conservation area
 2. loss of outlook to the adjoining neighbours due to the height and proximity to the outdoor rooftop private amenity area of 99A Camden Mews.

- 1.8 The first reason for refusal relates to the physical design aspect of the development and the merit or otherwise of these can readily be explored within the context of planning policy and standards, as well as precedent within the vicinity of the site. In addition, the second reason for refusal, which relates to harmful loss of outlook to the adjoining occupiers is baseless in the context of planning policy for the area (which contain no policy provision for 'proximity to outdoor rooftop private amenity area').
- 1.9 Although we agree with the Council that *"reasons for refusal numbered 3-6 could be overcome by entering into section 106 legal agreement for a scheme that was in all other respects acceptable"* (see page 3 of Decision notice), we have nevertheless prepared a Sustainability Statement and a Construction Management Plan. Copies of the two documents are submitted for your kind consideration as part of the appeal.
- 1.10 This appeal statement demonstrates that the Council's grounds for rejecting the proposal are weak and not consistent with the type of development in the same street.
- 1.11 The issues outlined above are addressed in the corresponding sections of this Full Statement of Case
- 1.12 This statement should be read in conjunction with the independent Heritage Assessment carried out by Heritage Services. The statement (see accompanying document) provides an assessment of the impact of the proposed development on the character and appearance of the Conservation Area and the buildings of Camden Mews. It also responds to the comments and issues raised by the Council, providing rebuttals to the objections on the grounds they would fail to preserve and enhance the special character of the buildings, the setting and the conservation area.
- 1.13 In addition, a Sustainability Statement and Construction Management Plan have been prepared. Both documents should also be read in conjunction with this statement.

Key Policies

The policy details listed here where specifically referred to in the Appeal and accompanying statements. It does not in any way signify that only these policies should be taken into account in considering the appeal proposal.

2.1 National Planning Policy Framework paragraph 2010

- Optimise the potential of the site to accommodate development (58)
- Imposition of architectural styles or particular tastes (60)
- Contribution to character and local distinctiveness (126)
- Impact on significance (128)
- Suitable design (9, 17, 59, 186 and 187)
- Conservation of heritage assets (132, 134)
- The setting (128, 129, 132 and 137)

2.2 The London Plan March 2015, consolidated with alterations since 2011

2.3 Camden Plan Documents

- Camden Unitary Development Plan (adopted in 2007)
- Camden Core Strategy (adopted in December 2010)
 - Policy CS14 (Promoting high quality places and conserving our heritage)
- Camden Development Policies
 - DP24 and DP25
- Camden planning guidance:
- The Camden Square Conservation Area Appraisal and Management Strategy (adopted in March 2011)
 - The site, 97 Camden Mews is situated in an area within the Camden Square Conservation Area. The Camden Square Conservation Area Appraisal and Management Strategy was adopted in March 2011. The document which is in two parts sets out the special character of the area (Conservation Appraisal) and positive actions that are required to preserve or enhance it (Management Strategy).
 - The strategy describes Camden Mews, as an area that “developed incrementally over a hundred and fifty years and packed with ingenuity and variety” (Camden

Square Conservation Area Appraisal and Management Strategy 2011). The “inventiveness” and “variety” which characterise the mews is attributed to the architects who found the relative seclusion and cheapness of the land attractive.

FOUNDATIONS / STATEMENT OF APPEAL

Ground of Appeal 1: The proposed development will enhance and make a positive impact on the character and appearance of the Camden Square Conservation Area

Justification

3.1 Proposal accords with National Policy especially paragraph 60 & 126.

- The Council did not take into cognisance the National Policy Guidance as contained in the National Planning Policy Framework (Para 60) which states that “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. It is, however, proper to seek to promote or reinforce local distinctiveness”. Furthermore the NPPF also requires Local Authority to take into account “the desirability of new development making a positive contribution to local character and distinctiveness” (Para 126).

3.2 The Right approach advocated by English Heritage & CABI was taken into account in designing the scheme.

- The proposal has been designed with attention to detail, taking note of the wider context of the Mews. The idea that the only way the Conservation Area can be enhanced is by mimicking the existing positive contributor (see para 4.6 of Case Officer’s report) is incongruous to say the least. It should be noted that “in conservation debates and formal expressions of conservation principles a strong emphasis is often placed on architecture being of ‘it’s time’ and not ‘pastiche’. New buildings are “expected to be honest and authentic and be a representation of the age in which it is constructed”¹.
- English Heritage and CABI Publication – Building in Context (English Heritage CABI 2001) advocates a contextual approach. The document gave examples of distinctively modern architecture which are more sympathetic to context. Page 5 of the document sets out the right approach (see extract below). The proposed scheme has successfully taken cognisance of the points. The intention of the design is to enhance and make a positive contribution to the “inventiveness” and “variety” of the mews, therefore meeting the obligation set out in the NPPF and Camden Council policy documents.

¹ Conservation in the Age of Consensus. John Pendelbury, Routledge, 2008.

The Right Approach

The belief underlying this publication is that the right approach is to be found in examining the context for any proposed development in great detail and relating the new building to its surroundings through an informed character appraisal. This does not imply that any one architectural approach is, by its nature, more likely to succeed than any other. On the contrary, it means that as soon as the application of a simple formula is attempted a project is likely to fail, whether that formula consists of 'fitting in' or 'contrasting the new with the old'. A successful project will

- relate well to the geography and history of the place and the lie of the land
- sit happily in the pattern of existing development and routes through and around it
- respect important views
- respect the scale of neighbouring buildings
- use materials and building methods which are as high in quality as those used in existing buildings

3.3 Design fits in with the Eclectic nature of the mews

- The Officer's report stated in paragraph 4.2 that "the character of the Mews is one of irregularity, in terms of materials and design, reflecting its piecemeal development over 150 years." It should be noted that it is the 'irregularity' that gives it the character it has. It then behoves that the proposed design should fit in with the eclectic nature of the Mews.
- It is a sacrilege therefore to expect the proposed development which is a modern infill development that has been designed sensitively to its context, respecting the eclectic design; height, bulk, scale and materials in the area should singularly mimic the design elements of 99a, albeit it is seen as a positive contributor to the character of the mews. It should be noted that throughout the discussion with the case officer, no clear urban design guidance was given. The various design options submitted in the five revisions carried out as a result of discussions held with the Council attest to this.

3.4 The proportion of the fenestration of the proposed scheme is in keeping with the character of the Mews.

- The officer's report drew attention to the treatment of the window as a particular unique feature to be mimicked. "Like the neighbouring property at 99a Camden Mews, the subject building is considered a positive contributor with attention to detail such as its metal window divided into several lights, deep reveals and contextual material of stock brick." The report is salient on the various treatment of fenestrations in the mews. It is evident by looking at the properties in the area that there is no dominant window style in the Mews (see Fig 1), therefore the proportion of the fenestration of the proposed scheme is in keeping with that of the adjoining properties.

3.5 The design takes into account the context of the wider area i.e the Mews

- The case officer failed to consider the context of the proposed dwellings in its wider area, rather the council is focusing solely on the building which adjoins the site. The issue of context is important as highlighted in the case of the Historic Building & Monument Commission v Secretary of State (1996) ECGS 176.
- In case studies carried out, Hobson (2004)² observed that “while conservation professional advocate contemporary design, planning officers look for ‘conservative usually acceptable scheme’ and Councillors seek ‘safe approaches’”. It is not surprising therefore that the Council in seeking a ‘safe design’ is not appreciating the modern architecture offered by the scheme which is more sympathetic in context and will undoubtedly contribute to the enhancement of the Mews.
- True conservation is not about historic reproduction and weak interpretation of historic forms, these approaches to design whilst it may be acceptable to Planning Authorities due to its ‘safe approach’ should not be seen nor advocated as conservation.

Findings from the independent Heritage Assessment supports the proposal. The key findings from the Heritage Assessment are as follows:

3.6 Proposal will not adversely affect the character of the area

- The proposal is of a scale and form that it would blend into the existing built character of the area and would not have any harmful impact on the key buildings that define the areas character.
- Due to the raised parapets and pitched roofs, views are directed to the upper levels and the roofline of the buildings in the mews. It is significant then that the view taken of the roof of no 99 and no 101, would not be affected by the addition of a storey and set back roof, but would rather be complemented.
- Regarding the vistas, the report shows that the sudden drop in the roof line at the point of the garage constitutes a weakness in the scale of other street. Where the flat roof of the garage is evident it is an unsatisfactory element in the skyline. It concluded that development in this respect would not adversely affect the areas character. Furthermore, design precedent may be set by the surrounding pitched roofs which give many buildings an extra storey set back from the visual plane taken from the street.

² Conservation and Planning: Changing Values in Policy and Practice, Edward Hobson, Spon Press, 2004

3.7 The new development is appropriate and compatible in terms of size, scale, massing and design (CS14) and relates to strategic and local views

- In respect to the Core Strategy the scheme relates well to the distinctive local character of the area and its adjacent buildings and is designed to create a safe, inclusive and attractive environment that will enhance Camden's rich and diverse heritage. The analysis has shown that the new development is appropriate and compatible in terms of size, scale, massing and design (CS14) and relates to strategic and local views. The proposal to create new built form in a historic void provides an innovative design that will greatly enhance the built environment (DP24). As a result it will be in keeping and positive to the character and appearance of the area and the Conservation area, and its setting. The assessment shows that the design is in harmony with the characteristic form of the area and surrounding buildings, in terms of height, layout and building style.

3.8 The degree of benefit the proposed dwellings will bring far outweigh the loss of historic fabric or a building of social historical importance.

- London Borough of Camden state unequivocally in the consideration of problems and pressures, in the Conservation Area that the capacity for change could include the "Redevelopment of garages in Camden Mews (north) and Canteloves Road "³. Its demolition would lead to minor harm to the conservation area by virtue of the loss of the front elevation and patina from the existing materials and a certain degree of historic integrity that derives from the survival of this fragment of the late 19th century mews. However, this would amount to 'less than substantial harm'. In line with para 134 of the NPPF this requires the harm to be weighed against the public benefits of the proposal. The replacement of the existing garage with new dwellings will enhance the conservation area as the replacement dwellings are of a high quality of design. The degree of benefit they bring to the public realm as well as the requirements of 21st century living space far outweigh the loss of historic fabric or a building of social historical importance.
- In respect of National Policy, the degree of the harm caused to the historic environment is balanced against the wider design, public realm and community benefits. The proposed new buildings would be an appropriate solution to this section of the mews, particularly as a result of its design, which is based on respect for traditional architecture, and its use of materials, which sit well within the locality.
- The alterations would not adversely affect the existing quality and character of the conservation area, as a whole.

³ Page 38, CAAP

3.9 The design of the proposed addition contributes positively to the character, distinctiveness and significance of the historic environment

In consideration of the policy assessments, the design of the proposed addition contributes positively to the character, distinctiveness and significance of the historic environment. The design takes into account the following characteristics of the surroundings:

- The significance and character of nearby heritage assets and the contribution of their setting;
- The general character and distinctiveness of the local buildings, spaces, public realm and the landscape.
- The diversity in style, construction, materials, detailing, decoration and period of existing buildings and spaces;
- The hill-slope topography of the mews in contrast with the general verticality of the built townscape;
- Views into and from the site and its surroundings.

Whilst LBC have viewed the design, mass and bulk of the proposed buildings as not acceptable, the Heritage Statement shows how the proposal has sufficient merit to outweigh any negative aspects and with the structure in place the impact will be minimal. The prescribed view for Camden Mews is that which is taken from its north east extreme at York Way. Due to the gently falling slope and the linear character of the mews it is impossible to make out the stretch of mews in which the subject property is sited. So any development here will not have an impact on the integral character of the Conservation Area in terms of views. Further, the Appeal proposals show that more intimate views will not reveal much of the third floor and only focus on the elevations of the new building as they sit adjacent to the adjacent building and buildings either side. The intention is to improve a section of the mews where the relative visual interest has been eroded by the garage.

As the character of the group of properties has been severely compromised by the garage and the drop in roof line the infilling between no 99 and no 95 would help re-unite the group. Whilst the pitched roof on surrounding properties provides strong justification for a setback on this floor of the new building, with the addition being architecturally sympathetic to the age and character of the adjacent building and not harming its appearance.

3.10 The new roof element will not harm the significance of the gable roofs of no 99 and no 101.

The report regarding the vistas is that although the new third floor is currently within the panorama of the adjacent building and no 93, the new roof element does not feature as a primary element within the visual frame and so will not harm the significance of the gable roofs of no 99 and no 101. So development in this respect would not adversely affect the group's character.

3.11 The new buildings will contribute to the intimate scale of the street scene, and add to the nuance given by the intermittent trees in the mews.

Furthermore, the scheme responds faithfully to the mews context which is largely represented through a rich variety of inventive houses and converted workshops. The new buildings will contribute to the intimate scale of the street scene, and add to the nuance given by the intermittent trees in the mews.

3.12 The proposal has potential heritage that weighs in favour of the scheme

The following are the highlighted potential heritage benefits that weigh in favour of the scheme:

- It enhances the significance of a heritage asset and the contribution of its setting.
- It makes a positive contribution to economic vitality and sustainable communities.
- It is an appropriate design for its context and makes a positive contribution to the appearance, character, quality and local distinctiveness of the historic environment.
- It better reveals the significance of a heritage asset and therefore enhances our enjoyment of it and the sense of place.

3.13 The proposal complies with Policies CS14, DP24 and DP25 as it will contribute positively to the character and appearance of the Conservation Area

- The proposal complies with Policies CS14, DP24 and DP25 as it will contribute positively to the character and appearance of the Conservation Area, the addition of a third storey roof through the addition will help achieve greater uniformity of the roofline.
- The proposal complies with policy because the group of properties would be re-united by the new building, providing a continued roofline that would balance this section of the mews.
- The degree of harm to the significance of 97 and 99 Camden Mews and the conservation area does not warrant the refusal given by the Council.

Fig 1: Photo montage of existing properties in Camden Mews



Ground of Appeal 2: The development will not have an adverse effect on neighbouring amenity and will not lead to loss of outlook to the adjoining occupiers namely 99A Camden Mews.

Justification

3.14 The proposal was designed to reflect the relationship between the side terrace of Number 99a and the subject site

The proposal took into cognisance the existing side roof terrace at number 99a, it was designed to reflect the relationship between the side terrace of number 99a and the subject site.

- The 3rd floor of the proposed scheme has been stepped back significantly to ensure that there is no over bearing on 99a.
- A balustrade is proposed, in a similar version to other balustrades in the area to ensure privacy for occupiers of both properties when using the terraces. The balustrade will be made from toughened glass and it will not lead to a significant reduction in daylight and sunlight to the terrace.
- The stepping back and use of glass will ensure that the proposed development will not be so overbearing that it would be oppressive to the occupiers of No. 99a.

3.15 The side terrace at Nos 99a should not prejudice the optimum development of the appeal site which is contrary to Section 58 of the NPPF.

It should be noted that the Council in granting permission for a side extension at Nos 99a in 1977 could unwittingly prejudice the optimum development of the appeal site which will be contrary to Section 58 of the NPPF.

3.16 Loss of private right to views is not a planning consideration

Whilst the occupiers of Nos 99a had hitherto enjoyed unfettered views across No 97, however it should be noted that loss of private right to views is not a planning consideration

3.17 The proposed development will not affect the ability of the occupiers to continue to have reasonable enjoyment of their property.

Considering the position of the terrace and the fact that the properties are within an urban area it should be expected that there will be a degree of enclosure. The relationship between the terraces of the two property is not different from that of two properties with adjoining rear gardens, similarly the relationship is not different from other roof terraces in the area.

The applicant would consider adding trellises and plants to the balustrade to make it 'greener' if required. The proposed development will not affect the ability of the occupiers to use the terrace at 99a Camden Mews as the occupiers will continue to have a reasonable enjoyment of their property.

4.0 Conclusion

- 4.1 The Appeal Statement focused mainly on the first two issues raised by the Council, namely the impact of the proposal (bulk, scale, mass and detailed design) on the character and appearance of the Camden Square Conservation area and the loss of outlook to the adjoining neighbours due to the height and proximity to the outdoor rooftop private amenity area of 99A Camden Mews.
- 4.2 The Appeal statement is supported by a Heritage Assessment which was carried out in line with National Guidance. The Heritage statement considered the significance of the 'heritage assets' that form the context for No. 97 Camden Mews. It also took into account the historic environment in assessing the impact of the proposed development.
- 4.3 The assessment showed that the proposed development will not harm the character of the area, rather it will complement and complete the mews by unifying the adjoining buildings at ground and first storey, thereby enhancing the attractiveness of the adjacent elevations. Its simple elevation will also serve to reinforce the integrity and quality of the original adjacent building at no 99.
- 4.4 In respect of National Policy, the degree of the harm caused to the historic environment is negligible. Minor harm is caused to the visual experience of certain buildings, but this is balanced against the benefits arising from securing a sustainable and appropriate new addition to the mews.
- 4.5 Regarding the loss of outlook to No 99a, the design of the proposal is in line with the NPPF section 58 which encourages optimising the potential sites to accommodate the development. The lack of consideration on the part of the Council, when it permitted a side terrace with views across the appeal site should not prejudice the development of the appeal site. The relationship between the two terraces is similar to the relationship between two gardens in an urban setting where a measure of enclosure is to be expected whilst respecting the privacy of the occupiers of both properties whilst allowing them reasonable enjoyment of their terrace.
- 4.6 The Council's reasons for refusal are spurious and without merit as demonstrated in the Appeal Statement and accompanying documents, the proposed development accords with policies contained in the NPPF, London Plan and the Council's plan documents.

For the above reasons and on the basis of the arguments put forward in this appeal statement the Inspector is respectfully requested to allow this appeal.