



**STATEMENT OF CASE IN SUPPORT OF
THE APPELLANT**

**CITY AND PROVINCIAL
PROPERTIES PLC**

**7- 8 JEFFREY'S PLACE,
LONDON NW1 9PP**

LPA REF: 2015/4920/P

MONTAGU EVANS REF: PD10454

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CONTENTS

<u>Section</u>		<u>Page No.</u>
1.0	Introduction	1
2.0	Background	3
3.0	Context	4
4.0	Benefits	5
5.0	Reasons for Refusal	7
6.0	Conclusion	12

APPENDICES (SEPARATELY BOUND)

1.0	Site Location Plan
2.0	Decision letter for application 2015/4920/P
3.0	Architect's Statement
4.0	Heritage Statement
5.0	Sunlight and Daylight Statement
6.0	Draft Unilateral Undertaking
7.0	Development Plan Policies

1.0 INTRODUCTION

- 1.1 This Statement of Case has been prepared by Montagu Evans in relation to the appeal against the refusal of planning permission by the London Borough of Camden (LBC) under application ref. 2015/4920/P. The appeal site is shown in the site location plan attached at **Appendix 1.0**.

The Development

- 1.2 The appeal application was for:

“Erection of a single storey roof extension to create a two bedroom flat.”

The Decision

- 1.3 The application was submitted on 27 August 2015 and refused permission on 24 November 2015. The decision notice is attached at **Appendix 2.0**. The reasons for refusal are stated as follows:

- 1) The proposed development, by virtue of its siting, scale, materials and detailed design, would appear as an incongruous addition to the host building and the surrounding area within which it is located failing to respect its character and integrity. Furthermore the development would fail to preserve and enhance the character of the surrounding Conservation Area and cause harm to the setting of the Grade II listed building at No.8-10 Ivor Street. Therefore the development is contrary 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.
- 2) In the absence of a Daylight and Sunlight Report the applicant has failed to demonstrate that the development would not detrimentally harm the amenity of neighbouring residents, contrary to policies CS5 (Managing the impact of growth and development) and DP26 (Managing the impact of development on occupiers and neighbours) of the London Borough of Camden Core Strategy and Development Policies 2010.
- 3) The proposed development, in the absence of a legal agreement securing car-free housing, would be likely to contribute unacceptably to parking stress and congestion in the surrounding area, contrary to policies CS11 (Promoting sustainable and efficient travel) and CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Local Development Framework Core Strategy (2010) and policies DP18 (Parking standards and the availability of car parking) and DP19 (Managing the impact of parking) of the London

Borough of Camden Local Development Framework Development Policies
(2010).

2.0 BACKGROUND

2.1 An application for prior approval at the appeal site was made on 8 January 2015 for:

“Change of use from office use (Class B1) at ground, first and second floor levels to residential use (Class C3) to provide 6 x 2 bed flats.”

2.2 Prior approval was granted on 2 March 2015 under application 2015/0232/P.

2.3 Full planning permission was subsequently granted on 7 May 2015 and under application 2015/1486/P for external works to the appeal site in association with the conversion to residential to enable:

- The replacement of all windows and doors
- The removal of existing rooflights to rear two courtyards at the rear of the site

2.4 Construction work is currently underway to convert the building to 6 residential units in accordance with the approvals granted.

3.0 CONTEXT

3.1 The site lies within the Jeffrey's Street Conservation Area. Jeffrey's Place is a secondary street with a range of building types and sizes. Listed buildings are located nearby including on both Jeffrey's Street and Ivor Street. The appeal site and the surrounding area are described in the Heritage Statement attached at **Appendix 4.0**.

3.2 The wider area is characterised by a diverse range of building styles and heights and includes the 1850 rail viaduct which dominates much of the surrounding townscape.

3.3 The precise details of the refused scheme are set out in the Architect's Statement attached at **Appendix 3.0** and in the Design and Access Statement that was enclosed with the appeal application. The key elements of the scheme can be summarised as follows:

- Single storey roof level extension
- Provision of one 2 bed residential unit
- Use of dark grey perforated metal panel cladding and a measured amount of glazing to not impact on the amenity of neighbouring properties
- Provision of inset balcony to provide amenity space for residential unit
- A wildflower sedum roof surrounding the extension on all sides
- Access from below via existing stair
- Provision of a car free agreement
- Provision of cycle parking at ground floor level

4.0 BENEFITS

- 4.1 Before we consider the reasons for refusal attached to the decision letter for the appeal application, it is relevant to set out the key benefits that would be delivered by the appeal proposals. The development plan policies that we refer to below are provided in **Appendix 7.0**.

Presumption in Favour of Sustainable Development

- 4.2 The Framework places a presumption in favour of sustainable development, having regard to social, economic and environmental issues. In our view the proposals successfully amount to sustainable development.
- 4.3 The appeal site's PTAL rating is 6b (the best PTAL rating), indicating that it is in a highly accessible location with excellent transport links and options. The appeal proposal includes cycle parking provision for the new flat and **Appendix 6.0** provides a draft Unilateral Undertaking to ensure that the appeal proposal is car free. A final signed copy of the Unilateral Undertaking will be sent to the Planning Inspectorate following the submission of this appeal. Therefore the appeal proposal would contribute strongly to the transport sustainability objectives outlined in Core Strategy Policy CS11 (Promoting sustainable and efficient travel), and Development Policy DP17 (Walking, cycling and public transport).
- 4.4 The Design and Access Statement enclosed with the appeal application set out the following with regard to other sustainability matters:

"The additional apartment to 7-8 Jeffrey's Place has been designed to embrace sustainable technology, aiming to achieve excellent energy ratings in Code for Sustainable Homes or the equivalent standard. The use of low tech materials will be combined with a wildflower green roof and high performance glazing and external envelope. Energy efficiency will be maximised and the appropriate heating, cooling and power systems have been selected to minimise CO2 emissions. Fittings in the bathroom will include design elements such as dual flush toilets; low flow shower heads and spray taps."

- 4.5 The proposed materials, use of a green roof, and technology will help improve energy efficiency in accord with the aims of Core Strategy Policy CS13 (Tackling climate change through promoting higher environmental standards) and Development Plan Policy DP22 (Promoting sustainable design and construction).

Need for Additional Residential Accommodation

- 4.6 Core Strategy Policy CS6 (Providing quality homes) sets out that housing is a priority land use in Camden, and this policy and Development Policy DP2 (Making full use of Camden's capacity for housing) seek to maximise the supply of additional homes within the borough. This is supported by London Plan Policies 3.3 (Increasing Housing Supply) and 3.4 (Optimising Housing Potential).

- 4.7 Two bed market housing units are identified as a very high priority in Development Policy DP5 (Homes of different sizes). The appeal proposal would therefore contribute to the provision of high priority housing in a suitable location.
- 4.8 The potential for any harm arising from any scheme must always be balanced against the benefits arising from a scheme so that the optimum delivery of housing is achieved. In applying the above policies a balance must be struck and a realistic approach taken to assessing any change can be equated to a level of impact that would dictate that the benefits of new residential accommodation should be refused.
- 4.9 Development Policy DP6 (Lifetime homes and wheelchair housing) sets out that all development should meet lifetime homes standards. The Design and Access Statement enclosed with the appeal application sets out that the appeal scheme complies where possible with Lifetime Homes standards.

Summary of Benefits

- 4.10 The proposals provide a use for which there is significant need, in a sustainable location and in a sustainable building, designed to meet the relevant standards. The proposals accord with the Statutory Development Plan and therefore there is a presumption in favour of sustainable development applies.

5.0 REASONS FOR REFUSAL

5.1 This section considers the relevant legislative and planning policy applicable to the appeal proposals in light of LBC's reasons for refusal. The development plan policies that we refer to below are provided in **Appendix 7.0**.

5.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 stipulates that where in making any determination under the Planning Acts, regard is to be had to the development plan, the determination must be made in accordance with the plan unless material considerations indicate otherwise. The statutory Development Plan is identified for this assessment as follows:

- London Plan (2015);
- Camden Core Strategy (2010-2025); and
- Camden Development Policies (2010).

5.3 LBC did not make any reference to London Plan policies in its reasons for refusal.

5.4 Under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 Act, when determining planning applications, the local planning authority or the Secretary of State:

'shall have special regard to the desirability of preserving the building or its setting of any features of special architectural or historic interest which it possesses.'

5.5 With regard to conservation areas, Section 72 of the 1990 Act requires that, in the exercise of planning functions, special attention has to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.

Reason 1

5.6 Reason for refusal 1 makes reference to Core Strategy Policy CS14 (Promoting high quality places and conserving our heritage), and Development Policies DP24 (Securing high quality design) and DP25 (Conserving Camden's heritage). The decision letter sets out that LBC considers that the proposed extension would appear as an incongruous addition to the host building and the surrounding area, and would fail to preserve and enhance the character of the surrounding Conservation Area and cause harm to the setting of the Grade II listed buildings at No.8-10 Ivor Street.

5.7 As set out in the Architect's Statement in **Appendix 3.0** officers have provided conflicting views with regard to the appeal proposals. This reflects the subjective nature of proposals affecting heritage assets and we set out below why we consider that the appeal scheme would not be harmful to the Conservation Area or the setting of the listed buildings.

- 5.8 Attached at **Appendix 4.0** is a Heritage Statement prepared by Montagu Evans that considers the appeal proposals against the development plan policies, together with the 1990 Act, the Framework, and relevant national and local guidance.
- 5.9 The Heritage Statement sets out the historical development of the area, noting its origins as a residential development laid out around 1800, the introduction of the railways in the mid nineteenth-century and the development of commercial and industrial buildings, including the appeal site, in the twentieth-century. The result of this development is a townscape consisting of buildings of varying age, scale and character. The appeal site is one of the larger-scale buildings in the conservation area, and this is noted by LBC's Jeffrey's Street Conservation Area Statement. The same document identifies the building as a positive contributor to the conservation area, which demonstrates that larger buildings contribute to the overall character and appearance of the area.

Impact on the host building

- 5.10 The proposed roof level extension is not overly prominent and has been designed as a suitably subservient addition to the host building. The materials reflect the industrial character of the host building and also the colour of the slate that is used on older nearby residential terraces. The materials and form of the extension provide a clear contrast between the host building and the new addition, which adds to the character and distinctiveness of the host building in a sensitive manner.
- 5.11 The extension is appropriately sited, and its scale, materials and detailed design are suitable as a contemporary addition to an industrial building dating from the early twentieth-century. The proposed roof form reflects and respects the existing flat roof to the host building. It is set back to ensure that the parapet to the existing flat roof is retained.

Impact on the conservation area

- 5.12 The appeal site is a taller element within the conservation area and the form and appearance of the building helps us understand the later historical development of the area once the original residential terraces had been established. Various industrial or commercial uses have been associated with the conservation area from the early twentieth century and appeal site is one example of this. The railway viaduct has been present since the mid-nineteenth century.
- 5.13 The proposed roof level extension has been carefully designed to be suitably subservient. It is set back to minimise its visual impact on the conservation area. On this basis we do not consider that the proposal would be harmful to the significance and character or appearance of the conservation area. The extension would in fact add a new distinctive feature to the conservation area in those intermittent views where it can be seen, improving its architectural character.

Impact on the setting of Nos. 8-10 Ivor Street

- 5.14 The setting of the Nos. 8-10 Ivor Street comprises the front gardens to the properties, and the immediate context of Ivor Street, which includes the viaduct to the south. There is also a wider urban setting to the listed buildings, which includes the appeal site. The soft landscaping to the front gardens makes a contribution to the aesthetic value of the listed buildings although parking areas that have been created in each front garden do diminish this.
- 5.15 The wider urban setting of the listed buildings provides a context for the historical development of the listed buildings and also a contrast to the double-fronted stuccoed front elevations. This makes some limited contribution to the aesthetic and historical value of the listed buildings.
- 5.16 The existing building on the appeal site does appear above the parapet of the listed buildings in certain views from parts of Ivor Street. The proposed roof level extension simply retains this visual relationship and we do not consider that this is harmful. The appeal site would continue to provide a context for and contrast with the listed buildings. Regardless of visibility we consider there would be no negative impact relating to the relationship between the appeal site and the listed buildings.
- 5.17 Other elements of the setting of the listed building include the viaduct, and the adjacent building at No. 7 Ivor Street, the recently extended gable wall of which is next to the listed buildings and is prominent and higher than the heritage asset. The setting of the listed buildings is therefore characterised in part by taller buildings and opposing scales. The appeal proposals would preserve this character.
- 5.18 We therefore conclude that the appeal proposals comply with Core Strategy Policy CS14, and Development Policies DP24 and DP25, as well as the requirements of the 1990 Act.

Reason 2

- 5.19 Reason for refusal 2 makes reference to Core Strategy Policy CS5 (Managing the impact of growth and development), and Development Policy DP26 (Managing the impact of development on occupiers and neighbours). These policies in part relate to the protection of neighbour amenity, including sunlight and daylight levels, and the reason for refusal sets out that in the absence of a Daylight and Sunlight Report the appeal application failed to demonstrate that the development would not detrimentally harm the amenity of neighbouring residents.
- 5.20 Attached at **Appendix 5.0** is a December 2015 daylight and sunlight report prepared by GVA Schatunowski Brooks. This sets out the relevant Building Research Establishment (BRE) guidelines for achieving good daylighting and sunlighting, and provides the following conclusion in Section 4.0:

“4.1 The London Borough of Camden’s planning policy seeks to safeguard daylight and sunlight to existing buildings and points to the guidance published in BRE Report 209 ‘Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice’.

4.2 We have undertaken a comprehensive study of the impact of the proposed development on the relevant rooms in all of the surrounding dwellings. The tests were undertaken in accordance with the BRE Report 209 ‘Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice’ (second edition, 2011).

4.3 The results of our detailed study indicate that all of the windows and rooms will retain daylight values in excess of the 0.8 BRE guideline test, with negligible loss of daylight in the majority of instances.

4.4 For sunlight, when applying the Annual Probable Sunlight Hours (APSH) test the results confirm that, in accordance with the BRE Guidelines, there will be no noticeable adverse loss of sunlight by virtue of retaining 0.8 of the former value i.e. no greater than 20% loss or no greater than 4% loss of the annual probable sunlight hours.

4.5 Therefore, when considering daylight and sunlight it is clear that the design proposals are sympathetic to the requirements of the neighbouring properties and satisfies all of the BRE Guideline tests.

4.6 In conclusion, the proposal adheres to the BRE guidelines and does not noticeably reduce sunlight or daylight to existing surrounding properties. We therefore conclude that the London Borough of Camden’s planning policy on daylight and sunlight will be satisfied.”

5.21 We therefore conclude that the appeal proposals comply with Core Strategy Policy CS5 and Development Policy DP26.

Reason 3

5.22 Reason for refusal 3 makes reference Core Strategy Policies CS11 (Promoting sustainable and efficient travel) and CS19 (Delivering and monitoring the Core Strategy), and Development Policies DP18 (Parking standards and the availability of car parking) and DP19 (Managing the impact of parking). These in part relate to the promotion of sustainable travel, the use of planning obligations, and car free developments. The reason for refusal sets out that in the absence of a legal agreement securing car-free housing, the appeal proposals would be likely to contribute unacceptably to parking stress and congestion in the surrounding area.

- 5.23 **Appendix 6.0** provides a draft Unilateral Undertaking to ensure that the appeal proposal is car free. A final signed copy of the Unilateral Undertaking will be sent to the Planning Inspectorate following the submission of this appeal.
- 5.24 We therefore conclude that the appeal proposals comply with Core Strategy Policies CS11 and CS19, and Development Policies DP18 and DP19.

6.0 CONCLUSION

- 6.1 With regard to the reasons for refusal, a daylight and sunlight report and draft Unilateral Undertaking are attached to this statement of case. They address fully reasons for refusal 2 and 3.
- 6.2 As set out above, we consider that the appeal proposal would preserve the character and appearance of the host building and the Jeffrey's Street Conservation Area, as well as the setting of No. 8-10 Ivor Street. The proposed extension would provide a distinctive addition to the building that would contribute positively to the surrounding townscape.
- 6.3 The appeal proposals would contribute to the delivery of a housing type that is of a very high priority for CBC and London more generally, in a highly accessible location with the best PTAL rating. The scheme would constitute sustainable development in accordance with the Framework and comply with the policies of the adopted development plan for the reasons set out above.
- 6.4 The balance of benefits in our view outweigh any potential impacts that the Council seek to identify.

