

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

SITE AT 38, LEIGHTON GROVE, LONDON NW5 2QP

PLANNING APPEAL STATEMENT

**APPEAL STATEMENT SUBMITTED ON BEHALF OF KSTTK PROPERTIES AGAINST THE
DECISION OF THE LONDON BOROUGH OF CAMDEN TO REFUSE PLANNING
PERMISSION FOR THE "CONSTRUCTION OF A MANSARD ROOF EXTENSION AND
INTERNAL ALTERATIONS TO THE 1st/2nd FLOOR 2 BED MAISONETTE TO FORM 1x 1
BED FLAT AND 1x 2 BED MAISONETTE, AND THE REDESIGN OF THE FRONT GARDEN
TO PROVIDE COMMUNAL CYCLE AND REFUSE STORAGE."**

LOCAL PLANNING AUTHORITY REFERENCE: [2016/1523/P](#)

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INTRODUCTION

The application made by Savage & Pottinger Design on behalf of KSTTK Properties for the “*construction of a mansard roof extension and internal alterations to the 1st/2nd floor 2 bed maisonette to form 1x1 bed flat and 1x2 bed maisonette, and the redesign of the front garden to provide communal cycle and refuse storage*” at 38 Leighton Grove, London NW5 2QP, was refused by the London Borough of Camden on the 12th of May, 2016. This statement represents the Appellant’s case for appeal.

The submitted Planning, Design and Access Statement should be referred to for a detailed description of the site, design, relevant planning history and policy.

APPELLANT’S RESPONSES TO PLANNING OFFICER’S COMMENTS

NOTE: Only the first reason for refusal – design - is considered to be relevant to this appeal as the second – transport – could “*be overcome by entering into a Section 106 Legal Agreement for a scheme that was in all other respects acceptable.*” (See page 2 of the decision notice.) This appeal therefore focuses on the design of the proposed mansard roof extension as the sole reason for refusal.

4.1

It is the view of the appellant that the proposed mansard promotes the highest standard of design while contributing to much needed shortfalls in housing stock in a highly sustainable location, already characterised by a variety of previous additions and alterations to the original terraces.

4.2

The officer appears to have treated this guidance as a rule and ignored the use of the term “likely”. In doing so they have overlooked the highly unique nature of the application site, when compared to, say, a long terrace on level ground with no existing alterations. While it is agreed that the mansard is part of a run of 10 unbroken butterfly (valley) roofs the street itself has a number of characteristics that drastically reduces the visual impact of the proposal, including but not limited to; numbers 39-41 totally conceal the proposal from the Southern end of the street; the street slopes downhill from the North and as such the proposal would be largely hidden by and lost amongst the stepped nature of the chimneys, party walls and the greatly altered parapet walls that front the terrace; many mature trees conceal the proposal from view and no properties sit directly opposite – the only view point from which the proposal would really be apparent. This is reflected by the lack of objections made to the proposal and the acceptance of many other similar extensions along the street without public debate. In fact, there are examples of extensions that have been carried out without planning permission but that have not attracted any public comment and have since become established. The accompanying drawings, photographs and photo-montages illustrate these points. Furthermore, previous similar applications at numbers 28 and 29 were approved on the basis of these clear observations. As such it is the view of the Appellant that the positive contribution to housing supply should be seen as outweighing any perceived negative impact to the street-scene.

4.3

4, not 3, properties feature roof extensions. These are at number 22, 23, 28 and 29. Many others have had their front parapet walls rebuilt, not matching the original, being made higher and levelled off. Coupled with the sloped nature of the street and the resulting staggering of the properties there is very little cohesion to the roof-line.

4.4

The character of the area is very much one of individual extensions, alterations and the personal touches of previous inhabitants. This is accentuated by differences in facing materials; some properties being brick, some white render and some painted with colour. Coupled with the facts presented above and the fact that the proposal is set well back from the front parapet wall it is the view of the Appellant that the addition of the proposed mansard will not cause any further harm to the character and appearance of the surrounding area.

4.5

As stated above there are in fact 4, not 3, other roof extensions along the terrace. Furthermore the terrace opposite features 6 out of 11 properties with mansard extensions. While it is appreciated that Camden's policy looks at individual terraces only, and not those opposite, it can nonetheless not be ignored that there is a very strong pattern of development along the street as a whole.

The officer makes reference to the application at number 23 being approved because it was to replace an existing extension. In fact, the original extension was small and entirely hidden from view, simply providing access to the roof. Therefore it cannot be argued that this approval was given on that basis. The approval at number 22 then seemingly followed this false precedent. The officer's reports from these two applications, both for mansard extensions in far more prominent positions on the street, directly contradict the opinions expressed in this refusal but were based on the same policy relating to Mansard extensions; Camden Planning Guidance 2006 Extensions, alterations and conservatories, now superseded, but without change to the wording, by CPG1: Design. To quote the officer's from the time:

In reference to number 22:

"Whilst the adjacent part of this terrace is not punctuated by any existing roof extensions, there are existing prominent full width additions further along the terrace at nos. 29&30. The parapet line of the terrace also varies due to changes in level and parapet repairs/alterations which have taken place in the past. In this context, therefore, it is not considered that this set-back and slightly recessed roof extension would have an unduly compromising impact on the appearance of the terrace in surrounding views."

And 23:

"Due to the height of the existing parapet wall being 0.9 metres in height, as well as the structure being stepped back from the front and rear elevations, it is not considered that the additional height of the proposed roof extension, although slightly visible from longer views, would have a detrimental impact on the host building or the surrounding street scene. Due to the topography of the street, the houses differ in height and therefore, along with the high chimney stacks and the existing structure, it is not considered that the proposed roof extension would be read as a dominate structure on the skyline."

4.6

CPG1: Design recommends that the base of a mansard's front wall be set back from the front parapet wall far enough to include a box gutter. The application proposes a far greater set back of 700mm and the parapet wall is particularly high; between 1100mm and 1550mm. Furthermore, as explained previously, neighbouring properties hide the proposal completely from the South and from the North the proposal would be largely hidden and/or lost amongst the assortment of extensions, party walls, chimneys and altered parapet walls stepping down the gently sloping road. Views from Leighton Crescent are largely

hidden by a large number of mature trees and very few of the properties face directly towards the application site. The submitted photo-montages illustrate these points, with the only clear view being when stood directly opposite the property.

The argument presented against setting an unwelcome precedent seems ill-conceived. After all, by Camden's own admission "*Core Strategy policy CS6 states that the Council will seek to maximise the supply of homes and minimise their loss, as housing is considered to be a priority land use of the Camden Local Development Framework.*" Yet, by allowing such a precedent to be set a pattern of development could be facilitated that will result in further residential units and floor space in a highly sustainable location. What is more, the existing random nature of other extensions and alterations has led to a street-scene that is already characterised by this very inconsistency Camden seem so keen to avoid. By allowing such a precedent to be set the terrace could again become more unified, as opposed to applying a blanket ban that implies that it is acceptable for some historic development to permanently disrupt the street scene but with no new development allowed, effectively setting in stone the current appearance without any practical or aesthetic benefits.

4.7

At no point during the application process where concerns raised over the central rear window and as such the Appellant was offered no chance to amend the design accordingly. Furthermore it is not generally a rule that the rear fenestration to a roof extension should match that of the existing building below and it is the strong opinion of the Appellant that the central window maintains symmetry, is of a sympathetic design and is in no way a sufficient reason for refusal.

4.8

Again, at no point during the application process where concerns raised over the detailed design of the mansard. The differences in dimensions and overall profile between the application proposal and those set out in CPG1: Design were made with the sole intention of reducing the visual impact of the extension from the street and neighbouring properties. It is therefore the strong opinion of the Appellant that this comment is not sufficient reason for a refusal. However, the Appellant suggests that concerns could be alleviated by the inclusion of a planning condition that requires more detailed information relating to the overall dimensions and treatment of the affected party walls and chimney stacks to be submitted prior to works commencing.

4.9

For all the reasons set out above, and on the basis of the evidence supplied and careful design of the proposal, it is the Appellant's opinion that the proposed Mansard should be deemed acceptable in both principle and by way of its detailed design.

CLOSING STATEMENT

Camden's planning document CPG1: Design, states 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-unite a group of buildings and townscape.*" But that "*a roof alteration is likely to be considered unacceptable in circumstances such as the presence of unbroken runs of valley roofs or where complete terraces or groups of buildings have a roof line that is largely unimpaired by alterations and extensions.*"

Whether or not the roofline is considered to be largely unimpaired by alterations is a point over which the

Appellant and Camden clearly disagree. However the Appellants view is strongly corroborated by those expressed by Camden in the past, with reference to identical policy, in relation to 2 properties further up the terrace – both in considerably more visually prominent positions. Furthermore, regardless of Camden’s opinion, their policy states that a roof extension is only “likely” to be unacceptable under the circumstances and the Appellant argues that they have not applied the correct level of flexibility in the interpretation of policy considering the unique nature of the application site and its surroundings.

In light of the above it is the opinion of the Appellant that, in accordance with the policy and guidance contained within The London Plan, The Camden Core Strategy and The Camden Development Policies, the special considerations made by the proposal in terms of design - in particular the setting back of the mansard from the front parapet coupled with the high front parapet - and the overwhelming necessity for new homes to be provided within Camden and the highly suitable location in terms of transport and amenity mean that the decision for a refusal should be overturned and permission granted without delay.