

Submission to the Planning Inspectorate

Statement of Case due to the refusal of planning permission in accordance with
Section 78(1) of the Town and Country Planning Act 1990

Local Planning Authority: London Borough of Camden

Application No. 2016/1622/P

**Statement of Case to the Planning Inspectorate for the erection of single storey roof
extension with roof terrace to the rear, external staircase from roof terrace to first
floor level and associated alterations including insertion of new windows.**

STATEMENT OF CASE

On behalf of Mr J Leonard

June 2016



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Statement of Case to the Planning Inspectorate for the erection of single storey roof extension with roof terrace to the rear, external staircase from roof terrace to first floor level and associated alterations including insertion of new windows.

On behalf of Mr J Leonard

June 2016

Author	Christopher Whitehouse MRICS BSc (Hons) RICS Accredited Expert Witness Chartered Planning and Development Surveyor
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1.0 INTRODUCTION

1.1 This Statement of Case has been prepared for the attention of the Planning Inspectorate in accordance with Section 78(1) of the Town and Country Planning Act 1990 on behalf of the appellant, Mr J Leonard.

1.2 The report provides a statement of case against the refusal of planning permission issued by London Borough of Camden Council on 10th June 2016 in accordance with the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development) (England) Order 2015.

1.3 The planning application proposed the erection of a single storey roof extension with roof terrace to its rear, an external staircase from the roof terrace to first floor level and associated alterations including the insertion of new windows.

1.4 This statement provides a clear explanation of the statement of case and directly responds to the reasons for refusal issued by the London Borough of Camden Council in their Decision Notice.

2.0 STATEMENT OF CASE

2.1 Reasons for Refusal

The London Borough of Camden Council refused application 2016/1622/P for 2 reasons which are detailed within this chapter. The statement identifies the case against each of the reasons.

2.2 Reason for Refusal 1

“The proposed development, by virtue of its height, bulk and proximity to 1f Parsifal Road would be overbearing and create an unacceptable sense of enclosure, harming the amenities of neighbouring residential occupiers 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”.

2.3 It is considered that the proposal secures the ability for a family in residence in the borough to remain in the dwelling that they currently occupy by way of allowing for an extension that is considered reasonable and appropriate in terms of developing spaces of the highest quality; in turn supporting the infrastructure and facilities needed to support a member of the borough and increasing the architectural aesthetic quality of the building to the benefit of enhancing the surrounding environment.

2.4 Further to this it is considered that the proposals have fully considered the impact of the development upon surrounding receptors and looks to incorporate the development in a manner that offers no significant detriment to the surrounding area. The design has incorporated successful mitigation by way of alleviating harm through intelligent design so as on balance to bring forward benefits that accord with Policy CS5 without

- developing harm that is considered to be significant. It is considered therefore on balance that the design identifies and accords with Policy CS5 where it is considered relevant.
- 2.5 With reference to Policy DP26 it is considered that points d to k are considered already provided given the nature of the existing dwelling and as such the consideration refers to points a to c. Further consideration of issues in relation to overlooking, visual privacy and overshadowing are provided within Supplementary Planning Guidance CPG6 (Amenity) within which paragraph 7.9 states that:
- “When designing a development you should also ensure the proximity, size or cumulative effect of any structures should not have an overbearing and or dominating effect that is detrimental to the enjoyment of their properties by adjoining residential occupiers”.*
- 2.6 The consideration of a previous application referred to the consideration of an Inspector’s position in relation to an earlier development that was dismissed at appeal in 1999. However it should be noted that the decision was issued at a time before the existing Development Plan was in place and was a materially different development. As such it is considered that the proposal should be reviewed independently against the Development Plan at this point in time.
- 2.7 The original application provided a daylight and sunlight report which has been resubmitted within this application and demonstrates a negligible impact on daylight and sunlight of the surrounding residential properties including properties at 35 Lyncroft gardens and 1f Parsifal Road. In relation to daylight and sunlight terms therefore it is considered that the proposal offers no detriment to point c of Policy DP26.
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- 2.8 Further to this the mixture of obscuring clear windows in collaboration with privacy screens prevent any opportunity for overlooking and therefore provides a development that is acceptable in the accordance with point a of Policy DP26.
- 2.9 It should be noted that 1f Parsifal Road has also sought planning permission for a resubmitted application for a development of a similar nature and this must be a material consideration. Further to this it is considered that any impact of overbearing scale on 1f Parsifal Road and vice versa is considered minimal given the existing baseline relationship between the 2 developments and any harm or lack of accordance with part b of Policy DP26 is limited and sufficiently outweighed by the rest of the Development Plan which identifies that the proposal would provide a high quality extension that is proportionate in terms of its scale for the retention of a family home in the locality.
- 2.10 Overall it is considered that the proposal accords with Policy DP26 in full as where any limited harm is identified in relation to point b it is significantly outweighed by material considerations that have to be taken into consideration on assessment of the Development Plan as a whole.
- 2.11 Reason for Refusal 2
“The proposed roof terrace and associated railings, privacy screen and staircase, by reason of their design, location and visual prominence, would appear as incongruous additions resulting in harm to the character and appearance of the host building contrary to Policy CS14 (Promoting high quality spaces and conserving heritage) of the London Borough of Camden Local Development Framework Core Strategy and Policy DP24 (Securing high quality design) of the London Borough of Camden Local Development Framework development policies and Policy 2 (Design and character of the Fortune Green and West Hampstead Neighbourhood Plan”.
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- 2.12 The nature of the scheme identifies the requirements to meet points a and b of policy CS14 and it is considered that in both cases the proposal accords with these requirements. It is considered that the proposal delivers a high quality extension to the existing built fabric that adds a significant architectural enhancement in a way that does not have a significant detriment to surrounding receptors. As such it is considered that the proposal enhances the standard of design for the building and as a result increases the standard of design for the area in a manner that does not offer detriment to surrounding receptors and respects local context and character in a way that is considered proportionate. As a result of this where it can be said that Camden's settings of importance are impacted by the development (which is limited) it is considered that the development is non-prominent enough in its nature so as to preserve Camden's settings assets. As such it is considered that the proposal accords with Policy CS14 of the Core Strategy.
- 2.13 The proposal offers a roof level extension to an existing dwelling and as such it is considered that the development relates to point a to c of the policy. As identified in the Design & Access Statement the proposal and its design, its scale and its form have taken into consideration the character of neighbouring and surrounding buildings within a densely populated urban settlement where buildings of a significantly larger scale dominate the aesthetic of the streetscene and to which in relation to it the dwelling of the application is subservient.
- 2.14 It is considered that the alterations that are proposed are already identified, are of the high standard of design and given the subservient nature and the proposed mitigation in the intelligent design to cause limited harm to surrounding receptors, including those in Finchley Road and Lyncroft Gardens.
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- 2.15 With regards to point d it is considered that the proposed extensions are proportionate to the scale of the existing building; in built form terms the extensions subservient to the existing dwelling and the nature of the curbed space provides proportionate extension that offers limited impact of scale and massing to surrounding receptors. Further to this in regards to point c it is considered that the use of zinc provides high quality and aesthetically pleasing material to the development improving and enhancing the architectural fabric of the building and therefore improving the architectural fabric of the surrounding area. As such it is considered that the proposal accords with the relevant parts of DP24.
- 2.16 It is considered that the proposal accords with the Development Plan and in particular accords with policies referred to in the reasons for refusal. As such it is respectfully requested that the appeal is upheld and planning permission is granted.

3.0 CONDITIONS OF PLANNING

- 3.1 Standardised conditions with relation to the submission of details of facing materials, construction methodology and boundary treatments before development commences are considered to be appropriate and reasonable as an outcome of the granting of planning permission.

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www.nextphasedevelopment.co.uk

Head Office: Vantage Suite, Virage Point, Green Lane, Cannock, Staffs, WS11 0NH
Tel: 01543 571718 | Mob: 07967 799786

London Office: 16 Upper Woburn Place, London, WC1H 0BS
Tel: 0203 741 8225 | Mob: 07967 799786

Company No: 7525574. | VAT No: 156185595 | Registered in England and Wales



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NextPhase Development Ltd

Head Office: Vantage Suite, Virage Point, Green Lane, Cannock, Staffs, WS11 0NH | tel: 01543 571718

London Office: 16 Upper Woburn Place, London, WC1H 0BS | tel: 0203 741 8225

email: mail@nextphasedevelopment.co.uk | web: www.nextphasedevelopment.co.uk