**Date: 31/03/2016**

**Your ref: APP/X5210/W/16/3143316**

**Our ref: 2015/0271/P**

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**Dear James Bunten,**

**Planning Appeal by Mr Simon Oliver**

**Site at 97 Camden Mews, London NW1 9BU**

The Council’s case for this appeal regarding refusal of Planning Permission is largely set out in the officer’s delegated report dated 11/11/2015. This details the site and surroundings, the site history and an assessment of the evidence.

A copy of the report was sent with the questionnaire.

In addition to the information sent with the questionnaire I would be pleased if the Inspector could take into account the following information and comments before deciding the appeal.

**1.0 Summary**

1.1 The appeal relates demolition of a garage which is a building identified as a positive contributor within the Camden Square Conservation Area and building two new 3 storey, 3 bedrooms houses.

1.2 On 29th January 2013 planning permission was refused for the erection of rear dormer window with balcony and installation of front rooflight (ref 2015/0271/P subject of this appeal.

1.3 Planning Permission (2015/0271/P) was refused on design grounds as follows:

1. *The proposed building would, by virtue of its inappropriate bulk, scale, mass and detailed design, fail to respond to its immediate context and would detract from the character and appearance of the Camden Square Conservation Area 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. *The proposed building by reason of its height and proximity to the outdoor rooftop private amenity area of 99A Camden Mews would result in a harmful loss of outlook to the adjoining occupiers, and would be contrary to policy CS5 (Managing the impact of growth and development) 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.*
3. *The proposed development, in the absence of an acceptable sustainability statement, fails to demonstrate how the proposal would incorporate sustainable design and construction measures contrary to policies CS13 (Tackling climate change through promoting higher environmental standards) and CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Local Development Framework Core Strategy and policies DP22 (Promoting sustainable design and construction) and DP23 (Water) of the London Borough of Camden Local Development Framework Development Policies.*

*The proposed development, in the absence of a legal agreement to secure 'car-free' housing, would be likely to contribute unacceptably to parking congestion in the surrounding area and not promote the use of non-sustainable modes of transport, contrary to policies CS11 (Promoting sustainable and efficient travel) and CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Core Strategy and DP18 (Parking standards and limiting the availability of car parking) of the London Borough of Camden LDF Development Policies.*

1. *The proposed development, in the absence of a legal agreement to secure a Highway works Contribution, would be likely to be detrimental to the footway and two vehicular crossovers directly adjacent to the site which could be damaged as a direct result of the proposed works contrary to policies CS5 (Managing the impact of growth and development), and CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Local Development Framework Core Strategy and policy DP21 (Development connecting to the highway network).*
2. *The proposed development, in the absence of a legal agreement to secure a Construction Management Plan, would be likely to give rise to conflicts with other road users, and be detrimental to the amenities of the area generally, contrary to policies CS5 (Managing the impact of growth and development), 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 and policies DP20 (Movement of goods and materials) and DP26 (Managing the impact of development on occupiers and neighbours) of the London Borough of Camden Local Development Framework Development Policies.*

1.4 The reasons for refusal numbered 3-6 could be overcome by entering into a Section 106 Legal Agreement for a scheme that was in all other respects acceptable.

**2.0 Status of Policies and Guidance**

2.1 On 8th November 2010 the Council formally adopted the Core Strategy and Development Policies documents of the Local Development Framework. These documents have been through an Examination in Public, and the appointed Inspector found the documents to be sound in a decision published on 13th September 2010. Therefore at the time of the determination of this appeal the Camden Core Strategy and Camden Development Policies were ‘The Development Plan’ for the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004.

2.2 The London Borough of Camden Local Development Framework was formally adopted on the 8th November 2010. The full text of the relevant policies was sent with the questionnaire documents.

2.3 The Council also refers to supporting guidance documents: The Camden Planning Guidance has been subject to public consultation and was approved by the Council in December 2011. The Camden Square Conservation Area Appraisal and Management Strategy was adopted in March 2011.

2.4 With reference to the National Planning Policy Framework 2012, policies and guidance contained within Camden’s LDF 2010 are up to date and fully accord with paragraphs 214 – 216 (Annex 1) of the NPPF and should therefore be given full weight in the decision of this appeal. There are no material differences between the Council’s policies and the NPPF in relation to this appeal. The National Planning Policy Framework was adopted in April 2012 and states that development should be refused if the proposed development conflicts with the local plan unless other material considerations indicate otherwise.

**3.0 Comment on the Appellant’s Ground of Appeal**

3.1 The appellant’s grounds of appeal can be summarised in points as follows:

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.

3.2 The substantive reasons for refusing the application are set out in the officer’s delegated report. The comments below seek to amplify the Councils position on the reasons for refusal and address the appellant’s grounds of appeal:

**Point 1**

A) Impact of the bulk, scale, mass and detailed design of the proposal on the character and appearance of the conservation area

3.2.1 The principle of the demolition of the existing building, currently vacant and in a poor condition, and minor harm caused to the conservation area has been accepted subject to the replacement building being of the highest design quality that enhances the character and appearance of the conservation area, and crucially, maintains the small-scale character, variety and interest of the Camden Mews roofline.

3.2.2 The Camden Square Conservation Area Appraisal and Management Strategy defines the character of Camden Mews as a ‘*unique mix of nineteenth, twentieth and twenty-first century ideas of the mews concept, from functional service areas to exemplars of urban living’* (p.7), also commenting on the ingenuity, variety and inventiveness of developments that exist along the mews. It is clearly identified that modern developments on the mews are ‘*generally of two or two-and-a-half storeys and of a high design standard*.’ The Management Strategy states that ‘the trend to intensify residential development [in Camden Mews] means that building heights are under pressure to increase in the mews and care will be needed to ensure that this does not become the norm and that the original mews' scale remains dominant’ (p.48).

3.2.3 The Council does not accept the conclusions reached in paragraphs 3.3-3.13 of the appellant’s statement, nor with the conclusions set out in paragraphs 9.4-9.11 of the supporting Heritage Assessment also submitted by the appellant. These conclusions can be summarised as stating that the design and additional height of the proposed development relates well to the distinctive local character, would result in an ‘enhancement’ to the conservation area and achieve greater uniformity of the roofline. The Council’s maintains the strong view that the appeal proposals are of an insufficient quality of design, bland and unresponsive in appearance, as well as the view that the scale, bulk and massing of the proposals would be overly dominant in the streetscene at upper storey level.

3.2.4 It is noted that the Heritage Statement inaccurately refers to the proposals having a pitched roof (cited in paragraphs 6.17, 7.21, 8.43 and 9.4), whereas the appeal proposals are for a flat roof.

3.2.5 Paragraph 3.1 of the appellant’s statement claims that ‘*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*”’. Contrary to this statement, the council has been proactive in meeting and giving the applicant advice and numerous of opportunities to revise their scheme. It is considered that the council did not attempt to impose architectural styles or particular tastes and not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. The council agrees with the NPPF that it should seek to promote or reinforce local distinctiveness.

3.2.6 Furthermore, the appellant states within their justification paragraph 3.2; ‘The Right approach’ advocated by English Heritage & CABE which states; “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”.

3.2.7 Contrary to the statements made within the appellant’s statement (paragraphs 3.1, 3.2 and 3.5), the council are not against a modern design approach. The Council did not impose any preference for a pastiche design approach, nor resist the proposed development being ‘of its time’. It was instead considered that the design and detailing of the appeal proposals were of a generic character that failed to respond to the surrounding character, in particular the ingenuity, variety and inventiveness of modern developments along Camden Mews.

B) Relevant Planning History

3.2.8 It should be noted that there have been similar recently refused applications for proposed three storey dwellings on Camden Mews on design grounds:

**59 Camden Mews**

**2015/4564/P - Erection of 3 storey family dwelling following demolition of existing 2 storey family dwelling - Refused 08/02/2016**

Refusal reason:

*The proposed development, by reason of its bulk, massing, footprint and detailed design would fail to preserve or enhance the character and appearance of the Camden Square Conservation Area contrary to policies 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.*

**102 Camden Mews**

**2012/3668/P - Erection of a three storey dwelling house (Class C3) following demolition of existing house (Class C3) and garages (Class Sui Generis)- 06/11/2012**

Refusal reason:

*The proposed development, by reason of its height, scale and bulk would result in harm to the character and appearance of the mews of which it forms a part, and this part of the Camden Square Conservation Area, contrary to policy CS14 (Promoting high quality places and conserving our heritage) 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.*

C) Summary

3.2.9 To conclude, it is considered that the appeal proposals do not comply with Camden policies CS14, DP24 and DP25, and would neither preserve nor enhance the character and appearance of the Camden Square Conservation Area, thereby causing harm to this designated heritage asset. This harm is considered to be less than substantial under paragraph 134 of the NPPF, which requires this harm to be ‘*weighed against the public benefits of the proposal, including securing its optimum viable use’.* It is not considered that the proposed development would result in public benefits that would outweigh the harm caused to the conservation area by its inappropriate bulk, scale, mass and detailed design.

**Point 2**

3.3.1 Following numerous of discussions with the applicant, they failed in their fifth iteration to address the amenity impact to No.99a Camden Mews. Contrary to the appellant statement under paragraph 3.14, the proposal has not been “stepped back significantly to ensure there is no over bearing on 99a”. The building design has been revised however the top floor wall remains to be right up on to the boundary of the two sites. The balustrade associated to their front roof terrace is proposed to be immediately adjacent to the neighbouring property as well.

3.3.2 The council strongly does not agree with their statement under 4.5 in that they state that; “The relationship between the terraces of two properties is not different from that two properties with adjoining rear gardens”. The roof terrace of 99a is the only amenity space they have for that flat, with the floor space measuring at 10 square metres, it is significantly less than a general rear garden.

3.3.3 The existing arrangement for the outdoor amenity area of 99a, has an existing outlook which is uninterrupted. The introduction of the of a screen directly in front and a 2 metre high blank wall adjacent to their small amenity would materially be a detriment to their outlook and would be over bearing.

3.3.4 It is considered that such proposals on the second floor may be acceptable and this was discussed throughout the application stages and therefore such existing arrangement between the two properties on this level would not prejudice any future development. However, following the fifth iteration, the applicants still failed to tackle this issue by not designing a scheme that would be acceptable to the neighbour’s amenity.

3.3.4 The Council maintains that the proposed building (In particular the side of House B) would lead to a materially detrimental loss of amenity to the adjoining neighbours, it is therefore considered to comply with polices CS5 and DP26 of Camden’s LDF.

**4.0 Other Matters**

4.1 On the basis of information available and having regard to the entirety of the Council’s submissions, including the content of this letter, the Inspector is respectfully requested to dismiss the appeal.

4.2 In the event of the appeal being allowed the conditions suggested in appendix 1 should be attached along with entering into a Section 106 Legal Agreement to address refusal reasons 3-6.

4.3 If any further clarification of the appeal submissions is required please do not hesitate to contact Raymond Yeung on the above direct dial number or email address.

**Yours sincerely**

**Raymond Yeung**

**Planning officer**

**Culture and Environment Directorate**

Appendix 1

Conditions

1. The development hereby permitted must be begun not later than the end of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

1. The development hereby permitted shall be carried out in accordance with the following approved plans:

Site location plan, Lifetime Homes Assessment, Planning statement dated 18th April 2015, letter by Jon Christopher dated 22nd and 29th June 2015, 01, 191.15/021B, 189.15/012, 189.15/013, 189.15/014.

1. Detailed drawings and samples of materials as appropriate, in respect of the following, shall be submitted to and approved in writing by the local planning authority before the relevant part of the work is begun:
2. Details including sections at 1:10 of all windows, external doors.
3. Manufacturer's specification details of all facing materials (to be submitted to the Local Planning Authority) and samples of those materials (to be provided on site).
4. The relevant part of the works shall be carried out in accordance with the details thus approved and all approved samples shall be retained on site during the course of the works.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 and DP25 of the London Borough of Camden Local Development Framework Development Policies.

1. The cycle parking shall thereafter be provided in its entirety prior to the first occupation of the new unit, and permanently retained thereafter.

Reason: To ensure the development provides adequate cycle parking facilities in accordance with the requirements of policy CS11of the London Borough of Camden Local Development Framework Core Strategy and policy DP17of the London Borough of Camden Local Development Framework Development Policies.

1. No lights, meter boxes, flues, vents or pipes, telecommunications equipment, alarm boxes, television aerials or satellite dishes, other than those identified on the drawings hereby approved, shall be fixed or installed on the external face of the buildings, without the prior approval in writing of the local planning authority.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 of the London Borough of Camden Local Development Framework Development Policies.

1. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 as amended or any Order revoking and re-enacting that Order, no development within Part 1 (Classes A-H) [and Part 2 (Classes A-C)] of Schedule 2 of that Order shall be carried out without the grant of planning permission having first been obtained from the local planning authority.

Reason: To safeguard the visual amenities of the area and to prevent over development of the site by controlling proposed extensions and alterations in order to ensure compliance with the requirements of policies CS14 and CS5 of the London Borough of Camden Local Development Framework Core Strategy and policies DP24, DP25 and DP26 of the London Borough of Camden Local Development Framework Development Policies.

1. The use of the roof as a terrace shall not commence until all screens, as shown on the approved drawings, has been constructed. The screen shall be permanently retained thereafter.

Reason: In order to prevent unreasonable overlooking of neighbouring premises in accordance with the requirements of policy CS5 of the London Borough of Camden Local Development Framework Core Strategy and policy DP26 of the London Borough of Camden Local Development Framework Development Policies.

1. The development hereby approved shall incorporate sustainable design principles and climate change adaptation measures into the design and construction of the development in accordance with the submitted sustainability statement. Prior to occupation, evidence demonstrating that the approved measures have been implemented shall be submitted to and approved in writing by the Local Planning Authority and shall be retained and maintained thereafter.

Reason: To ensure the development contributes to minimising the effects of, and can adapt to a changing climate in accordance with policies CS13 (Tackling climate change through promoting higher environmental standards) and DP22 (Promoting sustainable design and construction).

1. The development hereby approved shall achieve a maximum internal water use of 105litres/person/day, allowing 5 litres/person/day for external water use. Prior to occupation, evidence demonstrating that this has been achieved shall be submitted to and approved by the Local Planning Authority.

Reason: To ensure the development contributes to minimising the need for further water infrastructure in an area of water stress in accordance with policies CS13 (Tackling climate change through promoting higher environmental standards), DP22 (Promoting sustainable design and construction) and DP23 (Water).

1. Prior to construction the development hereby approved shall submit an energy statement demonstrating how a 20% reduction in carbon dioxide emissions beyond Part L 2013 Building Regulations in line with the energy hierarchy has been submitted to and approved in writing by the Local Planning Authority. Prior to occupation, evidence demonstrating that the approved measures have been implemented shall be submitted to and approved in writing by the Local Planning Authority and shall be retained and maintained thereafter.

Reason: To ensure the development contributes to minimising the effects of, and can adapt to a changing climate in accordance with policies CS13 (Tackling climate change through promoting higher environmental standards) and DP22 (Promoting sustainable design and construction).

1. In the event that significant contamination is found at any time when carrying out the approved development it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken in accordance with the requirements of the Environment Agency's Model Procedures for the Management of Contamination (CLR11), and where mitigation is necessary a scheme of remediation must be designed and implemented to the satisfaction of the local planning authority before any part of the development hereby permitted is occupied.

Reason: To protect future occupiers of the development from the possible presence of ground contamination arising in connection with the previous industrial/storage use of the site in accordance with policy CS5 of the London Borough of Camden Local Development Framework Core Strategy and policy DP26 of the London Borough of Camden Local Development Framework Development Policies.

1. At least 28 days before development commences:

(a) a written programme of ground investigation for the presence of soil and groundwater contamination and landfill gas shall be submitted to and approved by the local planning authority; and

(b) following the approval detailed in paragraph (a), an investigation shall be carried out in accordance with the approved programme and the results and a written scheme of remediation measures [if necessary] shall be submitted to and approved by the local planning authority.

The remediation measures shall be implemented strictly in accordance with the approved scheme and a written report detailing the remediation shall be submitted to and approved by the local planning authority prior to occupation.

Reason: To protect future occupiers of the development from the possible presence of ground contamination arising in connection with the previous industrial/storage use of the site in accordance with policy CS5 of the London Borough of Camden Local Development Framework Core Strategy and policy DP26 of the London Borough of Camden Local Development Framework Development Policies.

1. A Pre-Demolition Asbestos Survey must be carried out before the refurbishment commences and provide an intrusive pre-demolition asbestos survey in accordance with HSG264 supported by an appropriate mitigation scheme to control risks to future occupiers. The scheme must be written by a suitably qualified person and shall be submitted to the LPA and must be approved prior to commencement of the development. The scheme as submitted shall demonstrably identify potential sources of asbestos contamination and detail removal or mitigation appropriate for the proposed end use. Detailed working methods are not required but the scheme of mitigation shall be independently verified to the satisfaction of the LPA prior to occupation.

Reason: To mitigate and protect from the possible presence of Asbestos in accordance with policy CS5 of the London Borough of Camden Local Development Framework Core Strategy and policy DP26 of the London Borough of Camden Local Development Framework Development Policies.

1. No impact piling until a piling method statement, prepared in consultation with Thames Water or the relevant statutory undertaker, detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out including measures to prevent and minimise the potential for damage to subsurface water infrastructure, and the programme for the works, has been submitted to and approved in writing by the local planning authority. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason: To safeguard existing below ground public utility infrastructure and controlled waters in accordance with the requirements of policy CS13 of the London Borough of Camden Local Development Framework Core Strategy.

1. Prior to occupation of the development the refuse and recycling storage facilities intended for its occupiers as shown on the drawings hereby approved shall be provided in their entirety. All refuse and recycling storage facilities shall be permanently maintained and retained thereafter.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies CS5 and CS18 of the London Borough of Camden LDF Core Strategy and DP26 of the London Borough of Camden LDF Development Policies.

1. Before the use commences sound insulation shall be provided for the building in a scheme to be first approved by the local planning authority in writing. The use shall thereafter not be carried out other than in accordance with the approved scheme.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policy CS5 of the London Borough of Camden Local Development Framework Core Strategy and policy DP26 of the London Borough of Camden Local Development Framework Development Policies.