

Unit 1, 109 Goldhurst Terrace, London NW6 3HA

Appeal Statement

Appeal against the decision of the London Borough of Camden to refuse planning permission for the erection of a mansard roof including installation of 3 front dormer windows and 3 rear dormer windows and one rooflight.

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Appendix A: Copy of planning permission 2015/4386/P, dated 22nd December 2015, subject to conditions

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Appeal Statement

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1.0 Introduction and background

1.1 This appeal relates to a decision by the London Borough of Camden to refuse planning permission for the development of a mansard roof at Unit 1, 109 Goldhurst Terrace, London NW6 3HA. This property comprises a detached building, parking space and rear yard area, formerly stables but latterly a car repair garage, constructed on ground and first floors. It comprises part of a small mews to the east of Goldhurst Terrace, as identified on the Site Plan, scale 1:1250, submitted with the appeal documents.

1.1 Access to the property subject to this appeal is provided by a single carriageway private lane between No's.107 and 111 Goldhurst Terrace.

1.2 The property is not listed but falls within the South Hampstead Conservation Area

1.3 The property has recently been subject to works of conservation, repair and refurbishment. The roof was unsafe and therefore was removed. These works have stalled, pending a resolution of this appeal and a separate decision by the London Borough of Camden as local planning authority, in respect of proposals to construct a basement beneath the subject property under planning application reference 2016/0421/P.

2.0 Pre-application consideration by the London Borough of Camden

2.1 Prior to making the planning application, the subject of this appeal, the appellant sought the advice of the local planning authority by way of a pre application request on 9th June 2015. This was registered by the London Borough of Camden under reference 2015/2716/PRE. The proposals at that time comprised:

“.....the excavation of a basement to facilitate a dental surgery (D1 use), the erection of a mansard roof extension and dormer windows. Creation of first floor roof terrace, alterations to fenestration, and installation of a roof light.”

2.2 The most expensive and highest level of pre-application advice was sought from the London Borough of Camden by the appellant with the expectation that the most comprehensive and reliable advice would be provided. After considering the appellant's request, Mr O'Donnell, the case officer responded on 24th July 2015 as follows:

“The proposal is to erect a mansard roof including a flattened roof light and conversion of the loftspace into habitable accommodation as well as installation of roof dormers in the new

mansard roof. The proposal would also include installation of the first floor French doors to create access to a proposed first floor roof terrace over the existing garage as well as creation of a basement level to serve as an independent dentist's surgery”.

- 2.3 It was plain from the officer's reply that the use of the basement as a dentist's surgery was not likely to prove acceptable and this proposed land use was not subsequently included in the planning application for the basement. However, concerning the mansard roof proposals, the officer's opinion was positive. It is also clear that in reaching this opinion, the Council officers had over the period of some 6 weeks, taken into account relevant planning policy considerations. The relevant considerations from a policy perspective cited in the Council's response were design and amenity, as indicated below:

“Design

DP24 (Securing High Quality Design) of the Local Development Framework states that extensions should respect the character and appearance of the local area and neighbouring dwellings. DP25 of the Local Development Framework Development Policies of states “The Council will: only permit development within conservation areas that preserves and enhances the character and appearance of the area”. The application site is also located within The South Hampstead Conservation Area. No. 109 Goldhurst Terrace is identified within the conservation area statement as making a positive contribution to the surrounding conservation area.

*The proposed mansard roof extension would increase the bulk and mass of the application roof but would not significantly increase the maximum height of the application dwelling. The application dwelling is sited separately to the related back land development of No. 109 and does not share the form or architectural details of its immediately neighbouring buildings but does share features common to main dwellings along Goldhurst Terrace and within the surrounding conservation area. **It is considered that the proposed mansard roof and proposed roof dormers would not be out of keeping with the application dwelling or the surrounding streetscene provided the final design adheres to the design guidance for mansard roofs outlined in CPG 1 of the Camden Planning Guidance¹.....”***

and;

“Amenity

Protecting the amenity of residents and visitors is also a key Council priority. Policies CS5 (‘Managing the impact of growth and development’) and DP26 (‘Managing the impact of development on occupiers and neighbours’) set out the Council's stance in this respect. Policy DP26 seeks to ensure that the amenities of neighbouring occupiers are not unduly impacted by development in terms of overlooking, loss of daylight/sunlight, poor outlook and enclosure. An application would need to be supported by a daylight/sunlight report to ensure the proposed development does not have any adverse impact in terms of the loss of light to neighbouring properties.

¹ Camden Planning Guidance - Design CPG 1, London Borough of Camden, as amended March - April 2015.

The proposed mansard roof would include 7 front, rear and side facing dormer windows that would potentially overlook neighbouring windows and amenity space. The form of the proposed dormer windows are acceptable, the proposed dormers that overlook upon the rear of Goldhurst Terrace and the rear of Fairfax Place would need to be obscured glazed and fixed shut in order to preserve neighbour's privacy and the quality of their amenity spaces."

2.4 In conclusion, the pre-application advice indicated:

"It is considered that the proposed mansard roof would be acceptable subject to final plans being submitted and subject to adherence to guidance for mansard roofs set out in Camden Planning Guidance 1 (design). The issues of overlooking of the proposed dormer windows would also need to be overcome.

3.0 Recent Planning History

3.1 The reply to the Pre Application request, confirms that the mews properties, including the subject site at 109 Goldhurst Terrace were converted to 8 residential units under planning application 2013/1308/P, as follows:

"2013/1308/P - Change of use of buildings from (Class B2) to 8 x residential units (Class C3) including retention of existing detached 3 bedroom dwellinghouse and 1 x 1 bedroom and 5 x 2 bedroom units, retention of external alterations to warehouse (involving new rooflights, windows and doors) and detached two storey house (involving new windows and doors) and provision of 1x 2 bed unit involving further external alterations to fenestrations of warehouse (remodelling of roof), replacement of main entrance gate from Goldhurst Terrace, provision of refuse and cycle storage for each of residential units and associated landscaping (partly retrospective). Granted Subject to a Section 106 Legal Agreement 27/02/2014"

3.2 Planning permission was granted in December 2015, for a replacement roof at the subject property, following the earlier removal of the previous roof as part of the works of refurbishment. The permitted roof form was for a pitched design incorporating 4 dormer windows and a roof light. This roof form was permitted under planning application reference **2015/4386/P**, dated 22nd December 2015, subject to conditions. A copy of this planning permission and the related drawings are attached at Appendix A and B respectively.

3.3 Nevertheless, in the light of the positive pre-application planning advice provided by the London Borough of Camden, as outlined above, the appellant pursued a mansard roof solution for the subject property. The reason for this was to be able to use the space formed within the mansard envelope as useable residential accommodation which would not be possible either by way of the original roof form, or the approved planning solution permitted in December 2015.

3.4 It will be apparent from the Council's recent decision in relation to the subject appeal that the Council is threatening enforcement action to either replace the original roof, which was of a pitched design with four hips, similar to, but lower than the roof form, permitted under planning permission,

2015/4386/P, but without any dormers, or alternatively implement the design permitted under planning permission 2015/4386/P.

3.5 In the light of the pre application advice provided on 24th July 2015, under reference 2015/2716/PRE, the appellant submitted a planning application for the erection of a mansard roof including installation of 3 front dormer windows and 3 rear dormer windows and one rooflight on 18th February 2016.

4.0 **Reason for refusal**

4.1 Planning permission was refused for the appellant's mansard proposal on 27th May 2016 for the following reason:

“The proposed roof extension, by virtue of its height, additional bulk, design, and siting would cause harm to the appearance of the host property and to the character and appearance of the South Hampstead 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.”

4.2 It should be noted that planning permission has not been refused on the grounds of adverse impact on residential amenity nearby. This is entirely consistent with the fact that the amount of overlooking that might occur in relation to the mansard roof proposals would be significantly less than would occur in the event that the hipped roof design was to be implemented with dormer windows on each of the four elevations under planning permission 2015/4386/P.

4.3 As will be readily apparent upon a site inspection, to the south of the appeal property is a high gabled wall forming the flank wall of the neighbouring property. This forms the southern boundary to the subject site and which would severely restrict view out from the mansard roof to the south were this appeal to be allowed. There would be no overlooking to the east towards Fairfax Place, or west over the rear of the properties in Goldhurst Terrace. This fact may not have been appreciated by a number of local residents in Fairfax Place who have objected on the grounds of loss of amenity. To the north, the views from the subject property would be over the roofs of the other mews properties within Goldhurst Terrace. In any event, the Council has not raised loss of amenity as a reason for refusal.

5.0 **Grounds for Appeal**

5.1 The grounds for appeal are as follows:

- 1) The proposed roof extension, by virtue of its height, additional bulk, design, and siting would not cause harm to the appearance of the host property and to the character and appearance of the South Hampstead Conservation Area;
- 2) The proposed roof extension complies with and conforms to Camden Planning Guidance – Design, CPG 1;

3) The proposed roof extension, by virtue of its height, additional bulk, design, and siting would not be contrary to Policy CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy²;

4) The proposed roof extension, by virtue of its height, additional bulk, design, and siting would not be contrary to Policy DP24 (Securing high quality design) of the London Borough of Camden Local Development Framework; and

5) The proposed roof extension, by virtue of its height, additional bulk, design, and siting would not be contrary to Policy DP25 (Conserving Camden's Heritage) of the London Borough of Camden Local Development Framework.

5.2 I now consider and justify the five grounds for appeal.

5.3 **1) The proposed roof extension, by virtue of its height, additional bulk, design, and siting would not cause harm to the appearance of the host property and to the character and appearance of the South Hampstead Conservation Area.**

5.4 The Council asserts that, *"the proposed roof extension, by virtue of its **height, additional bulk, design, and siting** would cause harm to the appearance of the host property and to the character and appearance of the South Hampstead Conservation Area"*. However, on the basis of any mansard roof design that might reasonably be applied to the subject building, such design would be necessarily be of similar, if not identical height, additional bulk and siting as the appeal proposals. I and my client find the Council's decision in weighing up the application, entirely inconsistent with the positive approach and encouragement given by the Council when it supplied its formal pre-application advice in July 2015. In the intervening period, there have been no changes or alterations to the relevant policies cited by the Council in its pre-application advice, or in the recent reason for refusal. The officer who provided the pre-application advice is the same planning officer who managed the planning application process and who prepared the officer's report in weighing up these proposals.

5.5 It will be apparent from a site inspection that the surrounding buildings have been extended on the 3rd and 4th floors and overlook the subject property and will continue to do so, irrespective of the outcome of this inquiry.

5.6 In the case of the current proposals, the host building dates from the Victorian period. Mansard roofs are an appropriate roof form generally for Victorian buildings. The South Hampstead Conservation Area Character Appraisal and Management Strategy, February 2011³, prepared by

² Camden Core Strategy 2010-2025, Local Development Framework, London Borough of Camden, adopted on 8 November 2010 <https://camden.gov.uk/ccm/navigation/environment/planning-and-built-environment/planning-policy/planning-policy-documents/core-strategy/>

³ The South Hampstead Conservation Area Character Appraisal and Management Strategy, February 2011³, prepared by Conservation & Urban Design Team, London Borough of Camden <https://www.camden.gov.uk/ccm/content/environment/planning-and-built-environment/two/planning->

Conservation & Urban Design Team, London Borough of Camden, summarises the spatial character of the South Hampstead CA in section 5 as follows:

“5.0 CHARACTER ANALYSIS

Spatial Character

5.1 The spatial character of South Hampstead is derived from the interplay of wide streets lined with mature trees and large and rhythmically spaced brick buildings. These substantial residential properties could easily dominate views to either side, however their bulk is moderated both by their placement within the plot - set back from the street in verdant front gardens - and because their elevations are carefully modelled, using recession and projection and decorative details to great effect. The whole ensemble is further enlivened by variety at roofscape level – again carefully designed to balance the height and mass of the properties and yet retain an attractive, homely character.

5.2 The character of South Hampstead Conservation Area relies significantly on the attractive, wide variety of prominent roof forms. Roofs are formed by decorated gables to the frontage, with terracotta decoration and timber windows, sometimes as oculus (round) openings or balconies with railings, capped by elaborate Dutch gables and pediments, or elsewhere treated as steep French style hipped and mansard roofs, some with original dormers, their size, shape and materials designed to harmonise with the host building. Turrets and ogee-shaped domes – for example up and down Fairhazel Gardens – terminate the corners of streets in grand Victorian style.....”

5.7 The South Hampstead Conservation Area Character Appraisal and Management Strategy, February 2011, also explains at Page 28:

“Roof Extensions and Changes to Roof Profiles and Detail

*7.15 It is notable that in April 1988, guidelines for roof alterations in the area were formally adopted by the Council, prior to the area’s adoption in November of that year as a conservation area. **The wide variety of roofs – from simple decorated gables, to elaborate Dutch gables and pediments, to steep French style hipped and mansard roofs, turrets and ogee-shaped domes - play a very important role in maintaining the character of the conservation area.***

*7.16 In recent years, as above largely due to the increased intensity of residential use and resulting trend for residential conversion, there have been a number of planning applications to alter roofscapes and insert new dormer windows to the front and rear of buildings in the conservation area. These can be damaging to the character of the area if what is proposed does not take into account the careful design of the original building – its front elevation and traditional roof form - and the pattern of neighbouring buildings as a whole. **The variety of roof forms in the area means that each proposal must be carefully judged on its design***

[policy/supplementary-planning-documents/conservation-area-appraisal-and-management-strategies/south-hampstead.en](https://www.camden.gov.uk/policy/supplementary-planning-documents/conservation-area-appraisal-and-management-strategies/south-hampstead.en)

merits; alterations should not result in increased visual bulk to the roof, nor should they draw more attention than existing to the roof slope. Where a building forms one of a harmoniously composed terrace or group, or indeed is a prominent corner building with a carefully designed hipped roof, insensitive alterations this can be particularly damaging to the design of the host building and the street as a whole. Rooflights inserted insensitively in the front or visible side roof slope, even when they are flush fitting, also erode character and upset the careful balance of solid to void on the principal elevation."

5.8 In relation to the guidance in the South Hampstead Conservation Area Character Appraisal and Management Strategy, February 2011, it is plain from the character analysis in paragraph 5.2 and the text in paragraph 7.15 that mansard roofs are an acceptable roof design within the Conservation Area. In the pre-application advice provided by Camden, the Council acknowledged that a mansard roof would be acceptable, subject to design. The submitted proposals for the mansard roof were altered during the planning application process, to ensure that the roof elevations were set back behind parapet walls on the front and rear elevations, as requested by the case officer Mr O'Donnell. The further guidance in the South Hampstead Conservation Area Character Appraisal and Management Strategy, February 2011, states that, "*The variety of roof forms in the area means that each proposal must be carefully judged on its design merits.*" The Council had every opportunity to consider the specific design issues relating to the mansard roof during the planning application process, but were unable, or unprepared to advise as to the specific design alterations appropriate to overcome any design deficiencies that they may have suggested. Were any design changes genuinely sought, the appellant should have been given notice of such design deficiencies in order that these might have been rectified through modifications to the design. It appeared throughout the period during which the planning application was being considered, the case officer was unprepared or unable to make and justify any design changes to the mansard proposals. This has caused my client considerable anxiety as the Council's approach appeared to have changed from the advice given last year, but again without any justification.

5.9 Notwithstanding the Council's pre-application advice, which offered a strong "steer", the subsequent attitude expressed by the case officer was that a mansard roof would not be acceptable and that the appellant should either replace the previous roof that had been removed, or construct the hipped roof design permitted under planning permission 2015/4386/P. In considering this planning application it therefore appears that the Council did not follow the advice in the South Hampstead Conservation Area Character Appraisal and Management Strategy, February 2011, that, "each proposal must be carefully judged on its design merits" in balancing the design benefits of the mansard proposal. To the extent that there were design deficiencies, the Council did not explain these to the applicant and what changes would be appropriate to make the mansard design acceptable.

5.10 Interim Conclusion - South Hampstead Conservation Area Character Appraisal and Management Strategy, February 2011 and the mansard roof proposals.

1) Having regard to the Character Analysis and guidance on Roof Extensions and Changes to Roof Profiles and Detail, within the South Hampstead Conservation Area Character Appraisal and Management Strategy, mansard roofs are generally an acceptable roof form subject to design.

2) The particular proposals should be considered on their merits to assess their acceptability in terms of design matters.

3) No objective assessment appears to have been made by the case officer in assessing the quality of design, other than initial helpful comments during the early stages of the mansard design indicating that the roof form should be set back behind parapet walls, as is the normal design convention.

4) The proposed roof extension, by virtue of its height, additional bulk, design, and siting would not cause harm to the appearance of the host property and to the character and appearance of the South Hampstead Conservation Area as alleged by the London Borough of Camden.

5.11 Conformity with London Borough of Camden Planning Guidance - Camden Planning Guidance Design CPG 1

5.12 The design guidance provided by the Council for mansard roofs, is available in the London Borough of Camden's planning guidance Design CPG 1. This was referred to extensively by the appellant in the Planning Statement, forming part of the planning application documents. It will be apparent from the Planning Statement that in preparing these proposals that the applicant has had particular regard to the advice in CPG 1, as recommended by planning officer, Mr O'Donnell at the Pre Application Meeting in July 2015. As indicated in the Planning Statement, the London Borough of Camden's planning guidance on design contained within CPG 1 was published on 28th April 2011. In relation to mansard roof development, this guidance closely reiterates the earlier design guidance published in the Borough's guidance in "Development", July 2002. The guidance has therefore existed in its current form for about 14 years.

5.13 The guidance considers the general appropriateness of mansard roofs at paragraph 5.14 of CPG 1 advising that mansard roofs are a traditional means of terminating a building without adding a highly visible roof. It will be apparent from the planning application drawings that the subject planning appeal proposals are for a flat-topped mansard, set behind parapet walls to reduce the appearance of bulk.

5.14 Figure 5. "Mansard Roofs" in CPG 1, depicts the two types of mansard roof forms. The form adopted in relation to the appeal proposals is a flat topped mansard, with an angle of pitch of less than 70 degrees. This conforms with the guidance in CPG1. The upper slope is flat. The guidance further advises that the height of the mansard in terms of the floor to ceiling height, should not exceed 2300 mm. In the application proposal, the height is 2300mm. In paragraph 5.15 of the guidance, mansard roofs are described as being, "*often the most appropriate form of extension for a Georgian or Victorian dwelling with a raised parapet wall and low roof structure behind. Mansard roofs should not exceed the height stated in Figure 5 so as to avoid excessive additional height to the host building. They are often a historically appropriate solution for traditional townscapes.*"

5.15 The guidance continues;

"The three main aspects to consider when designing a mansard roof extension are its:

- pitches and profile;*
- external covering; and*

- *windows.*

The lower slope (usually 60-70°) should rise from behind and not on top of the parapet wall, separated from the wall by a substantial gutter.Dormer windows or roof lights should be confined to the lower slope.

Roofing materials should be of the highest quality because of their significant visual impact on the appearance of a building and townscape and the need to be weather-tight. Natural slate is the most common covering and this should be laid with a traditional overlap pattern.....”

5.16 The proposals in the subject planning application conform to this guidance.

5.17 CPG 1 also provides more general guidance for roof alterations and extensions as follows:

“Roof alterations and extensions – general principles

5.6 Proposals to alter and extend roofs fall into two categories: those that are accommodated within the existing roof form, such as dormer windows and roof lights, and those which alter the overall roof form, such as the construction of mansard roofs.

5.7 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;*
- *Alterations are architecturally sympathetic to the age and character of the building and retain the overall integrity of the roof form;*
- *There are a variety of additions or alterations to roofs which create an established pattern and where further development of a similar form would not cause additional harm.*

5.8 A roof alteration or addition is likely to be unacceptable in the following circumstances where there is likely to be an adverse effect on the skyline, the appearance of the building or the surrounding street scene:

- *There is an unbroken run of valley roofs;*
- *Complete terraces or groups of buildings have a roof line that is largely unimpaired by alterations or extensions, even when a proposal involves adding to the whole terrace or group as a coordinated design;*

- *Buildings or terraces which already have an additional storey or mansard;*
- *Buildings already higher than neighbouring properties where an additional storey would add significantly to the bulk or unbalance the architectural composition;*
- *Buildings or terraces which have a roof line that is exposed to important London-wide and local views from public spaces;*
- *Buildings whose roof construction or form are unsuitable for roof additions such as shallow pitched roofs with eaves;*
- *The building is designed as a complete composition where its architectural style would be undermined by any addition at roof level;*
- *Buildings are part of a group where differing heights add visual interest and where a roof extension would detract from this variety of form;*
- *Where the scale and proportions of the building would be overwhelmed by additional extension.”*

5.18 It will be evident from the CPG1 and the South Hampstead Conservation Area Character Appraisal and Management Strategy that there are great variety of roof styles within the locality. Consequently, a single mansard roof on the subject building is unlikely to cause any harm to the character of the conservation area and should therefore be acceptable in terms of CPG 1, paragraph 5.7, subject to other material considerations. This was plainly the Council’s opinion at the time that the pre application advice was provided in July 2015.

5.19 As outlined above, CPG 1 sets out criteria in paragraph 5.8 where roof alterations or additions are likely have an adverse effect on the skyline, the appearance of the building or the surrounding street scene giving rise to circumstances where such proposals are likely to be unacceptable. None of the 9 “adverse effect” criteria in paragraph 5.8 of Camden’s Planning Guidance, Design CPG 1, could be said to apply to the subject property in so far as these proposals are concerned.

5.20 **Interim Conclusion - Conformity with London Borough of Camden Planning Guidance - Camden Planning Guidance Design CPG 1**

5) In objectively assessing the design quality and appropriateness of the subject proposals, the case officer and those assessing the proposals within the Council would be expected to assess the proposals against the criteria in paragraphs 5.7 and 5.8 in the Camden Planning Guidance, Design CPG 1, as outlined above. There is no evidence that this took place. At the time of writing, there is no planning officer’s report on the Council’s web-site indicating how the Planning Department assessed the

planning application, weighing up the benefits of the proposal. It is nonetheless manifestly clear as demonstrated above, that the mansard roof design meets the objective criteria as set out in paragraph 5.7 and does not offend any of the 9 criteria in paragraph 5.8 of the Camden Planning Guidance, Design CPG 1.

5.21 **2) The proposed roof extension, by virtue of its height, additional bulk, design, and siting would not be contrary to Policy CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy**

5.22 The reason for refusal alleges that, *“The proposed roof extension, by virtue of its height, additional bulk, design, and siting would cause harm to the appearance of the host property and to the character and appearance of the South Hampstead 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;.....”*

5.23 Policy CS14 states:

“The Council will ensure that Camden’s places and buildings are attractive, safe and easy to use by:

a) requiring development of the highest standard of design that respects local context and character;

b) preserving and enhancing Camden’s rich and diverse heritage assets and their settings, including conservation areas, listed buildings, archaeological remains, scheduled ancient monuments and historic parks and gardens;

c) promoting high quality landscaping and works to streets and public spaces;

d) seeking the highest standards of access in all buildings and places and requiring schemes to be designed to be inclusive and accessible;

e) protecting important views of St Paul’s Cathedral and the Palace of Westminster from sites inside and outside the borough and protecting important local views.”

5.24 In analysing the relevance of this policy to the appeal proposals, it should be noted that this was not raised as being relevant policy at the time of the pre-application consideration of the proposals by Camden. It was not cited as a policy to which the proposals would be expected to conform in assessing the acceptability of the proposals. However, the appellant accepts that this policy is in part relevant and in particular sub paragraphs a), b) and d). In accepting the principle of a mansard roof, in the pre application consideration of the proposals, it is implicit that the Council accepted that the development of a mansard roof would respect local context and character and likewise, to the extent that this was relevant, a mansard roof solution would preserve and enhance Camden’s rich and diverse heritage assets and their settings, including the South Hampstead Conservation Area. The threshold for design acceptability is set by London Borough of Camden’s Planning Guidance, Design CPG 1, at paragraphs 5.7 and 5.8. In considering the planning application, over some 5 months taken

to determine this planning application, the case officer raised no design objections based on this specific guidance for roof extensions. There has been no suggestion that the design is unfit for reasons associated with lack of inclusivity or accessibility by the Council or other stakeholders.

5.25 Interim Conclusion - CS14 – Promoting high quality places and conserving our heritage

5.26 6) It is accepted that Policy CS14 is relevant as to parts a), b) and d) of this policy in considering the appeal proposals. However as demonstrated in earlier in this proof, the objective assessment as to whether the proposed roof extension should be regarded as being acceptable is codified in the London Borough of Camden’s Planning Guidance, Design CPG 1 at paragraphs 5.7 and 5.8. It has been demonstrated in this Planning Appeal Statement that the Council Officer determining the planning application paid little if any regard to assessing the proposals against these design principles and the Council has failed to justify where the mansard design falls short of the Council’s design policy during the excessive period taken to determine the planning application.

7) By contrast, the appellant has demonstrated in the Planning Statement accompanying the planning application, that the requirements of Design CPG 1 at paragraphs 5.7 and 5.8, have been met by these proposals.

8) The proposed roof extension, by virtue of its height, additional bulk, design, and siting would not be contrary to Policy CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy as alleged by the London Borough of Camden.

5.27 3) The proposed roof extension, by virtue of its height, additional bulk, design, and siting would be contrary to Policy DP24⁴ (Securing high quality design) of the London Borough of Camden Local Development Framework

5.28 The appeal proposals were refused on the allegation that: *“The proposed roof extension, by virtue of its height, additional bulk, design, and siting would cause harm to the appearance of the host property and to the character and appearance of the South Hampstead Conservation Area, contrary to policies..... DP24 (Securing high quality design)..... of the London Borough of Camden Local Development Framework”.*

5.29 In relation to the proposed roof alterations, under Policy DP24, the following criteria are important considerations in assessing the quality of design:

- character, setting, context and the form and scale of neighbouring buildings;
- the character and proportions of the existing building, where alterations and extensions are proposed;
- the quality of materials to be used;
- accessibility.”

⁴ Camden Development Policies 2010-2025 Local Development Framework, adopted on 8 November 2010, London Borough of Camden

- 5.30 As will be evident from the Design and Access Statement and the submitted application drawings, the design has had careful regard to the advice in CPG 1, as recommended by planning officer Mr O'Donnell in the Pre Application advice of 24th July 2015 concerning the likely effect on the character, setting, context and the form and scale of neighbouring buildings and the quality of materials to be used. In particular, the Design and Access Statement submitted with these proposals pointed out that the proposals now subject to appeal offer the prospect of less overlooking, than would be possible from the earlier design for the hipped roof proposals that were approved under planning permission reference 2015/4386/P. This is an undoubted benefit of the mansard roof solution. Indeed, in the pre-application advice, this noted; *"It is considered that the proposed mansard roof would be acceptable subject to final plans being submitted and subject to adherence to guidance for mansard roofs set out in Camden Planning Guidance 1 (design). The issues of overlooking of the proposed dormer windows would also need to be overcome."* The appellant considers that issues of overlooking would be most successfully overcome by implementing the proposed mansard roof design in preference to the permitted hipped roof design incorporating 4 dormers. However, it is also noted that design relating to loss of amenity is not part of the reason for refusal.
- 5.31 Again by reference to the design issues pertinent under Policy DP24, the objective test to establish the acceptability of the mansard roof design is conformity with the design guidance for roof extensions and alterations in CPG 1 (Design).
- 5.32 On the matter of accessibility under Policy DP24, the Design and Access Statement submitted with the planning application, clarifies that the means of access to and from the attic floor will be via the stair serving the entire building. There would be no way-finding issues associated with this design. There is no indication that the Council is dissatisfied with accessibility issues under Policy 24, or other adopted planning policies.
- 5.33 **Interim Conclusion – Policy DP24 – Securing high quality design**
- 5.34 9) The Council's pre-application advice stated, *"It is considered that the proposed mansard roof would be acceptable subject to final plans being submitted and subject to adherence to guidance for mansard roofs set out in Camden Planning Guidance 1 (design)."* The relevant criteria in Policy DP24 relating to design are reflected in the specific design criteria for mansard roofs in Design CPG1 at paragraphs 5.7 and 5.8. On the basis that these design criteria are met as has been demonstrated in this Appeal Statement, the relevant requirements of Policy DP24 will also be satisfied. The appellant considers that the design considerations and requirements under CPG 1 have been satisfied and that the mansard roof proposals are not open to planning objection having regard to Policy DP24.
- 10) The proposed roof extension, by virtue of its height, additional bulk, design, and siting would not be contrary to Policy DP24 (Securing high quality design) of the London Borough of Camden Local Development Framework
- 5.35 **4) The proposed roof extension, by virtue of its height, additional bulk, design, and siting would not be contrary to Policy DP25 (Conserving Camden's Heritage) of the London Borough of Camden Local Development Framework.**
- 5.36 That part of Policy 25 which is relevant to the appeal proposal is the extent to which the design of the proposal will maintain the character of the South Hampstead Conservation Area. Following the pre-

application advice obtained from the Council in July 2015, the design of the mansard roof proposal evolved to take account of South Hampstead Character Appraisal and Management Strategy (February 2011) and the particular advice contained within the London Borough of Camden's Camden Planning Guidance, CPG 1, (Design). This Appeal Statement, like the Planning Statement forming part of the planning application, demonstrate that the proposals for the mansard roof at the subject property will assist in conserving the character of his part of the South Hampstead Conservation Area.

5.37 There can be no doubt that the proposal would better preserve the character and appearance of the conservation area, compared with the approved hipped roof design incorporating 4 dormers under planning permission reference 2015/4386/P.

5.38 The relationship between the mansard roof design for the subject property and the South Hampstead Conservation Area has been fully explored in section * of this Appeal Statement. Suffice it to say, that the proposals meet the design requirements for roof extensions and alterations as set out in CPG 1. Having regard to the Council's position in relation to these proposals that the mansard roof proposals should be acceptable subject to meeting the design requirements of CPG 1, taken together with the earlier design assessment with regard to the South Hampstead Conservation Area and the South Hampstead Character Appraisal and Management Strategy (February 2011), it can be concluded that the mansard roof proposals should be regarded as being entirely acceptable in this appeal.

5.39 **Interim Conclusion – Policy DP25 – Conserving Camden's heritage**

11) There is no evidence to indicate that the conservation of Camden's heritage would be adversely affected by the mansard roof proposals, were these to be allowed and implemented at the subject property. The proposed roof design is considered to be satisfactory. In relation to the pre-application advice and during the consideration of the planning application proposals that were ultimately considered by the officers, no specific design deficiencies were raised by the case officer. It therefore follows that the mansard proposals, if allowed and taken together with design conformity with CPG 1, that there is no justification for alleging that the proposals are contrary or harmful to conserving Camden's heritage.

12) The proposed roof extension, by virtue of its height, additional bulk, design, and siting would not be contrary to Policy DP25 (Conserving Camden's Heritage) of the London Borough of Camden Local Development Framework

6.0 **Overall Conclusions**

6.1 This Appeal Statement considers the sole reason for refusal which is based on design considerations, This alleged that the proposal *"... by virtue of its height, additional bulk, design, and siting would cause harm to the appearance of the host property and to the character and appearance of the South Hampstead 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."*

6.2 In making the planning application for these proposals, the appellant has relied heavily upon the pre-application advice provided by the Council which was accepted in good faith. This advice supported the principle of a mansard roof at the property, subject to design considerations. This advice was given having regard by the case officer to the likely effect upon the conservation area. In assessing the planning policy context, the pre-application advice appears to have been well considered. The concluding remarks in the pre-application advice by the case officer, Mr O'Donnell, pointed to the need by the applicant to adhere to the guidance for mansard roofs set out in Camden Planning Guidance 1 (design). This advice was followed by the applicant and his planning consultant. This Appeal Statement demonstrates that:

- 1) Having regard to the Character Analysis and guidance on Roof Extensions and Changes to Roof Profiles and Detail, within the South Hampstead Conservation Area Character Appraisal and Management Strategy, mansard roofs are generally an acceptable roof form, subject to design.
- 2) The particular proposals should be considered on their merits to assess their acceptability in terms of design matters.
- 3) No objective assessment appears to have been made by the case officer in assessing the quality of design, other than initial helpful comments during the early stages of the mansard design indicating that the roof form should be set back behind parapet walls, as is the normal design convention.
- 4) The proposed roof extension, by virtue of its height, additional bulk, design, and siting would not cause harm to the appearance of the host property and to the character and appearance of the South Hampstead Conservation Area as alleged by the London Borough of Camden.
- 5) In objectively assessing the design quality and appropriateness of the subject proposals, the case officer and those assessing the proposals within the Council would be expected to assess the proposals against the criteria in paragraphs 5.7 and 5.8 in the Camden Planning Guidance, Design CPG 1. There is no evidence that this took place. At the time of writing, there is no planning officer's report on the Council's web-site indicating how the Planning Department assessed the planning application, weighing up the benefits of the proposal. It is nonetheless manifestly clear as demonstrated above that the mansard roof design meets the criteria as set out in paragraph 5.7 and does not offend any of the 9 criteria in paragraph 5.8 of the Camden Planning Guidance, Design CPG 1.
- 6) It is accepted that Policy CS14 is relevant as to parts a), b) and d) of this policy in considering the appeal proposals. However as demonstrated in earlier in this proof, the objective assessment as to whether the proposed roof extension should be regarded as being acceptable is codified in the London Borough of Camden's Planning Guidance, Design CPG 1 at paragraphs 5.7 and 5.8. It has been demonstrated in this Planning Appeal Statement that the Council Officer determining the planning application paid little if any regard to assessing the proposals against these design principles and the Council has failed to justify where the mansard design falls short of the Council's design policy during the excessive period taken to determine the planning application.

7) By contrast, the appellant has demonstrated in the Planning Statement accompanying the planning application, that the requirements of Design CPG 1 at paragraphs 5.7 and 5.8, have been met by these proposals.

8) The proposed roof extension, by virtue of its height, additional bulk, design, and siting would not be contrary to Policy CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy as alleged by the London Borough of Camden.

9) The Council's pre-application advice stated, *"It is considered that the proposed mansard roof would be acceptable subject to final plans being submitted and subject to adherence to guidance for mansard roofs set out in Camden Planning Guidance 1 (design)."* The relevant criteria in Policy DP24 relating to design are reflected in the specific design criteria for mansard roofs in Design CPG1 at paragraphs 5.7 and 5.8. On the basis that these design criteria are met as has been demonstrated in this Appeal Statement, the relevant requirements of Policy DP24 will also be satisfied. The appellant considers that the design considerations and requirements under CPG 1 have been satisfied and that the mansard roof proposals are not open to planning objection having regard to Policy DP24.

10) The proposed roof extension, by virtue of its height, additional bulk, design, and siting would not be contrary to Policy DP24 (Securing high quality design) of the London Borough of Camden Local Development Framework

11) There is no evidence to indicate that the conservation of Camden's heritage would be adversely affected by the mansard roof proposals, were these to be allowed and implemented at the subject property. The proposed roof design is considered to be satisfactory. In relation to the pre-application advice and during the consideration of the planning application proposals that were ultimately considered by the officers, no specific design deficiencies were raised by the case officer. It therefore follows that the mansard proposals, if allowed and taken together with design conformity with CPG 1, that there is no justification for alleging that the proposals are contrary or harmful to conserving Camden's heritage.

12) The proposed roof extension, by virtue of its height, additional bulk, design, and siting would not be contrary to Policy DP25 (Conserving Camden's Heritage) of the London Borough of Camden Local Development Framework

6.3 The appellant respectfully requests that this appeal be allowed.

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June 2016