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Your ref: APP/X5210/W/16/3154638
Our ref: 2016/2312/P
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Ms Cassandra Low
The Planning Inspectorate
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2 The Square
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BS1 6PN

Dear Ms Low,

Town and Country Planning Acts 1990 (as amended)
Planning Appeal Statement (Authority)
Appellant: Mr Leo Kaufman
Site: 84 Parkway, London, NW1 7AN

I write in connection with the above appeal against Council's refusal to grant planning permission for the erection of rear extension at the second floor level and water tank on the roof (retrospective in respect to the water tank) at 84 Parkway, London.

The Council's case is set out primarily in the delegated officer's report (ref: 2016/2312/P) that has already been sent with the questionnaire and is to be relied on as the principal Statement of Case. Copies of the relevant LDF policies and accompanying guidance were also sent with the appeal questionnaire.

In addition, Council would be grateful if the Inspector would consider the contents of this letter which includes confirmation of the status of policy and guidance, comments on the Appellant's grounds of appeal and further matters that the Council respectfully requests be considered without prejudice if the Inspector is minded to grant permission.

1.0 Status of Policies and Guidance

- 1.1 The full text of the relevant policies was sent with the questionnaire documents.
- 1.2 On 8th November 2010 the Council **formally adopted** the Core Strategy and Development Policies documents of the Local Development Framework.
- 1.3 The relevant LDF policies as they relate to the reasons for refusal are:

CS5 Managing the impact of growth and development
CS14 Promoting high quality places and conserving our heritage

DP24 (Securing high quality design)
DP25 (Conserving Camden's heritage)
DP26 (Managing the impact of development on occupiers and neighbours)

- 1.4 The Council also refers to supporting documentation in Camden Planning Guidance 1 (Design) Sections 2, 3, 4 (2015) and Camden Planning Guidance 6 (Amenity) section 7 (2011).
- 1.5 The Council's policies are recent and up to date. There are no material differences between the NPPF and the Council's policies in relation to this appeal.

2.0 Summary of the case

- 2.1 The site history is outlined in the delegated officer's report (ref: 2016/2312/P) that has already been sent with the questionnaire.
- 2.2 The appellant applied for permission to construct a single storey rear extension at 2nd floor level within the footprint of the existing rear extension at 1st floor level. The proposed rear extension would measure 4.1m deep from the existing rear façade, 3.5m wide and 2.3m high. The proposed materials would match existing.
- 2.3 In conjunction with the above extension, the appellant also applied to retrospectively retain the water tank located to the rear of the roof which was subject to an enforcement investigation (Council Ref: EN16/0198).
- 2.4 At time of site visit on 25 May 2016, the applicant was advised that the initially submitted drawings were inaccurate in terms of the shape of the butterfly roof, existing windows and the chimney. The appellant was requested to provide accurate drawings. These revised drawings were received on 1 June 2016.
- 2.5 It should be noted that a photograph provided by a neighbour to the rear shows that the water tank to be retained is actually much larger than that shown in the revised drawings. See Appendix 1. As this was received at a late stage, the Council was unable to take this into consideration in the decision or to notify the applicant to amend them. Notwithstanding this misrepresentation in application drawings, the Council maintains that the principle of the water tank on the roof is unacceptable in general.
- 2.6 This application was refused for the following substantive reasons (summarised) and warning of enforcement action for the extant water tank was issued on 22nd June 2016.
 - 1) *The unauthorised water tank located at the main roof level, by reason of its location, position and overly bulky appearance would be detrimental to the character and appearance of the building property and the surrounding Camden Town Conservation Area.*
 - 2) *The proposed second floor rear extension, by reason of its size, siting and detailed design including the choice of materials, would be detrimental to the*

character and appearance of the building property and the surrounding Camden Town Conservation Area.

- 3) *The proposed second floor rear extension, by reason of its siting and height would result in an increased loss of privacy experienced by the occupiers of no. 86 Parkway and to the rear of properties at Gloucester Crescent. It would therefore be detrimental to their residential amenity*

3.0 **Comments on the appellant's grounds of appeal**

3.1 The following summarises the Appellant's Grounds of Appeal in bullet points followed by Council's comments:

- *The rear elevation including the original features do not merit special character or significance due to its heterogeneous nature.*

3.2 The consideration afforded to the Council's decision derives from balancing *both* the Conservation Area and general policy guidance. In terms of historic heritage matters, while rear elevations of Parkway is not specifically singled out as particularly significant, historic rear elevations are an integral part of the character of the area. The policy guidance, in particular the CPG1 also sets out clear guidance as to rear extensions in general.

3.3 On balance of both policy aspects, the Council considers that the proposal would not satisfactorily pass both tests. The discussions below will further expand upon the Council's position relating to the refusal decision.

- *The water tank is not visible (or prominent) from the ground and 1st floors of Gloucester Crescent or from the road in Parkway.*

3.4 Related to point 3.2, the Council has taken into account the effect on the rear elevations in this regard with view of preserving the historic roofscape from further insensitive alterations. The Council maintains that the water tank is indeed intermittently visible from Parkway, partly due to the water tank installed on the roof being larger than what is represented in the submitted drawings (see Appendix 1). While it may not be necessarily considered as a prominent addition to the street scene from Parkway, it is considered as such when viewed from Gloucester Crescent properties, which are part of Primrose Hill Conservation Area and are Grade II listed.

- *Appellant has compiled a list of properties with similar tanks. Council has done nothing to have these removed.*

3.5 All properties as referred to by the applicant are subject to investigation by enforcement officers, which is currently ongoing.

- *The loss of privacy at Gloucester Crescent is not valid due to distance. The reason for refusal also includes no. 86 Parkway which is incorrect.*

3.6 No. 86 was included in the decision in error. The Council no longer contests this

matter.

- *The roof of the first floor extension already used as a terrace. The proposal subject to this appeal will reduce this existing overlooking.*

3.7 The Council rejects the appellant's claim that the current use of the roof of the first floor extension as a justification to this appeal as 'reducing the existing overlooking'. The previous planning application was granted on the reasonable presumption that due to the window being placed mid-height in the stairwell void, it would not reasonably be accessible to be used as a terrace. Therefore conditions restricting the use of the roof as a terrace had been deemed unnecessary. Had the Council been aware that a hinged platform would be installed from mid-stairwell to access the roof, then this would have been strongly opposed on the grounds of blocking of the only external access to floors 2 and 3, increasing overlooking to neighbours and renders the previously granted consent unacceptable on planning terms. The plank is a risk to physical safety to the users of the roof as well as the upper floor unit/s in general by blocking the only emergency access and therefore is unacceptable.

- *The proposed second floor extension is substantially smaller in width than the first floor extension which was approved. The officer's report failed to explain why the earlier one complied yet the appeal proposal does not.*

3.8 The Council maintains that the proposed second floor extension as provided to the Council is in fact larger than the approved first floor extension. We would like to respectfully bring to Inspector's attention that based on the drawings provided, the first floor extension measures 3.7m depth and 3.2m wide; and the second floor extension measures 4.4m depth and 3.5m wide. Notwithstanding this, discussions on site have led the officers to understand that the second floor extension would in fact, 'match' that of the first floor.

3.9 In addition, the Council would respectfully draw the Inspector's attention to the CPG 1 Section 4.13 which states that rear extensions should be strongly discouraged where they are higher than one full storey below eaves/parapet level or rise above the *general* height of the neighbouring projections and nearby extensions. This is also referred to in section 3.3 of the Officer's Report. Therefore while the first floor extension may have been appropriate, the current proposal would fail on this point.

- *82 Parkway has a larger extension.*

3.10 Section 3.5 of the Officer's report addresses this matter. This extension was granted permission in 1960s, well before the designation as a Conservation Area.

3.11 The Council refers to a previous appeal decision (APP/X5210/C/14/2215256/7) for the same appeal site where the Inspector has acknowledged the presence of this extension, however went on to state that "*The presence of similarly harmful extensions in the vicinity cannot be justification to allow yet another inappropriate scheme which would whittle away at what remains of the qualitative built form in this particular part of the conservation area.*"

3.12 Related to 3.9 above, the CPG 1 section 4.13 notes rear extensions may be built to

the *general* height of the neighbouring projections. No. 82 is an atypical example of a large rear extension development in this terrace, and is not a common feature of the terrace of which it is part. Given this, the rear extension of no. 82 Parkway is appropriate to be considered as a precedent. If given permission to proceed, the Council considers that this has potential to set development expectations in this area which would erode the original built form of the overall terrace.

3.13 Accordingly, the Council maintains that the existence of inappropriate historic development cannot serve as a guide for future development, particularly when it is directly contrary to the currently applicable policy direction and has potential to set an unfavourable indication for future development in this area.

- *Appellant is willing to accept a condition to mitigate the tank enclosure by a brick panel, brick wall or install two air conditioning units to conceal it.*

3.14 The Council maintains that the proposed mitigation measures for the water tank enclosure are inappropriate in the context in which it is located. The application was refused on the grounds of an overly bulky structure. The proposed mitigation of brick panels/wall or air conditioning units would only increase the bulk on the roofscape. We respectfully draw the Inspector's attention to the Appendix 1: rear elevation photo where it clearly shows that the water tank upon the roof is much larger than that shown on application plans. Concealing this overly bulky structure with more structures would not be considered as appropriate mitigation.

Conclusions

It is respectfully requested that the Inspector dismiss the appeal having regard to the entirety of the Council's submissions including the content of this letter.

Without prejudice and in the event that the appeal is allowed, the Inspector is respectfully requested to consider the imposition of conditions which are attached as **Appendix 2** to this letter.

If any further clarification or submissions are required, please do not hesitate to contact the undersigned by the direct dial telephone number or email address quoted in this letter.

Yours faithfully,

Kasuni Thewarapperuma

Planning Officer

Culture and Environment Directorate

Appendices

- 1) Photo of the Rear Elevation
- 2) Planning Conditions

Appendix 1 – Rear Elevation



Appendix 1: The Rear Elevation photo shows that the water tank is much larger than represented in Planning Drawing labelled 05. The site is outlined in red.

Appendix 2 - Planning Conditions

Without prejudice and in the event that the appeal is allowed, the Inspector is respectfully requested to consider the imposition of the following conditions and informatives.

Proposed Conditions

- 1) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.

Reason: In order to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 (as amended).

- 2) All new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the existing building, unless otherwise specified in the approved application.

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.

- 3) The development hereby permitted shall be carried out in accordance with the following approved plans numbered 1a (dated 10-02-15), and Plans 01, 02, 03, 04, 05, 06 (dated 18-04-16 and received 1 June 2016) prepared by Great Plans.

Reason: For the avoidance of doubt and in the interest of proper planning.

- 4) The flat roof of the extension hereby granted shall not be used at any time as a sitting out area or outside amenity space without further planning permission.

Reason: In order to protect the amenity and the privacy of the neighbouring properties and character and appearance of the property in accordance with the requirements of Policies DP24, as well as planning guidance CPG 1 and 6 of the London Borough of Camden Local Development Framework Development Policies.

- 5) The water tank shall be reduced in size to match that shown on the drawing no 05 and evidence provided to the Council within 3 calendar months of the date of this decision.

Reason: To safeguard the appearance of the premises and the character of the immediate area and to ensure consistency with condition 3 as outlined above 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.

Informatives

- 1) Your proposals may be subject to control under the Party Wall etc Act 1996 which covers party wall matters, boundary walls and excavations near neighbouring buildings. You are advised to consult a suitably qualified and experienced Building Engineer.
- 2) Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Council's Compliance and Enforcement team [Regulatory Services], London Borough of Camden, 5 Pancras Square, London N1C 4AG (Tel. No. 020 7974 4444 or on the website

<http://www.camden.gov.uk/ccm/content/contacts/council-contacts/environment/contact-the-environmental-health-team.en> or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.