

Appeal against refusal of planning permission for a roof extension at 30 Ornan Road.

LPA ref 2016/3305/P.

Written representations Statement of Case.

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Illustration of appealed proposal on roof at 30 Ornan Rd.





Angled street view of proposal (above) and existing rear photo of 30 Ornan Road (below).





Illustration of the flexibility this particular design offers to add (or not add...) similar roof additions to adjacent 28 and 26 Ornan Road without undue (unreasonable) enforcement.





Illustration of refused and dismissed full-width central to the terrace proposal at 28 (see also attached doc showing fuller perspectives of this).

1.0 THE ESSENCE OF OUR CASE & THE SOUNDNESS OF THE REASONS FOR REFUSAL

1.1 It is our belief that this design has been a careful (and indeed painstakingly thought-through) attempt, in a delicate, creative, innovative and qualitative contemporary way, to propose a much-needed bedroom addition to this low, end-of-terrace 2 storey house. The added mass, quite unlike what would have been the case with either of its more exposed two neighbours, would be well positioned, “shielded, “framed” and “protected” by its immediately adjacent and huge in comparison, mainly blank and unarticulated (thus also comparatively bland, exposed and arguably for this reason unattractive and unrelated to the very different terrace) flank wall of the beautiful period villa next to it, which is a gem in the Conservation Area (unlike this terrace, a recognized mediocrity by all). More site photos are on doc 7 and profiles of the refused extension at 28 on doc 8.

1.0 We explained as best we could in our “Planning and Design Statement” *(please note this incorrectly referred to a 1st as opposed to a 2nd floor extension and this has now been corrected)*

how we achieved this and analysed how that differed from the justifiably refused and dismissed middle full-width extension to central no. 28 which would, indeed, unlike this, appear obtrusive. We also adopted a more creative, innovative and light design, transparent (than the much more solid 28’s) with glass and modern crisp frame lines (after all, adding onto an early modern and not a period building), so as not to unduly burden the building or the townscape with “solidity”. We nevertheless matched the glass frames and the white render with that existing on the parent house and aligned the window matching frames to coincide with the central vertical plinths of the house between its windows. We cannot therefore agree that the extension does not relate to the house or that it is not “of adequate quality” (no indication

whatsoever given what that quality might be by the Council in their Report which accuses ours being poor...).

2.0 We would refer you to this rather detailed **“Planning and Design Statement”** (please see this attached as doc 1) we submitted with our application and **could you please consider it as an integral part of our Statement of Case**, rather than us repeat it here, thank you. We thought it would be more helpful to you if we did not over-expand here but try to focus to what we really consider our key and significant differences with the Council are.

3.0 The Council seem to treat this application in an identical way to that refused at 28 (see docs 2, 3, 4, 5) and refuse it for the same reason. Our position is that:

- I. **The case of 30 is quite different to that of mid-28** (and/or the end no. 26) by virtue of 30's location at the end, and it should not be considered as if it was not. This extension, unlike 28's, creates a “stepping up” to the still much taller (i.e. after the extension were added) villa right next to it. This we consider is to be welcomed in townscape terms (and indeed has been welcomed elsewhere nearby in the case of Glenilla Villas in the same Conservation Area by the Council specifically in their report approving a new minimalist box-shaped house there next to a much bigger block having demolished a cottage. This is nowhere taken into account or commented upon. 30 also has the longest rear garden of the three which gives it more space around it.
- II. In addition to its very **different locality and context**, the **design of the extension is far different to that of 28**, and, again, this is not taken into account by the Council. This is no coincidence and it is very important. 28 was full width

and if built, in effect would have ended up with a 3 full storey, blank-dead flank-walled house projecting ugly and solid above its 2 shorter neighbouring houses. Now that would have been obtrusive but is very different to what we now try and achieve here.

- III. **A key to our design is the subservience we have planned for in the extension to the parent house designing what is in effect a commonly found set-in-from-all-sides “penthouse” extension rather than a full bulky solid addition.** To create a more transparent and interesting side elevation (rather than just blank) on the exposed side of the extension – little visible from that street although that would in any case be – we inserted what we feel are both innovative and creative as well as attractive (terms often found in Camden’s Local Plan design policies to be aimed at in new development wherever possible!) which, sadly, did not seem to impress them. These floor-to-ceiling side “pillared” windows would also give a nice feel, light and views in the room and enjoy looking at possible planting on the side left over terrace (which we did not want to use as a balcony but only maintenance and would accept a condition for that).
- IV. **Probably the most important obstacle we overcame in our view,** with what we thought was an ingenious (certainly innovative and creative) solution was this problem of making all three houses (all being of no architectural merit now and needing badly to be made more attractive – with the obvious and perhaps the only way being another floor they were “begging” for being so low) was the **flexibility** our design introduced **releasing each of the houses from the bondage they had been under** with each other in the Council requiring them to extend all in tandem. There was no objection to another floor by the LPA but they all had to

do it together. This is understandable when they all (were in a position to?) hoped they could extend together but obviously they have not been able to manage that.

V. Is it therefore not unreasonable for the Council to keep insisting they do so when a perfectly agreeable solution of a subservient and well screened “fresh” and contemporary extension has now been found which luckily starts with the most suited of the three, the end one which borders a colossus of a building, rather than the middle or end one where an argument against it *might* be stronger? It is our view that by doing so they stop good sustainable housing development on an unsubstantiated basis. One needs only to take a walk around central London to find numerous such penthouses sitting comfortably on flat roofs on terraces of all sizes of buildings that Councils (including Camden) routinely rightly approve.

VI. The Council in the NPPF’s hugely important in such housing crisis spirit of encouraging and obliging LPAs to be approving sustainable development should grasp the fact that the end house has applied for a discrete, well designed, well set in, light, glazed extension and approve it to allow the Maurices to give their daughter a bedroom of her own, and rejoice in the fact that it is not the middle or end house that have applied where it *might (not necessarily...)* be arguably harder to support such an extension. Then, once they approve this, a new set of circumstances will arise when and if it came to assessing extensions for 26 and 28 – possibly identical ones with breathing gaps between them. We have also gone through the effort of designing to show them how well these could stand. The report also implies they indeed could, by not commenting against them but coming back (again) to the “legal” (unreasonable) burden they seem set to want to impose on all residents to be

forced to extend together. We do not see this is needed now.

- VII. It is our view that this specific extension in its core design elements can perfectly well stand alone in this particular location and context and indeed improve the townscape in this spot in the street and hence the appearance and character of the Conservation Area. Both Inspector and Council have agreed in the case of 28 that the existing contribution of this terrace is “neutral” to the CA while the (refused) addition to 28 would make it “negative”.**
- VIII. We agree with this above, but we would now like to put it to you to support our view that the whole terrace ending with 30, but with this pretty extension above it, just before the dominant (overpowering rather) villa would visually enrich many viewing angles in the area and alter the contribution of both the house and the terrace from “neutral” to “positive”. The design of the extension has little to envy from several of the more modern buildings opposite and on this side of the street and indeed via conditions detailed control can be exercised (as usual) and agree best ways of executing it with the “devil always being in the detail”. Just on the other side of the 2 villas is a white building which is far more “loud” that the resulting synthesis here would be.**
- IX. There is a general agreement that the character of this Conservation Area is very mixed (doc 6). There are exemplary period buildings but many buildings of later times and of little architectural value interspersed between them. The designation document dates back to 2001 and is 15 years old. Since then contemporary design has been through a huge change and welcomed much more with open arms not least by Government in the NPPF 2012 but**

also LPAs. Indeed Camden in particular who pride themselves in promoting good contemporary design, and actually do. We fail to see why they do not do so here when we have made it possible for them to do so by well thought-through changes based on a rather grim planning history.

- X. We leave it to the Inspector to experience the serious extent of variety of shapes, fashions and colours and hopefully conclude as we do that this light crisp and small extension would be the least of the conservation area's negative characteristics. Indeed, it would be a positive addition adding brightness and freshness to a grim dark looking terrace and visual interest in the street while there is no space for antagonism or obtrusiveness given the generous setbacks, its transparency, subservience to the larger parent home below and the screening and "sheltering" together with its "insignificance" in mass given the prominence of the villa next to it which it would also improve, annotating as it will its barren huge brick wall.**

2.0 THE NPPF, CAMDEN POLICY & THEIR APPROACH TO INNOVATIVE DESIGN

2.1 Can we please again refer you to the attached "Planning and Design Statement" where a more extensive outline of both national and local relevant planning policy is outlined, thank you. In this section we would like to just point out what we feel are the more "germane" key policies which support this specific proposal. We cannot help but saying when reading the Council report **that this application in being essentially considered in an identical manner to that of 28, has not been**

“considered on its own merits” or at the very least its merits have been taken to be identical to those of the mid-located 28. We beg to differ with this and we have explained why above.

2.2 There is no account taken of the different location and context nor of the wider set-backs all around the extension that make this a “subservient” as opposed to a dominant or obtrusive addition. The fact that the front elevation is made of glass as opposed to solid is not assessed.

2.3 Criticism of the design is made in an unacceptably abstract and vague way, saying that design should be “of the highest and exemplary quality” with no attempt to explain what that might be! We therefore maintain that the **decision to refuse is contrary to the NPPF** as the Council “...(Paragraph 14) ***must be approving development proposals*** that accord with the development plan without delay; and granting permission ***unless:- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits...***” . They have not in our opinion adequately showed or argued how these “impacts” **demonstrably and significantly outweigh the benefits which in our view are both on the home improvement and design fronts.**

3.4 Regarding the Council's seriousness in basing the refusal on poor design (and indeed that of not linking to the house which they do not expand on either) little is said either! The Government was very wise to develop a Core Principle in the NPPF on design decisions often made on whim which says 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.»

Camden cannot certainly be accused of this in its progressive Policies (and indeed in its many known daring innovative schemes they approve), but we feel it can in this particular decision (with some surprise we have to say).

The NPPF goes on... by the statement that (paragraph 63):

“In determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area”.

Not enough analysis or weight has been given to this proposal which has

been refused by ..."unsubstantiated requirements to conform to certain development forms or styles"which in our case they are not even "certain" as we have no idea what they are after and they do not tell us! So the criticism on the individual design (over and above the issue of the acceptability of a stand-alone extension argued above) is based on very little and weak ground by the Council.

2.4 Camden Core Policy says:

*"Camden has many special and unique places and historic and modern buildings of the highest quality. As well as preserving this rich heritage, we should also be contributing to it by making sure that **we create buildings of equally high quality that will be appreciated by future generations** ...Development schemes should improve the quality of buildings, landscaping and the street environment and, through this, improve the experience of the borough for residents and visitors...High quality design also takes account of its surroundings and what is distinctive and valued about the local area."*

And even more to the point Policy DP24 against which we were refused:

*"...we will not accept design that is inappropriate to its context or which fails **to take opportunities to improve the character and quality of an area** and the way that it is used by residents and visitors."*

Camden is a densely built-up borough where most development involves the replacement, extension or conversion of existing buildings. Design should respond creatively to its site and its context. This concerns both smaller-scale alterations and extensions and larger developments, the design and layout of which should take into account the pattern and size of blocks, open spaces, gardens and streets in the surrounding area (the 'urban grain').

*The Council seeks to encourage outstanding architecture and design, both in contemporary and more traditional styles. **Innovative design can greatly enhance the built environment and, unless a scheme is within an area of homogenous architectural style that is important to retain, high quality contemporary design will be welcomed.***

2.5 This particular Conservation Area is both admitted by the Council and the Planning Inspectorate **NOT TO BE HOMOGENEOUS** in character; it only takes a short stroll to establish that. The extension at 28 was crude and vulgar. This is light, proportionate and will add visual interest in a innovative way the Council is so keen to support. Why are they not taking "the opportunity" to improve their area and being negative instead?

3.0 FLEXIBILITY & COLLABORATION IN THE PROCESS

3.1 We have extensive experience (some 35 years) working as Team Leaders and other senior positions in LPAs in London and elsewhere. We are fully aware of how much can be achieved via collaboration and team work as well as how much can be stopped, “undone” or set back by putting people off by negative responses without first willing to engage in discussion something we specifically asked for in the application.

3.2 Here the position is taken both “in principle” and “in design detail”. We presume that once the in-principle position that a single extension cannot be ever approved on number 30 which is what the Council seems to saying is taken there possibly is little point discussing the design although this did not stop them to also refuse it on that. As we say, on unsubstantiated and very vague grounds we feel.

3.3 Should the Inspector agree with our view that an extension of this size and proportion (or similar) could be approved for the reasons we outlined above we would like to point out that all aspects of detailed design can be further discussed, amended and agreed with the Council’s planners and follow on as subsequent submissions. In that process we are also happy to involve third parties such as neighbours. This has been made clear to us by the applicants Mr. and Mrs. Maurice who need this room for their daughter and cannot afford to move. Indeed, they themselves have been holding discussions with neighbours and are open to suggestions. We do feel, it must be said, that this is a good and innovative design which would result in an attractive building profile and an interior space as it is but should the Inspector wish to condition any aspect of the proposal for further treatment and alternative solutions we would be most happy to engage.

3.3 Mr. and Mrs. Maurice have already commissioned us to develop alternative varied designs which would perhaps blend the extension more with the house although a valid point of view we feel also is that “innovative” design should also provide contrast as well as “tie in” and the glass is a light and pleasant element to use above brick.

3.4 It is anyway normal to condition materials and details something we fully expected. As regards the canopy at rear we thought that this was an innovative creative and worthwhile feature (after all, at rear) which added to profile, but would redesign and reduce that with pleasure. In any case the applicants are considering refreshing the exterior of the house which may involve more rendering white and that would also be a consideration we are prepared to discuss in the overall finishes.

3.5 As regards the screening at the 2 rear corners of the terrace at rear, we especially did not propose a specific design for this, fully anticipating to be conditioned and also wanting to involve the LPA in what would be more appropriate and/or the neighbours. You ought to bear in mind that more overlooking would result from the already approved rear balcony for all three houses. We showed what we felt was an attractive wooden trellis which we could follow but expected teamwork on this and thought best not to “fix” it just yet.

3.6 In addition to whatever conditions the Inspector may consider appropriate we would be content to be to have conditions such as the following attached:

CONDITION: Notwithstanding the submitted plans and elevations, new detailed elevations on all sides shall be designed and resubmitted, having first received advice and the views of the LPA. These will be submitted and approved by the LPA prior to commencement of the development.

CONDITION: Notwithstanding the submitted rear canopy over the balcony design, plans and elevations, new detailed plans and elevations showing all aspects of a canopy shall be designed and resubmitted, having first received advice and the views of the LPA. These will be submitted and approved by the LPA prior to commencement of the development.

CONDITION: Details and samples of all materials to be used on the development will be submitted and approved by the LPA prior to commencement of the development.

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DOCUMENTS REFERRED TO IN THE STATEMENT

1. Planning & Design Statement
 2. Refusal of planning permission for extension to 28 Ornan Road
 3. Appeal decision dismissing appeal on above refusal on 28
 4. Council's report refusing 28
 5. Council's report refusing current appeal application at 30
 6. Conservation Area Document 2001
 7. Profiles of refused extension at 28
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