

GROUNDINGS OF APPEAL FOR A REFUSAL OF PLANNING PERMISSION AT 2nd FLOOR FLAT, 9 CLIFF ROAD, LONDON NW1 9AN

LONDON BOROUGH OF CAMDEN REFERENCE: 2016/2694/P

Site Description

The application site is a mid-terraced four storey semi-detached Victorian house on the northern side of Cliff Road divided into 5 self-contained units sited within the Camden Square Conservation Area. Cliff Road is a road of mixed built form with Victorian townhouses, modern infills, and a multi-unit residential development Camelot House. There is no prevailing architectural form in this location. The Camden Square Conservation Area Appraisal and Management Strategy states that '*Cliff Road, a slightly offset extension to North Villas linking Camden Park Road to York Way, has a particular and varied character. Its north west side pre-dates north Villas, with raised semi-detached buff brick and render villas in typically early-Victorian Classical-Italianate style broken by the remarkably pure modernist revival Cliff Studios*'.

Proposed Development

The proposed development is an extension to the existing building by adding a compact structure on the flat roof. Essentially this is a mansard roof development which LB Camden states in Paragraphs 5.15 to 5.19 of CPG1 are often considered the most appropriate form of extension for a Georgian or Victorian property with a raised parapet wall and low roof structure behind. At pre-application the applicant was advised that to meet the guidance as outlined in paragraph 5.17 of CPG1 the lower slope (usually 60-70) should rise behind and not on top of the parapet wall. This invocation was adhered to when the application was submitted. The design was amended so that the proposed extension was contained within and below the existing parapet walls (without any increase in the height of the extension) in order to adhere to the requirements of CPG1.

Further to the above the applicant was also advised that 'energy efficiency and environment are signalled as important design factors and 'it is considered that the proposed colour and materials should as much as possible mask the bulk and mass of the proposal hence the dark grey timber cladding would seem appropriate'. The applicant ensured that this element of pre-application advice was also adhered to.

The applicant was heartened by the statement at pre-application that 'Given the mid terraced setting of No. 9 Cliff Road, the set back of the proposed extension from the front elevation, the varied character of Cliff Road in general, and adoption of the suggested design changes above, it is this officer's opinion that the proposed roof extension could be considered acceptable'. This comment was most definitely not a statement on behalf of the local planning authority there was an 'in principle' objection to the proposed scheme. The advice continued 'However it should be noted, that there is not an established pattern of roof top development in this setting and the proposed extension's approval would be dependent on a final design that 'retains the overall integrity of the roof line'.

In light of the above advice and cognisant of the relevant policies and the fact that the property was situated in the Camden Square Conservation Area every effort was made to ensure that this development was compliant. This included the set back from the front elevation to ensure that the proposed roof extension would not be prominent in views from Cliff Road. Although the whole rationale of the development was to increase internal space in a constrained top floor flat the applicant accepted that street views in a conservation area were important and scaled back the size of the proposed development accordingly.

The Town and Country Planning Act 1990

This legislation requires local planning authorities to assess each application made on its merits against all relevant local policies, including Conservation Area policies. National planning guidance as a result of the National Planning Policy Framework and the provisions contained in the Mayor's London Plan obviously need to be borne in mind when assessing applications. It is important for public confidence to be retained in the planning system that applications are assessed consistently too.

The Local Planning Context

The applicant researched the local planning context prior to submitting the application and advised LB Camden of comparator roof extensions such as on Camden Mews, Murray Street, Stratford Villas and the recent roof extension permitted at 7-10 Cliff Road studios close to the application site when submitting the application. An ordinance survey map is submitted with this appeal highlighting where other roof extensions have been permitted in the Camden Square Conservation Area and elsewhere close to the site by the same local planning authority and photographic evidence in support is submitted too.

Policies Used in Assessing this Application

Policy DP26 of the Local Development Framework Development Policies requires that *'Developments should avoid harmful effects on the amenity of existing and future occupiers and to nearby properties'*. By setting back the mansard roof from views from Cliff Road the applicant has sought to comply with this policy. There is an absence of harm in the proposed development and the appearance and character of the Conservation Area is preserved. The property itself is improved by creating more space in a currently constrained environment such that living conditions will be enhanced.

Policy CPG6 addresses the issue of amenity and states *'Development should be designed to protect the privacy of both new and existing dwellings to a reasonable degree'. Spaces that are overlooked lack privacy. Therefore, new buildings, extensions, roof terraces, balconies and the location of new windows should be carefully designed to avoid overlooking. The degree of overlooking depends on the distance of the horizontal and vertical angles of view. The most sensitive to overlooking are: Living Rooms, Bedrooms, Kitchens and the part of the garden nearest to the house'*.

Overlooking will not result as a result of the set back and the local planning authority confirmed in pre-application advice that *'it is not considered at this point that the proposed roof extension would have a detrimental impact on neighbouring amenities'* (Page 2 Pre-Application Letter 2015/1114/PRE dated 25/3/2015). This policy was further instrumental in revising the scheme such that the proposed extension as submitted did not rise above the parapet wall).

Policy CPG4 Chapter 5 of Camden Planning Guidance

This policy addresses additional storeys and roof additions. It states *'Additional storeys and roof alterations are likely to be acceptable where...there are a variety of additions or alterations to roofs which create an established pattern and where further developments of similar form would not cause additional harm'* It further states that *'alterations are architecturally sympathetic to the age and character of the building and retain the overall integrity of the roof form. Proposals for alterations for roofs within the conservation area will be considered on their own merit but particular care is needed to ensure sensitive and unobtrusive design to visible roof slopes or where roofs are prominent in long distance views.'*

Local planning authorities need to weigh carefully any perceived harm caused by roof level extensions and impact on conservation areas against improvements in living conditions brought about by additional internal space allowing reconfiguration of living accommodation. In this case although the proposed roof level extension is modest in size and set back from the front elevation of the property and below the parapet wall LB Camden have refused planning permission without regard to these positive features of the submitted scheme or the fact that in the immediate area other roof level extensions have been permitted in a local context which has no predominant architectural style but a wide range of differing buildings of different ages and designs.

For this reason the submitted scheme should have been assessed more positively taking into account similar developments allowed in the wider conservation area and not just the immediate terrace, although even here roof level extensions have been permitted as described above.

Policy DP24 is concerned with securing high quality design in LB Camden. Whilst some design issues were raised at pre-application stage these issues were addressed in full in the submitted planning application.

Policy DP25 is concerned with Conserving Camden's heritage. For the reasons stated above Cliff Road is not a jewel in Camden's architectural crown given the mish-mash of architectural designs and varying heights. Indeed it could be argued that Cliff Road studios sits uncomfortably amongst neighbouring buildings. The modest roof level extension at the application site which could not be viewed from Cliff Road, would not detract from Camden's heritage.

Reason(s) for Refusal

The proposed roof extension, by reason of its design, form, bulk and location in a roofscape largely unimpaired by later additions, would result in harm to the character and appearance of the building terrace, the terrace of which it forms part and this part of the Camden Square Conservation Area, contrary to CS14 (Promoting high quality places and conserving our heritage) the London Borough of Camden Local Development Framework Core Strategy; and policies DP 24 (Securing high quality design and DP25 (Conserving Camden's heritage) of the London Borough of Camden Local Development Framework Development Policies.

In view of the above we would respectfully request that you allow this appeal for the reasons stated.

APPENDIX

List of planning approvals for roof extensions in the vicinity.

Description of comparator planning permissions granted by LB Camden in support of appeal of refusal of permission at 2nd Floor Flat, 9 Cliff Road, NW1

129 Camden Mews, NW1 9AH
Application 2008/4395/P
Granted 3/11/2008
Description: Erection of a roof extension

7-10 Cliff Road Studios. NW1 9AN
Application PE9700483R2
Granted 13/8/1998
Description: Roof extension to be used as three bedroom self-contained flats

14 Stratford Villas NW1 9SG
Application 2008/2484/P
Granted 18/7/2008
Description: Erection of Mansard Roof extension

38 Stratford Villas NW1 9SG
Application: 2003/3658/P
Granted 12/2/2004
Description: Erection of mansard roof extension including front and rear dormer windows

25 Stratford Villas, NW1 9SE
Application 2008/3973/P
Granted 6/10/2008
Description: Erection of mansard roof extension

90 Camden Mews, NW1 9BX
Application 2015/2386/P
Granted: 25/6/2015
Description: Roof Extension

25 Agar Grove, NW1 9SL
Application 2010/0086/P
Granted: 1/9/2010 (subject to s106 agreement)
Description: Erection of mansard roof extension

8 South Villas, NW1 9BS
Application: 2011/5175/P
Granted 9/12/2011
Description: Erection of a roof extension

15 North Villas, NW1 9BJ
Application: 2009/5093/P
Granted: 11/3/2010
Description: Erection of a rear dormer roof extension with associated roof terrace

2nd floor flat
4 Camden Terrace, NW1 9PB
Application: 2015/3622/P
Granted 8/9/2015
Description: Erection of a rear roof extension

17 Murray Mews NW1 9RH
Application: 2012/6609/P
Granted 6/2/2013
Description: Erection of a roof extension

12 Murray Mews, NW1 9RJ
Application: 2015/4933/P
Granted: 23/10/2015
Description: Roof extension to front of building

14 Murray Mews, NW1 9RJ
Application: 2004/2125/P
Granted: 13/7/2004

Description: Addition of roof extension to provide a full second floor

15 Murray Mews

Application: 2004/4088/P

Granted 16/11/2004

Description: Erection of a roof extension

45 Murray Mews, NW1 9RH

Application: 2010/0893/P

Granted: 27/4/2010

Description: Roof extension at second floor level