



APPEAL BY:

Mr Shodja Edin Moossavi Nejad

AGAINST THE LONDON BOROUGH OF CAMDEN REFUSAL  
TO GRANT PLANNING PERMISSION FOR:

*The erection of two side dormers and hip to gable extension to the rear of the  
dwellinghouse (Class C3)*

AT

167 Fordwych Road, London, NW2 3NG

London Borough of Camden Council's Reference: 2015/6982/P

WRITTEN REPRESENTATIONS: GROUNDS OF APPEAL

November 2016

**RJS PLANNING**

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## 1.0 INTRODUCTION

- 1.1 This statement has been prepared by RJS Planning, on behalf of Mr Shodja Edin Moossavi Nejad, in support of the appeal lodged against the refusal of planning application 2015/6982/P.
- 1.2 The application was registered on 26<sup>th</sup> August 2016 and sought planning permission for the erection of two side dormers and hip to gable extension to the rear of the dwellinghouse (Class C3) at 167 Fordwych Road, in Hamstead, London.
- 1.3 The application was refused under delegated authority on 10<sup>th</sup> October 2016 for the following reason:
1. *The proposed roof extensions, by reason of their design, height, massing, scale and location, would create incongruous additions to the host building and have a detrimental impact on the character and appearance of the host building, surroundings buildings and wider streetscene. Thus, the proposal is contrary to policies CS5 (Managing the impact of growth and development) and CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 (Securing high quality design) of the London Borough of Camden Local Development Framework Development Policies.*
- 1.4 This grounds of appeal will address the central concerns raised within the Council's reason for refusal, notably:
- Whether the proposed roof extensions, by reason of their design, height, massing, scale and location, would create incongruous additions to the host building, and;
  - Whether the proposal would have a detrimental impact on surroundings buildings and wider streetscene.
- 1.5 To set some context, this statement will first provide a description of both the appeal site and the proposed development. This statement will then discuss the relevant national and local planning policy before responding to the Council's concerns.

## 2.0 SITE HISTORY

- 2.1 There have been just two previous planning applications in relation to the appeal site and these are detailed as follows:
- 2.2 **Planning Application 33638**  
Conversion to 2 self-contained flats  
**Permission Granted 26<sup>th</sup> February 1982**
- 2.3 **Planning Application 9300464**  
Retention of forecourt hardstanding for one car and means of access from the highway as shown on one un-numbered plan  
**Permission Granted 8<sup>th</sup> September 1993**

### RJS PLANNING

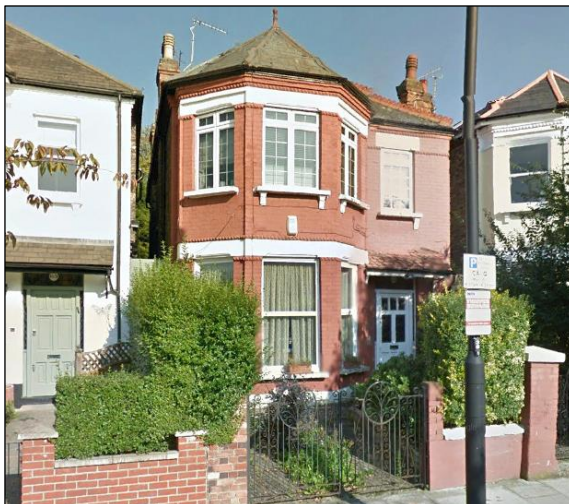
### 3.0 THE SITE

- 3.1 The appeal site is located on the northeast side of Fordwych Road, close to its junction with Manstone Road, within a predominantly residential area of Hamstead. The site is not within the Green Belt or a Conservation Area and neither the appeal property nor the neighbouring buildings are listed.



**Aerial View of the Appeal Site & Surrounding Area**

- 3.2 The appeal property is a detached residential building that has been divided into two flats, set amongst similar style dwellings upon Fordwych Road, with many of the surrounding houses having been extended and altered since their original construction to meet the needs of modern family life. Several of the nearby properties have also been subdivided into flats, or converted to HMO use.

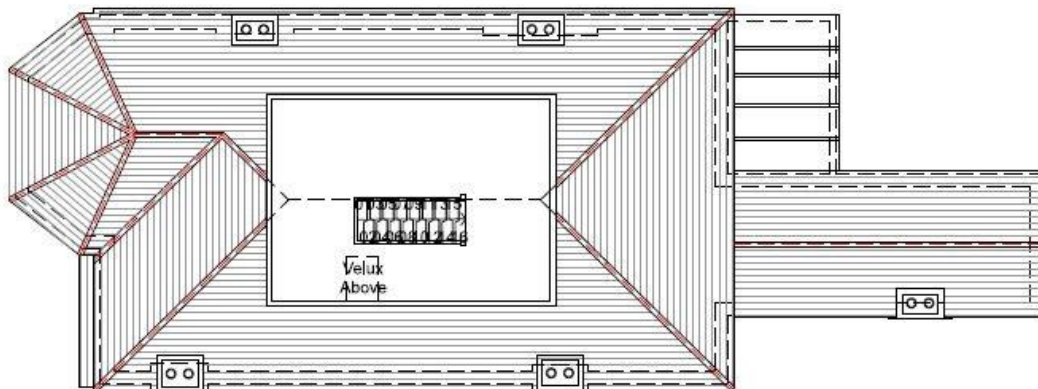


**No. 167 Fordwych Road**

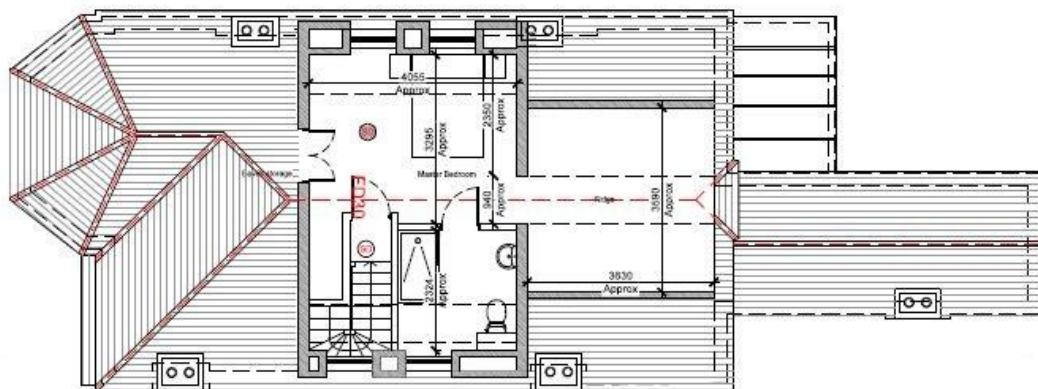
- 3.3 No. 167 Fordwych Road has been divided to provide a two bedroom flat upon the ground floor and a three bedroom flat on the first floor which is the subject of this appeal.
- 3.4 The property has an area of hardstanding within the front garden curtilage which provides off-street parking for one vehicle and an enclosed back garden that borders railway land and the north-south Midland Main Line to the rear.

#### 4.0 THE PROPOSED DEVELOPMENT

- 4.1 The appeal proposal sought planning permission for the erection of two side dormers and hip to gable extension to the rear of the dwellinghouse at 167 Fordwych Road.
- 4.2 The appeal property is a first floor flat accessed through the front entrance door of the property and an internal staircase. The flat currently consists of a living room, kitchen, bathroom, wc and three bedrooms, with a storage area within the loft space, illuminated by small Velux rooflight.
- 4.3 The existing property has a hipped roof that would be extended from the ridgeline to finish flush with the main rear wall of the dwelling and would include a soft hip and new second floor window that face northeast towards the rear of the plot. The proposed dormers would extend from the ridgeline with mono-pitched roofs and would both have two windows facing out from each side of the property.



**Existing Loft Plan**



**Proposed Loft Plan**

- 4.4 The converted loft space would be reached via a new staircase and the extra space created by the roof extension would provide an additional bedroom with en-suite, whilst still retaining a storage area to the front of the roof space.
- 4.5 All external finishing materials have been chosen to complement the host property, with the gable and dormers to be clad in tiles that match the colour and texture of the existing roof.

## 5.0 RELEVANT PLANNING POLICY

5.1 The reason for refusal refers to policies CS5 (Managing the impact of growth and development) and CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 (Securing high quality design) of the London Borough of Camden Local Development Framework Development Policies.

5.2 Although it is not referred to within the reason for refusal, the National Planning Policy Framework is also considered to be of relevance to this appeal. The following paragraphs provide a brief summary of the relevant policies. The paragraphs are in a hierarchical order relative to the importance of national and local planning policy.

### National Planning Policy Framework (NPPF)

5.3 The National Planning Policy Framework sets out the Government's planning policies for England and how these are expected to be applied. The following sections and paragraphs make reference to the parts of the NPPF which are directly relevant to this appeal.

#### Presumption in Favour of Sustainable Development

5.4 Paragraph 14 of the NPPF sets out that a presumption in favour of sustainable development is at the heart of the National Planning Policy Framework with paragraph 187 stating that local planning authorities should approach decision making in a positive way and should look for solutions rather than problems. The NPPF also advises that decision takers at every level should seek to approve applications for sustainable development where possible.

5.5 For decision making this means:

- *Approving development proposals that accord with the development plan without delay;*
- *Where the development plan is absent, silent or relevant policies are out of date, granting planning permission unless:*
  - *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
  - *specific policies in this Framework indicate development should be restricted.*

#### Core Planning Principles

5.6 Paragraph 17 of the NPPF sets out 12 core land-use planning principles which should underpin both plan-making and decision taking. The second and fourth bullet points state that planning should:

- *“Not simply be about scrutiny but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives”.*
- *Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.*

#### Requiring good design

- 5.7 Section 7 of the NPPF refers to design, however there are no specific policies or guidance relating to residential development. Indeed paragraph 60 states:

*“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”.*

- 5.8 Paragraph 58 states that planning policies and decisions should aim to ensure that development should respond to local character and history and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation.

#### Decision-taking

- 5.9 Paragraph 196 reiterates that the planning system is “plan led” stating that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 196 clarifies that the NPPF is a material consideration in planning decisions. Paragraph 197 states that in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.

#### **London Borough of Camden Local Development Framework Core Strategy**

- 5.10 Camden’s Core Strategy sets out the key elements of the Council’s planning vision and strategy for the borough. The Strategy covers the physical aspects of location and land use but also addresses other factors that make places attractive, sustainable and successful, playing a key part in shaping the kind of place Camden will be in the future, balancing the needs of residents, businesses and future generations.

#### Policy CS5: Managing the impact of growth and development

- 5.11 The Core Strategy aims to manage Camden’s growth to make sure that its opportunities and benefits are delivered and sustainable development is achieved, while continuing to conserve and enhance the features that make Camden an attractive place to live, work and visit. Policy CS5 seeks to protect the amenity of Camden’s residents by ensuring the impact of development is fully considered, whilst providing homes to meet housing needs and targets, securing affordable homes, and encouraging mixed communities.

#### Policy CS14: Promoting High Quality Places and Conserving Our Heritage

- 5.12 Policy CS14 states that the Council will seek to ensure that Camden’s places and buildings are attractive by requiring development to be of the highest standard of design that respects local context and character and by preserving and enhancing Camden’s heritage assets and their settings, including Conservation Areas.

#### Policy DP24: Securing High Quality Design

- 5.13 Policy DP24 contributes to implementing the Core Strategy by setting out the Council’s detailed approach to the design of new developments and alterations and extensions. These principles ensure that all parts of Camden’s environment are designed to the highest possible standards and contribute to providing a healthy, safe and attractive environment. This policy sets out that proposals should consider the character, setting, context and the form and scale of existing and neighbouring buildings and the materials to be used.

## 6.0 THE APPELLANT'S CASE

### Introduction

- 6.1 The Appellant's case will focus on the central concerns of the reason for refusal, notably whether the proposed side dormers and hip to gable extension to the rear of the dwellinghouse would create incongruous additions that would have a detrimental impact on the character and appearance of the host building, surroundings buildings and wider streetscene. This written statement of case will demonstrate that the proposed development would comply with the aforementioned policies including the guidance within the National Planning Policy Framework 2012.
- 6.2 The Planning Officer assessed the key issues for consideration in this case to be the design of the proposed extensions, and their possible impact on the amenity of neighbouring occupiers.
- 6.3 For clarification, the Council consulted the Owner/Occupiers of the nearest neighbouring properties and no comments or objections were received from anyone in relation to the Appellant's application.

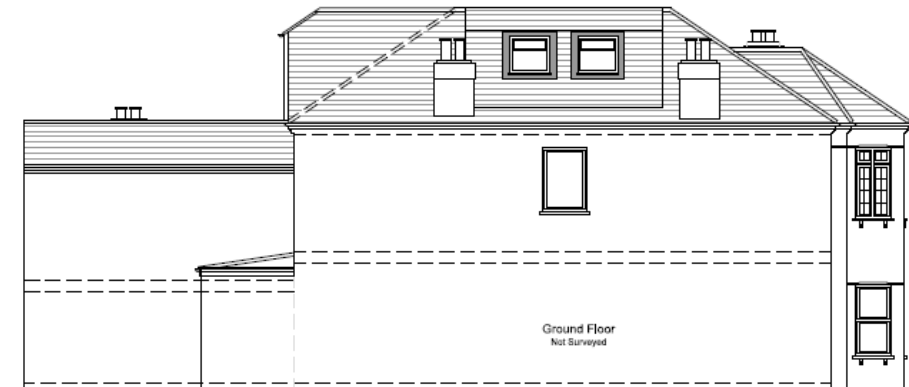
### Design

- 6.4 The Appellant's architect has designed a high quality residential roof extension that will complement the appearance and character of the existing house and the wider street scene, whilst not impacting upon the amenity of neighbouring residents. The construction will maintain harmony with the original property through its well thought out design, proportionate scale and use of matching finishing materials.
- 6.5 The proposed hip to gable roof extension would respect the appearance of the host dwelling as this feature is to the rear of the property and the two side dormers would have a size and design that is sympathetic to the building, so as not to adversely affect the street-scene or appear as overly dominant features.
- 6.6 When viewed within the street scene of Fordwych Road the new roof dormers would not be visually prominent or detract from the character and appearance of the host property or the surrounding area.
- 6.7 Policy CPG1 advises that *"roof dormers should be sensitive changes which maintain the overall structure of the existing roof form"* and the development follows this guidance as the proposed dormers would be set back 5.5m behind the bay window structure of the property and 3.8m behind the main front elevation, with the chimney stacks on each side of the roof also maintained in front of the new dormers, which will lessen any visual impact. The new dormers would therefore not appear as prominent additions within the street scene and would assimilate well with the existing roof structure of the property.

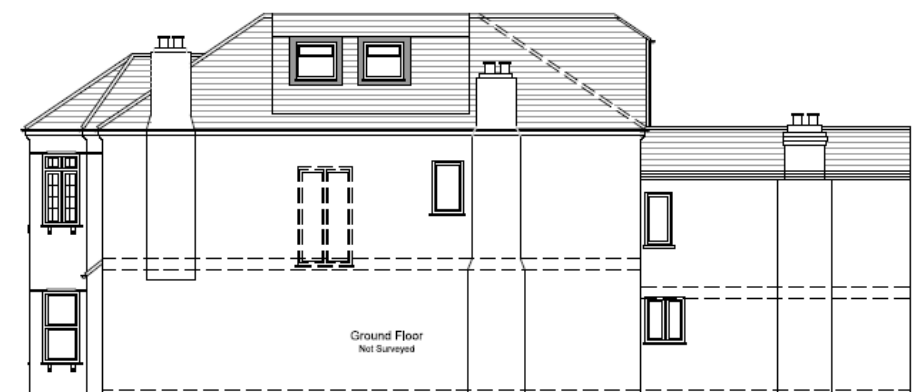


**Proposed Front Extension**

- 6.8 As shown within the plan excerpts below, the proposed dormer windows would extend from the top of the ridgeline with a shallow pitched roof, however the structures would not occupy the majority of the side elevations, as claimed within the Planning Officer's Report; and as the rear roof section is to be extended to a gable end, the dormers would not dominate the resulting roof slope and be incongruous additions to the host building.



**Proposed LHS Elevation (northwest)**



**Proposed RHS Elevation (southeast)**

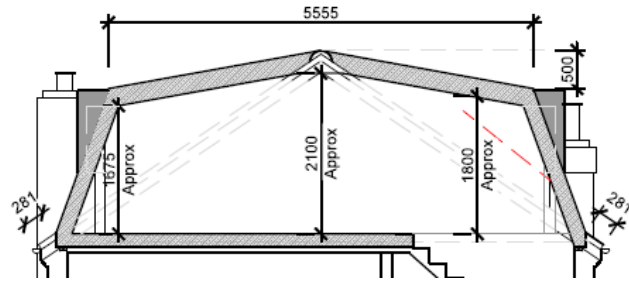
- 6.9 Paragraph 5.11 of CPG1 states that roof dormers should be sufficiently below the ridge of the roof in order to avoid projecting into the roofline when viewed from a distance and this has been achieved with the dormers having a shallow pitch that slopes down from the ridgeline without breaking it; this results in the front of the dormer structures being set down by 500mm. The dormers would also be set up 281mm from the eaves and set in sufficiently from the slope of the roof to ensure that the aims of CPG1 are achieved, as the dormers would not be visible above the roofline when viewed from a distance.



**Proposed Rear Elevation**



6.10 As shown within the adjacent plan excerpt from Drawing 7 rev. A, the dormer structures extend from the ridgeline in order to gain essential head height within the converted loft space, due to the shallow pitch of the existing roof.



6.11 The Planning Officer has claimed that due to their height and depth the dormers would be visually prominent from within the streetscene and would unacceptably detract from the character and appearance of the host property and the surrounding area, however as shown below, the row of detached properties are so close together that the visibility of the dormers within the street scene would be extremely limited.



**Appeal Property Viewed from the Southeast**



**Appeal Property Viewed from the Northwest**

- 6.12 With regards to the hip to gable element to the rear of the property, the Council have stated that *“this would result in an unsympathetic addition at roof level that would not be in keeping with the style and character of the host dwelling as well as the surrounding buildings”* although when considering the visual impact of the extension it is also important that due consideration is given to a) where the impact will be perceived and b) what the actual or demonstrable impact would be. It follows that the impact on the public realm (i.e. the street scene) will be greater for front and side extensions, rather than works which will have no impact on the public realm, such as a rear extension for example. Such an approach is validated simply by the General Permitted Development Order which for the majority of houses allows substantial extensions and outbuildings to the rear of buildings but no development (other than porches) to the front of dwellings. As the rear gable end extension is not visible from the public realm and can only be seen from neighbouring rear garden areas, the Council’s appraisal of the effect on the appeal dwelling on its setting is somewhat exaggerated, with the rear of the plot bordered by railway land and mature trees.
- 6.13 As the extension to the rear may be visible from neighbouring properties, the Council have assessed the cumulative impact of the hip to gable enlargement and the side dormers as an incongruous roof form. As a general point in response to this reasoning, it is respectfully considered that the Council’s concerns are somewhat exaggerated. It would appear that this standpoint has been based on a subjective Officer opinion, with the Officer failing to make an objective assessment of the ‘actual’ impact that the extension would have or fully assess the site context, together with the surrounding pattern of development.

#### Surrounding Developments

- 6.14 Neighbouring property No. 163 was granted a Certificate of Lawfulness under Planning Reference 2015/6319/P on 23<sup>rd</sup> November 2015, for the ‘Erection of a hip-to-gable roof extension to the rear, 2no. roof dormers to each side and 2no. single storey rear extensions’ which is a very similar development to that proposed at the appeal dwelling (please see **Appendix A**). However the Council have been keen to insist that this does not create a precedent for other developments to come forward, as they consider it to be harmful and that existing harm does not justify further harm.
- 6.15 No. 195 Fordwych Road has also recently been granted a Certificate of Lawfulness under Planning Reference 2016/4267/P on 6<sup>th</sup> October 2016, for a ‘Roof extension to dwellinghouse (C3) including a hip to gable and dormer extension to the main roof. New rooflights to front slope and extension of chimney’; which is a sizable roof extension just 100m northwest of the appeal dwelling (please see **Appendix B**).
- 6.16 As the appeal dwelling is a flat it does not benefit from Permitted Development Rights and is therefore subject to the Council’s guidelines regarding extensions. Nevertheless, given the similar developments within very close proximity of the appeal site the proposed roof extension would not look out of place or obtrusive within the street scene. The CPG1 design guidance advises roof alterations are likely to be acceptable when 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. It is therefore asserted that as the owners of several nearby dwellings have already exercised their permitted development rights and it is out of the Council’s control to stop others doing the same; in this case the Appellant ought not to be discriminated against as his property is a flat, with his need for additional space being greater and no other viable methods available by which to extend the property.

### Impact on the Amenity of Adjoining Residents

- 6.17 In accordance with the Planning Officer's Report, it is considered that the size, scale and location of the proposed roof additions would not be likely cause any undue impacts on the amenity of neighbouring properties with regard to loss of light and outlook.
- 6.18 The Council have however raised a concern that the side dormers could potentially overlook an existing side dormer at No. 169 and potentially prejudice development at No. 165. It has therefore been suggested that *"If planning permission were to be deemed acceptable a planning condition could be attached to ensure that these windows would be obscurely glazed and nonopenable at a certain height (1.7m)."* In this regard, the Appellant would be willing to accept a condition in relation to the dormer windows as suggested by the Council.
- 6.19 Residential amenity levels for both the current and future occupiers of the appeal property should also be taken into consideration as the proposal will facilitate the increase of floor space and improve the level of internal living accommodation available, thereby allowing the existing occupier to remain in this property for the foreseeable future, whilst also providing suitable accommodation for future generations in line with the sentiments of the Core Strategy.

## **7.0 CONCLUSION**

- 7.1 In accordance with policy CS14 of the Core Strategy, the development seeks to implement a roof extension of the highest standard of design that respects the local context and character of the area.
- 7.2 The proposal complies with policies contained within the Development Framework, in particular policy DP24, which again ensures that all new developments, alterations and extensions are designed to the highest possible standards and contribute to an attractive environment, whilst considering the character, setting, context and the form and scale of existing and neighbouring buildings and the materials to be used.
- 7.3 It is respectfully submitted that the Council have adopted an overly cautious approach, placing too much emphasis on the perceived detriment to visual amenity, whilst not giving due regard to the positive impact that the extensions would have on residential amenity within this modest property, when balanced against the limited visual impact of the side/rear roof extensions. The proposed development has been specifically designed to meet the constraints of this particular site and to match the design and style of the host property and to protect the character and appearance of surroundings buildings and wider streetscene.
- 7.4 The National Planning Policy Framework (NPPF) states that decision-takers at every level should seek to approve applications for sustainable development where possible and that applications should be considered in the context of the presumption in favour of sustainable development. The proposed roof extensions would not be contrary to national or local planning policy and for the above reasons it is politely requested that this appeal is allowed.