

DR OTTO CHAN

APPELLANT'S APPEAL STATEMENT

1 GAYTON CRESCENT NW3 1TT - APPLICATION 2016/3309/P

NOVEMBER 2016

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Hampton Hill
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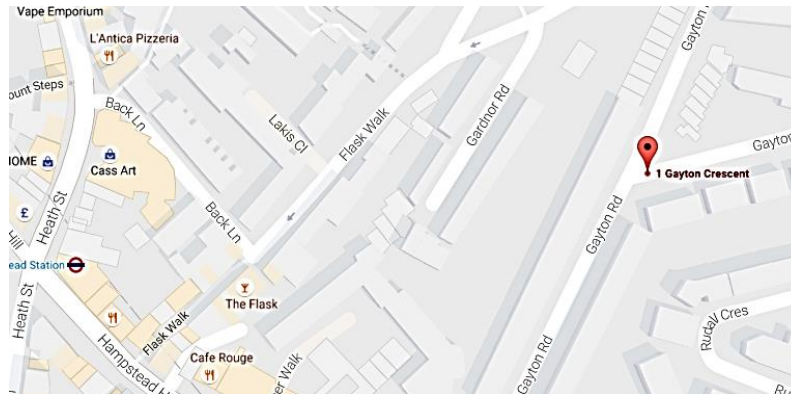
michael burroughs associates

1.0 INTRODUCTION

1. This statement is the appellant's statement in respect of a planning appeal against refusal of an application for *construction of a rear dormer roof extension, front wall with metal railings and decorative lions adjacent to ground floor entrance (part retrospective application)*. The application has three distinct elements (the Council asked the appellant to submit it in this way) and a split decision is requested if any of them is found to be unacceptable.
2. The application was refused for one reason: *The dormer window, due to its size, location and detailed design detracts from the appearance of the host building and the character and appearance of the Hampstead Conservation Area and is contrary to Camden Core Strategy Policy CS14 and Camden Development Policies DP24 & DP25.*
3. It is evident that the reason for refusal only applies to the dormer window and the Delegated Report (**Annexe 1**) confirms that the front railings are acceptable. The appellant understands from the Council that the decorative lions (which are in place) are also acceptable. Accordingly, this statement focusses on the dormer (which is also in place).

2.0 GENERAL LOCATION

4. The appeal property is in a residential area of Hampstead on the corner of Gayton Road and Gayton Crescent. It is in the Hampstead Conservation Area.



The Appeal building

5. This is an imposing 3-storey plus semi-basement and pitched roof Victorian house.



6. The plan below shows that the appeal property (No 1) is the end of a terrace of three (Nos 1-3) with a pair of semi-detached houses (Nos 4 and 5) beyond.



7. Gayton Crescent joins Gayton Road at an oblique angle and No 39 Gayton Road screens the rear of the appeal building from public viewpoints.
8. The photo below (from Gayton Road) shows there is an existing dormer in the hipped gable of the appeal building. This extends up to the ridge. The slate west side of the appeal dormer (ringed) can just be glimpsed behind the chimney stack that rises from the gable wall through the gap between the houses but it is far from prominent.

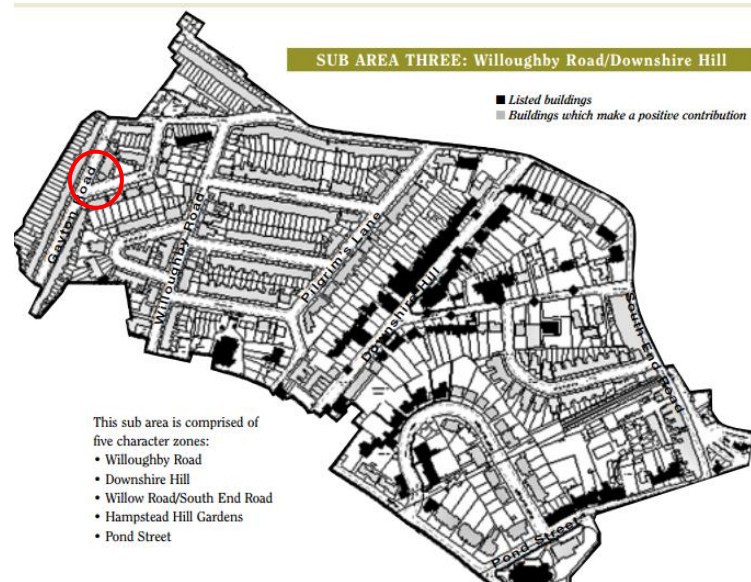


9. Because it faces to the rear, there is no public view of the front or the east side of the dormer.
10. The gable can be seen in private views from the rear of the property. The large scale of the chimney stack row adjoining it to the east is evident and provides a firm edge in that direction.



The Surrounding Area

11. The site is in sub-area 3 of the extensive Hampstead Conservation Area. Nos 1-15 (cons) and 17-23 (cons) Gayton Crescent and 3-36 (cons), 39-62 (cons), 36a - 38a(cons) Gayton Road are identified as positive contributors. There are no listed buildings in the immediate area.



12. The Council's Delegated Report sets the context: *This dwelling has a shallow pitched hipped roof with an older small side turret dormer. The neighbouring properties at no's 1-4 Gayton Crescent do not have dormer windows. The properties at no's 5-7 Gayton Crescent have smaller dormer windows at the rear. Many of the properties on the adjacent Gayton Road have front dormer windows which were built in the post-war period.*
13. The Case Officer has got the numbering of the dwellings wrong. The appeal property is No 1. Nos 2 and 3 are the remainder of its short terrace. Nos 4 and 5 are a semi-detached pair and do have dormers. He has not noticed that No 3 does not have what he calls a side turret dormer and so the roof of the terrace of three are not symmetrical.
14. The aerial photo below show the appeal building in its immediate context before the rear dormer was built. There was previously a velux in the location of the appeal dormer.



15. Almost all the houses in Gayton Road and most of those in Gayton Crescent have rear roof extensions. This sets the immediate character of the Conservation Area
16. The photo (from the garden of the appeal property) below shows the dormers with balconies in the roofs of the adjacent semi-detached pair Nos 4 and 5. It should be noted their windows do not align with the windows below them.



3.0 PLANNING HISTORY

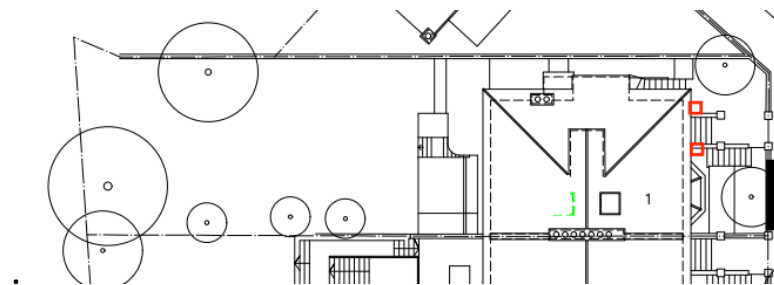
17. On the appeal site consent **2015/7029/P** was granted in December 2015 for erection of single storey rear extension at lower ground level with enlarged terrace and glazed balustrade above.

18. The dormers in the roofs of Nos 4 and 5 adjacent were permitted in 2006 (**2006/0461/P**), although they do not appear to have been built entirely consistently with the approved plans. It should be noted that both permitted dormers extend to the party wall and their windows do not align with the windows below.



4.0 THE PROPOSALS

19. The position of the proposed front railings (black line) and existing lions (red squares) are shown below.



The Lions

20. The appellant (Dr Chan) brought the lion sculptures from his previous house in the Belsize Park Conservation Area (also in Camden), where they occupied a similar position on either side of the front door.
21. Statues of guardian lions (foo dogs) have traditionally stood in front of the homes of government officials and the wealthy from the [Han Dynasty](#) (206 BC-AD 220) onwards. They are believed to have powerful protective benefits.
22. The Delegated Report says: *The decorative statues in the front garden would be minor garden structures* and we agree with this.

The Railings

23. These are proposed as simple cast iron spear headed railings on the existing wall. There are examples of similar spear headed railings further east on this side of Gayton Crescent.



24. The Delegated Report says: *The front metal boundary railings would be located and lower than the existing brick piers and would be in keeping with the character of the street scene.* We agree with this.

The Dormer

25. The photos above show the dormer. It is of similar materials to the existing roof and the dormers at Nos 4 and 5. Unlike them it does not have a balcony. It provides good headroom for the stairs accessing the attic.
26. The Delegated Report accepts that: *The dormer window is constructed on the rear roof slope and would not impact on the amenity of neighbouring properties in accordance with policy DP26.*
27. It explains its objections as follows: *Policy DP24 requires all development to be of the highest standard of design and requires consideration of the character, setting, context and the form and scale of neighbouring buildings and the character and proportions of the existing building. Policy DP26 only permits development within conservation areas that preserves and enhances the character and appearance of the area. CPG 1 provides design guidance and requires dormer windows to be sensitive changes which maintain the structure of the roof by being set 0.5 m away from the roof pitch and eaves; full width dormers are discouraged; the scale, design and alignment of the dormer should relate to the windows below*

The Hampstead Conservation Area Appraisal states that roof extensions are unlikely to be acceptable where it would be detrimental to the form and character of the existing building, the property forms part of a group or terrace which remains largely, but not necessarily completely unimpaired and the property forms part of a symmetrical composition, the balance of which would be upset.

The rear dormer window fails to adhere to these development plan policies and guidance. The dormer is a wide structure which extends up to the party wall with no. 2 at the side and up close to pitch level. The dormer also has a wide and bulky fascia with hanging tiles and prominent overhanging eaves. It fails to relate to the scale and alignment of the windows on the elevation below and disrupts a largely unimpaired roofscape on this terrace.

It is noted that there are dormer windows further along Gayton Crescent. However, these are more modest structures. The front dormers on Gayton Road built in the post war period are referenced in the Conservation Area Statement. However, this property is on Gayton Crescent which is a separate road that does not have the same character.

Overall, the dormer window due to its excessive width, its fascia design, eaves design, alignment and proximity to the sides and pitch of the roof, is considered to be an overly bulky and over-dominant structure with an unsympathetic design that detracts from the character of the Conservation Area and is contrary to Camden Core Strategy Policy CS14, Camden Development Policies DP24 & DP25, Camden Planning Guidance 1 and the Hampstead Conservation Area Statement.

5.0 PLANNING ISSUES

28. As far as the dormer is concerned, the Delegated Report criticisms boil down to:

- The dormer's consistency with the **Hampstead Conservation Area Appraisal** and **Camden Planning Guidance 1**; and
- Whether it preserves (so, following South Lakeland, does not harm) the character and appearance of the Conservation Area.

The Hampstead CAA and CPG1

29. The **CAA** was published in October 2002. Its relevant advice is:

- *In an area of such variety the roofscape changes from street to street. Great care therefore has to be taken to note the appropriate context for proposals as insensitive alterations can harm the character of the roofscape with poor materials, intrusive dormers, inappropriate windows. In many instances, there is no further possibility of alterations (page 58);*
- *Planning permission is required for alterations to the roof, at the front, rear and side, within the Conservation Area. Some alterations at roof level have had a harmful impact on the Conservation Area. Because of the varied design of roofs in the Conservation Area it will be necessary to assess proposals on an individual basis with regard to the design of the building, the nature of the roof type, the adjoining properties and the streetscape... (page 62);*
- *On Gayton Road there have been a considerable number of roof extensions and the original roofscape has been impaired to such an extent that further roof extensions would be appropriate in principle. It is however important to ensure that the design*

details are acceptable in relation to the nature of the roof type involved. In particular the size and width of dormers and angled setback of a mansard roof should be appropriate to the design and character of the property (page 63).

30. This simply requires the effect of the dormer to be assessed on an individual basis in the local context and notes that further roof extensions in Gayton Road would be acceptable in principle.
31. **CPG1** was first formally adopted as Supplementary Planning Guidance in April 2011 (and then in September 2013, September 2014 and July 2015 following revisions) and so is a material consideration in the decision.
32. The Delegated Report says: *CPG 1 provides design guidance and requires dormer windows to be sensitive changes which maintain the structure of the roof by being set 0.5 m away from the roof pitch and eaves; full width dormers are discouraged; the scale, design and alignment of the dormer should relate to the windows below*
33. The first relevant part of **CPG1** is **para 5.8** that says:
 - *a roof alteration or addition is unlikely to be acceptable 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..*
34. Its use of the word 'unlikely' contemplates circumstances where a new roof extension does not impair the appearance of the host building or area and so consent can be granted for it. Plainly this is not intended to be mandatory and so does not 'require' anything. It is guidance only.
35. The relevant parts of **para 5.11** say:

....the addition of roof dormers should be sensitive changes which maintain the overall structure of the existing roof form. Proposals that achieve this will be considered generally acceptable providing the following circumstances are met:

a) the pitch of the existing roof is sufficient to allow adequate habitable space without the creation of disproportionately large dormers or raising the roof ridge.. Dormers should not be introduced to shallow- pitched roofs.

b) Dormers should not be introduced where they cut through the roof ridge or the the sloped edge of a hipped roof. They should also be sufficiently below the ridge of the roof...to avoid projecting into the roofline when viewed from a distance. Usually a 500mm gap is required between the dormer and the ridge or hip to maintain this separation. Full length dormers on both the front and rear of the property will be discouraged to minimise the prominence of these structures.

c) Dormers should not be introduced where they interrupt an unbroken roofscape.

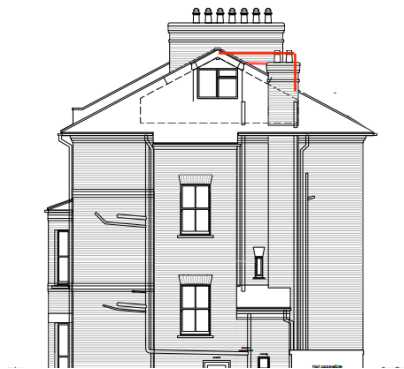
d) In number form, scale and pane size the dormer and window should relate to the façade below and the surface area of the roof. They should appear as separate small projections on

the roof surface. They should be generally aligned with the windows on the lower floors and be of a size that is clearly subordinate to the windows below...It is important to ensure the dormer sides (cheeks) are no wider than the structure requires as thus can give an overly dominant appearance. Deep fascias and eaves gutters should be avoided...

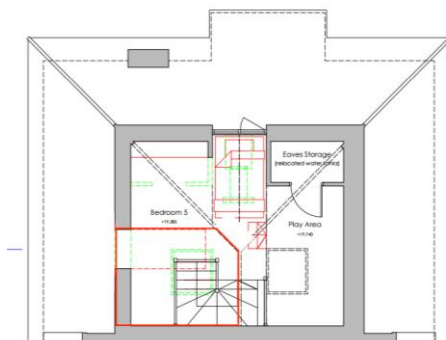
f) Materials should complement the main building and the wider townscape and the use of traditional materials such as timber, lead and hanging tiles will be preferred.

36. The dormer responds to these criteria as follows:

- As the consents the Council has granted for other dormers in the similar houses in Gayton Crescent show, there is adequate habitable space in the attic;
- The side elevation below shows that the dormer respects the roof form, is below the ridge and does not cut through the sloped edge of the hip (and is also largely concealed behind the gable chimney stack);



- The plan below shows the dormer covers less than 10% of the roofspace and is not disproportionately large:



- It is plainly not a full length dormer;
- There are no long views of the dormer. The view from Gayton Road is shown above. There is no view from Rudall Crescent at the rear because of intervening houses;

- The roofscape is already broken by the slightly higher dormer on the gable end and the gable chimney stack, as the photo above shows;
 - The photo shows the window is generally aligned with those below;
 - The house as built had no vertical hierarchy of windows – nevertheless the dormer window is smaller than those below;
 - The west (Gayton Road) dormer cheeks are hard to see and not dominant, while the east dormer cheeks are largely concealed by the party wall chimney stack;
 - There are no deep fascias or eaves gutter;
 - The slate and timber materials of the dormer match those on the original house.
37. It follows from this that the Delegated Report's criticisms are wholly unfounded. The dormer maintains the structure of the roof (and is consistent with the dormers the Council has permitted at Nos 4 and 5); while the guideline that dormers should be set 0.5 m away from the roof pitch is not met, this has not resulted in a top-heavy structure because the existing gable dormer's roof is already at ridge level and the height and bulk of the house is sufficient for this not to be an issue; the dormer is more than 0.5m away from the eaves; the dormer is not full width; and its scale, design and alignment relates to the windows below.
38. The proposal is consistent with the Council's design guidelines.

Impact on the Character and Appearance of the Conservation Area

39. The CAA requires dormer proposals to be assessed on an individual basis with regard to the design of the building, the nature of the roof type, the adjoining properties and the streetscape. This will largely be judged on the site inspection but a few comments may be helpful.
40. As far as character is concerned, the Council accepts that this part of the Conservation Area is characterised by dormer windows and roof extensions, most permitted by the Council after this part of the Conservation Area was designated in February 1968. Some are identified by the Council as unattractive.
41. Unattractive roof extensions are not put forward as any kind of precedent for this dormer (that should be judged on its own merits) but they do set a distinct context for judging the effect of the proposal on its appearance – this is not a pristine part of the Conservation Area – and the appeal dormer is not out of place in this general character.
42. The appeal building is imposing and the dormer is at the rear. It does not interrupt the clean lines of the roof from any public viewpoint. The Council clearly considers dormers in this position are acceptable on houses of this type because it permitted similar ones at Nos 4 and 5 about ten years ago, almost 40 years after the Conservation Area was designated.
43. This dormer is concealed by the party wall chimney stacks and the gable chimney stack and is seen in the context of the original gable dormer. It will not harm the appearance of this part of the Conservation Area because it is not on an obvious sightline - it can only be glimpsed at

a high level from the public highway. Height, distance and the intervening structures mean that the public at large will be entirely unaware of it.

44. Taken in context with the other dormers and roof extensions in this area, the dormer does not harm the character or appearance of the Conservation Area.

6.0 CONCLUSION

45. For these reasons the Inspector is respectfully asked to allow the appeal.

Annexe 1

michael burroughs associates

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Hampton Hill
TW12 1JQ

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info@mbaplanning.com

Delegated Report		Analysis sheet	Expiry Date:	05/09/2016
		N/A / attached	Consultation Expiry Date:	11/08/2016
Officer			Application Number(s)	
Robert Lester			2016/3309/P	
Application Address			Drawing Numbers	
1 Gayton Crescent London NW3 1TT			1533 L 115 A, 1533 L 140 A, 1533 L 141A, 1533 L 145A, 1533 L 134 A, Front Railings Photo, Fence Layout Plan.	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Construction of a rear dormer roof extension, front wall with metal railings and decorative lions adjacent to ground floor entrance (part retrospective application).				
Recommendation(s):		Refused and Warning of Enforcement Action to be Taken		
Application Type:		Householder Application		

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	33	No. of responses	01	No. of objections	01
			No. electronic	00		
Summary of consultation responses:	<p>1. The statues would be out of character.</p> <p>2. Insufficient detail on boundary fencing. Sympathetic metal rails would be acceptable.</p> <p><i>Case Officer's Response:</i></p> <p>1. <i>The statues are minor garden structures.</i></p> <p>2. <i>The front boundary railings would be acceptable.</i></p>					
CAAC/Local groups* comments: *Please Specify	<p>Heath and Hampstead Society Objection:</p> <p>1. The plans are inadequate and do not show the dormer which has been built on the site.</p> <p>2. The dormer is visible from the street and should be refused</p> <p><i>Case Officer's Response:</i></p> <p>1. <i>Agreed. The submitted plans do not correlate with the dormer which has been constructed on the site which is much larger.</i></p> <p>2. <i>The dormer window due to its excessive width, its fascia design, eaves design, alignment and proximity to the sides and pitch of the roof, is considered to be an overly bulky and over-dominant structure with an unsympathetic design that detracts from the character of the Conservation Area contrary to Camden Core Strategy Policy CS14, Camden Development Policies DP24 & DP25, Camden Planning Guidance 1 and the Hampstead Conservation Area Statement.</i></p>					

Site Description

The site is located at no. 1 Ayton Crescent, Hampstead and contains a 3 storey Victorian dwellinghouse. The site is located close to the junction with Gayton Road.

The site is located within the Hampstead Conservation Area and is identified as making a positive contribution to the character of the conservation area.

Relevant History

- 2015/7029/P - Erection of single storey rear extension at lower ground level with enlarged terrace and glazed balustrade above - Granted - 17/02/2016
- 2015/6107/P - Erection of dormer to rear slope to provide additional habitable space Withdrawn.
- EN16/0079 – Enforcement Investigation - Rear dormer roof extension (pending)

Relevant policies

LDF Core Strategy 2010-2025

CS14 – Promoting high quality places and conserving our heritage

Development Policies 2010-2025

DP24 – Securing high quality design

DP25 – Conserving Camden's Heritage

DP26 – Managing the impact of development on occupiers and neighbours

Camden Planning Guidance 1 Design

Camden Planning Guidance 6 Amenity

Hampstead Conservation Area Statement (2001)

The London Plan (2016)

The NPPF (2012)

Assessment

This planning application is for a rear dormer roof extension which has been built on the site and proposed front boundary railings and decorative statues to be located on either side of the front raised steps.

The dormer extension which has been built on the site is located on the rear roof slope. The submitted plans do not accurately show the extension which has been constructed. These plans show a narrow dormer measuring 2.5 m width by 3.5 m height with a narrow fascia surround. The dormer which has been constructed on the site (as shown on the photo in appendix 1) is a higher and wider structure which extends to the party wall with no. 2 Gayton Crescent and up to the roof pitch. The as-built dormer also has a wider fascia surround with hanging tiles and prominent overhanging eaves. The submitted plans for this application are therefore not accurate.

The proposed front boundary railings would be mounted between the existing brick piers on the front boundary of the site.

The decorative statues would be located on the raised staircase on either side of the access steps.

The main issues on this application are an assessment of the design and visual impact of the proposed dormer window and boundary railings and the amenity impact. The decorative statues in the front garden would be minor garden structures.

Design and Visual Impact

This dwelling has a shallow pitched hipped roof with an older small side turret dormer. The neighbouring properties at no's 1-4 Gayton Crescent do not have dormer windows. The properties at no's 5-7 Gayton Crescent have smaller dormer windows at the rear. Many of the properties on the adjacent Gayton Road have front dormer windows which were built in the post-war period.

Policy DP24 requires all development to be of the highest standard of design and requires consideration of the character, setting, context and the form and scale of neighbouring buildings and the character and proportions of the existing building. Policy DP26 only permits development within conservation areas that preserves and enhances the character and appearance of the area.

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The Hampstead Conservation Area Appraisal states that roof extensions are unlikely to be acceptable where it would be detrimental to the form and character of the existing building, the property forms part of a group or terrace which remains largely, but not necessarily completely unimpaired and the property forms part of a symmetrical composition, the balance of which would be upset.

The rear dormer window fails to adhere to these development plan policies and guidance. The dormer is a wide structure which extends up to the party wall with no. 2 at the side and up close to pitch level. The dormer also has a wide and bulky fascia with hanging tiles and prominent overhanging eaves. It fails to relate to the scale and alignment of the windows on the elevation below and disrupts a largely unimpaired roofscape on this terrace.

It is noted that there are dormer windows further along Gayton Crescent. However, these are more modest structures. The front dormers on Gayton Road built in the post war period are referenced in the Conservation Area Statement. However, this property is on Gayton Crescent which is a separate road that does not have the same character.

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structure with an unsympathetic design that detracts from the character of the Conservation Area and is contrary to Camden Core Strategy Policy CS14, Camden Development Policies DP24 & DP25, Camden Planning Guidance 1 and the Hampstead Conservation Area Statement.

The front metal boundary railings would be located and lower than the existing brick piers and would be in keeping with the character of the street scene.

Amenity Impact

The dormer window is constructed on the rear roofslope and would not impact on the amenity of neighbouring properties in accordance with policy DP26.

Recommendation:

Refused and Warning of Enforcement Action to be Taken

That the Head of Legal Services be instructed to issue an Enforcement Notice under Section 172 of the Town & Country Planning Act 1990 as amended to secure the removal of the rear dormer roof extension and the reinstatement of the roof, and to pursue any legal action necessary to secure compliance. Officers be authorised in the event of non-compliance to prosecute under section 179 or appropriate power and/or take direct action under 178 in order to secure the cessation of the breach of planning control.

The notice shall allege the following breaches of planning control: The erection of a rear dormer roof extension.

WHAT ARE YOU REQUIRED TO DO: Remove the rear dormer roof extension and replace with a pitched roof matching the original in design and materials.

PERIOD OF COMPLIANCE: 3 months

REASONS WHY THE COUNCIL CONSIDER IT EXPEDIENT TO ISSUE THE NOTICE:

The dormer window due to its excessive width, its fascia design, eaves design, alignment and proximity to the sides and pitch of the roof, is considered to be an overly bulky and over-dominant structure with an unsympathetic design that detracts from the character of the Conservation Area contrary to Camden Core Strategy Policy CS14, Camden Development Policies DP24 & DP25, Camden Planning Guidance 1 and the Hampstead Conservation Area Statement.



Photo: Appendix 1 – As built rear dormer on site