

"The Council will ensure that Camden's places and buildings are attractive, safe and easy to use by:

a) requiring development of the highest standard of design that respects local context and character;

b) preserving and enhancing Camden's rich and diverse heritage assets and their settings, including conservation areas, listed buildings, archaeological remains, scheduled ancient monuments and historic parks and gardens;...."

The Policy is very much concerned with "character" but leaves detailed matters to Conservation Area guidance.

- 4.36 The three Development Management Policies include three considerations relevant to this appeal, namely, DP24 (Securing high quality design), DP25 (Conserving Camden's heritage) and DP26 (Managing the impact of development on occupiers and neighbours).

- 4.37 Policy DP24 requires development to be of the highest standard of design that respects local context and character. Camden has a unique and rich built and natural heritage, with many areas with their own distinct character, created by a variety of elements including building style and layout, history, natural environment including open spaces and gardens, and mix of uses. There is a duty to respect these areas and buildings and, where possible, enhance them, when constructing new buildings and in alterations and extensions :-"

"The Council will require all developments, including alterations and extensions to existing buildings, to be of the highest standard of design and will expect developments to consider:

a) character, setting, context and the form and scale of neighbouring buildings;

b) the character and proportions of the existing building, where alterations and extensions are proposed;

c) the quality of materials to be used;

d) the provision of visually interesting frontages at street level;

e) the appropriate location for building services equipment;

f) existing natural features, such as topography and trees;

g) the provision of appropriate hard and soft landscaping including boundary treatments;

h) the provision of appropriate amenity space; and

i) accessibility"

- 4.38 Policy DP25 states that in order to preserve and enhance important elements of local character, the Council need to recognise and understand the factors that create this character. The policy requires:-

"Conservation areas

In order to maintain the character of Camden's conservation areas, the Council will:

- a) take account of conservation area statements, appraisals and management plans when assessing applications within conservation areas;*
- b) only permit development within conservation areas that preserves and enhances the character and appearance of the area;*
- c) prevent the total or substantial demolition of an unlisted building that makes a positive contribution to the character or appearance of a conservation area where this harms the character or appearance of the conservation area, unless exceptional circumstances are shown that outweigh the case for retention;*
- d) not permit development outside of a conservation area that causes harm to the character and appearance of that conservation area; and*
- e) preserve trees and garden spaces which contribute to the character of a conservation area and which provide a setting for Camden's architectural heritage".*

- 4.39 Lastly Policy DP26 contributes to the implementation of the Core Strategy by making sure that the impact of a development on occupiers and neighbours is fully considered.

"The Council will protect the quality of life of occupiers and neighbours by only granting permission for development that does not cause harm to amenity. The factors we will consider include:

- a) visual privacy and overlooking;*
- b) overshadowing and outlook;*
- c) sunlight, daylight and artificial light levels;*
- d) noise and vibration levels;*
- e) odour, fumes and dust;*
- f) microclimate;*
- g) the inclusion of appropriate attenuation measures.*

We will also require developments to provide:

- h) an acceptable standard of accommodation in terms of internal arrangements, dwelling and room sizes and amenity space;*
- i) facilities for the storage, recycling and disposal of waste;*
- j) facilities for bicycle storage; and*
- k) outdoor space for private or communal amenity space, wherever practical".*

SUPPLEMENTARY PLANNING GUIDANCE

Camden Planning Guidance

- 4.40 Camden have produced a series of Supplementary Planning Guidance Notes to support the Local Development Framework. These are being continuously revised. The following are considered relevant.
CPG1 (Design) July 2015
CPG6 (Amenity)

Camden Planning Guidance Design CPG 1 (see Appendix 7 for extracts)

- 4.41 This guidance was adopted in July 2015 and supports the policies in the LDF. The sections on design excellence and heritage largely repeat the advice in the CS and DM documents. However there are also detailed sections on, 4 Extensions, alterations and conservatories and 5 Roofs, terraces and balconies
- 4.42 In essence under 4, alterations should always take into account the character and design of the property and its surroundings. Windows, doors and materials should complement the existing building and rear extensions should be secondary to the building being extended.
- 4.43 5 states that roof extensions fall into two categories:
- Alterations to the overall roof form; or
 - Smaller alterations within the existing roof form, such as balconies and terraces.
- When proposing roof alterations and extensions, the main considerations should be:
- The scale and visual prominence;
 - The effect on the established townscape and architectural style;
 - The effect on neighbouring properties

Camden Planning Guidance Housing CPG 2

- 4.44 This guidance was adopted in May 2016 and supports the policies in the LDF. Residential development standards are considered in section 4. The general principles at paragraph 4.6 are that dwellings should be self contained and with their own secure, private entrance which leads either directly from the street or from a common entrance hall.
- 4.45 Suggested minimum floor space standards are set out at paragraph 4.14. However there is some flexibility as outlined at paragraph 4.18 where self contained homes below the minimum standards may be considered in

exceptional circumstances such as where dwellings are targeted at and affordable to groups identified as being in need, where a limited number of dwellings are accessed from one entry point . The standards go on to address in some detail lifetime homes and wheelchair standards etc.

SOUTH HAMPSTEAD CONSERVATION AREA STATEMENT 2011

4.46 The Appeal site is within the South Hampstead Conservation Area. The South Hampstead Conservation Area Character Appraisal and Management Strategy was adopted in February 2011. For map and extracts see **Appendix 8**.

4.47 The site falls within Character Area No 1 of 4. The history of this area is summarised as :-

"4.14 However from the late 1870's development commenced in earnest on Maryon Wilson's demesne lands (then owned by Sir Thomas's son, Spencer), and the streets which now make up the conservation area was the first major development in the southwestern section of their Estate (see Map 4). Roads were named after Maryon Wilson estates in Essex and Sussex and building began from the east end of the land with 20 houses by Charles Kellond in Goldhurst Terrace in 1879 and another 50 there between 1880 and 1885. From 1886 to 1900 a further 101 houses, some flats, and a riding school (which may have been at 109 Goldhurst Terrace) were developed, mostly by T. K. Wells of Kentish Town".

4.48 Character Area No 1 of 4 is described as follows:-

"East of Fairhazel – mansion blocks, tight terraces, developed later and closer to bustle of Finchley Road. Built form is simple; recession and projection give the terraces life and flourishes are reserved for details such as grand brick and terracotta porches and large stained and leaded glass timber-painted front doors".

4.49 The document then proceeds to analyse the character of the various areas and a heritage audit of buildings, structures, trees etc within it.

4.50 The document then goes on to analyse all aspect off change in the area. These include matters such as "rear extensions and loss of rear gardens to hard landscaping" and "roof extensions and changes to roof profiles and detail". Rear extensions must ensure that the attractive garden setting of the host building, neighbouring gardens and any private open spaces is not compromised by overly large extensions

4.51 The Section on roof extensions and profiles etc is relevant to this appeal and is reproduced below:-

"Roof Extensions and Changes to Roof Profiles and Detail

7.15 It is notable that in April 1988, guidelines for roof alterations in the area were formally adopted by the Council, prior to the area's adoption in November of that year as a conservation area. The wide variety of roofs – from simple decorated gables, to elaborate Dutch gables and pediments, to steep French style hipped and mansard roofs, turrets and ogee-shaped domes - play a very important role in maintaining the character of the conservation area

7.16 In recent years, as above largely due to the increased intensity of residential use and resulting trend for residential conversion, there have been a number of planning applications to alter roofscapes and insert new dormer windows to the front and rear of buildings in the conservation area. These can be damaging to the character of the area if what is proposed does not take into account the careful design of the original building – its front elevation and traditional roof form - and the pattern of neighbouring buildings as a whole. The variety of roof forms in the area means that each proposal must be carefully judged on its design merits; alterations should not result in increased visual bulk to the roof, nor should they draw more attention than existing to the roofslope. Where a building forms one of a harmoniously composed terrace or group, or indeed is a prominent corner building with a carefully designed hipped roof, insensitive alterations this can be particularly damaging to the design of the host building and the street as a whole. Rooflights inserted insensitively in the front or visible side roofslope, even when they are flush fitting, also erode character and upset the careful balance of solid to void on the principal elevation".

- 4.52 There are a number of important points which will be carried forward to the statement of case that follows. Roof extensions etc have been the subject of control since 1988 (unrelated to the Conservation Area at that time). There are a wide variety of roof forms and details locally. Alterations and extensions can be treated on their merits provided they do not harm character and alterations are particularly sensitive at the front of buildings.
- 4.53 The remainder of the document contains a management strategy for the area as a whole (which is described as very large) and all the features within it including 1,500 Listed Buildings).
- 4.54 The management strategy seeks to avoid "inappropriate roof level extensions - particularly where these interrupt the consistency of a uniform terrace or the prevailing scale and character of a block, are overly prominent in the street". (12.9). In addition "Roof alterations and extensions to existing buildings should be carefully considered. Extensions and new dormers should be subordinate to the existing building and not detract from its character by becoming over-dominant". (12.10).

- 4.55 Lastly with regard to "Roof Extensions and Changes to Roof Profiles and Detail" the management strategy states:-

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12.20 Rooflights inserted insensitively in the front or visible side roof slope, even when they are flush fitting, also erode character and upset the careful balance of solid to void on the principal elevation".

- 4.56 Again proposals for alterations are not automatically ruled out but must be considered on their merits and not be so obtrusive or badly designed that they affect the character of the Conservation Area.
- 4.57 Lastly advice is given as to the control to be exercised over roof alterations and dormer windows etc. See below:-

"Roof Alterations

13.36 Proposals which alter existing roof profiles will generally be resisted unless to replace unsightly later additions with less visually disruptive alternatives. Uncharacteristic roof forms will be unacceptable.

13.37 Architecturally interesting roof features such as ridge tiles, turrets, decorated gables, chimney stacks and pots should always be retained.

13.38 Recessed roof terraces to the front or side slopes are unlikely to be unacceptable.

13.39 Recessed roof terraces may be allowed to the rear roof slope in line with CPG. However raising the roof ridge and / or changing the roof pitch to the front, side or rear slopes is unlikely to be acceptable.

Dormer Windows and Roof Lights

13.40 Proposal for dormers within the conservation area will be considered on their own merit and subject to Camden Planning Guidance 2006 and (draft) 2011. In some cases they may not be acceptable due to the impact on the design of the roof, the host building and the surrounding properties. Particular care is needed

to ensure sensitive and unobtrusive design to visible roof slopes or where roofs are prominent in long distance views.

13.41 Roof lights may be considered acceptable if fitted flush with the roof and located on the rear roofslope. The individual merits of each proposal will be considered in relation to their impact on the character and appearance of the conservation area".

5. APPELLANTS STATEMENT AND GROUNDS OF APPEAL

- 5.1 Planning permission was granted in November 2015 for the erection of single storey rear extension at lower ground floor, the erection of side and rear roof dormers, installation of Juliette balcony at first floor rear elevation, installation of 2 conservation style rooflights to front roofslope and installation of windows in side elevation at lower ground, ground, first and second floors, ref. 2015/5564/P.
- 5.2 In April 2016 the Council received a complaint from a local resident that works were not in accordance with the permission 2015/5564/P. The Enforcement Officer advised the Agent representing the owner that works were not in accordance with the approved plans. The Agent was given advice on why the works were in breach and what were required to address the matter. The Agent submitted a second application (the subject of this appeal) to address the changes that had been made.
- 5.3 A planning application was registered on the 20/06/2016 (2016/2958/P) for a scheme which does not quite replicate what has been built on site but includes slight variations to the side and rear dormer. **Before that was determined works were not undertaken to restore the development to the original permission and accordingly an enforcement notice was served in relation to what were considered to be breaches at that time:-**
- A. The rear and dormer that has been constructed is larger than the approved;
 - B. The rear roof terrace that has been constructed is larger than the approved and the slate skirt altered;
 - C. The side roof dormer which has been constructed is larger and of a different appearance to the approved;
 - D. At rear first floor the clay tile roof to the projecting bay has been removed and the wall has been extruded upwards to create an external balcony (under 2015/5564/P a Juliet balcony was approved with the clay tile roof retained);
 - E. A double door opening has been installed at rear ground floor in place of the original sash window pair. This could allow access to the flat roof of the lower ground floor rear extension;
 - F. The timber-framed windows to the rear elevation at first and second floor had allegedly been replaced with PVC windows. It has subsequently been confirmed that these windows are timber.

- 5.4 The Council subsequently accepted that the windows that have been installed are not PVC but timber windows (Breach F). The first enforcement notice has been withdrawn and has been reserved omitting this element.
- 5.5 This appeal statement deals with Grounds A, F and G that have to be pleaded in respect of the non determination of the planning application and the Enforcement Notice Appeal.

The Legislative Background.

- 5.6 Before examining the individual elements involved in this proposal this appeal statement seeks to assist with the determination of the appeal by informing the decision taker on the effects of development on the historic built environment. Value judgements on the significance of the heritage assets affected are presented and the effects of the proposals upon that significance are appraised.
- 5.7 Specifically this statement assesses the capability of the Conservation Area (specifically related to change within the setting of the buildings) to absorb change without causing harm to their significance.
- 5.8 Particular regard is given to the provisions of the Planning (Listed Building and Conservation Areas) Act, 1990.
- 5.9 **In particular the tests established by the Court of Appeal in Obar Camden Limited v London Borough of Camden and another [2015] EWHC 2475 (Admin) are applied. Paragraph 128 of the NPPF is engaged in that this statement describes the significance of the Conservation Area and addresses the impact upon it under Sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act, 1990.**
- 5.10 This statement also sets out how the proposal complies with the guidance and policy of the National Planning Policy Framework (NPPF) 2012 and local planning policy.

Assessment of significance

- 5.11 It is recognised that not all parts of a heritage asset will necessarily be of equal significance. In some cases certain elements could accommodate change without affecting the significance of the asset. Change is only considered harmful if it erodes an asset's significance. Understanding the significance of any heritage assets affected and any contribution made by their setting (paragraph 128, NPPF

2012) is therefore fundamental to understanding the scope for and acceptability of change.

- 5.12 A description of the significance of the South Hampstead Conservation Area is presented in the Section below. The description is proportionate to the assets' significance and are sufficient to understand the nature of any impact the proposals may have upon that significance.
- 5.13 The site is not within an area of archaeological significance, see below. The site is also not within a scheduled ancient monument, is not a historic park or garden, a historic battlefield is not a listed building or building of local, visual or historic interest.
- 5.14 The special interest of the area derives from the South Hampstead Conservation Area Appraisal. The Conservation Area comprises several identifiable sub character areas. The Conservation Area Appraisal concentrates on the terrace of buildings, its frontage, materials and roofscape. There are no long vistas or views, Listed Buildings or other special features that need to be considered. It would appear to be the frontage of the terrace that is the principal heritage asset.
- 5.15 None of the policies that have been examined rule out alterations and extensions (especially where not on the front) provided they are not obtrusive and are not unsightly thereby detracting from that character.

The works

- 5.16 Essentially the Council's design policies seek to achieve the highest standard of design in all developments. Policy DP24 are states that development should consider the character, setting, context and the form and scale of neighbouring buildings, and the quality of materials to be used. Policy DP25 'Conserving Camden's Heritage' states that within conservation areas, the Council will only grant permission for development that 'preserves and enhances' its established character and appearance.
- 5.17 CPG1 design guidance recommends alterations take into account the character and design of the property and surroundings, windows, doors and materials should complement the existing building, and rear extensions should be secondary to the main building.
- 5.18 The South Hampstead Conservation Area statement advises care should be taken to ensure attractive garden settings of host buildings is not compromised

by overly large extensions and hard landscaping. New dormers should be subordinate to the existing building and not become over-dominant.

5.19 The “original rear and side elevation are shown below:-



Photo 1. The original rear elevation.



Photo 1. The original side elevation.