

Statement of Case

Proposed new dwelling, 17 Boscastle Road, London, NW5

Prepared by Stratagem Planning Consultants

For Mrs Caroline Gladstone

October 2016

1 Introduction

- 1.1 This Statement of Case has been prepared by Stratagem Planning Consultants on behalf of Mrs Caroline Gladstone (“the appellant”) to support a planning appeal pursuant to Section 78 of the Town and Country Planning Act 1990 (as amended) (“the appeal”).
- 1.2 The appeal has been submitted against the decision by the Council of the London Borough of Camden (“the Council”) on 8 July 2016 to refuse the grant of planning permission for “*Construction of a single storey 1 bedroom dwellinghouse (Class C3) following demolition of garages and a garden store*” at 17 Boscastle Road, NW5. The LPA reference number is 2016/0758/P.
- 1.3 This document should be read in conjunction with the Planning Statement submitted in support of the application for planning permission.
- 1.4 Stratagem principal, Dr Mark Matheson, M.A. (Planning and Sustainability), MRTPI, is a Chartered Town Planner with extensive experience of development management gained through working at three London local planning authorities.

2 Site Description

- 2.1 Full details of the site are provided in the Planning Statement submitted in support of the application.

3 Planning History

- 3.1 There is no record of planning applications associated with 17 Boscastle Road on Camden’s website.
- 3.2 The only applications relating to the neighbouring properties relate to alterations, extensions and works to trees.

4 The Scheme

- 4.1 It is proposed to demolish the existing garages and garden store and to construct a one storey, single bedroom dwelling. The new dwelling would be composed of two connected wings, one containing a living, dining and kitchen space, the other an entrance lobby, bedroom and bathroom. There would be two outside spaces each enclosed by perimeter walls. The house would be constructed with high-quality brick which would be used for the walls and, innovatively, for the roof. Access would be from Grove Terrace Mews.
- 4.2 The scheme is presented in detail in the Design and Access Statement.

5 Planning Policy Context

- 5.1 There is a suite of planning policy documents against which the application is required to be assessed. At national level the National Planning Policy Framework (NPPF; published March 2012) sets out the key strategic policies against which development management decisions must be made. At regional level the policies in the London Plan (adopted July 2011, with most recent alterations March 2015) and supporting guidance documentation are material considerations, while at local level the key documents are the Core Strategy (adopted November 2010), the Camden Development Policies document (adopted November 2010) together with relevant Camden Planning Guidance documents and the Dartmouth Park Conservation Area Appraisal and Management Strategy. Although the site falls within the Dartmouth Park Neighbourhood Forum area no Neighbourhood Plan has yet been adopted.

6 Response to reasons for refusal

In this section each of the reasons for refusal will be examined in turn.

Reason for refusal 1:

- 6.1 *The proposed single storey dwelling, by virtue of its use, size, massing, location and layout, would be out of keeping with the prevailing pattern of development and detrimental to the character and appearance of the Dartmouth Park Conservation Area 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 policies DP24 (Securing high quality design) and DP25 (Conserving Camden's Heritage) of the London Borough of Camden Local Development Framework.*
- 6.2 The site is located within the backland area of a perimeter block. The only views of the site from the public realm are glimpsed views down the lane from Grove Terrace and as such any impact of the development would be on private rather than public views. Accordingly, it must be stressed that there would be no impact on the character and appearance of the public realm of the Dartmouth Park Conservation Area. This point is important in the assessment of this reason for refusal.
- 6.3 A defining quality of this backland area is the abundance of mature vegetation which reflects the age of the surrounding houses. Although the diminutive scale of the proposed dwelling would result in minimal impact on views from neighbouring houses, this vegetation would significantly reduce any visual impact of the development. Indeed, from many vantage points no views of the house would be possible. Figure 1 shows the extent of the vegetation.



Figure 1. View from first floor of appellant's house towards site of proposed dwelling.

- 6.4 The development has been designed so as to safeguard all surrounding trees and the appellant has commissioned an arboricultural report to provide guidance on aspects of the design having a bearing on the trees.
- 6.5 The intention is to implement a carefully-considered landscaping plan encompassing both courtyards and the remaining garden for 17 Boscastle Road so as to minimise the visual impact of the new house and to allow it to be softened by vegetation in the same way as the surrounding buildings within the backland area. The appellant would be happy for the landscaping scheme to be reserved by condition.
- 6.6 Being a conservation area, any works to surrounding trees require express permission from the local planning authority. Accordingly, there can be confidence that the extensive screening provided by surrounding vegetation will be safeguarded in perpetuity.
- 6.7 The architects' design has been informed by a careful analysis of the existing built environment. The design of the proposed house responds to the particular characteristics of the site by forming a "link" between the long terrace of garages continuing down the lane to the south and the garages set back to the rear of Nos. 19 and 21.
- 6.8 The scale of the proposed building, being one storey only, is consistent with the height of the neighbouring garage buildings. By breaking up the massing of the proposed house into two blocks this also allows the proposed house to respect the scale and massing of the surrounding buildings. As such, the proposed dwelling has been very carefully designed in order to respect the prevailing pattern of development.
- 6.9 It should be stressed that a significant part of the footprint of the proposed house is occupied by an existing building. The area of the footprint of the existing garages is 46 sq m while the proposed house would have a footprint of

82 sq m (GEA). This would result in a very modest increase in footprint of the built area of 36 sq m (GEA).

- 6.10 In terms of use, there is already a house, built in the 1960s, within the backland area served by Grove Terrace Mews located close to the site of the proposed dwelling. As such there is a precedent for the proposed residential use within the backland area.
- 6.11 The proposal in no way challenges the prevailing pattern or massing of development but instead reinforces this while replacing the existing utilitarian building with a building which adds architectural interest to the mews and in so doing would enhance the Conservation Area.

Reason for refusal 2:

- 6.12 *The proposed development, by virtue of the increased level of associated residential activity within this quiet rear garden setting, would be an intrusive form of development that would harm the living conditions of neighbouring residential occupiers contrary to policy CS5 (Managing the Impact of Growth and Development) of the London Borough of the Camden Local Development Framework Core Strategy and policy DP26 (Managing the Impact of Development on Occupiers and Neighbours) of the London Borough of Camden Local Development Framework Development Policies.*
- 6.13 The proposal is for a one-bedroom dwelling for an elderly couple with a modest GIA of 67 sq m. The activity generated by the house will be commensurate with a dwelling of this size. It is too small to ever be a family house. It is a house for a single person or a couple. By contrast, the neighbouring houses at 15 and 17 Boscastle Road are three storey, five bedroom, houses which are likely to appeal to family occupiers. As such the amount of noise and general activity generated by these properties is likely to be far greater than that of the proposed dwelling. It is extremely unlikely that the occupiers of these neighbouring properties will be in any way troubled by the occupants of the new house.
- 6.14 The physical relationship between the proposed and existing neighbouring dwellings is one which would generally be considered well within the acceptable range in development management terms.
- 6.15 The proposed house has been designed with the particular requirements of an elderly couple in mind. According to the Draft Camden Local Plan, the number of people aged over 75 in Camden is expected to rise by 40% by 2031. As such it is very possible, even likely, that in the future the occupants of the proposed house will be either an elderly single person or couple.
- 6.16 The site of the proposed house is currently occupied by two garages and a garden store. At the present time Mrs Gladstone has a blue badge for her car

on account of Mr Gladstone's limited mobility. In the future should she still be driving but not have a blue badge it is her intention to join a car club. Two garages are therefore not in use, and are unlikely to be so during the time that the Gladstones live in the house. However, given the socio-demographic profile of the neighbourhood, future occupiers of 17 Boscastle Road may very likely have several vehicles and if so are likely to drive in and out of the lane many times a day. Indeed a future owner of the property could potentially through permitted development reconfigure the existing garages and garden store to create garaging for three cars. Accordingly, if the garages are redeveloped as a house this is likely in due course to significantly reduce the number of vehicles using the mews lane which would reduce noise and disturbance for neighbouring occupiers.

Reason for refusal 3:

- 6.17 *The proposed development, by virtue of the poor level of outlook from the proposed dwelling, would result in sub-standard accommodation and be harmful to the amenities of future occupiers, contrary to core policies CS5 (Managing the impact of growth and development) and CS6 (Providing quality homes) of the London Borough of Camden Local Development Framework Core Strategy and policy DP26 (Managing the Impact of Development on Occupiers and Neighbours) of the London Borough of Camden Local Development Framework Development Policies.*
- 6.18 This reason for refusal does not adequately take account of the carefully considered nature of the proposed design. The main space within the house benefits from windows on the North-West, South-West and North-East elevations as well as top lighting from two roof lights. The East-facing window enjoys a long view down the mews lane to Grove Terrace and beyond. The West-facing window enjoys a view over Courtyard 2. There is a generous distance of 8.58 metres from this window to the opposite boundary of the site (see Figure 3). The North-facing window, which extends along most of the North elevation of the main living space is between 2.94 and 3.72 metres from the boundary wall. While this distance is not large, the view of Courtyard 1 will be attractive and will permit longer views over the top of the wall to the extensive vegetation and sky beyond.
- 6.19 It is commonplace for a domestic living space to be served by only one window. In having windows on three elevations, as well as roof lights, there is no way that the outlook from this space could be considered inadequate. The views from each of the windows together with the views of the sky from the roof lights would provide an attractive and varied outlook and an associated high level of amenity.

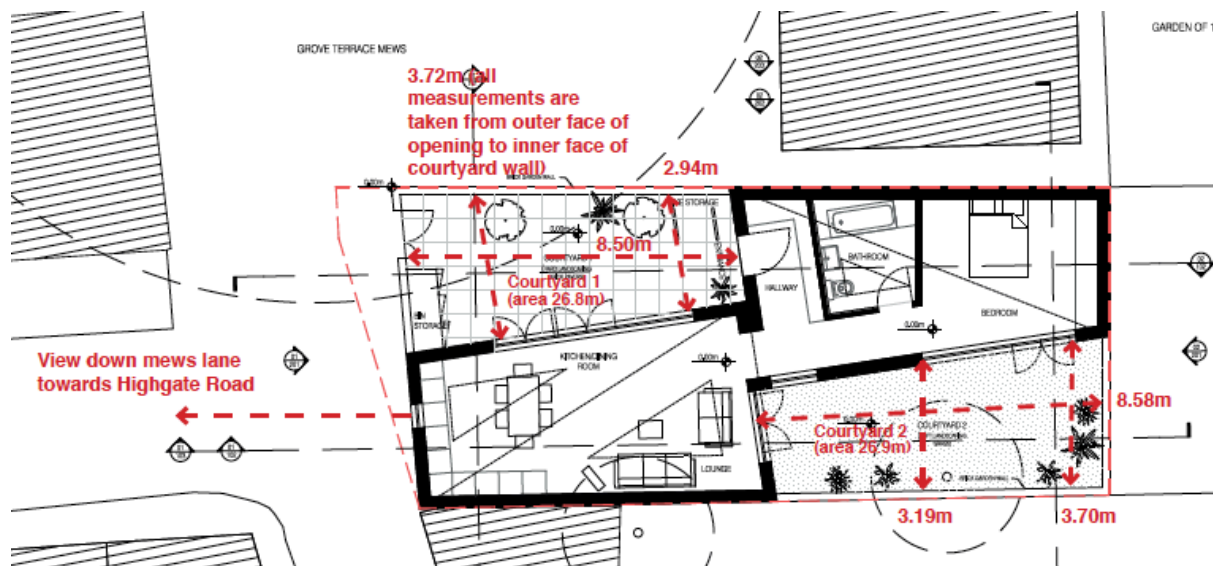


Figure 3: Analysis of outlook from proposed dwelling

6.20 In a similar way, the bedroom window will have an attractive view of Courtyard 2 and while not a long view, given the height of the boundary wall at 1.8 metres, longer views of nearby trees and sky will be seen above the wall.

6.21 As is evident from the applicant's garden, Mrs Gladstone is a very keen gardener and it is her intention to introduce abundant vegetation to the two "courtyard" areas to provide a verdant outlook from the house and to soften its appearance, as discussed above.

6.22 The house has been designed by extremely skillful and experienced architects who have won several highly prestigious awards for similar infill dwellings, reflecting the quality of the domestic spaces which they have created. vPPR Architects have won many awards including the following:

- Winner of RIBA London Emerging Architect of the Year Award 2015
- Winner of RIBA London Regional Award 2015 for Vaulted House
- Winner of AJ Emerging Woman Architect of the Year Award 2015
- Shortlisted for the RIBA House of the Year Award 2015 for Vaulted House
- Shortlisted for RIBA Stephen Lawrence Award 2014
- Winner of RIBA London Regional Award 2014 for Ott's Yard

6.23 It is not the case that the house "would result in sub-standard accommodation and be harmful to the amenities of future occupiers". On the contrary, there is no doubt that the occupiers of the new dwelling would enjoy an exceptional level of amenity.

6.24 The quality of residential amenity is determined by several factors. As explained in the Planning Statement submitted in support of the application, Mrs Gladstone's husband suffers from dementia and attendant problems with mobility. Their current home has no ground floor bedroom or bathroom and Mr Gladstone is struggling to use the stairs. It is understood that he may very soon

require the use of a wheelchair. Mrs Gladstone seeks to create a home which is designed for the particular circumstances of her and her husband, incorporating level access, wide wheelchair-accessible doors, and other features to allow Mr Gladstone to retain as much independence as possible. For the Gladstones, a key aspect of the quality of the residential amenity of the proposed dwelling will be its accessibility.

- 6.25 In view of the above considerations, there is no doubt that the quality of the residential amenity enjoyed by the occupants of the house would be extremely high.

Reason for refusal 4:

- 6.26 *The proposed development, in the absence of a legal agreement to secure car-free housing for the residential units would be likely to contribute unacceptably to parking stress and congestion in the surrounding area, contrary to policies CS11 (Promoting sustainable and efficient travel) and CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Local Development Framework Core Strategy and policy DP18 (Parking standards and the availability of car parking) of the London Borough of Camden Local Development Framework Development Policies.*

- 6.27 The decision notice included the informative: "You are advised that reasons for refusal 4-5 could be overcome by entering into a s106 agreement." The applicant has confirmed that she is willing to enter into the s106 car-free agreement. We will ensure that a certified copy of the s106 agreement is received by the Inspectorate within seven weeks of the date of the appeal start letter.

Reason for refusal 5:

- 6.28 *The proposed development, in the absence of a legal agreement to secure a Construction Management Plan, would fail to secure adequate provision for and safety of pedestrians and protect their amenity, contrary to policies CS5 (Managing the impact of growth and development) of the London Borough of Camden Local Development Framework Core Strategy and policies DP20 (Movement of goods and materials), DP21 (Development connecting to highway network) and DP26 (Managing the impact of development on occupiers and neighbours) of the London Borough of Camden Local Development Framework Development Policies.*

- 6.29 The decision notice included the informative: "You are advised that reasons for refusal 4-5 could be overcome by entering into a s106 agreement." The applicant has confirmed that she is willing to enter into the s106 to secure the Construction Management Plan. We will ensure that a certified copy of the s106

agreement is received by the Inspectorate within seven weeks of the date of the appeal start letter.

7 Other considerations

Permitted development

- 7.1 Part 1 Class E of the GPDO (*buildings etc. incidental to the enjoyment of a dwellinghouse*) has provision for the construction of detached buildings within the curtilage of a dwellinghouse. In the case of the subject property it would be lawful to construct a building covering 50% of the curtilage of the property excluding the dwellinghouse but including the garages. This would allow the construction of a building of 147 square metres, significantly larger than the 82 sq m building proposed. It is further noted that while a building lawful under this part of the GPDO must be detached from the dwellinghouse it could be located immediately adjacent to it as established by appeal decision reference APP/Q5300/X/10/2125856.
- 7.2 The purpose of permitted development within the planning system is to remove the requirement for planning permission for types of development which are considered to be uncontentious. Accordingly, while the *use* of a building within the garden of 17 Boscastle Road as a separate dwelling requires planning permission, the acceptability of a building sharing many characteristics with that proposed is established by permitted development. Under PD there would be a height restriction in this case of 2.5 metres. The proposed dwelling would be marginally higher than this and the proposed height would therefore not be in accordance with Class E without modification. In all other respects the external design of the proposed dwelling is in accordance with the GPDO.
- 7.3 In order to clarify the status of the proposed design in terms of permitted development an application for a Certificate of Lawful Development for an ancillary building is being submitted to the local planning authority in parallel with this appeal. The only modification to the external appearance of the building is a reduction of the height to 2.5 meters.

Camden's housing target

- 7.4 The local planning authority submitted the Camden Local Plan and supporting documents to the Secretary of State for Communities and Local Government for independent examination in June 2016.
- 7.5 With respect to housing, the Local Plan sets a target of building over 1,000 new homes each year until 2030/31. In the years 2008 – 2013 housing completions in the borough were around 600 homes per year. This included student housing which is likely to have accounted for a significant number of these completions.

It would appear therefore that the number of housing completions within the borough will need to double if the target is to be met.

- 7.6 Given the established nature of much of Camden as a borough, for the Council to meet their housing target is going to be a very significant challenge. It is likely that there will be extremely vociferous opposition from neighbours to development within most of the borough. If the Council and the Inspectorate routinely yield to this pressure then housing completions are unlikely to increase over the coming years with attendant social and economic consequences.
- 7.7 It is also noted that the Draft Local Plan has a target of 10% of all new dwellings being wheelchair-accessible. The proposed dwelling would clearly contribute towards this target.
- 7.8 In CPG 3 (Sustainability), Camden have set ambitious targets for energy efficiency. The proposed new-build dwelling would meet the highest standards in terms of energy efficiency and in so doing would both help to meet the targets and provide an exemplar for other developments within the Borough.

8 Summary and conclusions

- 8.1 **Paragraph 14 of the NPPF** places sustainability at the heart of the planning system. The proposed house would be built to meet the highest standards of environmental sustainability but, of equal significance, in allowing Mrs Gladstone to continue to care for her husband close to the support network of family and friends within the community in which they have lived for 55 years, the development would also be highly *socially sustainable*. The importance and value of this cannot be overstated.
- 8.2 The applicants and their neighbours enjoy an exceptional level of amenity that understandably they are passionate about protecting. However, the development management system exists to ensure that development does not result in the amenity of neighbouring occupiers falling below an acceptable standard, not to protect neighbours from any impact, however small, whether real or perceived. There is no question that Mrs Gladstone's neighbours would still enjoy an extremely high level of amenity following construction of the proposed dwelling. Any impacts are well within levels which would generally be considered acceptable in development management decision making.
- 8.3 We fully recognise that neighbours do not welcome change and are sympathetic to this. However, the benefits to Mr and Mrs Gladstone would be very significant and must be balanced against neighbours' determination to resist any change to the familiar status quo.

8.4 **Paragraph 12 of the NPPF** states that “Proposed development that accords with an up-to-date Local Plan should be approved” while **Paragraph 14** states that there should be a “presumption in favour of sustainable development” which local planning authorities should apply in determining development proposals. It is respectfully requested that permission be granted without further delay.

9 Appendices

Appendix 1 – Suggested conditions

Appendix 2 – View towards site from existing dwelling

Appendix 3 – View towards site from 1st floor of existing dwelling

Appendix 4 – View towards site from Grove Terrace

Appendix 5 – Analysis of outlook from proposed dwelling