

# Nicholas Williams Chartered Architect

39 Holmdale Road, London NW6 1BJ UK  
ncwarchitecture@gmail.com  
+44 (0)7943518350

## Grounds Of Appeal

Application No. 2016/2202/P

58c Minster Road, London NW2 3RE

### A) Planning History

**2016/1509/P** - Creation of front light well including works of conversion of existing basement floor to provide habitable room; reinstate window at front basement floor level to self-contained flat. Granted 21/06/2016

**4464** - Alterations to ground floor at 58 Minster Road, Camden.- Granted 18/01/1968

### B) Reason for Refusal: (from refusal notice)

***1 The proposed side dormer, by reason of its design and location, would result in harm to the character and appearance of the building and the street scene contrary to policy CS14 (Promoting high quality places and conserving heritage) of the London Borough of Camden Local Development Framework Core Strategy, policy DP24 (Securing high quality design) of the London Borough of Camden Local Development Policies and policy 2 of the Fortune Green and West Hampstead Neighbourhood Plan.***

### C) Comments and Objections:

Objections	None received
Consultation response	None received
CAAC / Local Group Comments	None received

#### **D) Planning Context.**

58 Minster Road is a semi-detached house. Its development circa 1900 is typical of the properties in Minster Road which has a gradient from South West to North East. The street is predominately 2 storey brick built slate roofed family dwellings. the majority of Minster Road remains as single family residences.

The pair of semi's as many along the road has a hipped slate roof.

As with most areas of London, to assist with the increasing housing needs, there is a large percentage of the properties which have been extended to the rear and with loft extensions. Applications have also been submitted for basements within the street.

Apartment 58c was created by the splitting of 58 into the 3 no. apartments some decades ago. 58c is the top floor property, split level over 3 half levels partly in the loft space.

Significant re-modeling to the rear of the elevation

Minster Road is a tidy and very presentable Edwardian street remaining much of it's original character. However a significant number of properties have been extended including re-modeling of roofs, some of which have been done under permitted development rights. Some properties have converted roofs with 'hip to gable' re-modelling, significantly changing the character of the facades.

Minster Road is outside of any conservation area and clearly LB Camden have not and do not consider it worthy of preservation of under such policy protection. As such it will continue to be significantly altered in character by permitted development schemes creating much needed increases in floor space, outside the control of LB Camden.

## **E) Proposal**

The originally submitted application by the householder was to seek additional bedroom space, and a modest increase in bathroom size (by means of a side dormer) to allow an internal re-organisation of space within the existing apartment to create a second WC and bathroom space.

This involved the following changes to the external fabric:

- 1) Side Dormer
- 2) Roof lights to front and side elevations
- 3) Development of a portion of the remaining loft space as a third bedroom with associated increase in the existing rear dormer.

The increase in size of the rear dormer window was objected to in early post application discussions with officers and this was removed.

The loss of space within the upper dormer led the applicant to abandon the second bathroom and as such the only changes to external fabric in the determined application are:

- 1) Side dormer
- 2) Roof lights to front, side and rear elevations.

Roof lights appeared to be agreed through discussion however the side dormer was considered not acceptable.

## **G) Design Guidance**

Camden Planning Guidance (CPG1: Design)

London Borough Camden's principle design guidance for residential extensions is clearly set out in their adopted Planning Guidance policy document CPG1: Design. - July 2015

In section 5.11 and as illustrated in Figure 4 clearly states that any any dormer needs to be sub-ordinate with to the roof it is built on.

Further it, states the specific dimensional requirements to ensure it is 'sub-ordinate.' It follows therefore that is these guidelines are followed, then the dormer should be considered sub-ordinate and acceptable.

these include:

Minimum distance from eaves

Minimum Distance from hips

Minimum distance from ridge

It does not state that side dormers are not acceptable

It does not dictate the form or shape of the dormer.

It does not state the maximum size of the dormer, only 'preferably' it should relate to windows on the lower floor.

It can be assumed then that these criteria not commented on do not form part of the policy.

The dimensional requirements of CPG1 are far in excess (150% larger) of the guidelines set out in permitted development rights.

Compliance-

The proposed dormer complies with the dimensional requirements of the policy CPG1 in every stated respect.

## H) Impact on Street Scene

The properties along Minster Road are built approximately 1.8 metres between pairs of semi-detached houses, on both sides of the road although with various designs and built at different times.

The properties are stepped by pair as they progress down the road vertically by around 400mm.

The facades of the dwellings are largely aligned as they were in all probability complying with 'building lines' policies.

The side dormer will be visible from the street. However it's compliance with CPG1 surely makes it acceptable in policy terms.

The principle fact that it is visible, cannot be deemed as "**resulting in harm to the street elevation**" as stated in the officer's report. In the same report it suggests that other consented side dormers, equally visible, from the street are acceptable simply because they serve staircases. This is contradictory. The internal use of the dormer space is not for the officer to comment on unless it contradicts a policy which in this case it does not.

It is accepted as stated in the officer report, that other properties on the street, with dormers do not necessarily form a precedent, (some are un consented, some permitted development) however the inconsistent implementation of the adopted policy when compared to other consented dormers is unacceptable.

### **I) Permitted Development Rights**

The scheme refused is fully compliant with requirements of Permitted Development Rights for the erection of a side dormer and use of the loft space. (approx.35 cubic metres)

If the property was a single dwelling (as originally designed) the proposal / expansion into the loft space, roof lights and side dormer would all be permissible under permitted development rights.

Clearly however, as the building was split into flats (date unknown) permitted development rights do not apply.

By demonstration of the contradiction this generates: the adjoining property (of the pair of semis) still a single family dwelling, could erect an identical dormer (in fact a larger one) without consent under permitted development rights.

If LB Camden were seeking to preserve the street scene to this extent they would have taken action to remove Article 4 rights. As such officer's interpretation of policy is deemed to be inappropriate in this case.

### **J) Amenity**

LB Camden have accepted that there are no amenity issues associated with the application. the following statement having been extracted from their 'delegated report' report

*'The proposed side dormer is therefore considered to be in compliance with policy DP26 and CPG guidelines and is acceptable on amenity terms.'*

**K) Summary:**

***It is clear that the proposed dormer is in line with the requirements of CPG1 to make it sub-ordinate with the main roof. To refuse consent for the dormer on design grounds when it complies with the policy document defining the requirements is contradictory. To suggest it generally does not achieve the design requirements under Policy CS14 and DP24 when it complies with the detail design standards of CPG1 further compounds that contradiction. and as such should have led to an approval of the scheme.***

***It is inexplicable how a proposal can be compliant with the detailed design requirements as set out in CPG1 and yet not comply with general design guidance. The reason (singular) for refusal does not mention CPG1 and as such we are deemed to understand it complies with this policy.***

***Whilst it is understood that CPG1 has been adopted policy and LB London have every right to make reference to this policy in assessment of applications, its contradictory position to permitted development rights that could be applied to an adjacent property, clearly undermine LB Camden's ability to secure the design rules and requirements aspired to. If LB Camden had intended to preserve Minster Road elevations then they would have created a 'Conservation Area 'and removed Article 4 Rights to ensure its conservation.***

***The lack of response or objection from public or LB Camden internal consultees with respect to conservation and design issues further confirms this view. The fact that this was a minor application is irrelevant in this respect.***

***As such we believe consent should be granted for this application.***