

STATEMENT OF THE CASE OF THE APPELLANT, NICHOLAS RIDDELL

Introduction

1. It is accepted that the written representations procedure would be appropriate for the determination of this appeal. Together with the design, access and heritage statement by our architect ('the architect's statement') submitted to the London Borough of Camden ('the Council') in support of our planning application and a supplementary statement in the form of a letter/email from the architect dated 10 August 2016, copies of both of which are annexed hereto, this is a full statement of our case, explaining why the proposed development should be granted planning permission and responding to the Council's reason for refusal. A copy of the Council's decision notice dated 27th September, 2016, is also annexed hereto.

reasons for the planning application

2.1 12, St Augustine's Road, ('no. 12') is one of a pair of mid-nineteenth century semi-detached houses, two stories high in addition to a ground floor. It is in the Camden Square Conservation Area. This property was converted about fifty years ago into three self-contained flats. We (my wife Barbara and I) have owned the top flat since 1991. We originally thought of living there, but our plans changed. And so since then we have let the flat. We have been good landlords, as our tenants would confirm. All have remained with us for a number of years. We have maintained the flat well and not sought to maximize the rent. The present tenants, who have never had a rent rise, have lived there for three and a half years; one is a librarian and the other a primary school teacher. We do not own any other flat.

2.2. The flat includes a loft. As appears from the drawings accompanying the architect's statement ('the architect's drawings'), the existing loft space is sufficient to provide a worthwhile room, with a floor area of about 10 by 13.5 ft. Its height is of course restricted by the pitch of the roof, to a little less than 7 ft at the centre and 5 ft at the sides. The only source of natural light was quite a large rooflight in the centre of the side elevation. Tenants have always used the loft

space, typically as a study. However they need to be agile to gain access to it. The stairs up to the loft are steep and the headroom at the top very limited, the ceiling being only about 3.5 ft from the top step. Consequently it is necessary to bend double to get into the room. This sole means of entry and exit is plainly potentially hazardous. The staircase was presumably installed at the time of the building's conversion. Nowadays it obviously would not be allowed by the Building Regulations as regards fire and safety.

2.3 Early in 2016 the tenants pointed out a damp patch on the loft ceiling. Such investigations as were possible without scaffolding revealed that it would be prudent to reroof the building. This provided an opportunity for improvements to the loft. We therefore sought permission from the Council for new rooflights, one on the front and one on the rear slope, and a dormer window in place of the existing rooflight on the side elevation. The importance of the dormer is that it would enable a new safer staircase to be installed with proper headroom, compliant with the Building Regulations as regards both fire and safety. As is clear from the architect's drawings (261.200, 201, 310 and 311), the only way of providing safer access to the loft with adequate headroom is by means of a staircase in the position shown: coming up into the room in the additional space provided by the dormer.

2.4 The Council granted the application for the new rooflights, but were not willing to countenance the dormer. While their attitude to the proposed dormer seemed to us quite unreasonable, we felt that the reroofing should not be delayed. And so last summer the roofing work was carried out, the new rooflights installed and also the exterior of the house redecorated. The tenants were pleased to have additional daylight in the loft. We then made a fresh application for permission for the dormer. To our knowledge there has never been any objection to it. The Council's decision set out the single reason for their refusal:

‘The proposed roof extension, by reason of its design, form, position and location in a roofscape unimpaired by later extensions, would result in harm to the character and appearance

of the building and this part of the Camden Square Conservation Area’.

Inasmuch as reasons for refusal should be ‘clear and comprehensive’ (the Procedural Guide to Planning Appeals para. 1.3.2), it seemed to us plainly unsatisfactory that the Council had not explained why they had reached this conclusion: in what way would the ‘roof extension’ cause harm to the character or appearance of the building or to this part of the Conservation Area? Nor had the Council troubled to address any of the matters raised in the architect’s statement. While it may be understandable that the Council should regard our application as a trifling matter, to us it is not. The new staircase would enable the loft to be used properly as living space with safe and commodious access, and make it more accessible to the disabled and elderly. The importance of improved access for all is emphasised in the Council’s Policy Guidance CPG6 section 9.

reasons for the appeal

3.1 We do not dispute that dormer-window development in the Conservation Area should be carefully regulated. We also accept that the key consideration is the impact of such proposed development on the character and appearance of the building in question and of the adjacent street scene, and whether it would realistically result in significant harm. The Council should have applied the presumption in favour of sustainable development, and only refused the application if it would have an adverse impact which would significantly and demonstrably outweigh any benefits of the development (National Planning Policy Framework 2012 para. 14). However obviously the presence of a dormer window in this part of the Conservation Area would not *ipso facto* be harmful. Each proposed roof alteration or addition must be considered on its own merits (Camden Square Conservation Area Appraisal and Management Strategy para. 7.8). There is no indication the Council have done that in this case. In our contention any proper consideration of the particular circumstances of this proposed development and its local context would result in the application being granted.

3.2 A crucial factor must surely be the visibility of the proposed dormer. In the particular circumstances of this case it would have minimal visual impact. As the architect's street elevation drawing 261.320 shows, the side of no. 12 on which the dormer would be is very close to no. 14, the two buildings being a little less than 8 ft apart, and also no. 14 is significantly higher, having an additional storey. Any view of the proposed dormer would be further limited by the parapet on the front elevation of no. 12 and by the distance the dormer would be set back from that elevation – about 15 ft. (see drawing 261.201). Furthermore the dormer is designed to be inconspicuous, with a shallow sloping roof to give it a low profile, and would be constructed of traditional materials, with lead cheeks. In the result, as is evident especially from the architect's photographs figs. 3.1-5 and 4.4 and the side elevation drawings 261.302 and 321, the proposed dormer would be scarcely noticeable, mainly visible to a viewer who is more or less in line with the gap between nos. 12 and 14 and would get a glimpse of it if he happened to be looking upwards. The 'key view' is that along St Augustine's Road (the Conservation Area Appraisal para. 5.2). The street runs south-west to north-east. A passer-by on his approach from the south-west would not be able to see the proposed dormer (figs. 3.1, 3.2, 3.5 and 4.4), and on his approach from the north-east would have his view of it blocked by the additional height of no. 14, particularly from the south side of the road. How then could it be justly said that the proposed roof extension 'would result in harm to the character and appearance of the building and this part of the Camden Square Conservation Area'? In truth it would have a minimal effect on the appearance of no 12, and its wider impact would be negligible. The array of solar panels on the side roof of no 14 may be rather more noticeable (indicated on drawing 261.320).

3.3 What does have a major impact on the local town and roofscapes is the block of flats, 4, St Augustine's Road, still being completed on the triangular site at its junction with Agar Grove and Murray Street (see the site plan fig. 1.2). This new development is about 80 ft from no.12. The street elevation drawing 261.230 shows its massive bulk compared with adjacent houses such as no.12, the row of dormer windows on its front elevation, and at its south-west end tiers of bulbous balconies surmounted by a huge semi-circular gable window. The Council

appears to have ignored the significance of this edifice as regards our application, although Camden's Development Policy DP24 makes clear the obvious importance of taking full account of 'the character, setting, context and the form and scale of neighbouring buildings'. If, contrary to our contention, it be thought that our proposed dormer does have some visual impact, that pales into insignificance beside the overwhelming bulk of this unsympathetic and nonconforming block (see photographs figs. 3.4 and 5). It dominates the local view and draws the attention of the passer-by. As is apparent from the photographs, any visual cohesion and homogeneity in the buildings at this end of the south side of St Augustine's Road, and any sense of a coherent roofline or uniform roofscape, are destroyed by this new arrival.

3.4 This block provides one example of the ubiquity of dormer windows in this part of the Conservation Area. On the other side of St Augustine's Road from no 12 the houses numbered 5 to 23 are older and more distinguished architecturally. Four out of these ten houses have dormers on their side elevations. The large one on no. 7, directly opposite our flat, can be seen on the aerial photograph fig. 2.1 (obviously taken some time ago). No. 21 also has a large and prominent dormer extension, which looks to be of comparatively recent origin. What is of particular relevance to our application is that the Council granted permission for a side dormer on no. 13, diagonally across the road from no. 12 (about 100 ft away), as recently as 2013 and well after their current planning regime came into operation - Core Strategy and Development Policies 2010 and Planning Guidance and Conservation Area Appraisal and Management Study 2011. As is clear from the drawings figs. 4.2 and 3, nos. 13 and 12 have roofs of a similar pitch and the actual and proposed dormers would have a similar appearance and profile. The former would, however, be more visible because it is not hidden by a parapet or a larger adjacent building. Permission was granted for the dormer on no. 13 presumably on the basis that it would not harm the character and appearance of that building or this part of the Conservation Area. It is a little difficult to understand how when the dormer crosses the road it becomes sufficiently harmful to justify refusal. Another block of flats is in the course of erection at this end of St Augustine's Road on the site between no. 5 and

the railway line (see fig. 1.2). This new building, no. 3 St Augustine's Road, is about 100 ft from no. 12. As appears from the copy of the drawing of this development included in our architect's eMail of 10 August 2016, the design of its front elevation is a pastiche of houses nos. 5 to 23. The developers of no. 3 have been granted permission for dormers on both roof slopes. We may perhaps be forgiven for thinking that there is one planning law for the powerful developer and another for the insignificant owner of a single flat, who wishes to make a modest improvement to its living accommodation. The absence of dormers on the houses on the south side of St Augustine's Road is beside the point: dormer windows have become a characteristic feature of this part of the Conservation Area. Moreover this end of the south side of St Augustine's Road is now dominated by the mass of no. 4 with its dormer windows. The area is 'diverse when looked at in detail', as the Conservation Management Study points out (at para. 2). It would be wrong to seek to impose uniformity on a small section taken in isolation.

Conclusion

4. In all these circumstances we respectfully submit that the appeal should be allowed and the application granted. It is an absurd exaggeration to suggest that this unobtrusive dormer, in this position and seen in its local context, could harm the character or appearance of no. 12 or of this part of the Conservation Area, replete, as it is, with other dormers, still less cause significant harm. The Inspector will of course form his or her own view of the merits of this application, informed by among other things a site visit. As the tenants will very likely be out at work, this needs to be an accompanied visit, so that the Inspector can see the layout of the flat, the restriction on access to the loft, and how this can only be alleviated by the proposed dormer and a new staircase. The Council has a duty to promote the safety and utility of housing in the Borough and an improved standard of accommodation and quality of life for its occupants (see DP24.1 and 24.4 and the 'core planning principles' set out in para. 17 of the National Planning Policy Framework). The benefits of the proposed development are material considerations in this appeal (para. 134 of the National Planning Policy Framework). Viewed realistically they can be achieved in this particular case

without any adverse effect on the character or appearance of the building itself or the surrounding street scene.

Nicholas Riddell

12 January, 2017