

## **Grounds of Appeal to complement the application documents**

### **Pre-application:**

The application for No's 50 and 52, sandwiched between the tall No 48 and modern 54 Stanhope Street, does not repeat the principal reasons for the appeal on No 52 alone being dismissed in the 2008 decision letter, copy attached. Reasons then included:

*7. ... Whilst I accept the appellant's point that the proposal would not be visible from the pavement on the same side of the street, it would be visible on the opposite side of the road and for some distance in a northerly direction. In my judgement, it would appear as an obvious and intrusive addition to the listed building.*

*8. The stark appearance of the proposed side walls would have a particularly unacceptable effect. Although views of the rear of the building are limited, the principle of the loss of the original roof form adds to my concerns on the effects of the proposal on the special interest of the building.*

On the current proposal the Conservation Officer agreed 25<sup>th</sup> September 2013 that *"if No's 50 & 52 were unlisted I consider there would be case in favour of supporting a roof extension proposal with mansard form on top. However as these are Grade II statutory listed buildings such a proposal would involve the loss of the original historic fabric and of the historic butterfly roof form which is an integral part of their structure and significance"*.

Thus his expert opinion suggests that principal reasons for the 2008 dismissal, the view from *"the opposite side of the road and for some distance in a northerly direction"* and *"the stark appearance of the proposed side walls would have a particularly unacceptable effect"*, do not apply to the current proposal as shown in the 3-D indicative drawings.

*"Loss of the original historic fabric and of the historic butterfly roof form which is an integral part of their structure and significance"* did add to the Inspector's concerns over the 2008 appeal proposals, but these failed to retain the butterfly profile of the rear parapet wall in accordance with Camden Planning Guidance met by current proposals.

Notwithstanding compliance with the CPG the Conservation officer concluded in his email of 30<sup>th</sup> October 2013:

*"that the historic butterfly roof form and historic roof fabric are integral to the special historic and architectural interest of the Grade II listed building and warrant protection. Their loss would amount to substantial harm to these Grade II listed buildings and accordingly I stand by the conservation objection. I regret we must disagree on this matter"*.

The Planning Statement and the Heritage, Design & Access Statement submitted with the subsequent application addresses, we believe, this sole remaining concern.

### **Post-application**

**Notices of refusal:** Please see the attached transcript of the policies referred to in the two refusal notices to which I would comment:

NPPF Policies 186 & 187 encourage *"developments that improve the economic, social and environmental conditions of the area"*.

CS14(a) & (b) are met by the proposals as informed by the Camden Planning Guidance. (c), (d) & (e) do not apply.

DP24(a), (b), (c) & (d) are met by the proposals, not least (a) form and scale of neighbouring buildings and (d) frontages at street level. (e) to (i) do not apply.

DP25 (e) there is no substantial or total demolition, (f) there is no change of use and (g) by mitigating effect of the blank flank walls of No 48 and beyond the setting of these listed buildings may be improved rather than harmed.

Noted that no reference is made in refusals or report to LB Camden Planning Guidance items 5.19 Valley or Butterfly Roofs or 5.20 Other Roof Additions, copies attached.

## Delegated Report:

Noted 1.1 Proposed is a mansard roof at 3rd floor level to both buildings and 2.1 the extension would provide space (3<sup>rd</sup> floor) for an additional two bedrooms to No.50 and three additional bedrooms to No.52 with a bathroom for both, and that “*provision of additional residential floor-space is considered to be acceptable*”.

3.1 The previous refusal in 2008 and 3.2 the previous pre-app advice given by the Conservation & Design team are addressed above.

3.3: I disagree as above that “*there seems to be little amendment of the proposals since the application which was dismissed at appeal*” or as below that “*very little additional historical assessment (is) brought forward*”. Please see the application Planning Statement and Design & Access Statement describing history and context.

3.7 claims the following information within the submitted D&A/Planning Statement is seen to be incorrect, as commented in bold and italic below:

- ‘the butterfly form, neither unique nor referred to in the list description’ ***The butterfly roof form is typical of a building of this age, as referenced in Historic England’s ‘London Terrace Houses 1660-1860 A guide to alterations and extensions’***

I would comment that if “typical” it may indeed not be “unique”.

- ‘No.52 and the more ornate former shopfront at No.50 and the magnificent later Victorian public house at No.48 were all listed together on 14th May 1974. No.48 is the likely principal reason for these listing, No’s 50 and 52 being included for frontages in the setting of the flamboyant Public House.’ ***Each are individually listed and not grouped with No.48, there is nothing within the descriptions of 50 and 52 which suggests this is the case.***

I would comment that it remains true that all were listed on the same day, suggesting that being seen together was “likely”. The Report omits the final sentence of the paragraph “Others of the same period and style locally such as 38 Netley Street are similar to No 52 but not Listed”.

- 3.19 ‘Listing descriptions of 48, 50 and 52 Stanhope Street are attached containing details of the buildings’ history, appearance and significance helping to identify what gives each its special historic or architectural interest.’ ***Historic England’s website states the following ‘Early listings were written primarily for identification, whereas we now take care to explain significance and define the extent of listing’.***

I agree of course that all elements within the curtilages are by definition listed, but it remains the frontages that led to listing which is not usually triggered by butterfly roofs common throughout London, for instance at Netley Street as referred above.

- 3.23: Proposals respond to the historic and architectural constraints of the listed building, mansard roofing being typical and sympathetic to the original style. ***No historic analysis or plans/photographs have been submitted to justify this statement***

Item responded to “Compliance with relevant CPG1 Design clauses”, 5.19 and 5.20.

3.8 Acknowledges here a heritage statement, but claims it does not justify loss of surviving original fabric. As the Conservation officer concluded in his email of 30<sup>th</sup> October 2013: *I regret we must disagree on this matter.* Please see the application Planning Statement and Design & Access Statement describing history and context.

3.9 Comparison with the earlier appeal decision is addressed above.

3.10 The view at street is addressed above with reference to the LPA Senior Conservation Officer advice as forwarded on 25<sup>th</sup> September 2013.

3.11 I agree that “alteration to the listed buildings and addition of the mansards will ... lead to **less** than substantial harm to the significance of two listed buildings” (my emphasis).

That “the public benefits (housing, green roofing and energy efficiency) brought forward have not been properly demonstrated and are not seen to outweigh this (less than substantial) harm” can only be a matter of judgment and not of proof.

3.12 The submitted Planning statement confirms that in accordance with CPG1 Design, clause 3.22, all existing features are retained except for the hidden butterfly roof itself. This may be confirmed by inspection

3.13 It will be for the Inspector to consider the impact of proposals on the historic significance of the building.

3.14 In “many circumstances” English Heritage (Historic England) advise against adding any visible extra storey to the roof of a terraced house. Whether one pair of so many butterfly roofs across London is of special historic or architectural interest may be debateable.

Camden Planning Guidance CPG advises:

5.7 “Additional storeys and roof alterations are likely to be **acceptable** where: there is an established form of roof addition or alteration to a terrace or group of similar buildings and where continuing the pattern of development would help to re-unite a group of buildings and townscape” and

5.8 “A roof alteration or addition is likely to be **unacceptable** in the following circumstances where there is likely to be an adverse affect on the skyline, the appearance of the building or the surrounding street scene:

- There is an unbroken run of valley roofs;
- Complete terraces or groups of buildings have a roof line that is largely unimpaired by alterations or extensions, even when a proposal involves adding to the whole terrace or group as a coordinated design”.

Copies of the relevant pages are attached. Our view is that proposal meets 5.7 and that the original terrace of 40 to 68 Stanhope Street does not meet paragraph 5.8 of the CPG.

3.15 The previous Inspector’s decision letter is attached and, as above, its principal concern was the effect of “the stark appearance of the proposed side walls” which the LPA Conservation Officer implies would not apply to the current proposal.

3.16 On the contrary, the proposal is to assist “the scale and bulk of the host properties when viewed on their own and alongside the neighbouring buildings, and the original terrace from 40 to 68 Stanhope Street is hardly characterised by an undeveloped roofline. “The stark appearance of the proposed side walls” appears verbatim from the earlier appeal decision letter, there now being proposed a single new flank wall that helps mitigate the effect of the much higher blind flank wall to the public house beyond at No. 48.

3.17 acknowledges that the butterfly roofing that concerned the Conservation officer, is a “low, butterfly structure ... is largely hidden from view at street level”.

The Conservation Officer did not express concern over harm “to the character and appearance of the neighbouring listed building that forms part of the terrace”.

Amenity

Noted that the extension is unlikely to harm amenity of adjoining occupiers by reason of loss of daylight/sunlight of loss of privacy.

## **Conclusion**

I hope that in addition to the application documents the above will be helpful in addressing the subsequent refusals and delegated report, and that the Inspector may agree that against its benefits the appeal proposal represents “less than substantial harm” to any special historic and architectural interest of the listed buildings.