

Date: 27/02/2017
Our ref: 2016/5646/P

Your Ref: Ref APP/X5210/W/16/3165337
Contact: Samir Benmbarek
Direct line: 020 7974 2534
Email: samir.benmbarek@camden.gov.uk

Planning Solutions Team
Planning and Regeneration
Culture & Environment Directorate
London Borough of Camden
2nd Floor, 5 Pancras Square
London
N1C 4AG

Tel: 020 7974 4444
www.camden.gov.uk/planning

Chris Nash
The Planning Inspectorate
3M Wing
Temple Quay House
2 The Square
Bristol, BS1 6PN

Dear Chris Nash,

Town and Country Planning Acts 1990 (as amended)
Appeal by Mr Leo Kaufman
Site at Sussex House, Chalton Street, London, NW1 1RB

I write in connection with the above appeal against the refusal of planning permission (Our ref: 2016/5646/P) for the ***retrospective permission for the erection of a single storey rear extension to facilitate a cycle storage unit to rear of residential building.***

- 1.1 The Council's case is set out in detail in the officer's report which was sent with the appeal questionnaire and it will be relied on as the Council's principal Statement of Case. Copies of the relevant LDF policies and accompanying Camden Planning Guidance have also been sent with the questionnaire.
- 1.2 In addition to these submissions, I would be pleased if the Inspector would also consider various matters set out below relating to the confirmation of the status of policy and guidance, comments on the grounds of appeal and conditions that the Council requests should the Inspector be minded to grant permission.

2.0 Summary

- 2.1 The appeal building is a four storey residential building located on the eastern side of Chalton Street. The area is predominantly residential in character with housing blocks within the vicinity and a secondary school which is sited next to and behind the application site. Towards the south of Chalton Street (traversing into Central London), the uses are more mixed with commercial uses such as retail and food & drink occupying ground floor units of buildings with residential uses above.
- 2.2 The appeal site is not located within a conservation area, nor is it a Listed Building.

3.0 Status of Policies and Guidance

- 3.1 On 8th November 2010, the Council formally adopted the Core Strategy and Development Policies documents of the Local Development Framework (LDF). These documents went through and examination in public and the appointed Inspector found the documents to be sound in a decision published 13th September 2010. The relevant LDF policies as they relate to the reasons for refusal are set out in the Council's decision notice.
- 3.2 The Council also adopted all its Camden Planning Guidance (CPG) on 7th November 2011 for which CPG5 was revised in 2013, CPG1, 3 and 8 was revised in 2015 and CPG2 was revised in 2016.
- 3.3 In respect of emerging planning policy, the Camden Local Plan will replace the Core Strategy and Development Policies in 2016. The submission draft has now been approved by Cabinet and Full Council after a period of public consultation from 08/02/2016 to 04/04/2016. The Local Plan and associated documents will be formally submitted to the Secretary of State for public examination along with copies of all representations received. The submission and examination of the Plan is expected to be in late 2016.
- 3.4 The submission draft is a material consideration in planning decisions. At this stage the Plan has weight in decision making and is a statement of the Council's emerging thinking. Emerging policy is considered relevant to the subject appeal. The relevant plan policies in respect of this proposal would be (attached in Appendix A):
- Policy A1- Managing the impact of development
 - Policy D1- Design
- 3.5 The Councils current adopted policies do not differ from the Council's emerging policies and the NPPF policies in relation to this appeal.

4.0 Reasons for Refusal

- 4.1 The application is for the ***retrospective permission for the erection of a single storey rear extension to facilitate a cycle storage unit to rear of residential building*** which is the subject of the appeal. It was refused for the following reasons:
1. The proposed development, by reason of its size, scale, massing, location and detailed design is an incongruous form of development that would materially harm the character and appearance of the host building and surrounding area. Thus, the proposal is 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 Policy DP24 (Securing high quality design) of the London Borough of Camden Local Development Framework Development Policies. The roof extension, by reason of its location in a roof which already has an additional mansard storey, would result in harm to the character and appearance of the host building, and the terrace which it forms part,

contrary to policy CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 (Securing high quality design) of the London Borough of Camden Local Development Framework Development Policies.

2. The proposed development, by reason of its size and location would result a material level of harm to the living conditions of the occupiers at Sussex House by way of a loss of daylight, sunlight, outlook, enjoyment of external amenity space and an overbearing impact. Thus, the proposal is contrary to policy CS5 (Managing the impact of growth and development) of the London Borough of Camden Local Development Framework Core Strategy and policy DP26 (Managing the impact of growth and development on occupiers and neighbours) of the London Borough of Camden Local Development Framework Development Policies.

5.0 Comments on the Appellants' Grounds of Appeal

- 5.1 The following summarises the appellants' ground of appeal in bullet points, followed by the Council's comments:

- *The appellant describes how various planning permissions have been granted to neighbouring buildings for extensions, in particular Regent's High School and 164 Chalton Street, and how there is another extension/projection at the neighbouring building constructed in the pre-war period.*

- 5.2 Regent's School and No. 164 Chalton Street did not involve extensions to existing buildings. The site of what is now known as Regent's School was granted planning permission for the partial demolition and subsequent rebuilding, remodelling and refurbishment of a secondary school and community college. Meanwhile No. 164 Chalton Street was granted permission in 2010 for a roof extension. These developments are not considered to be comparable to the appellant's scheme. The

extension to the rear of the neighbouring building (also Sussex House) has been constructed without the benefit of planning permission and is a recent addition and was not developed in the pre-war period. Moreover, each application is assessed on its own individual merits. In this respect the proposed rear extension is not considered to be subordinate in terms of its scale. This issue is addressed in paragraphs 2.5 – 2.7 of the Officer's Report, which states:

“Within the context of the building itself, the rear extension is unacceptable. It is not considered to be secondary or subordinate to the building being extended. Its scale and bulk is considered to be dominant with a depth of 3.2m and a width of 5.6m in combination with a height of 4.1m. This has resulted in an out of scale massing and unduly large addition upon the rear of the host building which has materially harmed the appearance of the building to the rear. The resulting rear elevation has been disrupted.

The location of the extensions has unacceptably impacted the access to and enjoyment of the rear garden for existing occupiers.

The detailed design of the extension is considered unacceptable due to the use of uPVC windows and doors which are not acceptable both aesthetically and for environmental reasons, including their relatively short lifespan and inability to biodegrade. The proposal is therefore contrary to CPG1 (Design) and para 4.7 as uPVC materials are not supported.”

- *The appellant describes how the rear extension is the suggestion of the residents/tenants of the block, financially contributed for by them, and has improved the conditions for these tenants/residents.*

5.3 This issue raised is not a material planning consideration. The rear addition has resulted in creating amenity impacts upon the occupiers of the ground floor flats in terms of access to light and outlook. I would refer the Inspector to paragraph 3.4 of the officer's report which states:

“It is considered the rear extension would cause an unacceptably detrimental impact on the living conditions of the occupiers at no. 29 and 30 (ground floor flats immediately adjacent of the extension). Both of these residential flats have had ground floor windows bricked up by the extension. In addition, these units have rear facing windows immediately adjacent to the proposal. The constructed extensions is therefore would result in a material loss of daylight, sunlight and outlook and have an overbearing impact on the occupiers of those units.”

- *The process of the determination of the planning application in which no site visit was undertaken to support the case and the appeal started as an appeal for non-determination.*

5.4 Although not a material planning consideration, the planning application was determined within the statutory 8 week period and did therefore not have been subject to an appeal for non-determination. A site visit was conducted on Tuesday

13th December 2016 and photographs were taken at the site which can be seen in Appendix B.

6.0 Conclusion

- 6.1 The Council still contends that the rear extension by reason of its size, scale, massing bulk and detailed design as well as its impact on residential amenity is considered to be unacceptable and therefore warranted a refusal.
- 6.1 For the reasons discussed above, the Inspector is respectfully requested to dismiss the appeal. However, in the event of the appeal being allowed please refer to the recommended conditions as set out in appendix 1.

Yours sincerely,

Samir Benmbarek
Planning Officer- Planning Solutions Team
Supporting Communities Directorate
London Borough of Camden

Appendix 1: recommended conditions be allowed

Conditions

1) The structure hereby approved shall only be used for cycle storage and shall not be used as a residential dwelling unit Class C3 or Class B1 business space.

Reason: To ensure that the future use and occupation of the structure does not adversely affect the adjoining premises or immediate area by reason of noise, disturbance or excessive on-street parking pressure in accordance with policies CS5 (Managing the impact of growth and development) of the London Borough of Camden Local Development Framework Core Strategy and DP26 (Managing the impact of development on occupiers and neighbours) of the London Borough of Camden Local Development Framework Development Policies.

2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1245.001; 1245.002; 1245.004; Design and Access Statement.

Reason: For the avoidance of doubt and in the interest of proper planning.

Appendix A: Emerging Local Plan Policies Relevant to the Appeal

Policy A1 Managing the impact of development

The Council will seek to protect the quality of life of occupiers and neighbours. We will grant permission for development unless this causes unacceptable harm to amenity.

We will:

- a. seek to ensure that the amenity of communities, occupiers and neighbours is protected;
- b. seek to ensure development contributes towards strong and successful communities by balancing the needs of development with the needs and characteristics of local areas and communities;
- c. resist development that fails to adequately assess and address transport impacts affecting communities, occupiers, neighbours and the existing transport network; and
- d. require mitigation measures where necessary.

The factors we will consider include:

- e. visual privacy, outlook;
- f. sunlight, daylight and overshadowing;
- g. artificial lighting levels;
- h. transport impacts, including the use of Transport Assessments, Travel Plans and Servicing and Delivery Management Plans;
- i. impacts of the construction phase, including the use of Construction Management Plans;
- j. noise and vibration levels;
- k. odour, fumes and dust;
- l. microclimate;
- m. contaminated land; and
- n. impact upon water and wastewater infrastructure.

Policy D1 Design

The Council will seek to secure high quality design in development. The Council will require that development:

- a. respects local context and character;
- b. preserves or enhances the historic environment and heritage assets in accordance with Policy D2 - Heritage;
- c. is sustainable in design and construction, incorporating best practice in resource management and climate change mitigation and adaptation;
- d. is of sustainable and durable construction and adaptable to different activities and land uses;
- e. comprises details and materials that are of high quality and complement the local character;
- f. integrates well with the surrounding streets and open spaces, improving movement through the site and wider area with direct, accessible and easily recognisable routes and contributes positively to the street frontage;
- g. is inclusive and accessible for all;
- h. promotes health;
- i. is secure and designed to minimise crime and antisocial behaviour;
- j. responds to natural features and preserves gardens and other open space;
- k. incorporates high quality landscape design (including public art, where appropriate) and maximises opportunities for greening for example through planting of trees and other soft landscaping,
- l. incorporates outdoor amenity space;
- m. preserves significant and protected views;
- n. for housing, provides a high standard of accommodation; and
- o. carefully integrates building services equipment.

The Council will resist development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Appendix B: Site Visit Photographs







