



PLANNING APPLICATION APPEAL

Made under section 78 of the Town and Country Planning Act 1990

Appeal Site:
34 Ingham Road
London
NW6 1DG

Council Ref:

January 2017



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APPENDICES

1.0 INTRODUCTION

- 1.1 This Statement of Case has been prepared by Revive Renovations Ltd on behalf of the Appellant, Charlotte Meynell, in support of a planning appeal against a decision made by London Borough of Camden Council to refuse planning permission for the following works to 34 Ingham Road (“the appeal site”) within the Fortune Green Ward:

“ Alterations to the rear elevation at second floor level, including the creation of a roof terrace above two storey outrigger enclosed by new balustrade and privacy screens, and replacement of existing rear dormer window with a door.”

- 1.2 The planning application, which forms the basis of this appeal, was registered on 04/10/2016 and refused under delegated powers on 02/02/2017. The sole reason for refusal is set out in full on the decision notice submitted with this appeal, but principally relates to visual harm that the Council considers would be caused by the design, size and location of the roof terrace and screens.
- 1.3 The Planning Officers report notes that the proposal to replace the existing rear dormer window with a door can be undertaken under permitted development. Therefore, this element of the proposal is considered to be common ground between the Council and the Appellant. Accordingly, this element of the proposals is given no further consideration within this Statement.
- 1.4 The main issues in this appeal are, therefore, the effect of the proposals on the character and appearance of the host building and its immediate surroundings; and the effect on the living conditions of the adjacent occupiers with particular reference to noise. The Inspector is respectfully directed to the Council’s assessment of amenity impacts, which concluded that although an element of noise may be generated, this would not be significant. And, as a result, impacts on amenity were not included as a reason for refusal. For this reason, the amenity issue is also considered to be common ground and only briefly touched upon within this Statement.
- 1.5 This Statement examines the material planning considerations and the proposed development in detail. It concentrates chiefly on the issues outlined in the Decision

Notice and demonstrates how the proposals fully accord with national and local planning policies and guidance. Regard is had to matters of design and appearance and the impact on the character and appearance of the host property, setting and local context. Reference is also made to other roof terraces in close proximity to the appeal site to highlight precedents in the local context. Plates of all existing terraces in Ingham Road are provided in Appendix 1. A list of all approved and existing roof terraces within close proximity of the appeal site is included in Appendix 2 and approved drawings of some of the approved terraces are included in Appendix 3 in support of the assertion that roof terraces of the style and design of that being appealed, form part of the established character within the context of the appeal site.

- 1.6 The appeal site is neither statutory listed nor locally listed and is not located within a conservation area.
- 1.7 This Statement should be read in conjunction with the application drawings and supporting documentation submitted with this appeal, which include:
- a copy of the original application form
 - a copy of the Site Ownership Certificate
 - a copy of the local planning authority's Decision Notice
 - a site location map
 - Full set of original application drawings (001 – 005, 006 Rev A, 007, 008 Rev A, 009, 010 Rev A)
 - Design and Access Statement
- 1.8 The Inspector is respectfully directed to the **upheld** planning appeal for an 8.7sqm roof terrace above the two storey rear addition in very close proximity to the appeal site at 47 Burrard Road (2015/5585/P). The Inspectors report (in full) and the approved drawings relating to this appeal are included in Appendix 3. They demonstrate the very close similarities between the two properties and the terraces (albeit the terrace at Burrard Road is slightly larger than that proposed at the appeal site) and aid in substantiating the assertion that, despite an independent assessment and decision being made to support terraces in this locality, the Council continues to concede that roof terraces *are an* appropriate form of development within this area.

2.0 SITE AND SURROUNDINGS

- 2.1 The appeal site is a mid-terrace single family dwelling property located on the north side of Ingham Road. The property is two storeys high, extended to three storeys at the rear with a full width dormer roof extension and rear dormer “pod” above part of the two storey rear addition. It is constructed of red brick, but has been painted on the front elevation, and has a concrete tile roof.
- 2.2 The property forms one half of a semi-detached pair within the wider terrace. Both properties are characterised by full-height canted bays to the principal frontage. However, No.34 has lost its pyramidal roof above the bay. The design of the pair is replicated across the wider street to the east. At the rear, many of the properties have been altered with the addition of rear dormer roof extensions.
- 2.3 The site is not listed and is not located within a conservation area.
- 2.4 The character of the streetscape is one of residential dwellings which are largely two storeys high (many three at the rear) with three storey dwellings towards the east end of the street. At the rear, all of the properties have two storey additions, many now with flat roofs. The rear of the properties on the north side of the street are not visible from the public realm, surrounded on all sides by residential dwellings.
- 2.5 The Inspector is respectfully directed to the fact that 6 rear roof terraces exist along Ingham Road. And, 4 out of the 6 were approved by the Council. Accordingly, it is respectfully asserted that rear roof terraces form part of the *established* character of the streetscape and the area. All of these roof terraces are listed and illustrated in Appendices 1 and 2.
- 2.6 Whilst the host property and those in the same and adjoining streets, such as Burrard Road and Weech Road, are visually attractive properties and well maintained to the street, the rear elevations have been subject to considerable extension and alteration and there is no longer homogeneity in architectural design or consistent fenestration detailing.
- 2.7 Extensive alterations and additions to the rear of the properties on Ingham Road,



Burrard Road and Weech Road, include many flat roof dormers, pod extensions and roof terraces of varying sizes, styles, designs and materials of construction. Whilst many of the terraces along Ingham Road have metal balustrades, some have timber fences. The approved roof terrace at No.47 Burrard Road even has a glass balustrade.



3.0 PROPOSALS

- 3.1 The appeal proposals comprise the creation of a roof terrace with a depth of 3m and a width of 2.8m above the two storey rear closet wing. Thus, the terrace would be 8.4m/sq in footprint.
- 3.2 The works comprise raising the height of part of the roof of the two storey closet wing by a maximum of 0.4m in line with the west wall of the existing dormer “pod” to create a flat roof. Two slated timber privacy screens would be erected along the east and west boundaries of the terrace to a height of 1.8m and a depth of 3m.
- 3.3 A 1.1m high metal balustrade would be erected along the rear of the proposed terrace.
- 3.4 The rear window of the existing dormer “pod” over the two storey closet wing would be changed to a door to provide access onto the proposed terrace. This element of the proposals could be undertaken under permitted development.

4.0 PLANNING HISTORY

4.1 This Section provides the planning history for the appeal property as well as the surrounding properties.

4.2 34 Ingham Road

- **2009/1968/P** Refused
Erection of a single storey rear extension to dwellinghouse. Certificate of lawfulness (proposed).
- **2009/3915/P** Approved
Erection of a single storey side and rear extension to residential dwelling (Class C3).
- **2014/5311/P** Approved
Proposed rear dormer to replace existing and rooflights to front roofslope. Certificate of lawfulness (proposed)
- **2015/7260/P** Approved
Erection of rear dormer roof extension and "pod" roof extension above part of two storey rear addition. Certificate of lawfulness (proposed)

4.3 32 Ingham Road

- **PSX0204672** Approved
Certificate of Lawfulness for Proposed Development to convert the loft into habitable space, including the erection of a full width rear dormer and the installation of 4 roof lights on the front slope of the roof.
- **2014/7565/P** Approved
Erection of a single storey rear infill extension and changes to the windows at first floor and second floor level on the rear elevation.

4.4 36A Ingham Road

- **2016/6886/P** Under consideration
Extend rear dormer, create second floor terrace, enlarge window & door opening to existing first floor balcony, replace existing casement windows with double hung sash windows.



4.5 27 Ingham Road

- **2011/2372/P** Refused

Installation of balustrading, green wall and steel mesh pergola on flat roof at rear second floor level and replacement of window with french doors at rear second floor level all in association with use of roof as a terrace and installation of green roof to remaining part of flat roof all in connection with existing dwellinghouse (Class C3).

5.0 PLANNING POLICY AND GUIDANCE

5.1 The Development Plan

- 5.1.1 The planning policies and guidance which are relevant to the development proposals are set out below.

5.2 Government Guidance

- 5.2.1 The National Planning Policy Framework (March 2012) sets out the Governments planning policies for England. The NPPF supersedes the myriad of previous Planning Policy Statements (PPS) and Guidance (PPG) documents. At the heart of the NPPF is a presumption in favour of sustainable development. The NPPF recognises that there are three dimensions to sustainable development; economic, social and environmental but, importantly, also states that these roles should not be undertaken in isolation, because they are mutually dependent.

- 5.2.2 Paragraph 60 of the NPPF specifically states that planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.

- 5.2.3 Paragraph 61 continues, stating although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.

5.3 The London Plan (2016)

- Policy 7.4 - Local character
- Policy 7.5 – Public realm
- Policy 7.6 – Architecture

5.4 Camden Local Development Framework

5.4.1 **Core Strategy Policies (2010)**

- Policy CS5 Managing the impact of growth and development
- Policy CS14 Promoting high quality places and conserving our heritage

5.4.2 **Development Plan Policies (2010)**

- Policy DP24 Securing high quality design
 - Paragraph 24.23

- Private outdoor amenity space can add significantly to resident's quality of life and applicants are therefore encouraged to explore all options for the provision of new private outdoor space. Gardens, balconies and roof terraces are greatly valued and can be especially important for families. However, the densely built up nature of the borough means that the provision of private amenity space can be challenging, and the Council will require that the residential amenity of neighbours be preserved, in accordance with policy DP26 – Managing the impact of development on occupiers and neighbours and Core Strategy policy CS5 – Managing the impact of growth and development.
- DP26 Managing the impact of development on occupiers and neighbours

5.5 Camden Supplementary Planning Guidance (SPG)

5.5.1 **CPG 1 - Design**

- Roof Level Paragraph 5.25 - A terrace provided at roof level should be set back behind the slope of a pitched roof in accordance with Figure 7, or behind a parapet on a flat roof. A terrace should normally comply with the following criteria:
 - The dimensions of the roof should be sufficient to accommodate a terrace without adversely affecting the appearance of the roof or the elevation of the property.
 - A terrace will only normally be acceptable on the rear of properties. It is normally inappropriate to set back a mansard to provide a terrace.
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Camden Planning Guidance | Design | Roofs, terraces and balconies



- It should not result in the parapet height being altered, or, in the case of valley/butterfly roofs, the infilling of the rear valley parapet by brickwork or railings.
- Any handrails required should be well set back behind the line of the roof slope, and be invisible from the ground.
- It should not result in overlooking of habitable rooms of adjacent properties.

5.5.2 **CPG 6 - Amenity**

- Paragraph 2.19 The location of outside space is also an important consideration and any exposure of gardens and roof terraces should be screened and, where practicable, minimised through appropriate positioning and orientation.
- Paragraph 7.4 Development should be designed to protect the privacy of both new and existing dwellings to a reasonable degree. Spaces that are overlooked lack privacy. Therefore, new buildings, extensions, roof terraces, balconies and the location of new windows should be carefully designed to avoid overlooking.

6.0 GROUNDS OF APPEAL

- 6.1 The Appellant's grounds of appeal are set out below. Primarily, attention is given to the Council's reasons refusal. In the second instance, the use of precedent structures and planning consents will be drawn upon to demonstrate that the proposals are in keeping with the local context and that the Council's decision is inconsistent with other decisions made for similar proposals in close proximity to the appeal site.
- 6.2 Primarily, it is considered pertinent to note here that the Council's planning policies and CPG 6 guidance encourage the use of roof terraces and screening where the residential amenity of neighbours be preserved, in accordance with policy DP26 – Managing the impact of development on occupiers and neighbours and Core Strategy policy CS5 – Managing the impact of growth and development. Whilst the Council's Design SPD provides guidance in relation to principal roof level terraces, there is no guidance relating to roof terraces at lower levels. For this reason, the Appellant made reference to other approved roof terraces at second floor level within the same street and within the Ward. These approved terraces are listed, and some of the approved drawings provided, in Appendices 2 & 3.
- 6.3 Reason for Refusal
- 6.3.1 The Council has determined that the proposed terrace and associated balustrade would, by virtue of its detailed design, size and location, appear as an incongruous addition that would have an adverse impact on the character and appearance of the host building, the wider terrace and the surrounding area, which is contrary to Policy CS14 of the Core Strategy and Policy DP24 of the UDP.
- 6.3.2 The Appellant asserts that the design of the proposed roof terrace and associated balustrade were developed with full consideration of the character of the dwelling and with the established character of its surroundings where rear roof terraces and metal balustrades are commonplace. Photographic evidence to support this assertion is provided in Appendix 1. Plates 1-4 demonstrate that roof terraces of the same scale, design and balustrade type form part of the *established* character of the immediate context.

- 6.3.3 The Council approved the erection of the "pod" roof extension above part of two storey rear addition in 2015. The pod addition is not characteristic of the historic design and character of the building, yet it is a common alteration to this style of historic building throughout the Borough and across London. Roof terraces accessed of these pod extension is also a commonplace addition across the Borough and London wide and are typical alterations associated with these 21st century extensions.
- 6.3.3 The size and siting of the terrace has been designed to ensure that large gatherings of people would not be possible. It is important to note the location of the proposed terrace, which would be accessed through a bedroom, walk-in wardrobe and en-suite. It is asserted that any party or gathering would be highly unlikely to gather in the upstairs bedroom in order to utilise the terrace; they would use the rear garden and patio accessed off the kitchen/living/dining area.
- 6.3.4 The four bedroom house will be utilized as a single family dwelling. Thus, it is highly unlikely that parties and gatherings would be held on a regular basis, if at all. Thus, it is respectfully asserted that the terrace would not cause any increase in noise over and above the existing situation.
- 6.3.5 The terrace is relatively small at 8.4sqm and the exploitation of an additional terrace would ensure there is adequate outside space to accommodate the family, otherwise the family would be solely dependent on a small amount of outside space.
- 6.3.6 The Council contends that the roof terrace by virtue of its detailed design, size and location, appear as an incongruous addition that would have an adverse impact on the character and appearance of the wider terrace. However, Plates 1-4 in Appendix 1 demonstrate that the roof terrace would actually *reflect* the existing character, as four terraces of the same design and at the same height as that being appealed exist within the same terrace. Thus, the Appellant asserts that the roof terrace would not have an adverse impact but, instead, would reflect the established character.
- 6.3.7 It is particularly pertinent here to draw the Inspector's attention to a recent planning appeal relating to No. 47 Burrard Road, in very close proximity to the appeal site, which was upheld in 2016. The Inspector's report relating to that appeal is included



in Appendix 4 but a summary of the report, which is considered particularly significant in terms of this appeal, is set out below (the bolded text is our emphasis). The roof terrace at No.47 Burrard Road is slightly larger than that at No.34 Ingham Road and had a glass balustrade which would allow a greater degree of overlooking from the terrace than that at the appeal site. Inspector in that instance concluded;

*“I would consider that any adjudged bulk would be due to the existence of the roof extension erected, but this itself has been built under householder permitted development entitlement. The appeal proposal, involving the introduction of the glass balustrade and a planter to soften the development, might be a discordant feature in the context of the local dwellings as originally built, but there have been many changes to the local properties’ rear elevations over time and roof extensions and also terraces are now common features. Such arrangements are **particularly prominent amongst the dwellings to the rear along Ingham Road where terraces formalised by perimeter railings are commonplace**, although at my site visit I also observed a nearby example along the Burrard Road terrace.”*

6.3.8 The Inspector for that appeal went on to conclude;

“Whilst the creation of the terrace would obviously involve a degree of visual change I consider that the proposed features, especially in the context of the new roof extension and the fact the existing flat roof arrangement is already accessible, would represent an acceptable and cogent form of development. As such, the proposal would not visually detract from its immediate setting. I thereby conclude that the proposal would not be harmful to the character and appearance of the host building and there would be no material conflict with the aims and requirements of LDFDP Policy DP24 or LDFCS Policy CS14.”

6.3.9 The roof terrace at No.47 Burrard Road is slightly larger than that proposed as part of this appeal but the raising of the end wall of the rear addition is identical.

6.3.10 The Inspector is respectfully directed to the fact that the almost identical proposals to those at this appeal site were considered and determined under the exact same local

planning policies. Therefore, the Appellant respectfully asserts that surely the same conclusions must be drawn at No.34 Ingham Road?

6.3.11 All of the guidance in the Council's Design SPD, under paragraph 5.25, relates to terraces within the principal roofs of properties. It fails to provide guidance in relation to terraces upon flat roofs or rear additions. Accordingly, the design proposals were lead by the approved terraces in the surrounding area.

6.4 Amenity

6.4.1 It is considered that as amenity was not included as a reason for refusal of the application, that the Council has no cause for concern over amenity issues arising from the proposals. However, without prejudice, this shall be touched upon here for completeness.

6.4.2 Policy DP26 seeks to guard against harm to amenity such as loss of privacy or overlooking. The Council's CPG 6 document goes further and advises that to protect the privacy of existing dwellings to a reasonable degree, roof terraces, amongst other things, should be carefully designed to avoid overlooking, with screening used, as appropriate. In the particular instance of this appeal, the Council does not consider that the proposal would result in a loss of privacy to the occupiers of adjoining properties.

6.4.3 The 1.8m high timber screening would prevent overlooking into adjacent gardens and windows and the metal balustrade at the end of the terrace would have no greater degree of overlooking than the existing pod window as well as there being an abundance of planting within the rear gardens. Thus, any overlooking would not be so significant as to constitute material harm to residential privacy. Whilst *some* intrusion may result by views possible from the terrace into neighbouring gardens, this would not be significant due to the relative configurations and distances involved and the fact that other terraces of the same size and design have already been approved as it was concluded there would be no significant harm.



6.4.4 Thus, the Appellant contends that proposals would not be harmful to the living conditions of neighbouring occupiers, and the aims of Development Plan Policy DP26, Core Strategy Policy CS5 and CPG 6 would not be compromised.

7.0 CONCLUSIONS

- 7.1 This Statement of Case has considered the material planning considerations relating to the appeal proposals and has demonstrated that the appeal proposals accord with national and local planning policy.
- 7.2 This Statement has concluded that there are no heritage assets that would be affected by the proposals.
- 7.3 This Statement has demonstrated that roof terraces form an *established* part of the character and appearance of the local context. Evidence has been provided to demonstrate that six rear roof terraces, almost identical to that which forms the basis of this appeal, exist along the same street; that one roof terrace at the rear of a Burrard Road property, visible from the appeal site, was approved in 2016 on appeal on the basis that roof terraces form a established characteristic of the area; and eight further roof terraces have been approved by the Council within the same Ward.
- 7.4 This Statement has demonstrated that the design, scale and materials would relate to their context, would be well designed and would form an integral part of the overall design, mass and form of the existing property.
- 7.5 This Statement demonstrates that most of the rear elevations of the properties in Ingham Road and the surrounding roads, namely Burrard Road and Weech Road, have been altered in some way; many with mansard roofs, dormers and roof terraces. Thus, it is asserted that the proposed roof terrace is typical alteration which is associated with the additions commonly made to such historic buildings.
- 7.6 This Statement asserts that the replacement of the existing rear dormer window with a door and the fact there would be no harm in terms of amenity to neighbouring properties are considered to be common ground between the Council and the Appellant.
- 7.7 For the reasons set out in this Statement, it is respectfully requested that the Appellant's appeal is upheld.