



APPEAL BY:

Mr & Mrs Leslie Ward & Jude Liknaitzky

AGAINST THE LONDON BOROUGH OF CAMDEN REFUSAL
TO GRANT PLANNING PERMISSION FOR:

*Mansard roof extension and single storey rear extension
to single family dwelling (Class C3)*

AT

4 Charlton King's Road, London, NW5 2SA

London Borough of Camden Council's Reference: 2016/5338/P

WRITTEN REPRESENTATIONS: GROUNDS OF APPEAL

March 2017

RJS PLANNING

T: 0208 3543582 M: 07884 138682 E: info@rjsplanning.co.uk
RJS Planning. 132 Brunswick Road, London, W5 1AW

1.0 INTRODUCTION

- 1.1 This statement has been prepared by RJS Planning, on behalf of Mr & Mrs Leslie Ward & Jude Likhaitzky, in support of the appeal lodged against the refusal of planning application 2016/5338/P.
- 1.2 The application was registered by the Council on 10th November 2016 and sought planning permission for a mansard roof extension and single storey rear extension to a single family dwelling (Class C3) at No. 4 Charlton King's Road in London. The application was refused under delegated authority on 6th March 2017 for the following reason:
1. *The proposed roof extension, by reason of its bulk, height and location within a terrace of largely unimpaired rooflines, would be detrimental to the character and appearance of the host building, streetscene and surrounding area, contrary to policy CS14 (Promoting high quality places and conserving our 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 Framework Development Policies; Policy D1 (Design) of Camden Local Plan Submission Draft 2016; and policy D4 (Non-designated heritage assets) of Kentish Town Neighbourhood Plan.*
- 1.3 This grounds of appeal will address the central concerns raised within the Council's reason for refusal, notably:
- Whether the proposed roof extension, by reason of its bulk, height and location within a terrace of largely unimpaired rooflines would be detrimental; and
 - Whether the proposed roof extension would be detrimental to the character and appearance of the host building, streetscene and surrounding area.
- 1.4 By way of background to the case, the occupants of No. 2 Charlton Road have also submitted a planning application, reference 2016/5339/P for a mansard roof extension only to a single family dwelling (Class C3). The application at No. 2 was also refused for the same reason and is also the subject of a householder planning appeal.
- 1.5 Neighbouring properties were consulted in regards to the appeal application and one letter of support was received in relation to the proposed scheme. The response states that there are a multitude of similar extensions in the area and that there is no local policy guidance to say roof extensions are unacceptable in this instance. The lack of objections confirms that the appeal proposal is considered an acceptable form of residential development for current neighbouring occupants of the appeal site.
- 1.6 To set some context, this statement will first provide a description of both the appeal site and the proposed development. This statement will then discuss the relevant national and local planning policy before responding to the Council's concerns.

2.0 THE SITE

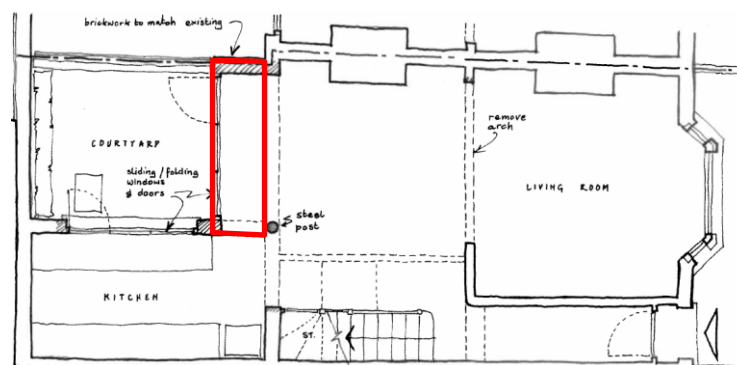


- 2.1 No. 4 is situated to the eastern side of Charlton King's Road in close proximity to the junction with Leighton Road, within a terraced row of residential properties. The appeal site is not within a Conservation Area, but it is part of the Kentish Town Neighbourhood Plan. The appeal dwelling and the terraced row are not listed buildings, although the terrace is part of the Camden Local Listing which identifies it as having local significance.
- 2.2 The appeal dwelling is a mid-terraced two storey two bedroom property with a small front curtilage which separates the property from the adjacent highway. The internal accommodation is fairly compact and the site will benefit dramatically from the provision of a small infill extension to the ground floor and an additional bedroom.



3.0 THE PROPOSED DEVELOPMENT

- 3.1 The appeal proposal sought planning permission for a mansard roof extension and single storey rear extension to a single family dwelling (Class C3) at No. 4 Charlton King's Road which would create a small infill extension to the ground floor and a third floor that will provide additional living space to the existing property. The existing parapet wall to the front of the property would be retained with the roof extension being set behind the existing parapet.
- 3.2 The proposed scheme was revised during the application process to remove a front terrace and a third storey extension over an existing two storey outrigger. After discussions with the Case Officer the alterations were made which reduced the overall bulk and mass of the scheme to produce a development that is considered acceptable at this location given the level of similar development in the surrounding area.
- 3.3 The mansard roof extension would project only 1.1m above the front parapet wall rising to a maximum height of approximately 2.2m at the centre of the roof, it would extend the full width of the property at 5.1m to a depth of 6.5m, whilst still retaining the butterfly shaped roof form to the rear. The extension would facilitate the creation of a third bedroom and would provide an additional 27m² of internal living space. The proposed fenestration to the front and rear mansard roof slopes would allow the roof extension to benefit from plenty of natural daylight, providing light and spacious accommodation. Materials of construction will complement the host property below, including the installation of traditional painted timber windows within the front and rear elevations.
- 3.4 The ground floor infill extension has a total depth of approximately 1m, a width of 2.8m and a maximum height of 2.8m. This small courtyard extension will allow a reconfiguration of the internal ground floor layout to provide a more practical open plan kitchen, living and dining area which will make the ground floor area of the property appear more spacious. Bi-folding doors within the proposed extension will allow plenty of natural daylight to enter the ground floor space and provide access into the courtyard.



Proposed Ground Floor Layout (Extension Outlined in Red)

4.0 RELEVANT PLANNING POLICY

4.1 The reason for refusal refers to policy CS14 (Promoting high quality places and conserving our 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 Framework Development Policies; Policy D1 (Design) of Camden Local Plan Submission Draft 2016; and policy D4 (Non-designated heritage assets) of Kentish Town Neighbourhood Plan.

4.2 Although it is not referred to within the reason for refusal, the National Planning Policy Framework is also considered to be of relevance to this appeal. The following paragraphs provide a brief summary of the relevant policies. The paragraphs are in a hierarchical order relative to the importance of national and local planning policy.

National Planning Policy Framework (NPPF)

4.3 The National Planning Policy Framework sets out the Government's planning policies for England and how these are expected to be applied. The following sections and paragraphs make reference to the parts of the NPPF which are directly relevant to this appeal.

Presumption in Favour of Sustainable Development

4.4 Paragraph 14 of the NPPF sets out that a presumption in favour of sustainable development is at the heart of the National Planning Policy Framework with paragraph 187 stating that local planning authorities should approach decision making in a positive way and should look for solutions rather than problems. The NPPF also advises that decision takers at every level should seek to approve applications for sustainable development where possible.

4.5 For decision making this means:

- *Approving development proposals that accord with the development plan without delay;*
- *Where the development plan is absent, silent or relevant policies are out of date, granting planning permission unless:*
 - *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
 - *specific policies in this Framework indicate development should be restricted.*

Core Planning Principles

4.6 Paragraph 17 of the NPPF sets out 12 core land-use planning principles which should underpin both plan-making and decision taking. The second, fourth and tenth bullet points state that planning should:

- *“Not simply be about scrutiny but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives”.*
- *Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.*
- *Conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.*

Requiring good design

- 4.7 Section 7 of the NPPF refers to design, however there are no specific policies or guidance relating to residential development. Indeed paragraph 60 states:

“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”.

- 4.8 Paragraph 58 states that planning policies and decisions should aim to ensure that development should respond to local character and history and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation.

Conserving and enhancing the historic environment

- 4.9 Section 12 of the NPPF refers to the conservation and enhancement of the historic environment. Paragraph 131 sets out that local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets, to the positive contribution that the conservation of heritage assets can make to sustainable communities and the desirability of new development making a positive contribution to local character and distinctiveness.
- 4.10 Paragraph 132 states that when considering the impact of a proposed development on the significance of a designated heritage asset that great weight should be given to the asset's conservation. Paragraph 133 states that local planning authorities should refuse consent if a proposed development would lead to substantial harm to the significance of a designated heritage asset (including a Conservation Area).
- 4.11 The NPPF does not define “substantial harm” but it is widely accepted as including the total loss of a heritage asset, or fundamental compromise of its significance by means of extensive physical alterations, or inappropriate development within its setting. Such an impact can only be justified on the grounds that the harm is necessary to deliver important public benefits that outweigh the value of the heritage asset. In these terms it is absolutely clear that the application proposal will not result in “substantial harm” to the Conservation Area. Moreover, it must be pointed out that even the Council do not

state within the reason for refusal that the proposal would lead to substantial harm to the historic significance of the Conservation Area.

- 4.12 Paragraph 134 of the NPPF sets out that “less than substantial harm” arises from proposals which include physical alterations or development within the setting, which on balance retain the fabric-authenticity and integrity of the heritage asset. The NPPF advises that such proposals should be “weighed against the public benefits of the proposal”. Such benefits include securing a sustainable future for the heritage asset.

Decision-taking

- 4.13 Paragraph 196 reiterates that the planning system is “plan led” stating that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 196 clarifies that the NPPF is a material consideration in planning decisions. Paragraph 197 states that in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.

London Borough of Camden Local Development Framework Core Strategy

- 4.14 Camden’s Core Strategy sets out the key elements of the Council’s planning vision and strategy for the borough. The Strategy covers the physical aspects of location and land use but also addresses other factors that make places attractive, sustainable and successful, playing a key part in shaping the kind of place Camden will be in the future, balancing the needs of residents, businesses and future generations. Policy CS14 of the Core Strategy is referred to within the reason for refusal.

Policy CS14: Promoting High Quality Places and Conserving Our Heritage

- 4.15 Policy CS14 refers to “*Promoting high quality places and conserving our heritage*” and states that the Council will seek to ensure that Camden’s places and buildings are attractive by requiring development to be of the highest standard of design that respects local context and character and by preserving and enhancing Camden’s heritage assets and their settings, including Conservation Areas.

Policy DP24: Securing High Quality Design

- 4.16 Policy DP24 contributes to implementing the Core Strategy by setting out the Council’s detailed approach to the design of new developments and alterations and extensions. These principles ensure that all parts of Camden’s environment are designed to the highest possible standards and contribute to providing a healthy, safe and attractive environment. The policy sets out that proposals should consider the character, setting, context and the form and scale of existing and neighbouring buildings and the materials to be used.

Camden Local Plan Submission Draft (2016)

- 4.17 The Camden Local Plan sets out the Council's planning policies and replaces the current Core Strategy and Development Policies planning documents (adopted in 2010). It ensures that Camden continues to have robust, effective and up-to-date planning policies that respond to the changing circumstances and the borough's unique characteristics and contribute to delivering the Camden Plan and other local priorities. The Local Plan will cover the period from 2016-2031. The decision notice referred to Policy D1 (Design).

Policy D1 : Design

- 4.18 The Council will seek to secure high quality design in development. With regards to the appeal proposal the Council will require that development respects local context and character; preserves or enhances the historic environment; is sustainable in design and construction; comprises details and materials that are of high quality and complement the local character; 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; and preserves significant and protected views.

Kentish Town Neighbourhood Plan


- 4.19 The Plan aims to deliver the long-term goal of a balanced and vibrant neighbourhood. Planning future development has a vitally important role with space at a premium, a shortage of housing and pressure to maintain employment space and open green spaces. The Neighbourhood Plan is for people who live and work in Kentish Town and the aim is to foster positive development over the next 15 years, making a more cohesive community and enhancing the well-being of individuals living and working here. The decision notice referred to Policy D4 (Non-designated heritage assets).

Policy D4 : Non-designated heritage assets

- 4.20 The Kentish Town Neighbourhood Plan supports Camden Council's Local List 2015 which specifies Non-Designated Heritage Assets. Camden has identified a number of buildings and features in the Kentish Town Area in the 2015 Local List. The Local List consists of buildings and sites in Camden that make a positive contribution to its local character and sense of places. These are known as 'Non-Designated Heritage Assets'.

Camden Local List January 2015

- 4.21 Ref 536 of the Local List refers to No. 2 to No. 8 Charlton King's Road.

<p>Ref536:</p>  <p>(Click here to return to the ward map)</p>	<p>Address: 2-8 Charlton Kings Road</p> <p>Significance: Historical and Townscape Significance</p> <p>Asset Type: Building or Group of Buildings</p> <p>Ward: Kentish Town</p>	<p>Terrace of four mid 19th century houses, two storey, rendered elevations, bay windows at ground floor and set behind shallow front gardens. Good quality detailing includes quoins at southern end, architraves and cornice. (No. 10 was constructed as part of the group but left brick fronted with vehicular access to the mews behind and a single large window above. Recent changes have eroded the contribution that this makes to the visual integrity of the group).</p>
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5.0 THE APPELLANTS' CASE

Introduction

5.1 The Appellants' case will focus on the central concerns of the reason for refusal, notably

- (a) Whether the proposed roof extension, by reason of its bulk, height and location within a terrace of largely unimpaired rooflines would be detrimental, and;
- (b) Whether the proposed roof extension would be detrimental to the character and appearance of the host building, streetscene and surrounding area.

5.2 The main planning considerations for the determination of this appeal are:

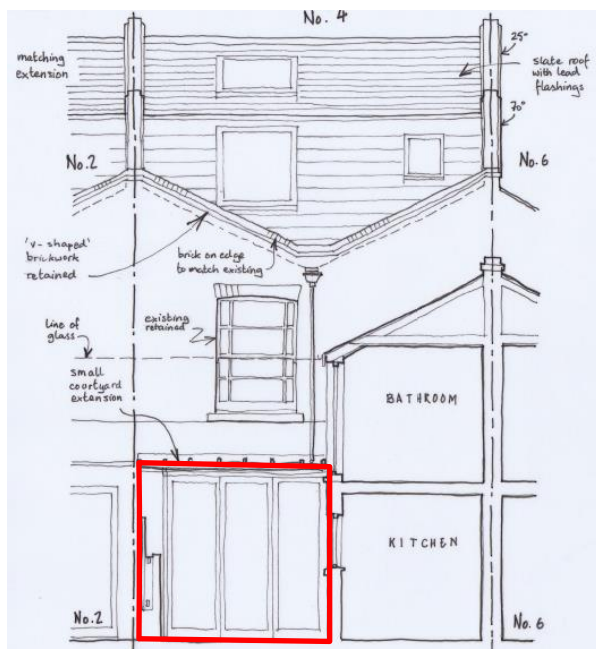
- Design and appearance
- Neighbouring amenity
- Locally listed building

Design and appearance

5.3 The proposed mansard roof and the small rear ground floor infill extension have been designed to the utmost standards and will appear sensitive to their setting upon a locally listed terrace. The developments will be constructed and finished in high quality materials which match the host property with both the front and rear elevation of the mansard roof covered in slate roof tiles and low profile windows installed with timber casings to complement the existing fenestration below.

5.4 The rear ground floor infill extension will be built from matching brickwork and fitted with bi-folding doors and will be positioned between the existing rear outrigger at the appeal site and an existing extension at No.2 as demonstrated in the adjacent plan excerpt. This element still retains sufficient outdoor amenity space within the rear courtyard, whilst allowing an internal reconfiguration of the ground floor space.

5.5 It should be noted that the Council have raised no concerns in regard to the single storey rear extension and as such this element is deemed acceptable.

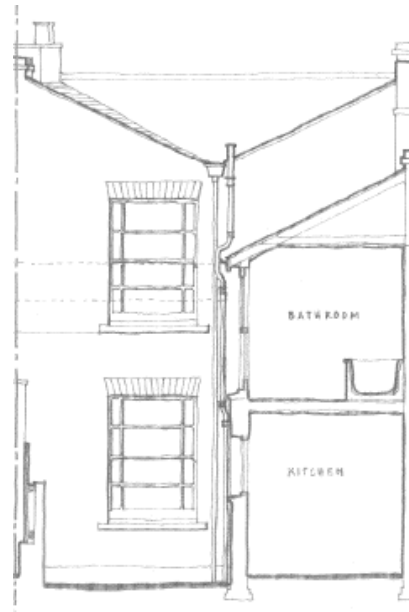


**Proposed Rear Elevation
(Single Storey Rear Extension Outlined in Red)**

- 5.6 The main property has a butterfly roof with each pitch sloping inwards towards the centre from the adjoining party/boundary walls. The butterfly roof is only visible from the rear of the appeal property as a parapet wall extends above the roof level to the front elevation and therefore only the upper section of the proposed mansard roof will be visible within the street scene. Given the roof type on the appeal property, normal roof dormers are not appropriate and therefore to gain the necessary internal head height required a far superior designed mansard roof extension should be deemed acceptable on this occasion.

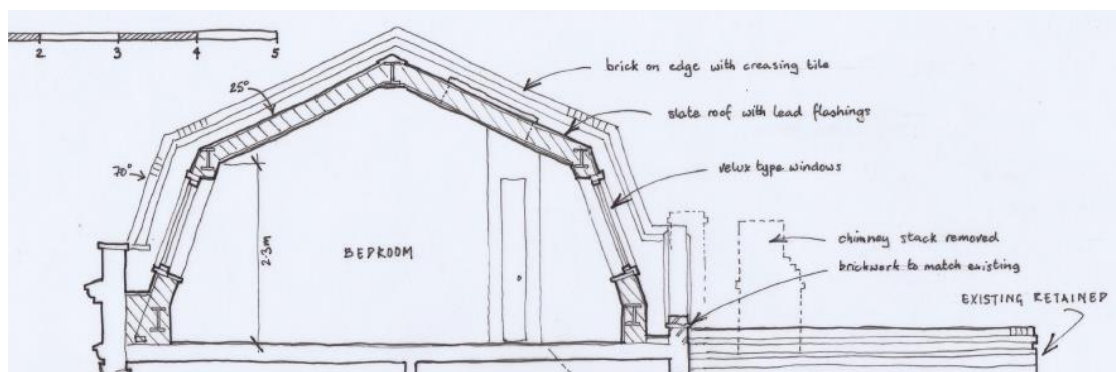


Existing Front Elevation



Existing Rear Elevation

- 5.7 The proposed mansard roof will be set back 0.2m behind the front and rear parapet walls and projects to a height of only 1.1m above the front parapet wall rising to a maximum height of approximately 2.2m above the parapet wall. This discrete siting limits the visible areas of the proposed roof extension and combined with the detailed design confirms that the introduction of the scheme will not impact upon the area and could not be considered to be a visually intrusive element when viewed from the public domain.



Proposed Section through Mansard Roof Extension

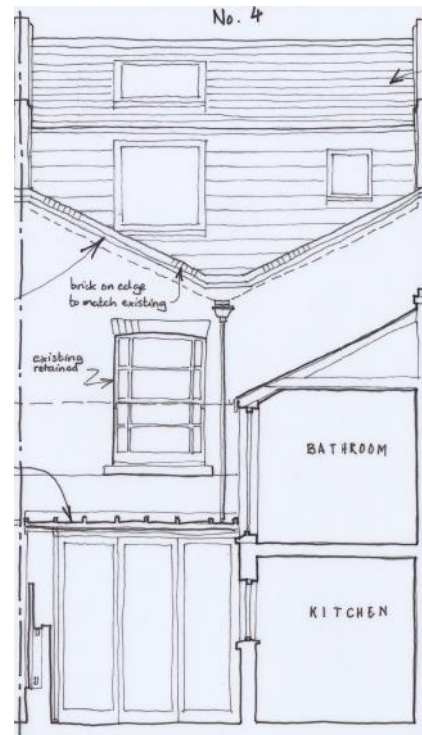
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RJS Planning. 132 Brunswick Road, London, W5 1AW

- 5.8 The plan excerpts following illustrate the high quality design which will make a positive contribution to the surrounding streetscape and the host dwelling, by increasing the living accommodation and improving living conditions for both current and future occupants of the property, whilst making a minimal impact upon the visual amenity of the location.



Proposed Front Elevation



Proposed Rear Elevation

- 5.9 As previously described, the Appellants propose a mansard roof extension that would project only 1.1m above the front parapet wall rising to a maximum height of approximately 2.2m, and would extend the full width of the property at 5.1m to a depth of 6.5m, whilst still retaining the butterfly shaped roof form to the rear providing an additional 27m² of internal living space. The mansard roof extension will match that proposed at adjoining property No. 2, which has been refused against application ref 2016/5339/P and is also the subject of a planning appeal. The appeal site development could therefore not be deemed to have a detrimental impact on the character and appearance of the host building due to its detailed design, proposed matching materials of construction and its limited size and scale, which has been reduced from the initial submission, and would now be a complementary and appropriate addition.

- 5.10 The Council have raised concerns that the roof extension will be on a terraced property which has an unbroken run of valley roofs, however as the following aerial image highlights there are a variety of roof styles and roof extensions within close proximity of the site, including a vast number of mansard roof extensions within Charlton King's Road. This demonstrates that the proposed development at the appeal site in conjunction with the proposed development at No. 2 would assimilate well with the

surrounding built environment and would not impact upon the host building or the terraced row and would not appear out of character given the similar extensions within the area.



Aerial View of the Appeal Site and Surrounding Location

- 5.11 The implementation of such a modest roof extension at the appeal site, should not be thought to be out of keeping with the character of the area, when other similar roof extensions exist within close proximity which the Council have acknowledged. This therefore confirms that the appeal proposal should thus be considered acceptable in principle. The Appellants wish to bring the Inspector's attention to the adjoining property No. 2 and their ongoing appeal for an identical mansard roof extension and to the other mansard roof extensions confirmed by the Council within the Planning Officer's Report. It consequently appears that the original character, unity and rhythm of the dwellings have been altered to a considerable degree and therefore planning decisions should be made having regard to this context. Given the changes that have already occurred along Charlton King's Road, the proposed appeal development would be easily assimilated in the locality without compromising its character.
- 5.12 With regards to the above mentioned points, the proposed mansard roof extension would not have a detrimental impact on the character of the appeal building or the surrounding properties. The extension has been sympathetically designed given its siting on a locally listed terrace and would therefore make a positive contribution to the appearance of the building and reflect nearby roof developments and would be of no substantial harm to the host property or the character of the surrounding area.
- 5.13 The Appellants are aware that No. 4 is a mid-terrace property, however they do not agree with the Council's reference that the site is located in a prominent position and although views of the appeal site are achievable from the public realm these are

extremely limited, with only a glimpse available from Leighton Road as shown in the photograph below and not from Torriano Avenue as suggested by the Council.



View towards the Appeal Site from Leighton Road

- 5.14 In summary, the proposed roof extension and single storey rear extension are considered to be of an acceptable design for the property and the existing butterfly roof configuration and would have limited impact on the environment, whilst optimising the potential of the site to provide high quality indoor living accommodation in accordance with the London Plan. The proposed mansard roof and rear extension would not have any detrimental impact on the visual amenity of the building or the surrounding properties as it will make a positive contribution to delivering a coherent public realm and streetscape by incorporating the highest quality finish and providing comfortable and improved living conditions for occupants.

Neighbouring amenity

- 5.15 Policy CS5 seeks to protect the amenity of residents by ensuring the impact of development is fully considered, furthermore Policy DP26 seeks to ensure that any proposed development protects the quality of life of occupiers and neighbours by only granting planning permission that does not cause harm to the amenity.
- 5.16 The Council have raised some slight concerns regarding a row of terraced properties at No.s 1 to 5 Beaumont Mews, which have recently been developed in accordance with planning permission 2008/3336/P, that are situated directly to the rear of No.s 2 to 10 Charlton King's Road. Due to the site constraints these properties have been designed and constructed with terraces at the second floor level to provide amenity space and although some overlooking will occur from the proposed rear windows of the mansard roof extension and the extended ground floor, the Council concluded that "*it is not*

considered that any impact would be significant, due to the distance between the proposed window and the terraces”.



Beaumont Mews to the Rear of Charlton King's Road

- 5.17 It is therefore considered that the proposed development would not impact upon neighbouring amenity levels, through loss of privacy or increased levels of overlooking. Also given the siting of the developments, the appeal proposal would not restrict levels of daylight or sunlight currently received within the immediate area.

Locally listed building

- 5.18 It is acknowledged that the appeal site is part of a group of buildings that has historical and townscape significance however this in itself does not mean that the proposed extensions are unacceptable in principle or that the mansard roof and single storey rear extension would be of detriment to the appearance of the host property or the terraced row. The mansard roof extension would not have a detrimental impact on the streetscene or any important views in and around the area and the single storey rear extension will be hidden from view at the rear of the property. The appeal proposal would therefore clearly sustain the significance of the property and peoples' experience of it and it is strongly asserted that the significance and appreciation of the locality listed building would not be compromised by the proposed extensions. It is therefore suggested that it is incorrect to suggest that the proposed extensions would not preserve the character and appearance of the existing building when they would have such a negligible impact upon it. The development is therefore compliant with Policy CS14 as it preserves and enhances Camden's heritage assets and their settings.
- 5.19 Due to the narrow road width of Charlton King's Road and the set back from the front elevation, the proposed increase in height will not appear overly dominant when viewed from the street and taken in context with the proposed development at No. 2 which is

also the subject of a planning appeal and the surrounding level of development, the proposed mansard roof therefore would have no impact upon the local listed building and will blend harmoniously with the building below, appearing as an original section of the dwelling and enhancing the roofline from what appears to be an ordinary flat roof.

- 5.20 Having regards to the previous points and considering the proposed development at No. 2 Charlton King's Road and other developments within very close proximity, it would appear to be overly cautious for the Council to suggest that the proposed development would be of detriment to the character and appearance of the existing building and it is maintained that the mansard roof would relate acceptably well to the existing locally listed buildings and the locality. Whilst it is understandable that the Council would want to prevent unsympathetic development, it is asserted that the Council have failed to adequately assess or appreciate the appeal proposal. The Appellants have dramatically reduced the scheme since the initial submission, vastly reducing its overall mass and scale and they have no desire to construct any extensions that are not worthy of the existing building, the site or the area and feel strongly that the proposed works would make a positive addition to the external appearance of the site and the internal configuration of the dwelling.



Proposed Development at the Appeal Site and Adjoining Property No. 2

RJS PLANNING

T: 0208 3543582 M: 07884 138682 E: info@rjsplanning.co.uk

RJS Planning. 132 Brunswick Road, London, W5 1AW

6.0 CONCLUSION

- 6.1 The Council have confirmed that the proposed rear extension due to its modest size, height and projection would appear subordinate to the host dwelling. Its location to the rear of the property would restrict its visibility from the streetscene and therefore the Council considered that it would *“not cause any significant impact to the appearance of the host dwelling, rear elevation or wider area”*.
- 6.2 The proposed roof extension would also be of no harm to the character or appearance of the host building, the streetscene or the surrounding area. We consider that the proposal both preserves and enhances the setting by reason of its quality design, modest size and scale and the proposed materials of construction. The Appellants understand why the Council may have concerns; however it is considered that the Council have adopted an overly cautious approach in appraising the design of the development and that proposed on the adjoining property No. 2, whilst failing to fully take into account other similar permitted developments within the area.
- 6.3 The National Planning Policy Framework (NPPF) states that decision-takers at every level should seek to approve applications for sustainable development where possible and that applications should be considered in the context of the presumption in favour of sustainable development. The proposed extensions would not be contrary to national or local planning policy and for the above reasons it is politely requested that this appeal is allowed.