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Dear Mr Godfrey,

**Appeal site: 20 Flaxman Terrace, London, WC1H 9AT**

**Appeal by: Salaft Properties Ltd.**

**Proposal: Erection of single storey roof extension to provide 226 sqm additional office space (Class B1a) and associated works**

I refer to the above appeal against the Council's refusal to grant planning permission. The Council's case is largely set out in the Officer's delegated report. The report details the application site and surroundings, the site history and an assessment of the proposal. A copy of the report was sent with the questionnaire.

In addition to the information sent with the questionnaire, I would be pleased if the Inspector could take into account the following information and comments before deciding the appeal.

## **1. Summary**

- 1.1. The application site is 20 Flaxman Terrace, which is an office building comprising of two parts; the original 1900's warehouse building and a later front and side extension (1950's) which fronts onto Flaxman Terrace. The building is between 2 and 3 and a half storeys tall above ground level. There are basements within each separate element of the building. The part of the building which fronts onto Flaxman Terrace (the modern element) features yellow bricks, white render, Crittall windows and continuous glass block banding at street level to allow light into the lower floors. The application site is within the Bloomsbury Conservation Area. Neither part of the building is listed. Nearby listed buildings include 17 Duke's Road (Grade II) and Flaxman Lodge and attached railings (Grade II).

- 1.2. The proposed roof extension to create additional office space would fail to meet the Council's policy requirements insofar the proposed design is not considered to be of sufficiently high quality in relation to the conservation area and nearby listed buildings, and the proposal would not make sufficient steps towards minimising the effects of and adapting to climate change. Furthermore, in the absence of a satisfactory legal agreement to secure a contribution towards the supply of housing and a construction management plan, the proposal would fail to make adequate provision to the borough's affordable housing targets, and would be likely to give rise to conflicts with other road users and be detrimental to the amenities of the area generally.
- 1.3. The planning application which is the subject of this appeal was refused for the following reasons:
  1. *The proposed roof extension, by virtue of its siting, size, detailed design and appearance, would cause harm to the character and appearance of the host building, the street scene along Flaxman Terrace and the Bloomsbury Conservation Area, as well as harm to the setting of nearby listed buildings (17 Duke's Road and The Lodge on Flaxman Terrace), contrary to policy CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy and policies DP24 (Securing high quality design) and DP25 (Conserving Camden's heritage) the London Borough of Camden Local Development Framework Development Policies.*
  2. *The applicant has failed to satisfactorily demonstrate that the proposed development would take measures to minimise the effects of, and adapt to, climate change through sustainable design and construction measures, contrary to policy CS14 (Tackling climate change through promoting higher environmental standards) of the London Borough of Camden Local Development Framework Core Strategy and policy DP22 (Promoting sustainable design and construction) of the London Borough of Camden Local Development Framework Development Policies.*
  3. *The proposed development, in the absence of adequate justification to demonstrate the provision of an appropriate contribution towards the supply of housing onsite, and the subsequent absence of a legal agreement to secure an appropriate contribution towards the supply of housing offsite, would fail to make adequate provision to the borough's strategic affordable housing targets, contrary to policies CS6 (Providing quality homes) and CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Local Development Framework Core Strategy and DP1 (Mixed use development) and DP3 (Contributions to supply of affordable housing) of the London Borough of Camden Local Development Framework Development Policies.*
  4. *The proposed development, in the absence of a legal agreement securing a construction management plan, would be likely to give rise to conflicts with other road users and be detrimental to the amenities of the area generally, contrary to policies CS5 (Managing the impact of growth and*

*development), CS11 (Promoting sustainable and efficient travel) and CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Local Development Framework Core Strategy and policies DP20 (Movement of goods and materials), DP21 (Development connecting to highway network) and DP26 (Managing the impact of development on occupiers and neighbours) of the London Borough of Camden Local Development Framework and Development Policies.*

## **2. Update**

- 2.1. Since the refusal of the planning application to which this appeal relates (LPA reference 2016/0788/P), another similar application has been submitted to and refused by the Council.
- 2.2. The second application (LPA reference 2017/1968/P) was for the following: *“Erection of single storey roof extension at second floor level to provide 233sqm additional office space (Class B1a), with associated cycle parking and refuse storage”.*
- 2.3. The second application differs to the original one insofar as it provides an additional 7sqm of floor space and the proposed roof extension would be constructed with glazing panels instead of brick.
- 2.4. The second application was refused for the following reasons:
  1. *The proposed roof extension, by virtue of its siting, size, detailed design and appearance, would cause harm to the character and appearance of the host building, the street scene along Flaxman Terrace and the Bloomsbury Conservation Area, as well as harm to the setting of nearby listed buildings (17 Duke's Road and The Lodge on Flaxman Terrace), contrary to policy CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy and policies DP24 (Securing high quality design) and DP25 (Conserving Camden's heritage) the London Borough of Camden Local Development Framework Development Policies and Policies D1 (Design) and D2 (Heritage) of the of the Camden Local Plan Submission Draft 2016.*
  2. *The applicant has failed to satisfactorily demonstrate that the proposed development would take measures to minimise the effects of, and adapt to, climate change through sustainable design and construction measures, contrary to policy CS14 (Tackling climate change through promoting higher environmental standards) of the London Borough of Camden Local Development Framework Core Strategy and policy DP22 (Promoting sustainable design and construction) of the London Borough of Camden Local Development Framework Development Policies and Policies CC1 (Climate change mitigation), CC3 (Water and flooding) and CC4 (Air quality) of the Camden Local Plan Submission Draft 2016.*

3. *The proposed development, in the absence of adequate justification to demonstrate the provision of an appropriate contribution towards the supply of housing onsite, and the subsequent absence of a legal agreement to secure an appropriate contribution towards the supply of housing offsite, would fail to make adequate provision to the borough's strategic affordable housing targets, contrary to policies CS6 (Providing quality homes) and CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Local Development Framework Core Strategy and DP1 (Mixed use development) and DP3 (Contributions to supply of affordable housing) of the London Borough of Camden Local Development Framework Development Policies and Policies H1 (Maximising housing supply), H2 (Maximising the supply of self-contained housing from mixed-use schemes) and H4 (Maximising the supply of affordable housing) of the Camden Local Plan Submission Draft 2016.*
4. *The proposed development, in the absence of a legal agreement securing a construction management plan, would be likely to give rise to conflicts with other road users and be detrimental to the amenities of the area generally, contrary to policies CS5 (Managing the impact of growth and development), CS11 (Promoting sustainable and efficient travel) and CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Local Development Framework Core Strategy and policies DP20 (Movement of goods and materials), DP21 (Development connecting to highway network) and DP26 (Managing the impact of development on occupiers and neighbours) of the London Borough of Camden Local Development Framework and Development Policies and Policies A1 (Managing the impact of development) and T4 (Sustainable movement of goods and Materials) of the Camden Local Plan Submission Draft 2016.*
5. *The proposed development, in the absence of a legal agreement securing employment and business support obligations, would fail to contribute towards maximising opportunities for local residents and businesses, contrary to policy CS8 (promoting a successful and inclusive economy) of the London Borough of Camden Local Development Framework Core Strategy and Policy DP13 (Employment premises and sites) of the London Borough of Camden Local Development Framework Development Policies and policies E1 (Economic development) and E2 (Employment premises and sites) of the Camden Local Plan Submission Draft 2016.*

### **3. Status of policies and guidance**

- 3.1. In determining both abovementioned applications, the London Borough of Camden has had regard to the relevant legislation, government guidance, statutory development plans and the particular circumstances of the case.
- 3.2. Last summer, the Camden Local Plan was formally submitted to the government for public examination. Following the public hearings, the Council consulted on Main Modifications to the Local Plan. The Inspector's report on the Local Plan was published on 15<sup>th</sup> May 2017 and concludes that the plan is 'sound' subject to modifications being made to the Plan.

- 3.3. Whilst the determination of planning applications should continue to be made in accordance with the existing development plan until formal adoption, substantial weight may now be attached to the relevant policies of the emerging plan as a material consideration following publication of the Inspector's report, subject to any relevant recommended modifications in the Inspector's report.
- 3.4. The formal adoption of the new Local Plan is anticipated on 26<sup>th</sup> June 2017. As such, the decision on the appeal is likely to be made after the adoption of the new Local Plan and the appeal will need to be determined in accordance with the Local Plan policies.
- 3.5. The overall aims of the policies in the emerging Local Plan, insofar as they relate to this case, are considered to be broadly similar to those in the Council's existing Local Development Framework.
- 3.6. The following policies in the emerging Local Plan are considered to be relevant to the determination of the appeal:
- G1 Delivery and location of growth
  - H1 Maximising housing supply
  - H6 Housing choice and mix
  - A1 Managing the impact of development
  - A4 Noise and vibration
  - D1 Design
  - CC1 Climate change mitigation
  - CC2 Adapting to climate change
  - CC3 Water and flooding
  - CC5 Waste
  - T1 Prioritising walking, cycling and public transport
  - T2 Car-free development and limiting the availability of parking
  - T4 Promoting the sustainable movement of goods and materials
  - DM1 Delivery and monitoring

#### **4. Comments on appellant's grounds of appeal**

- 4.1. The appellant's grounds of appeal are summarised below and addressed beneath, as follows:
- Impact on the character and appearance of Designated Heritage Assets
  - Sustainability
  - Securing financial contributions towards off-site housing
  - Securing a Construction Management Plan

#### **Heritage**

- 4.2. The application site is located within the Bloomsbury Conservation Area, wherein the Council has a statutory duty to pay special attention to the

desirability of preserving or enhancing the character or appearance of that area, in accordance with Section 72 of The Planning (Listed Buildings and Conservation Areas Act) 1990.

- 4.3. Nearby Grade II listed buildings include 17 Duke's Road and The Lodge and attached railings on Flaxman Terrace. The Council has a statutory duty, under Section 66 of The Planning (Listed Buildings and Conservation Areas) Act 1990, to have special regard to the desirability of preserving a listed building(s) or its setting or any features of special architectural or historic interest which it possesses.
- 4.4. Policy D1 of the emerging Local Plan seeks to secure high quality design in all development and Policy D2, which relates specifically to heritage, notes that the Council will preserve and, where appropriate, enhance Camden's rich and diverse heritage assets and their settings, including conservation areas and listed buildings.
- 4.5. Policy D2 highlights that designated heritage assets include conservation areas and listed buildings and it notes that the Council will not permit the loss of or substantial harm to a designated heritage asset, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. The policy notes that, in order to maintain the character of Camden's conservation areas, the Council will take account of conservation area statements, appraisals and management strategies when assessing applications within conservation areas.
- 4.6. With regards to listed buildings, Policy D2 notes that the Council will resist development that would cause harm to significance of a listed building through an effect on its setting.
- 4.7. As noted in the Officer's delegated report, the Council considers the host building to be architecturally interesting by virtue of its horizontal emphasis, the Crittall windows, the bricks and render and its overall design. The building provides a typical example of 1950's architecture and it is considered that it fits in well with the "back street" character of this part of the Bloomsbury Conservation Area.
- 4.8. The appellant notes at paragraph 6.2 of their appeal statement that, "*the appeal site is not specifically identified as making a positive or negative impact toward the character and appearance of the (Bloomsbury) Conservation Area*". However, the Council would like to stress that this does not negate the need for high quality design in any proposed development at the site. The fact the application site is within a designated conservation area means that any new development must be of a high standard and it must preserve or, where possible, enhance the character and appearance of the area.
- 4.9. The appellant goes on to note at paragraph 6.3 of their statement that, "*the building sits awkwardly within the streetscene owing to the existing warehouse roof above*", and "*In some respects the building already has the appearance of*

*being extended at roof level but in an incoherent manner*". The Council disagrees on both these points. It is not considered that the existing building sits awkwardly in the street scene and neither is it considered that it appears that it has already been extended upwards. The 1950's modern element of the building is clearly a later addition to an older building at the rear, and the overall scale and design of the overall building is considered to be appropriate to the street, which is a secondary street rather than a main thoroughfare.

- 4.10. The appellant also notes that the building appears "*stunted*" within the street scape, particularly the 1950's element in comparison to its immediate neighbours (para. 6.4); however, the Council also disagrees with this statement. The 1950's modern element at the front of the building (facing Flaxman Terrace) has obviously been designed as a whole and just because the building is lower in height than its neighbours, does not mean it has the appearance of being stunted. Rather, the differing heights of buildings in the area could be said to contribute positively to the overall character and appearance of the area.
- 4.11. With regards to the proposed design of the roof extension, the appellant notes that the design would accord with officers' advice insofar as it would allow for a window hierarchy and would be constructed with brick (para. 6.5). However, as clearly explained in the Council's delegated report, whilst the principle of extending upwards is acceptable, it is important to get the detailed design right so that the extension complements the existing building, and unifies the whole building, but at the same time allows the historical development of the building to be understood. The Council remains of the opinion that the proposed extension would fail to sit comfortably above the existing 'top' of the building and that it would appear as an incongruous addition that would dominate the host building and detract from its existing character.
- 4.12. The appellant notes that the extension would be "*subservient to the lower floors and of suitable scale*" (para. 6.7); however, the Council considers, conversely, that the proposed extension, by virtue of its design, would dominate the host building and give it a top-heavy appearance.
- 4.13. At paragraph 6.8 of their appeal statement, the appellant notes that, "*The extension does not detract from the existing building and is clearly seen as a separate, modern addition to meet the Council's design comments unifying the building*"; however, the Council disagrees for the reasons set out in the officer's delegated report, namely the fact that the proposed extension would fail to properly address the existing 'top' of the building (the overhang above the brickwork) and by virtue of its undue dominance and the fact it would detract from the horizontal emphasis of the existing building.
- 4.14. The appellant goes on to note in paragraph 6.14 of their statement that, "*On the basis that the principle of a two storey and single storey extension has been supported, any impact on Listed Buildings must have been considered acceptable*"; however, this is a very simplistic assertion, and the Council would like to highlight that, whilst they agree to the principle of extending the host building upwards, they have not explicitly stated that a two storey roof

extension would be acceptable and nor have they said that the impact on nearby listed buildings is acceptable. The Council considers that the increased visual presence of the host building would adversely alter the existing relationship between the application building and nearby listed buildings, insofar as the resultant building would no longer appear as subservient in scale, character and appearance as it currently does. This is not to say that the Council believes a suitable design for an upwards extension of the building cannot be found.

- 4.15. In their appeal statement, the appellant refers more than once to buildings on Euston Road, which can be seen to the rear of the appeal site. They refer to correspondence from the Council in which it was noted that the principle of extending upwards is considered to be acceptable because the works would obscure the views of buildings to the rear which do not make a positive contribution to the character and appearance of the area. They then go on to note that, *“The proposed scheme would not be out of character for the heights within the immediate vicinity in terms of height”* (para. 6.16).
- 4.16. The Council does not dispute the above, but they would like to make it clear that extensions to buildings on Flaxman Terrace should not use the heights of buildings to the rear as a reference point or guide for designing such extensions. As noted in the officer’s delegated report and above, Flaxman Terrace is considered to have a “back street” character. It is a secondary street rather than a main thoroughfare and although the buildings to the rear (north) are much taller, this is not reason to allow substantial extra height to the buildings on Flaxman Terrace.
- 4.17. It is also recognised that the adjacent building to the north-east (The Place), has been extend upwards in the past. However, the key issue in the determination of the planning application to which this appeal relates, was the detailed design of the proposed roof extension rather than merely its height. The Council does not wish to comment specifically on the design of the neighbouring building, but suffice to say, the Council does not consider that the adjacent building exhibits the same architectural interest and character as the appeal building (either before or after the metal clad roof addition).
- 4.18. To conclude this section, the Council considers that the proposed roof extension, by virtue of its siting, size, detailed design and appearance, would cause harm to the character and appearance of the host building, the street scene along Flaxman Terrace and the Bloomsbury Conservation Area, as well as the setting of nearby listed buildings (17 Duke’s Road and The Lodge on Flaxman Terrace). The proposal is therefore contrary to Policies D1 and D2 of the emerging Local Plan and the Inspector is respectfully requested to dismiss the appeal for this reason.

## **Sustainability**

- 4.19. The Council aims to tackle the causes of climate change in the borough by ensuring developments use less energy and assess the feasibility of decentralised energy and renewable energy technologies. Policy CC1 of the



emerging Local Plan requires all development to minimise the effects of climate change and encourages all developments to meet the highest feasible environmental standards that are financially viable during construction and occupation. Policy CC2 requires development to be resilient to climate change by adopting climate change adaptation measures. Policy CC3 seeks to ensure that development does not increase flood risk and reduces the risk of flooding where possible. Policy CC4 seeks to ensure that the impact of development on air quality is mitigated and to reduce exposure to poor air quality in the borough.

- 4.20. The appellant notes that their scheme falls below the BREEAM threshold and it is not required to meet London Plan carbon reduction requirements either. However, the emerging Local Plan is clear that *all* new development in the borough needs to take measures to minimise the effects of, and adapt to, climate change.
- 4.21. In this case, it is not considered that the appellant has satisfactorily demonstrated that the proposal would take sufficient measures to minimise the effects of, and adapt to, climate change.
- 4.22. Within the Energy & Sustainability Statement submitted with the original application it is noted that the application of BREEAM to the proposed development would impact on the scheme's viability and the complexity of the BREEAM assessment would place a great deal of pressure and large amounts of work on the project team; therefore it has not been undertaken.
- 4.23. With regards to the possibility of installing a brown roof, green roof or green wall, the Energy & Sustainability Statement makes generic reference to problems associated with the inclusion of a green or brown roof due to structural issues and problems of ongoing maintenance. However, no evidence is provided as to why such features would not be suitable for this particular building. This is contrary to Policy DP22 (b) of the Local Development Framework and Policy CC2 (c) of the emerging Local Plan, which both require the use of such features wherever feasible.
- 4.24. As a final comment on this issue, the Council would like to note that there are some issues with the Energy & Sustainability Statement (for example, it is not clear whether the statement covers just the extension space or the whole building; and there are some discrepancies between figures etc.). If the Inspector is of the opinion that the appellant has satisfactorily addressed climate changes issues and is minded to allow the appeal, the Council would like to suggest a condition to secure an updated Energy and Sustainability Statement prior to the commencement of development (see Appendix A).

### **Housing contribution**

- 4.25. Policy DP1 of the LDF requires development in Central London which is creating more than 200sqm (gross) additional floor space to provide 50% of all floor space as residential floor space. Policy H2 of the emerging Local Plan continues this requirement. It notes that, where non-residential development is

proposed, the Council will promote the inclusion of self-contained homes as part of a mix of uses; in the Central London Area, where development involves additional floor space of more than 200sqm (GIA), the Council will require up to 50% of all additional floor space to be self-contained housing, subject to certain specified criteria (a - e).

- 4.26. The Council normally requires any secondary uses to be provided on-site, particularly where 1000sqm (gross) of additional floor space or more is proposed. The appellant has failed to provide any comment on the provision of housing on-site, other than stating that the Council does not consider the provision of a secondary use on site to be practical due to the difficulties of providing a separate access.
- 4.27. In cases where it is not possible to provide the required residential floor space on-site, the Council may accept an off-site contribution to housing in the same area, secured by means of a planning obligation. The appellant proposes a contribution of £98,875, as per paragraph 5.5 of the officer's delegated report.
- 4.28. The appellant's appeal statement notes that a unilateral undertaking will be submitted. However, the unilateral undertaking referred to has not been provided yet and therefore the Council cannot comment on this. In the absence of the unilateral undertaking, a draft copy of a section 106 legal agreement will be sent to the appellant and The Planning Inspectorate with this appeal statement. PINs will be updated on any progress at the final comments stage.

### **Construction Management Plan**

- 4.29. Policy DP28 of the LDF notes that the Council will seek to minimise the impact on local amenity from the demolition and construction phases of development and Policy DP20 seeks to minimise the impact of the movement of goods and materials by road. With regards to the emerging Local Plan, Policy A1 seeks to protect the quality of life of occupiers and neighbours. The policy specifically refers to the need to consider the impacts of development, including the use of Construction Management Plans (CMPs). Policy T4, which seeks to promote the sustainable movement of goods and materials and to minimise the movement of goods and materials by road, also refers to the need for CMPs in certain cases (albeit it is generally referring to larger schemes than this).
- 4.30. The sub-text to Policy A1 notes that disturbance from development can occur during the construction phase and measures to reduce the impact of demolition, excavation and construction works must be outlined in a CMP. A list of reasons why a CMP may be required is provided and it includes developments with poor or limited access on site; developments that are accessed via narrow residential streets; developments in areas with a high number of existing active construction sites; and, developments that could cause significant disturbance due to their location.
- 4.31. The Council considers that a CMP is necessary (for the reasons outlined in the previous paragraph) if the development is allowed and the appellant is in agreement. However, the appellant has invited the Inspector to secure the

CMP by planning condition as opposed to through the legal agreement. Whilst it is recognised that CPG6 notes that CMPs can sometimes be secured by condition, the sub-text to Policy A1 of the emerging Local Plan (which is a later document) notes that CMPs will usually be secured via planning obligations between the developer and the Council after an application is approved.

- 4.32. The details that the appellant proposes to cover in their CMP include measures that affect land outside of the red line site boundary (such as road closures and arrangements for deliveries); hence why the Council is seeking to secure the CMP through section 106 agreement rather than by condition. Securing the CMP through the legal agreement would also allow it to be a live document that could be continuously updated as required, which is more suited to its requirements.
- 4.33. As noted above, a draft copy of a section 106 legal agreement will be sent to the appellant and The Planning Inspectorate with this appeal statement.

## **Other matters**

### *The principle of development*

- 4.34. The appellant continues to refer in their appeal statement to the fact that the Council indicated 'in principle' support for the scheme, but then refused permission. The Council would like to point out that, just because the principle of development is considered to be acceptable, this does not necessarily guarantee the granting of permission. The application must be considered acceptable in all planning matters and in this case the application was not considered to be acceptable in terms of the detailed design; the lack of climate change mitigation measures; the lack of a legal agreement to secure an appropriate contribution towards the supply of housing; and the lack of a legal agreement securing a CMP.

### *Working proactively with the applicant to secure sustainable development*

- 4.35. Paragraph 187 of the National Planning Policy Framework (NPPF) requires local planning authorities, *"to look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible"*.
- 4.36. In this case, the Council considers that the proposal would fail to meet the environmental role necessary to achieve sustainable development as prescribed by the NPPF (para. 7), insofar as the development would not contribute to protecting and enhancing our built and historic environment and neither would the proposed scheme make sufficient steps towards adapting to and mitigating against climate change and moving towards a low carbon economy.
- 4.37. Paragraph 187 of the NPPF goes on to note that, *"Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area"*.

- 4.38. The Council considers that it has worked proactively with the applicant to try and secure the development of the site, despite the fact it was not possible to reach a mutually acceptable outcome in the end. For example, when it was clear that the original proposal (two storey roof extension) was not considered to be acceptable, the Council invited the applicant to amend the plans rather than merely refusing the application.
- 4.39. Furthermore, the Council was also agreeable to the applicant submitting a pre-application request alongside the ongoing planning application, whereas usually applicants are encouraged to apply for pre-application advice prior to submitting a formal application, as advocated by the NPPF (paras. 188 to 191).
- 4.40. In summary, there are no positive elements of the scheme which outweigh the harm and the Inspector is therefore respectfully requested to dismiss the appeal for the reasons outlined above.

#### *Contradictory advice*

- 4.41. The appellant notes that they have received contradictory advice from the Council in response to their proposals. Whilst it is true that the NPPF guides Councils to look for solutions rather than problems, it is also the case that the Council cannot design a scheme for an applicant and they can only be reactive to proposals that are put before them. Despite ongoing attempts to reach a mutually acceptable outcome, unfortunately, in this case this has not been possible.
- 4.42. The applicant notes in paragraph 6.27 of their statement that, *"It is unreasonable for the Council to request a more contemporary approach that does not replicate the existing building in November and then in their delegated report welcome the use of similar materials and window design"*. The Council has continuously tried to offer meaningful and helpful advice to the appellant. There are a number of approaches to designing the proposed extension that could be used (e.g. contemporary or otherwise). So far, none of the proposals put forward to the Council for review have been considered to be of sufficiently high quality suitable for the conservation area location and within the setting of listed buildings.

#### **Conclusion**

- 4.43. Based on the information set out above, and having taken account of all the additional evidence and arguments made, the proposal is considered to be contrary to Policies CS5 (Managing the impact of growth and development), CS6 (Providing quality homes), CS11 (Promoting sustainable and efficient travel), CS13 (Tackling climate change through promoting higher environmental standards), CS14 (Promoting high quality places and conserving our heritage) and CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Local Development Framework Core Strategy and Policies DP1 (Mixed use development), DP3 (Contributions to supply of affordable housing), DP20 (Movement of goods and materials),

DP21 (Development connecting to highway network), DP22 (Promoting sustainable design and construction), DP24 (Securing high quality design), DP25 (Conserving Camden's heritage) and DP26 (Managing the impact of development on occupiers and neighbours) of the London Borough of Camden Local Development Framework Development Policies.

- 4.44. The proposal is also contrary to Policies H1 (Maximising housing supply), A1 (Managing the impact of development), A4 (Noise and vibration), D1 (Design), CC1 (Climate change mitigation), CC2 (Adapting to climate change), CC3 (Water and flooding), CC5 (Waste), T4 (Promoting the sustainable movement of goods and materials) and DM1 (Delivery and monitoring) of the Camden Local Plan Submission Draft 2016.
- 4.45. The information submitted by the appellant in support of the appeal does not overcome or address the Council's concerns. The proposal presents no benefits that would outweigh the harm identified.
- 4.46. For these reasons the Inspector is respectfully requested to dismiss the appeal. However, should the Inspector be minded to approve the appeal, suggested conditions are included in Appendix A.
- 4.47. If any further clarification of the appeal submission is required please do not hesitate to contact Kate Henry on the above direct dial number or email address.

Yours sincerely,

**Kate Henry**  
**Senior Planning Officer**  
**Regeneration and Planning**  
**Supporting Communities**

## APPENDIX A – Suggested planning conditions

1	<p>The development hereby permitted must be begun not later than the end of three years from the date of this permission.</p> <p>Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).</p>
2	<p>The development hereby permitted shall be carried out in accordance with the following approved plans: 1384-D1000-rev01; 1384-D1099-rev01; 1384-D1100-rev01; 1384-D1101rev01; 1384-D1102-rev01; 1384-D1103-rev01; 1384-D1700-rev00; 1384-D1701-rev00; 1384-D1702-rev00; 1384-D4099-rev01; 1384-D4710-rev00; 1384-D4100-rev01; 1384D4101-rev01; 1384-D4102-rev02; 1384-D4104-rev02; 1384-D4520-rev00; 1384-D4521rev00; 1384-D4711-rev00; 1384-D4712-rev00; 1384-D4820-rev02.</p> <p>Reason: For the avoidance of doubt and in the interest of proper planning.</p>
3	<p>All new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the existing building, unless otherwise specified in the approved application.</p> <p>Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 of the London Borough of Camden Local Development Framework Development Policies and Policy D1 of the Camden Local Plan Submission Draft 2016.</p>
4	<p>Before the development commences, details of secure and covered cycle storage for the following shall be submitted to and approved by the local planning authority:</p> <ul style="list-style-type: none"> <li>- 3 long-stay spaces</li> <li>- 1 short-stay space</li> </ul> <p>The approved facilities shall thereafter be provided in their entirety prior to the first occupation of any of the new units, and permanently retained thereafter.</p> <p>Reason: To ensure the development provides adequate cycle parking facilities in accordance with the requirements of policy CS11 of the London Borough of Camden Local Development Framework Core Strategy and policy DP17 of the London Borough of Camden Local Development Framework Development Policies and Policy T1 of the Camden Local Plan Submission Draft 2016.</p>

5	<p>Prior to the commencement of development, details of the proposed bin store shall be submitted to and approved in writing by the local planning authority.</p> <p>Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies CS5 and CS18 of the London Borough of Camden Local Development Framework Core Strategy and policy DP26 of the London Borough of Camden Local Development Framework Development Policies and Policy A1 of the Camden Local Plan Submission Draft 2016.</p>
6	<p>Prior to the commencement of development, a comprehensive energy strategy for the development including:</p> <ul style="list-style-type: none"> <li>(a) energy efficient measures</li> <li>(b) the feasibility for appropriate renewable or low carbon sustainable energy sources with the aim of reducing the development's carbon emission by at least 20%</li> <li>(c) any associated air quality or noise management reports (including mitigation measures)</li> </ul> <p>shall have been submitted to and approved by the local planning authority. The development shall thereafter not proceed other than in complete accordance with all the measures as recommended in the approved strategy, which shall be permanently retained and utilised as the main power sources for the development. The measures shall include the installation of a meter to monitor the energy output from the approved systems.</p> <p>Reason: In order to secure the optimum energy and resource efficiency measures and on-site renewable energy generation in accordance policies CS13 and CS16 of the London Borough of Camden Local Development Framework Core Strategy and policies DP22, DP23 and DP32 of the London Borough of Camden Local Development Framework Development Policies and policies CC1, CC2, CC3 and CC5 of the Camden Local Plan Submission Draft 2016.</p>
7	<p>All non-Road mobile Machinery (any mobile machine, item of transportable industrial equipment, or vehicle - with or without bodywork) of net power between 37kW and 560kW used on the site for the entirety of the [demolition and/construction] phase of the development hereby approved shall be required to meet Stage IIIB of EU Directive 97/68/EC. The site shall be registered on the NRMM register for the [demolition and/construction] phase of the development.</p> <p>Reason: To safeguard the amenities of the adjoining occupiers, the area generally and contribution of developments to the air quality of the borough in accordance with the requirements of policies CS5 and CS16 of the London Borough of Camden Local Development Framework Core Strategy and policies DP32 and DP22 of the London Borough of Camden Local Development Framework Development Policies and Policy A1 of the Camden Local Plan Submission Draft 2016.</p>