

**PHILIP MICHAEL ROYS CHARTERED ARCHITECT RIBA
2B FALKLAND ROAD, KENTISH TOWN, LONDON NW5 2PT.**

FULL GROUNDS FOR APPEAL DOCUMENT: 2FP/FGA-O1 Rev 03:

Read in conjunction with Appendices document: 2FP/A-01

Date: 31.05.17 - Issue 03

Important : LPA shall provide all drawings & documents listed in Decision Notice 31st March 2017 to Planning Inspectorate.

Note: Appeal exceeds 3,000 words due to the numerous inaccuracies in the LPA Delegated Report.

Determination: Decision - Householder Application Reference 2016/5780/P Refused 31 March 2017.

Address: Postcode stated by LPA as NW5 2PT incorrect should state NW5 2PN.

Drawing Nos: LPA statement that the site location plan is unnumbered is not correct - the drawing number is pmrca/2fp/slp/slp-01.

Following drawings not included but were submitted Aerial photo view of site pmrca/2fp/pv-0 & Camden Conservation area map pmrca/2fp/cam-01.

Refusal Reasons Response:

1 This application should not be refused as addressed in items 1 to 41 of the Delegated Report Appeal Response with the supporting items listed in the Appendices in order to reverse the LPA decision.

2 Ditto.

3 Construction Management Plan – Absent from the application stated LPA as a reason for refusal. LPA advised in the written Pre-Planning Application advice service which documents were required to make an Householder Planning application, the CMP not listed as a requirement. Refer to appendices item 3. The application validated without this by LPA. However the proposed supporting requirements for CMP attached in Appendices item 30 in order to reverse the LPA decision and then secure a s106 legal agreement in order to carry out the proposed development.

Informative(s):

1 Noted.

2 National Planning Policy Framework paragraphs 186 & 187: LPA stated they have sought to work with applicant in a positive and proactive way. The LPA throughout this application process has not been positive or proactive. Refer to meeting reviews notes in Appendices items 11 & 27.

Delegated Report Appeal Response:**Adjoining Occupiers:**

Site boundary incorrectly shown by Camden on consultation notice refer to Appendices item 11. Correct boundary indicated on application site location plan in Appendices item 2.

Objections/comments dismissed refer to Architect review document in Appendices item 10.

Neighbourhood re-consultation period 21 days from 31/01/2017 to 21/02/2017.

Site boundary incorrectly shown by Camden refer to Appendices item 27.

Objections/comments dismissed refer to Applicant / Architect review document in Appendices item 17.

CAAC comments:

Correct statement: The site is not in a Conservation area and importantly no concerns or matters raised by the Kentish Town CAAC.

Site Description:

No. 2 Falkland Place does not share a plot with no. 4 Falkland Place

Relevant History:

Pre-application advice sought and LPA advice invalid as the proposed development not a part of a Conservation Area which the LPA stated policies from. Refer to Architect letter together with Conservation Area location plan attached in Appendices items 4 & 6.

Relevant policies:

List of all policies.

Assessment**Proposal**

1 Proposal 'to form a four storey dwelling house with 6 units' is not correct - existing two storey 2 bedroom residential dwelling shall be remodelled to create a four storey residential dwelling house with 6 bedrooms. There is a shortage of 6 bedroom family dwellings in London Borough of Camden. See application covering letter and Design Access statement in Appendices items 5 & 7.

2 LPA requested a Daylight and Sunlight report be provided to support application. Client appointed a specialist Daylight and Sunlight consultant T16. Report findings required remodelling development changes to scheme. Architect issued a formal letter requesting an extension to determination date deadline, which LPA agreed in order to provide amended scheme proposals to be substituted in Householder application for Planning Permission. See Appendices item 12 & 15. LPA did not advise that design proposals were not acceptable. Only issues raised and suggested by LPA was that proposed development should incorporate white coloured external wall enclosing system and 'modern' style / type window design. Refer to review meeting in Appendices item 11.

LPA state height of rear to building is 4 m above adjoining existing rear properties single storey rear ground floor retail units. New proposed second floor storey internal height at rear is 2 m with roof rising to frontage at a pitch of 5 degrees, not 18 degrees as stated by LPA. Height of additional second floor and direction of roof pitch is carefully modelled to address relationship of adjoining rear properties residential units on first floor upwards. New additional storey is raised 2.3 m higher than existing roof ridge in relationship to adjoining existing rear properties.

3 Correct.

4 Main issues raised by LPA are addressed by proposed development:

Design – Impact of proposal is an enhancement to ‘host building’ and rear adjoining existing properties residential units on first floor upwards in terms of character and appearance adjacent to Falkland Place Open Space, which is in a Conservation Area. Refer to photographic views to no.2 Falkland Place in Appendices item 8 & 9.

Term ‘host building’ is used as a rather negative descriptive statement as extensions for a development in a Householder Application can be outwards and upwards.

Amenity there is no adverse impact on amenity of occupiers of neighbouring properties. Refer to Daylight and Sunlight assessment reports by T16, enlarged surrounding site plan and covering letter with submitted site overview plans which confirms this in Appendices items 14, 20 & 16.

Transport implications – No adverse affect, Kentish Town is well served with Underground, Overground and Bus services. There are no existing parking facilities available in Falkland Place and none are proposed. On street parking exists in neighbouring roads.

Assessment of Impact on Host Building and Surrounding Area

5 LPA statement ‘...with a group of three storey buildings forming at ...southern end of Fortess Road,...’ is incorrect. At southern end of site is Kentish Town Road nos. 324 and 326 which are three storey buildings and then no. 2 Fortess Road which is a four storey building. LPA have not included or mentioned all surrounding buildings to site: To West are nos. 4 & 6 Fortess Road which are four storey buildings. To North are nos. 2c, 2b & no. 2c Falkland Road which are four storey buildings. LPA have intentionally been very selective with their choice of buildings which should be evaluated within the site context. The covering letter issued with site overview layout plans confirm this together with surrounding site photographs in Appendices items 1, 24 & 16.

6 No, 2 Falkland Place does not share a plot with no. 4 Falkland Place. Statement ‘...a two storey dwelling house with a pitched roof and situated 2.6 m south (at the closest point) from ...application building.’ is incorrect at closest point distance at ground floor level is 3.304 m as shown on site overview layout in Appendices item 21.

No. 324 Kentish Town Road is a three storey pitched roof building. Also to west is No. 2 Fortess Road which is a four storey mansard pitched roof building as stated in the Design & Access statement in Appendices item 13.

Surrounding buildings to north, nos. 2, 2a & 2b Falkland Road, are four storey buildings not three storey as stated by LPA with two storey and single storey elements.

No. 2 Falkland Place roof description by LPA incorrect, it has a low pitched flat roof to frontage with a mono pitched roof at rear as shown on existing record drawings and stated in Design & Access statement in Appendices item 13.

Falkland Place entrance way site area is 25.5 sq m and is not a shared pathway as stated by LPA - a right of way only is provided for no.4 Falkland Place.

Site is typical of an inner city property enclosed within a courtyard.

7 Correction to LPA statement; site only adjoins and faces onto Falkland Place Open Space, which is in a Conservation area.

CAMS notes (para 5.1) terraces were cleared (correction original dwellings were bomb damaged) hence creation of ‘public gardens and play area’.

8 Correct.

9 With reference to DP24 and DP25 proposed development is of high quality design, which respects local character and provides an enhancement to existing Falkland

Place Open Space view of rear properties to Fortess Road and Kentish Town Road. See Appendices item 9.

Proposals respect local character, respond to surrounding site characteristics, surrounding site features by use of white coloured render facades, sash windows, Juliet balconies and integrates with its surroundings. See surrounding building references in Falkland Road in Appendices item 26.

Specifically to DP25 (Conserving Camden Heritage) Site is not in a Conservation Area and is adjacent to Falkland Place Open Space which is in a Conservation area.

Character

10 All surrounding buildings, low storey, low key and tall buildings are all close to and overlook Falkland Place as demonstrated in surrounding site photographs in Appendices items 1 & 24.

11 Existing building ‘The Dairy’ and ‘Hayloft’ were agricultural buildings in open fields and then converted into residential dwellings. Large developments have taken place surrounding site which in themselves have taken away ‘the village character’. Therefore description in 11 by LPA is not valid.

12 Correction no. 4 Falkland Place ‘flank walls’ has windows overlooking Open Space and is closer to Open Space than proposed extensions to no. 2 Falkland Space. No. 4 Falkland Place building is a ‘dominant structure’ adjacent to Falkland Place Open Space. New proposed second floor is no higher than flank wall to no. 4 Falkland Place as shown on frontage elevation submitted in substituted application and surrounding axonometric site views from Open Space included in Appendices items 1, 24, 25, 22 & 23.

Bulk and Mass

13 Proposed extensions go outwards and upwards. LPA made decision that proposed development be made through an Householder Application. Advice by LPA that proposed extensions contradict design guidance of CPG2 is been used by LPA incorrectly as reasons for a refusal.

Development does not cause loss of amenity to adjacent properties as proven in Daylight and Sunlight Assessment Reports by T16 in Appendices item 14 and Site Overview layouts submitted to LPA.

14 ‘LPA assessment focuses on ...overall approach and impact of ...proposals’ so LPA has recognised proposals are outside concerns raised in 13.

15 Proposals provide an enhancement to Falkland Place Open Space view of surrounding existing rear properties at first floor upwards to Kentish Town Road and Fortess Road.

16 Host building does not have a rear garden and statement by LPA that ‘front garden is used in ...same manner as a rear garden’ is not of any relevance.

With reference to LPA statement ‘...impact of ... building would loom over ... open space,...’ additional storey height, proposed second floor, contains bedroom accommodation with circulation spaces. ‘...existing subordinate relationship between ... existing dwelling and ... open space,...’ is not a relevant statement as stated in 14.

17 CAMS (s2.8) ‘...edges appear vunerable where ... houses back onto ... area.’ No. 2 Falkland place is located within an existing storey height garden boundary enclosing wall and does not back onto Open Space so does not give rise to any vulnerability concern. However, existing property numbers 310 to 318 Kentish Town Road back directly onto play area as shown in surrounding photographic views in Appendices items 1 & 24.

18 CS15 Proposed development does not cause harm to wholeness, appearance or setting, or harm public enjoyment of space by introduction of additional proposed second floor bedrooms and circulation accommodation. Proposed additional second floor respects massing of many other larger buildings of four storeys overlooking and adjacent to Open Space in Kentish Town Road, Fortress Road and Falkland Road as shown in surrounding photographic views in Appendices items 1 & 24.

19 Existing surrounding buildings to site on south, west and north boundaries are of three and four storeys so extensions proposed to create a three storey building would not have a detrimental impact upon character of surrounding area and adjoining Falkland Place Open Space Conservation area.

Detailed design

20 Adjoining buildings in this area of Kentish Town and Falkland Road Conservation Area are painted stucco properties, so this proposal does relate to colourful character of surrounding area of Kentish Town see Appendices item 26.

21 A proposed modern zinc roof with no 'articulation' style proposed currently exists. Proposed new sash style windows have reveals as shown on plans. Fenestration elevations are not indicative. Proposed windows with Juliet balconies design is a function of building accommodation use and daylight requirements. Juliet balconies currently exist at no. 2 Falkland Place. Statement '...appears awkward and excessive, without any sense of hierarchy, composition or contextual relevance.' by LPA is very subjective and negative. Symmetrical use of sash windows and asymmetrical doors create a rhythm in its composition and is not inappropriate and overbearing to adjacent Open Space. LPA statement 'fenestration appears to make reference to ... grander and older buildings...but does not relate well to its own composition...' No. 2 Falkland Place is one of the oldest buildings in the area and we are incorporating balcony features in the new extension together with building shape. Design Access statement in Appendices item 13.

22 Proposed south and north elevations design ensures no overlooking issues to surrounding properties. Proposed rear elevation is not in very close proximity to rear existing first, second and third floors of residential units as indicated by site overview layouts submitted and photograph views in Appendices items 16, 24 & 25. Impact on outlook due to distances away and an increased building height of 2.3 m is designed to minimise any outlook issues to no. 2 Fortress Road, no. 326 and no. 324 Kentish Town Road rear existing residential properties to first floor upwards as indicated in submitted site overview layouts. See Appendices items 16 & 21.

23 Correct.

24 LDF DP25 (25.9) Proposal does not cause harm to character, appearance or setting of this location as no. 2 Falkland Place relates equally or less as it is lower than surrounding neighbouring developments which are outside of Conservation area but visible from them. Namely properties in Kentish Town Road, Fortress Road and Falkland Road as shown in surrounding photographic views in Appendices items 1, 8, 9 & 24.

25 Statement is unfounded as LPA when requested by the proposed agenda, comments / statements and final meeting details in Appendices item 27 unable to explain and expand on design issues, composition matters, contextual cues and character of Kentish Town specifically on this proposed development. LPA statement '...neither a well composed, detailed....poorly detailed building..' contradicts the LPA statement in 21 '...appears awkward and excessive,...'. See meeting response letter in Appendices 28.

Reference by LPA to ‘host building’ and contrary to LDF policies CS5, CS15, (open space), DP24 and DP25 are not relevant see 14.

Amenity

26 Reference made to ‘host building’ proximity to various residential buildings, site overview layouts submitted see covering letter in Appendices item 16 states there are no needs for concern as also stated in Daylight and Sunlight assessment reports and letter dated 24.05.17 from T16 in Appendices items 14, 18, 19 & 29.

a. LPA statement, no. 4 Falkland Place at existing ground floor 3.3 m (south) is correct. There is a 4.7 m dimension for set back to building at proposed second floor to no. 2 Falkland Place. Additional information no. 4 Falkland Place is two and a half storeys in height.

Additional information to LPA statements:

b. No. 324 Kentish Town Road three storeys in height.

c. No. 326 Kentish Town Road three storeys in height.

d. No. 2 Fortess Road four storeys in height.

e. Nos. 2a, 2b, & 2c four storeys in height.

f. Nos 1 – 7 Falkland Place two storeys in height.

27 DP26 There are no adverse amenity impacts from proposed development upon neighbours in terms of sunlight, daylight, overshadowing, overlooking and outlook as demonstrated in site overview layouts and Daylight and Sunlight assessment reports and letter dated 24.05.17 from T16 in Appendices items 14, 16, 18, 19 & 29.

28 Correct.

Daylight/Sunlight

29 Objection by no. 4 Falkland Place received outside public consultation period as detailed in Appendices item 17.

Their assessment by their own commission with The Chancery Group is not a correct conclusion which is explained in assessment reports and letter dated 24.05.17 from T16 in Appendices items 19 & 29.

30 Clarification - T16 states there are no adverse loss of light towards no. 4 Falkland Place as detailed in their assessment reports and letter dated 24.05.17 in Appendices items 18, 19 & 29.

31 LPA state that they would question Client commissioned T16 assessment daylight and sunlight reports, analysis, methodology, impact of trees. This is totally unacceptable and T16 have issued a letter dated 24.05.17 in response to this serious accusation which concludes that there can be no doubt to T16 conclusions of no adverse effect of Daylight and Sunlight. LPA ‘observations’ are a crude rule of thumb only, and not valid due to commissioned assessments reports issued. ‘...short separation distance between no. 4 and no. 2 Falkland Place of 3.5 m (this measurement includes the proposed set back of the additional storey’ This statement by LPA is incorrect distance is 4.7 m. Also ‘...increased height of application building at a difference of 3.3 m,....’ this is an incorrect statement by LPA at rear difference is 2.3 m and at front difference is 2.8 m, all measured from existing roof ridge line and indicated on proposed South Elevation drawing. Daylight and Sunlight assessment reports and letter dated 24.05.17 from T16 in Appendices item 29.

32 LPA statement ‘.. increase in height (4.0m at the rear),..is misleading at rear new second floor enclosure is 2.3 m from existing roof ridge line with roof rising to frontage at a pitch of 5 degrees all as shown on proposed North Elevation drawing. T16 assessment reports clearly state that there are no adverse daylight and sunlight affects to no. 2 Fortess Road residential first floor rear glazed doors. Therefore LPA

statement is incorrect as detailed in Daylight and Sunlight assessment reports and letter dated 24.05.17 from T16 in Appendices item 18, 19 & 29.

No. 2 Fortess Road upper floors residential development is currently subject to an LPA enforcement review.

Overshadowing

33 Correct.

Overlooking/Privacy

34 Correct.

Outlook/sense of enclosure

35 Principal elevation of no. 4 Falkland place is at an angle to the application building and overlooks Falkland Place Open Space. LPA statement regarding proposed windows to 2 Falkland Place living room and kitchen does not make sense as living room sliding / folding glazed doors are along frontage and windows to dining room are along frontage. Flank wall has a part glazed roof at first floor forming set back and no windows to ensure no overlooking to no. 4 Falkland Place. Separation distances at ground floor and second floor of no. 2 Falkland Place in relationship to no. 2 Falkland Place are shown on submitted site overview layout drawings. See photographic views in Appendices items 21, 24 & 1.

36 LPA statement that outlook and sense of enclosure created by this proposed development to rear adjoining rear residential properties is not correct, proposals do not create a sense of enclosure as detailed in proposed section drawings and site overview layouts and photographic views from roof of no. 2 Falkland Place in Appendices items 16 & 25.

Separation distances for rear adjoining existing residential properties at first floor:
2 Fortess Road 3.824 m as shown on Section A-A.

326 Kentish Town Road 8.413 m as shown on Section B-B.

324 Kentish Town Road 6.499 m as shown on Section C-C.

37 DP26 LPA state ‘Overall ... proposal would contribute harm to ... quality of amenity of neighbouring buildings,...’ LPA statement is ambiguous and very subjective. LPA statement incorrect as this contradicts earlier LPA statements of no adverse impact by proposed development.

With reference to impact on amenity Daylight and Sunlight assessment reports and letter dated 24.05.17 T16 confirm no adverse impact see Appendices items 18, 19 & 29.

Transport

38 Correct.

39 Refer to Decision notice point 3.

Community Infrastructure Levy

40 Correct.

Recommendation

41 Refusal not an acceptable determination conclusion as stated in this appeal response submission.

Suggested Planning Condition(s)

Planning condition(s) that would mitigate impact of proposed development.

Proposal - Courtyard enclosing boundary wall shall have a new opaque glazed screen 2 metre in height added to courtyard side behind the wall railings to Falkland Place Open Space view of proposed development.