



APPEAL BY:
Mr & Mrs E Gutierrez

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

Construction of first floor rear extension on existing terrace, single storey rear extension (following the demolition of the existing conservatory) and external alterations including the installation of patio doors to the rear and new access with glass canopy to the front

AT
Flat A, 25 King Henry's Road, London, NW3 3QP

London Borough of Camden Council's Reference: 2017/0918/P

WRITTEN REPRESENTATIONS: GROUNDS OF APPEAL

June 2017

1.0 INTRODUCTION

1.1 This statement has been prepared by RJS Planning, on behalf of Mr and Mrs E Gutierrez, in support of the appeal lodged against the refusal of planning application 2017/0918/P.

1.2 The application was registered by the Council on 13th March 2017 and sought planning permission for the construction of a part single, part two storey rear extension (following the demolition of the existing conservatory) and external alterations including the installation of patio doors to the rear and a new access with glass canopy to the front at Flat A No. 25 King Henry's Road in London. The application was refused under delegated authority on 13th April 2017 for the following reasons:

1. *The proposed first floor rear extension by reason of its siting, scale and bulk would appear as a visually obtrusive and prominent addition to the property which would harm the setting and character of the building, terrace and adjacent conservation area contrary to policy CS14 of the London Borough of Camden Local Development Framework Core Strategy, policies DP24 and DP25 of the London Borough of Camden Local Development Framework Development Policies, policies D1 and D2 of the London Borough of Camden Local Plan Submission Draft, The London Plan and NPPF.*
2. *The proposed front canopy extension by reason of its position and design would appear as an incongruous feature on the raised staircase to this property which would harm the character of this locally listed building and terrace contrary to policy CS14 of the London Borough of Camden Local Development Framework Core Strategy, policies DP24 and DP25 of the London Borough of Camden Local Development Framework Development Policies, policies D1 and D2 of the London Borough of Camden Local Plan Submission Draft, The London Plan and NPPF.*
3. *The proposed first floor rear extension by reason of its siting, scale and bulk would result in increased sense of enclosure of the adjacent property to the west to the detriment of its residential amenity contrary to policy CS5 of the London Borough of Camden Local Development Framework Core Strategy, policy DP26 of the London Borough of Camden Local Development Framework Development Policies, policy A1 of the London Borough of Camden Local Plan Submission Draft, The London Plan and NPPF.*

1.3 This grounds of appeal will address the central concerns raised within the Council's reasons for refusal, notably:

- Whether proposed ground floor rear extension by reason of its siting, scale and bulk would appear as a visually obtrusive and prominent addition to the property which would harm the setting and character of the building, terrace and adjacent conservation area; and

- Whether the proposed front canopy extension by reason of its position and design would appear as an incongruous feature on the raised staircase to this property which would harm the character of this locally listed building and terrace; and
- Whether the proposed ground floor rear extension by reason of its siting, scale and bulk would result in increased sense of enclosure of the adjacent property to the west to the detriment of its residential amenity.

1.4 By way of background to the case, a site notice was erected on the 15th March 2017 and the consultation period expired on the 5th April 2017. During that time 1 supporting response was received from neighbouring property No. 27, stating that: *"The first floor extension would remove the existing first floor terrace which would reduce overlooking."* The lack of objections from the surrounding residents confirms that the appeal proposal is considered an acceptable form of residential development for current neighbouring occupants of the appeal site.

1.5 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, regional and local planning policy before responding to the Council's concerns.

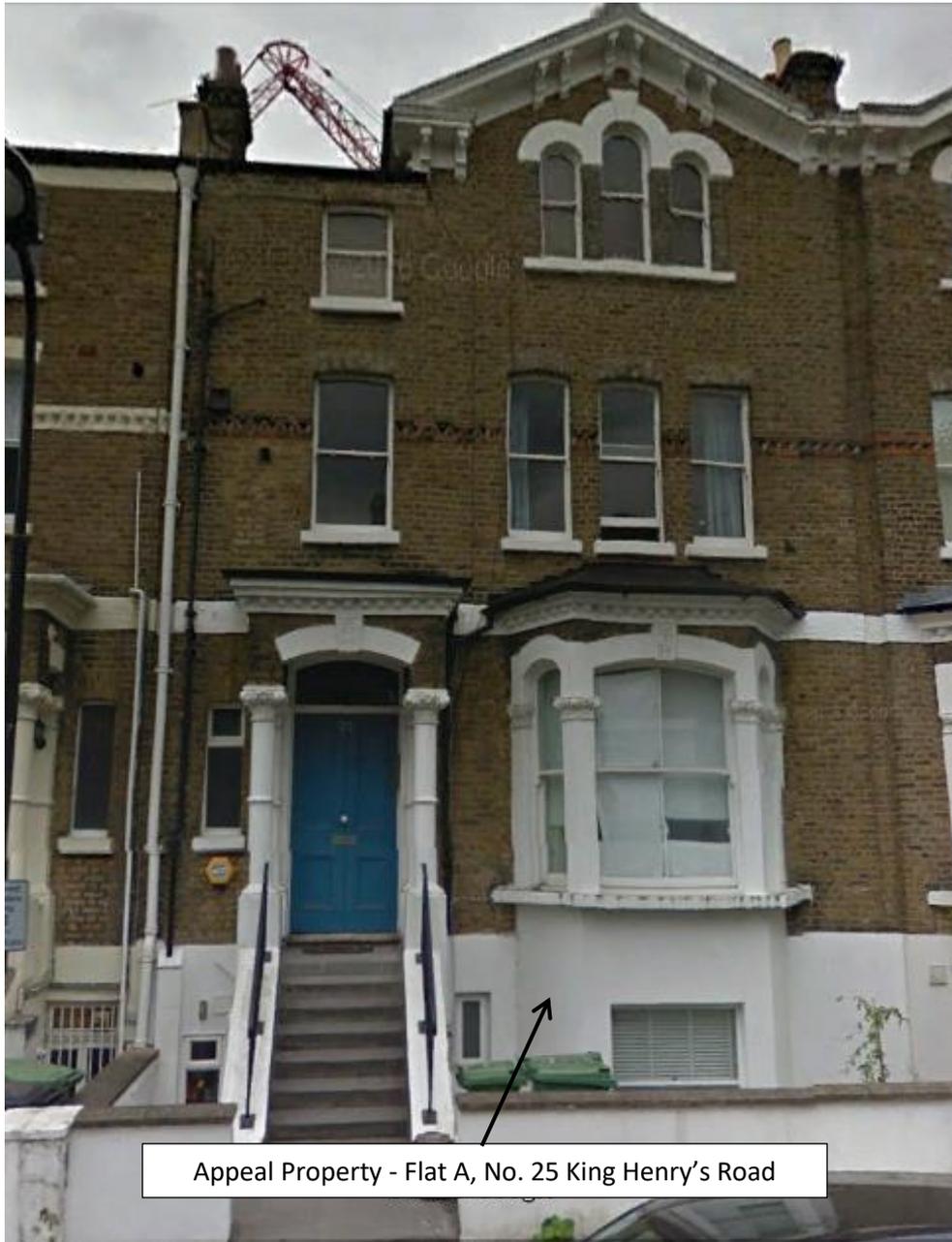
2.0 THE SITE



2.1 The appeal site is situated to the south eastern side of King Henry's Road in close proximity to the junction with Erskine Road, within a terraced row of residential properties. The appeal site is not within a Conservation Area, although it is adjacent to the Primrose Hill

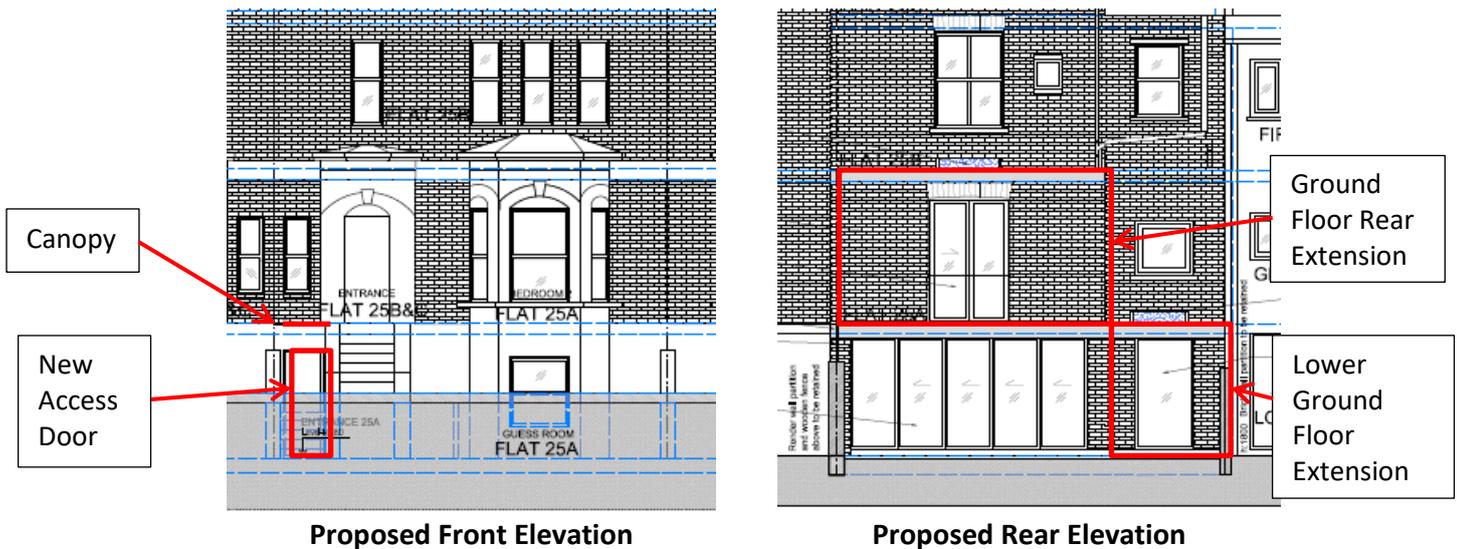
Conservation Area, however the appeal property together with the other properties in this terrace are locally listed buildings.

- 2.2 The appeal site contains a 4 storey mid-terrace property with the appeal proposal relating to flat A, which occupies the lower and upper ground floors of the site. A small front curtilage separates the property from the adjacent highway and the flat benefits from a private garden to the rear.



3.0 THE PROPOSED DEVELOPMENT

- 3.1 The appeal proposal sought planning permission for the construction of a ground floor rear extension on the existing terrace, a single storey rear extension (following the demolition of the existing conservatory) at lower ground floor level and external alterations including the installation of patio doors to the rear and a new access with glass canopy to the front.
- 3.2 The application was submitted following pre-application discussions with the Local Planning Authority. A proposal showing a full width ground floor extension was initially submitted to the Council for comment. The planning officer who provided advice said that the full width extension at ground floor level was unlikely to be supported by the Council but, when the architect provided an updated drawing showing width of the ground floor being reduced, the officer responded positively. Whilst the appellant accepts that pre-application advice is not binding upon any future decision, the positive response of the planning officer was a major factor in the appellant pursuing a formal planning application for this particular scheme.
- 3.3 The ground floor rear extension would be positioned in place of an existing terrace above a single storey rear extension and would have a depth of 3m, a width of 5.2m and a height of 3m, which would increase the overall height of the rear extension to 6m. The extension would have a flat green roof with a rooflight and would be constructed from brickwork to match the existing property, with glazed double doors and a glass balustrade within the rear elevation.
- 3.4 An existing conservatory which is positioned adjacent to the existing single storey rear extension will be demolished and replaced with an extension that would have a width of approximately 2.3m and a depth of 3.1m, with a maximum flat roof height of 2.8m to enable the development to finish flush with the existing extension. Further works to remove internal walls will allow the space to the rear of the property to become a combined open plan living/dining and kitchen area, with bi-folding patio doors proposed in dark grey aluminium, which will ensure the rear space, is flooded with natural daylight. This element of the scheme has actually already been approved against application ref 2017/0917/P.
- 3.5 The proposed relocation of the access to the front of the dwelling will assist in making a more efficient use of the internal space to the front of the flat, without impacting on the visual amenity of the area due to its siting at lower ground floor level. The proposed door will replace an existing window and a glass canopy will be introduced to provide shelter without appearing obtrusive.



4.0 RELEVANT PLANNING POLICY

4.1 The reasons for refusal refer to policies CS5 and CS14 of the London Borough of Camden Local Development Framework Core Strategy, policies DP24, DP25 and DP26 of the London Borough of Camden Local Development Framework Development Policies, policies A1, D1 and D2 of the London Borough of Camden Local Plan Submission Draft, The London Plan and NPPF.

4.2 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.

The London Plan

4.14 The London Borough of Camden embraces the sentiments of the London Plan which sets a clear context for considering development needs at local level taking full account of Camden’s diverse character. Policies 7.4 and 7.6 of the London Plan are considered relevant to the appeal proposal.

Policy 7.4: Local Character

4.15 Policy 7.4 requires development to have regard to the form, function and structure of an area, place or street and the scale, mass and orientation of surrounding buildings and states that buildings should be of a high quality design which has regard to the existing street and which makes a positive contribution to the character of the place.

Policy 7.6: Architecture

4.16 Architecture should make a positive contribution to a coherent public realm, streetscape and wider cityscape. It should incorporate the highest quality materials and design appropriate to its context. Buildings and structures should be of the highest architectural quality, of a proportion, composition, scale and orientation that enhances, activates and appropriately defines the public realm, comprising of details and materials that complement, not necessarily replicate, the local architectural character and ensuring a

development will not cause unacceptable harm to the amenity of surrounding land and buildings, in relation to privacy or overshadowing.

London Borough of Camden Local Development Framework Core Strategy

- 4.17 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 CS5 and CS14 of the Core Strategy are referred to within the reasons for refusal.

Policy CS5: Managing the impact of growth and development

- 4.18 The overall approach of the Core Strategy, as set out in policy CS1, is to manage Camden's growth to make sure that its opportunities and benefits are delivered and sustainable development is achieved, while continuing to conserve and enhance the features that make Camden such an attractive place to live, work and visit. The Council will protect the amenity of residents and those working in and visiting the borough making sure any impact is fully considered.

Policy CS14: Promoting High Quality Places and Conserving Our Heritage

- 4.19 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.

Local Development Framework Development Policies

- 4.20 Camden Development Policies forms part of the Council's Local Development Framework (LDF), the group of documents setting out the planning strategy and policies.

Policy DP24: Securing High Quality Design

- 4.21 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.

Policy DP25: Conserving Camden's heritage

- 4.22 In order to maintain the character of Camden's Conservation Areas, the Council will only permit development that preserves and enhances the character and appearance of the area.

Policy DP26: Managing the impact of development on occupiers and neighbours

- 4.23 The Council will protect the quality of life of occupiers and neighbours by only granting permission for development that does not cause harm to amenity. The factors considered include: visual privacy and overlooking; overshadowing and outlook; sunlight, daylight and artificial light levels; noise and vibration levels; odour, fumes and dust; microclimate; and the inclusion of appropriate attenuation measures.

Camden Local Plan Submission Draft (2016)

- 4.24 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 Policies A1, D1 and D2.

Policy A1: Managing the Impact of Development

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

Policy D1: Design

- 4.26 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.

Policy D2: Heritage

- 4.27 The Council will preserve and, where appropriate, enhance Camden's rich and diverse heritage assets and their settings, including conservation areas, listed buildings, archaeological remains, scheduled ancient monuments and historic parks and gardens and locally listed heritage assets.

Camden Local List January 2015

- 4.28 Ref 645 of the Local List refers to the terrace containing the appeal site.

Photograph	Asset Details	Description
<p>Ref 645:</p>  <p>(Click here to return to the ward map)</p>	<p>Address: 1-49 (odd) 8-54 (even) King Henry's Road</p> <p>Significance: Architectural and Townscape Significance</p> <p>Asset Type: Building or Group of Buildings</p> <p>Ward: Camden Town with Primrose Hill</p>	<p>Group of mid 19th century semi detached (and in some cases linked) and terraced houses on both sides of street. Intact and relatively unaltered group of high architectural quality creates fine consistent townscape.</p>

5.0 THE APPELLANTS' CASE

Introduction

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

- (a) Whether proposed ground floor rear extension by reason of its siting, scale and bulk would appear as a visually obtrusive and prominent addition to the property which would harm the setting and character of the building, terrace and adjacent Conservation Area; and
- (b) Whether the proposed front canopy extension by reason of its position and design would appear as an incongruous feature on the raised staircase to this property which would harm the character of this locally listed building and terrace; and
- (c) Whether the proposed ground floor rear extension by reason of its siting, scale and bulk would result in increased sense of enclosure of the adjacent property to the west to the detriment of its residential amenity.

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

- Design and heritage
- Amenity Impact
- Impact on the adjoining Conservation Area

Design and heritage

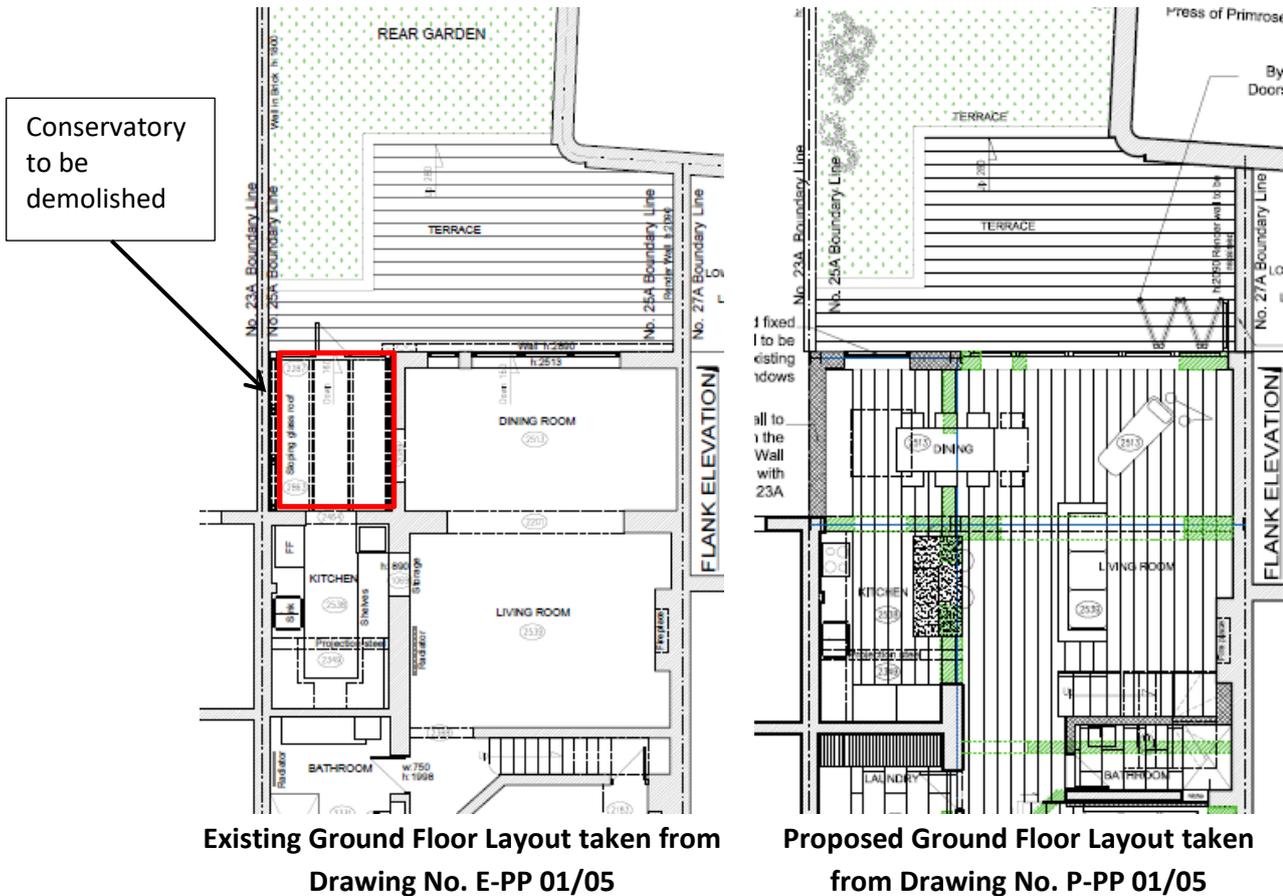
5.3 The proposed extensions have been designed to the utmost standards to ensure that they are well thought out and will appear sensitive to their setting upon a locally listed terrace. The developments will be constructed and finished in the highest quality materials which match or complement the host property to ensure the development harmonises old with new in a sympathetic manner.

5.4 In accordance with policies CS14 and DP24, the extensions will be of the highest standard of design, having taken into consideration the character, setting, context and the form and scale of neighbouring buildings, the character and proportions of the host property and the quality of materials to be utilised. Consideration has also been given to the site's location adjacent to the Primrose Hill Conservation Area to ensure the proposal preserves and enhances the local character in order to maintain the character of the Conservation Area.

5.5 The proposed single storey rear extension will replace an existing conservatory and would have a width of approximately 2.3m and a depth of 3.1m, with a maximum flat roof height of 2.8m to enable the development to finish flush with the existing extension.

5.6 As demonstrated in the following plan excerpts, the single storey rear extension will allow an internal reconfiguration of the ground floor space that will greatly improve the living

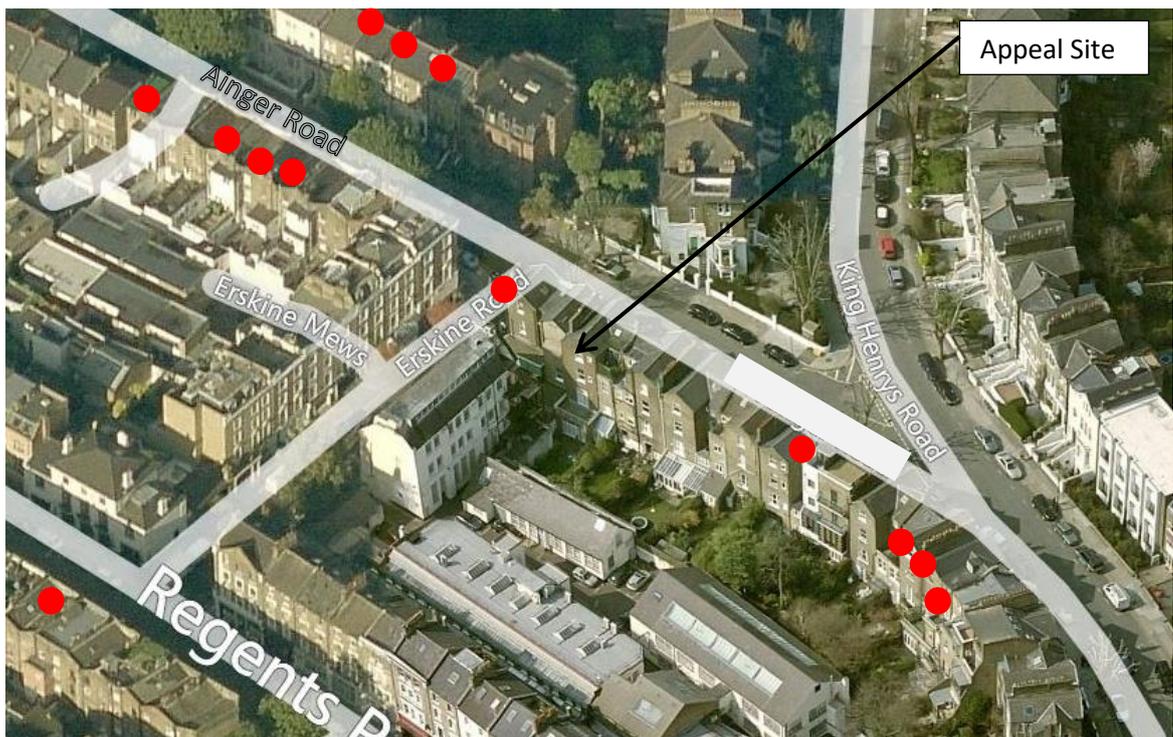
conditions within the property and provide direct access out into the rear garden space, through proposed bi-folding doors which the Council deem acceptable.



- 5.7 The Council have raised no concerns relating to either the design or any potential impact on amenity in regard to the single storey rear element of the development, stating that the *“proposed rear extension would match the scale and design of the existing single storey rear extension and the replacement doors would be a sympathetic alteration to the building. Overall, the development would not harm the character of this locally listed building or adjacent Conservation Area”* and it is therefore considered that they deem this to be an acceptable addition to the host property and the adjacent Conservation Area setting.
- 5.8 However, the Council have raised concerns regarding the proposed ground floor rear extension, which will be constructed in place of an existing terrace. The ground floor rear extension would have a depth of 3m, a width of 5.2m and a height of 3.2m, increasing the overall height of the existing extension to 6m. The extension would have a flat green roof with rooflight and would be constructed from brickwork to match the existing building and would include glazed double doors with a glass balustrade to the rear elevation.
- 5.9 It is though considered that the Council’s concerns in relation to this element of the appeal scheme are overly exaggerated, given its minimal projection, width and height and sympathetic design. Reference within the Delegated Report that *“Two storey (and first*

floor) rear extensions are not characteristic of this western part of the terrace on King Henry's Road" does not take into account the surrounding built environment and a number of similar extensions within the immediate area; and although the Council acknowledge that there are two storey extensions to the eastern part of the terrace containing the appeal site, they consider they are not part of the immediate character setting for this site.

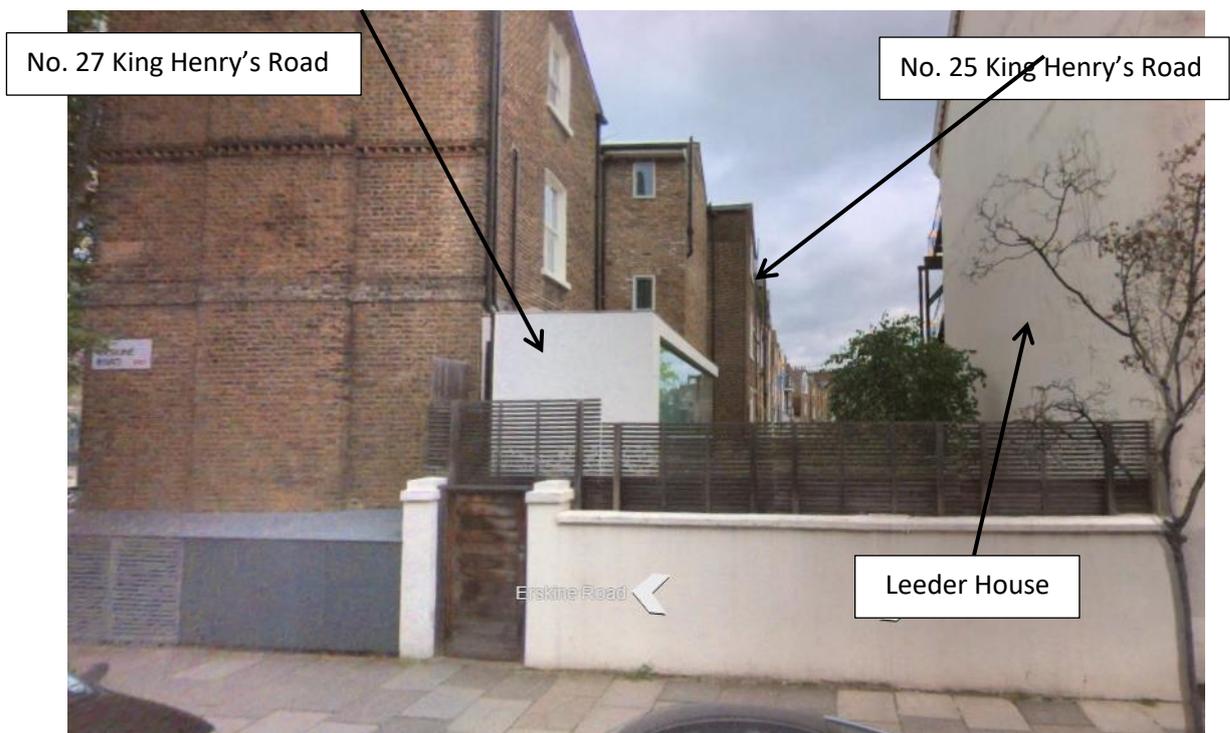
- 5.10 Yet, many examples of similar extensions can be presented adjacent to or within the boundary of the Primrose Hill Conservation Area and although this in itself does not mean that a proposed development is acceptable, it illustrates that two storey rear extensions now form an integral part of the architectural form of the surrounding area. Consequently, as the appeal development can demonstrate that it will enhance and preserve the setting without causing any undue harm to the locally listed building and without causing any significant impact on neighbouring amenity, it is believed to conform with local policies, including policy CS14 of the Local Development Framework Core Strategy, policies DP25 and DP26 of the Local Development Framework Development Policies and policies A1 and D1 of the Local Plan Submission Draft.



● Aerial View of Surrounding Area highlighting 2 and 3 storey rear extensions

- 5.11 As demonstrated there is an existing two storey element at adjoining property No. 27 and others within the same terrace row, there are also further examples on the terrace properties on Ainger Road, which are also locally listed reference no. 646 in the Camden Local List. It is therefore asserted that a ground floor rear extension is characteristic of the area and would not appear as an alien feature within this residential setting.

- 5.12 The proposed ground floor extension would remain subservient to the host building and although placed at a higher level upon the existing rear terrace, it could not be deemed to be in a highly prominent location. It is acknowledged that the site is visible from a very short section of Erskine Road to the south of the site, as shown in the image below, which also highlights the existence of a first floor extension at No. 27, but it is asserted that a ground floor extension at the appeal site of such limited proportions could not *“appear as a visually obtrusive and prominent addition to the property which would harm the setting and character of the building, terrace and adjacent Conservation Area”* as suggested by the Council. On the contrary, the appeal development will be an appropriate addition, constructed from suitable materials that will preserve and enhance the area.



View towards the appeal site from Erskine Road

- 5.13 The Council have noted that the *“existing adjacent contemporary glazed box at No. 27 is inset, allowing the sense of openness behind the houses to be appreciated, whereas the proposal would result in a substantially greater impact.”* This comment is strongly refuted, as the development at the appeal site will appear original to the host property, whereas that at No. 27 is constructed from materials that are alien to the host dwelling and is located within a far more prominent position, clearly visible from the adjacent Conservation Area, whereas only glimpses would be available of the appeal proposal.
- 5.14 The appeal development would not result in a visual impact on the gap between the King Henry's Road terrace and Leeder House to the rear of the appeal site. It would appear though that the Council are not taking into consideration the major redevelopment that has taken place at the Leeder House building, which is within the boundary of the Primrose Hill Conservation Area and received full planning permission against application ref 2010/05214/P for *“Extension of existing office accommodation (Class B1) to*

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accommodate an additional (1473sqm) floorspace including the demolition and replacement of Block 5 with a part 2/part 3-storey building plus enlarged basement, a roof extension and alterations to the elevation of Block 2, roof extension and alterations to elevations of Block 3, alterations to the rear elevations of Leeder House and the caretakers' lodge and erection of four core blocks (providing circulation and services) between the caretakers lodge and Block 2 (3-storey), between Blocks 2 & 3 (3-storey), between Leeder house and Block 5 (5-storey) and between Blocks 4 & 5 (3-storeys)." It is therefore suggested that the appeal development's minimal proportions would not impact upon the visual gap due to the surrounding built environment. The terrace including the appeal site curves round to the east and provides the backdrop in views from Erskine Road and as such the appeal proposal will not appear as a prominent addition.

- 5.15 No concerns have been raised regarding the new entrance door at lower ground floor level to the side of the raised entrance staircase at the front of the property, however the proposed front canopy which would be located above this new access point is considered by the Council to be an *"incongruous feature on the raised staircase that would not preserve the character of the terrace."* Considering the front canopy will be constructed from glass with only a small aluminium wall track, which would be painted white to blend in with the white painted rendered building at lower ground floor level, it is therefore suggested that these apprehensions are again overly exaggerated and that the canopy will not be highly visible; however details regarding this element could be attached to a condition and discharged in writing to the LPA's approval.
- 5.16 Nevertheless, if the Inspector deems all other elements of the appeal development to be acceptable, the appellants are willing to omit the front glass canopy from their scheme.
- 5.17 In summary, the proposed extensions are considered to be of an acceptable design for the host property and would have limited impact on the locally listed terrace or the adjacent Primrose Hill Conservation Area, whilst optimising the potential of the site to provide high quality indoor living accommodation in accordance with the London Plan. The extensions and alterations would not have any detrimental impact on the visual amenity of the building or the surrounding properties as they will make a positive contribution by enhancing and maintaining the built environment by incorporating the highest quality finish and providing comfortable and improved living conditions for occupants.

Amenity Impact

- 5.18 Policy DP26 of the Local Development Framework Development Policies and policy A1 of the Camden Local Plan Submission Draft, states that the Council will protect the quality of life of occupiers and neighbours by only granting permission for development that does not cause harm to amenity.
- 5.19 It has been previously confirmed that the single storey rear extension would result in no amenity impact on adjacent properties and as no concerns are also raised regarding the

new access door and canopy to the front, these elements are also deemed to be acceptable in terms of impact on amenity.

- 5.20 The Council consider that the ground floor rear extension would impact upon amenity for the occupants of No. 27 King Henry's Road. However, as No. 27 is positioned to the southwest of the appeal site and as the room that will be the closest to the extension also has a window in the front elevation, the impact in regards to overshadowing or loss of sunlight and daylight is debateable. It is also worth noting that the nearest window serves a staircase and the circulation space within No.27 and does not serve a primary habitable room and it is not the only source of light for this internal area. Furthermore, No. 27 has its own rear extension which could be considered to impact upon levels of daylight at the appeal property. The minimal projection of the ground floor extension of only 3m would also not unduly impact upon outlook as No. 27 directly faces the side elevation of Leeder House and oblique views to the northeast and views towards Erskine Road would still be obtainable. It is also important to note that an occupier of No. 27 supported the scheme by submitting positive written representations to the Council.
- 5.21 The proposed ground floor rear extension would be set 2.8m off the boundary with adjoining property No. 23 to the northeast, which ensures that this element of the scheme results in no amenity impact on this property.
- 5.22 It is also put forward for consideration that the ground floor extension will improve amenity levels at surrounding properties particularly within the rear garden areas, as this development will replace an existing terrace that is used as an entertaining area. This has been confirmed within an email received by a Planning Officer from a neighbouring occupier at No. 27 King Henry's Road, which states *"we write to support application number 2017/0918/P which shows plans to build on top of the garden level extension, getting rid of the terrace altogether, and to make the extended room the master bedroom."*
- 5.23 It is therefore considered that the introduction of the appeal scheme would not result in any significant impact on amenity levels to warrant a refusal on this occasion as the development clearly complies with the sentiments of both regional and local planning policy.

Impact on the adjoining Conservation Area

- 5.24 It is acknowledged that the appeal site is located adjacent to a Conservation Area and 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 developments would be of detriment to the appearance of the host property or the terraced row. The appeal scheme would not have a detrimental impact on the streetscene or any important views in and around the area. The proposal would clearly sustain the significance of the property and peoples' experience of it and it is strongly asserted that the significance and appreciation of the adjacent Conservation Area and the locally listed building would not be compromised by permitting the appeal scheme developments. It

is therefore proposed that it is incorrect to suggest that the appeal extensions would harm 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.

- 5.25 The Delegated Report mentions that the proposal would result in a visual impact on the gap between the King Henry's Road terrace and the adjacent Leeder House, however as the image on page 14 demonstrated, the proposal would be barely visible and views will be restricted by the existing first floor extension at the end of terrace property No. 27 and Leeder House. It is again asserted that the proposed development would have no impact upon the adjoining Conservation Area due to the surrounding built form.
- 5.26 The scale of the proposed developments are in keeping with the host building and will be of a modest height, length and width so as not to overwhelm the original building or the neighbouring properties and is similar to other approved extensions within and around King Henry's Road as shown below.



**Two Storey Extensions upon the
Appeal Terrace**



**Two Storey Extensions on Chalcot Road
within the Conservation Area**

- 5.27 The following photographs also demonstrate 2 plus storey rear extensions on Chalcot Crescent, again located within the nearby Conservation Area. The development at No. 35 Chalcot Crescent was approved against application ref 2010/2252/P for "*alterations and extensions including erection of part two part single storey rear extension with terrace on ground floor level and external staircase to rear garden of dwellinghouse (Class C3)*".



No. 35 and No. 37 Chalcot Crescent

- 5.28 Having regards to the previous points and considering other developments within close proximity and within the Primrose Hill Conservation Area, it would appear to be overly cautious for the Council to suggest that the proposed development would cause harm to the host property, when it is maintained that the extensions would relate acceptably well to the existing buildings and its sensitive setting. Whilst it is understandable 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 no desire to construct any extensions that are not worthy of the existing building, the site or the adjacent Conservation 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.

6.0 EXECUTIVE SUMMARY

- 6.1 Paragraph 65 OF the NPPF notes that *“Local planning authorities should not refuse planning permission for buildings ... which promote high levels of sustainability because of concerns about incompatibility with an existing townscape, if those concerns have been mitigated by good design (unless the concern relates to a designated heritage asset [not present here] and the impact would cause material harm to the asset or its setting ...)”*. The benefits of the appeal proposal have already been set out in the previous sections but, to reiterate, the development will improve the appearance of the house and the accommodation of the appellants' home and will have very little impact on any of the immediate neighbours.
- 6.2 As previously noted, the NPPF, states: *“The purpose of the planning system is to contribute to the achievement of sustainable development”*(Paragraph 6). One main dimension of this is explained in Paragraph 7: *“supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment...”*. Sustainability also means using all existing resources as efficiently as possible, and the approval of carefully designed new residential accommodation on a site where existing infrastructure services are already located meets these criteria.
- 6.3 During the application process, the architect sent amended drawings to the Council for consideration, including alterations to the rear fenestration as already described and possible reduction in the overall volume of the rear extension. However, these were not taken into account in making the final decision. Paragraphs 186 and 187 of the National Planning Policy Framework suggest that LPAs should be positive and *“should look for solutions rather than problems”*. This has not been done in respect of this proposal, which has resulted in a poor decision in the form of an unjustified refusal.
- 6.4 During the site visit and during several conversations over the phone with the planning officer, the architect tried to discuss the proposal and was willing to make amendments to the scheme, if necessary. However, there was a complete negative response to any amendment to reduce the volume, the overall height, the minor impact of the canopy and the change of front door position, despite there being other examples of this on the same street.
- 6.5 The appeal design provides a distinctive and cohesive appearance, reflecting the lines, materials and character of its host and the nearby properties, whilst being in scale with its surroundings. The proposal includes improvements to the existing fabric of the building and will enhance a high-quality family home with carefully detailed extension that improve the existing building and relate well to the townscape and its surroundings. It is worth noting that these houses were originally design to be one unit (not three to four flats) and were not designed to accommodate a modern family living in a flat.
- 6.6 The surrounding buildings and garden enclosures give a fairly close urban grain to the immediate surroundings of this site. The appeal proposal will harmonise with the existing building, maximise the appellants' accommodation and make a positive contribution to the area (which is not a Conservation Area), while complying with policies on sustainability

and improvement of the housing stock. It meets a clearly identified need for enhanced family housing.

- 6.7 Section 54A of the Town and Country Planning Act, as amended by section 38(6) of the Planning and Compulsory Purchase Act 2004, requires planning decisions to accord with the development plan unless clear and over-riding material considerations indicate otherwise. No such considerations have been demonstrated here and the Inspector is therefore respectfully asked to grant permission for the proposed development.

7.0 CONCLUSION

- 7.1 The proposed extensions would be of no harm to the character or appearance of the host building, the streetscene or the adjacent Conservation Area. We consider that the proposals both preserve and enhance the setting by reason of their 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, whilst failing to fully take into account other similar permitted developments within the area.
- 7.2 In accordance with policy D2 of the Local Plan Submission Draft, policy CS14 of the Local Development Framework Core Strategy and policy DP25 of the Local Development Framework Development Policies, the appeal developments seeks to implement attractive additions of the highest standard of design that respect the local context and character by preserving, enhancing and recognising Camden's wider historic environment. The proposal will sensitively upgrade a family home adjacent to a Conservation Area, therefore promoting high quality places and conserving our heritage.
- 7.3 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.