
93 Redington Road

Statement of Case

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1. Introduction

- 1.1 On behalf of the Appellants, Lev Leviev, this statement provides information regarding an appeal against the refusal of application (ref no. 2017/2954/P) at 93 Redington Road by the London Borough of Camden for the following development:

'The addition of a roof terrace to the rear of the property at second floor level along with the subsequent removal of two dormer windows and changing existing PVC windows to timber.'

- 1.1. A full assessment of the proposal in the context of relevant policies and other material considerations was provided in the Design and Access Statement submitted as part of the application.
- 1.2. This appeal statement sets out the appellant's case that the provision of a roof terrace will provide an increased amenity benefit to the residential dwelling and these benefits are considered to outweigh the loss of the dormer windows to the rear.
- 1.3. This appeal statement also sets out that the proposal complies with Camden's Development Plan and other material considerations.
- 1.2 This statement is set out under the following sections:
- **Section 2** outlines the site and provides the background to the scheme
 - **Section 3** provides a response to the Council's delayed decision
 - **Section 4** draws our conclusions in respect of the proposals

2. Background to the Appeal

- 2.1 93 Redington Road is a detached house used a single dwelling unit. The property is of nineteenth century origin, built in the 1880's. The surrounding area is defined by predominantly large detached and semi-detached houses of red brick and clay-tiled roofs.
- 2.2 The property comprises four floors and seven bedrooms, with a basement. The site benefits from vehicular access from Redington Road with front forecourt parking.
- 2.1 The surrounding built form, both in the immediate context and further afield, does exhibit some similar architectural characteristics but could be said to be fairly varied in scale and form.



Image of 93 Redington Road

- 2.3 The site does fall within the Redington Froggnal Conservation Area, which was designated in 1985. The Council has prepared a Conservation Area Appraisal (CAA) for the area. The CAA describes the character of the Area as being a well-preserved example of a prosperous late 19th Century and Edwardian residential suburb. The houses are predominantly large detached houses and semi-detached houses and display a variety of formal and free architectural styles typical of the late 19th and early 20th Centuries. On the whole these are built of red brick with clay tiled roofs, occasional areas of tile overhanging and render and many of them have white painted small paned windows. Mature trees and dense vegetation form the dominant features of the street scene in many of the roads.
- 2.4 In the CAA, Redington Road is placed in a smaller sub-area comprising Redington Road, Redington Gardens, Templewood Avenue, Templewood Gardens and West Heath Road. The CAA describes this sub-area as one containing some of the larger and more generously spaced houses in the Conservation Area in a mature landscape. Whilst this gives the sub area a general theme, the period over which the sub area was developed has resulted in a mix of architectural styles, although parts of Redington Road and Templewood Avenue are of consistent character and appearance. 93 and the immediate surrounding properties are not outlined in the Appraisal as buildings of interest.



- 2.5 The relevant planning history on the site includes the recent planning permission (ref. 2017/2971/P) for the 'erection of single storey ground floor rear extension with roof terrace above, and replacement of all PVC windows with timber framed windows'.
- 2.6 A following application was submitted on 08/09/2017 for the 'extension to the existing basement, the addition of a skylight in the rear garden and the replacement of the existing UPVC windows with timber windows, ref. 2017/4902/P, which is yet to be determined.

- 2.7 Following on from discussions with London Borough of Camden Council, the Conservation Officer has indicated that the loss of the dormer windows to the rear would harm the host building and its setting with the Conservation Area.
- 2.8 Since the lodging of the appeal, the Council has issued a Decision Notice and Officer's report in which they state that they refuse the application for the following reason:
- 'The proposed demolition of second floor dormer windows and installation of a roof terrace by virtue of its inappropriate design would harm the character and appearance of the host property and wider Redington Frogna Conservation Area contrary to policies D1 and D2 of the London Borough of Camden Local Plan 2017'.*
- 2.9 The following appellant's case will provide the justification for the inset roof terrace and removal of the dormer windows on the second level to the rear at 93 Redington Road.

3. Appellant's Case

3.1 The main issues associated with this application are:

- i) Whether the proposed removal of the two dormer windows and inset roof terrace would cause harm to the building, the character and appearance of the Conservation Area
- ii) Whether the proposed roof terrace would cause harm to the amenity of the neighbouring residents

3.2 Arguably it could be argued that under Schedule 2, Part 1 of the Permitted Development Rights (as amended 2015), alterations to the roof of a dwellinghouse as outlined in this proposal would be permitted under Class C (*other alterations to the roof of a dwellinghouse*). The appellant under these rights would be able to remove the two rear dormer windows under permitted development without the requirement of planning permission.

3.3 Under Class C, development will not be permitted if:

- i) Permission to use the dwellinghouse as a dwellinghouse has granted only by virtue of Class M, N, P or Q of Part 3 of this Schedule (changes of use);
- ii) The alteration would protrude more than 0.15 metres beyond the plane of the slope of the original roof when measured from the perpendicular with the external surface of the original roof;
- iii) It would result in the highest part of the alteration being higher than the highest part of the original roof; or
- iv) It would consist of or include –
 - (1) The installation, alteration or replacement of a chimney, flue, or soil and vent pipe, or
 - (2) The installation, alteration or replacement of solar photovoltaics or solar thermal equipment

3.4 The proposed removal of the dormer windows, therefore, complies with all of the above, and would qualify for permitted development under Class C of Schedule 2, Part 1 of the Permitted Development Rights.

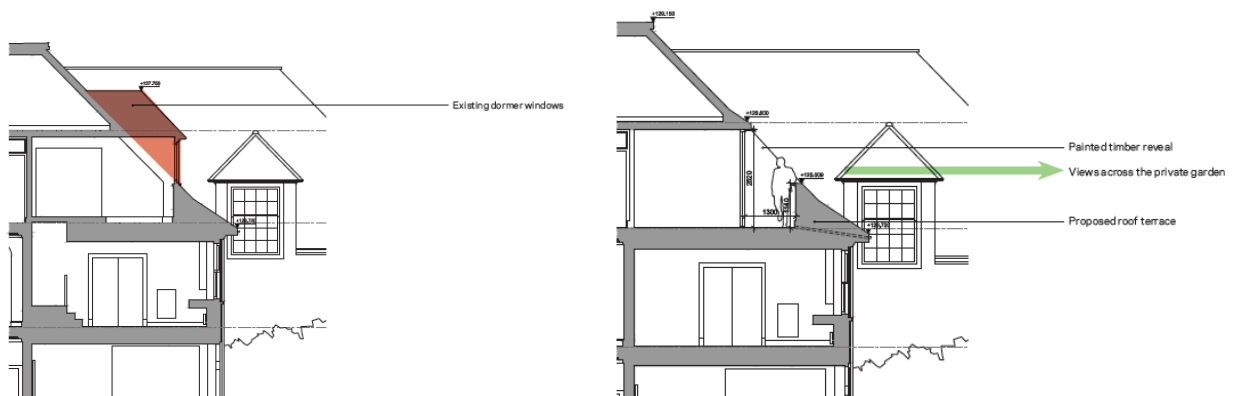
3.5 The conditions for permitted development outlined under Class C refer to windows which are located on a roof slope forming a side elevation of the dwellinghouse. There is no condition which would prevent alterations to the rear of a dwelling or any restrictions which relate to dwellings located within article 2 (3) land.

3.6 The London Borough of Camden Council do not outline any restrictions to roof alterations under Part 1 of Schedule 2 on Redington Road in their Article 4 Directions which would prevent the householder from making these changes without planning permission.

- 3.7 Whilst the removal of the dormer windows could be permitted under Class C of Part 1 of Schedule 2 of the Permitted Development Rights, this appeal statement will continue set out i as to why planning permission should be granted for the inset roof terrace and removal of the two dormer windows to the rear.

Design

- 3.8 The planning application seeks to consider the rear facade only, the client seeks the addition of a roof terrace at second floor level as an additional amenity space that can be accessed from the second floor.
- 3.9 The proposed terrace will replace two existing dormers and will be inset within the roof slope, however when removing the dormers, the roof tiles harvested will be re-used as part of the proposed work; which ensures the continuity with the rest of the existing roof.



Existing Section through Dormer

Proposed Section through the Roof Terrace

- 3.10 The removal of the dormers on the rear roof slope would not cause harm to the overall appearance of the property. The front roof slope would still have the three dormer windows, and whilst you can see dormers on buildings across the Conservation Area, to lose two windows at the back whilst keeping three in the front would not detrimentally harm the setting of the building or the Conservation Area.
- 3.11 Camden's Design, Supplementary Planning Guidance (2015) states that roof alterations are likely to be acceptable where:
- Alterations are architecturally sympathetic to the age and character of the building and retain the overall integrity of the roof form;
 - There are a variety of additions or alterations to roofs which create an established pattern and where further development of a similar form would not cause additional harm.



Existing Rear Elevation



Proposed Rear Elevation

- 3.12 As outlined above, the Council's planning guidance states that roof extensions and alterations are likely to be acceptable where there is an established form of roof addition or alteration to a terrace or group of similar buildings, and where continuing the pattern of development. The image below illustrates the roof terraces along Redington Road, which follow a fairly varied architectural style.

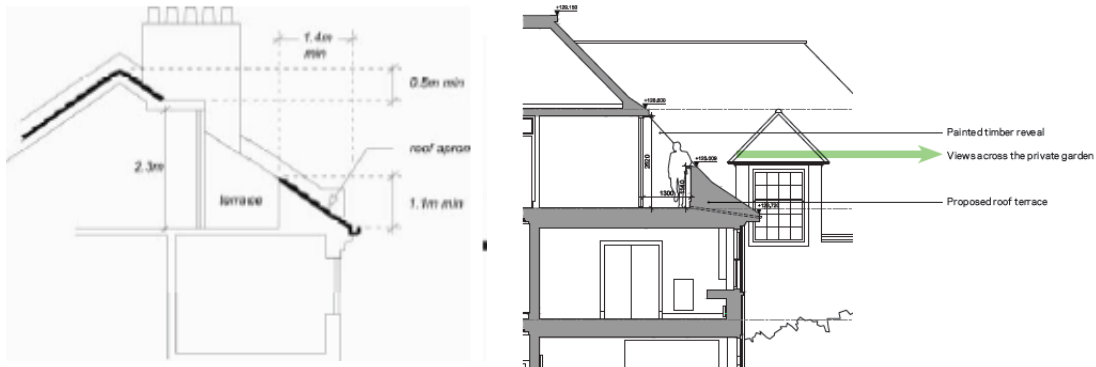


Aerial view showing a sample of other roof terraces in the immediate context

- 3.13 The proposed traditional white painted timber doors and windows will match the style of the existing and will be in keeping with the nature of the property. The changes to the roof are considered to comply with the planning guidance through their sympathetic design to the local architecture and retention of the overall integrity of the roof form.
- 3.14 Paragraph 5.8 of Camden Design Guidance lists all the circumstances where a roof alteration or addition is likely to be unacceptable:
- *There is an unbroken run of valley roofs;*
 - *Complete terraces or groups of buildings have a roof line that is largely unimpaired by alterations or extensions, even when a proposal involves adding to the whole terrace or group as a coordinated design;*
 - *Buildings or terraces which already have an additional storey or mansard;*
 - *Buildings already higher than neighbouring properties where an additional storey would add significantly to the bulk or unbalance the architectural composition;*
 - *Buildings or terraces which have a roof line that is exposed to important London-wide and local views from public spaces;*
 - *Buildings whose roof construction or form are unsuitable for roof additions such as shallow pitched roofs with eaves;*
 - *The building is designed as a complete composition where its architectural style would be undermined by any addition at roof level;*

- Buildings are part of a group where differing heights add visual interest and where a roof extension would detract from this variety of form;
- Where the scale and proportions of the building would be overwhelmed by additional extension

3.15 The proposed roof alterations are not specifically outlined in the above circumstances where a roof alteration or addition is likely to be deemed unacceptable by Camden Council.



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Proposed Development

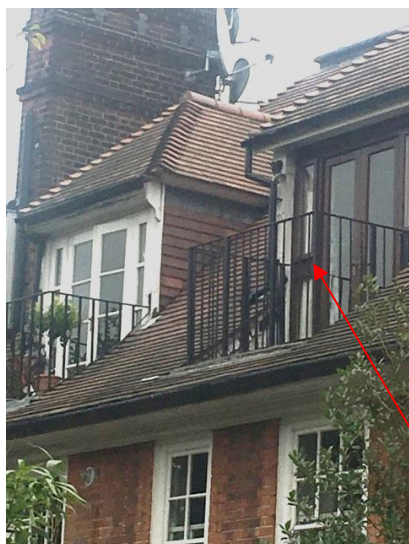
- 3.16 The Camden Design Guidance includes an image of a suitable roof terrace, as shown in the image above. The proposals seek to design the terrace in a manner that is indicated as appropriate and best practice by the Camden planning guidance.
- 3.17 The officer reports makes reference to 'Policy D1' which states that developments should consider the character, setting, context and form and scale of neighbouring buildings and the quality of materials to be used. As the site is within the Redington Froggnal Conservation Area, policy D2 which states that developments within conservation areas must preserve or enhance the character or appearance of the conservation area.
- 3.18 The officer report found that "the loss of these dormer windows would be detrimental to the character of the host property and would harm the form of the existing roof and character of roofs in the area. The replacement of a terrace at second floor level is not considered to be in keeping with the rear elevation of the property and is not an established feature of buildings in the area", and would be refused on this basis. The appellant would disagree on the basis that the front roof slope would still have the three dormers and contribute to the setting of the Redington Froggnal Conservation Area, therefore not causing any harm to the host building or wider conservation area.

Impact on the Conservation Area

- 3.19 The impact on the Conservation Area is considered to be minimal due to the strong front façade which contributes to the Redington and Frognal Conservation Area and will remain untouched through the development. The removal of the dormer windows to the rear is not considered to be significant to the setting of the Conservation Area.



- 3.20 There have been various alterations to the front of properties along Redington Road which do not necessarily fit into the local architecture of the area. The proposed roof terrace and removal of the dormer window seeks to enhance the rear elevations of the property and provide increased amenity space for the family.
- 3.21 The Council have indicated that the loss of the dormer windows would impact on the setting of the wider Conservation Area, however we would disagree with this opinion due to the current lack of visibility of the rear dormer windows from the public domain.
- 3.22 The key views are those visible from the public street level, which contribute the greatest to the setting of the Conservation Area. These views are considered to be more important than the private views that the proposed terrace will be visible from. To further this, the loss of the dormer windows and replacement of the private terrace will be very limited to any private views, in any event.
- 3.23 The proposed changes will not cause any harm of significance to the character and appearance of the Conservation Area, because the property continues to be seen as a large red brick house in mature landscaping, and will continue to contribute to the mix of architectural styles.
- 3.24 The neighbouring property, 95 Redington Road has undergone recent roof alterations with the construction of the roof terrace as illustrated in the image below.



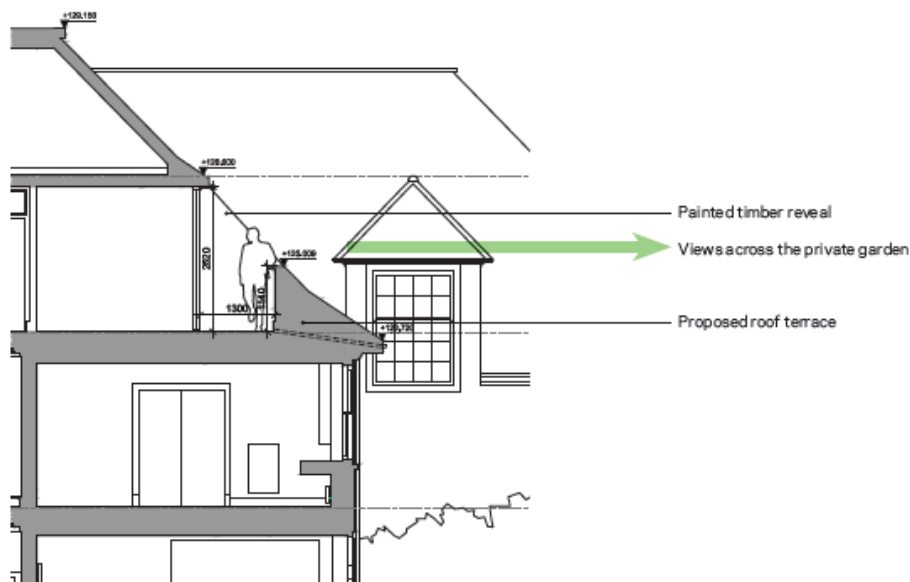
Images of the roof terrace on 95 Redington Road



- 3.25 The permitted roof alterations to the adjacent residential property give precedence to the proposed terrace at 93, Redington Road.

Impact on neighbouring properties

- 3.26 Camden Council's (2017) Local Plan Policy A2 outlines the need to protect residential amenity. The policy states that "private outdoor amenity space can add significantly to resident's quality of life and applicants are therefore encouraged to explore all options for the provision of new private outdoor space. Gardens, balconies and roof terraces are greatly valued and can be especially important for families". The proposed roof terrace is important for the client's growing family, and contributes to the private amenity space of the dwelling.
- 3.27 The Council noted the densely built up nature of the borough which means that the provision of private amenity space can be challenging, and that the Council will require that the residential amenity of neighbours to be preserved. The proposals seek to mitigate any neighbouring amenity issues through setting the terrace back to provide a measure of screening.
- 3.28 The massing of the existing dormers will be removed to reveal the slope of the existing pitched roof. The proposed roof terrace will be setback, therefore concealing it from view. The construction techniques and materials of the proposed terrace will match the original and existing roof construction in order to retain its period characteristics.
- 3.29 The proposed section indicates a set back of the terrace by 1300mm, the terrace has been carefully designed to be set back this way to avoid overlooking towards neighbouring properties.



Proposed Section through the Roof Terrace

- 3.30 The setback of the terrace minimises overlooking and contains the terrace within the mass of the existing roof. This provides a measure of screening to both sides whilst providing the views over the private back garden that the client requires.

- 3.31 The images below indicate the relationship of the proposed terrace and the neighbouring property at 91 Redington Road. The window appears to serve a staircase for the building and not a habitual room for the dwelling.
- 3.32 The views from the roof terrace are considered to be oblique and to non-habitual rooms at 91 Redington Road, causing no threat to the amenity of neighbouring properties.
- 3.33 The roof terrace, therefore is considered to be subordinate to the host building and not present a threat to the neighbouring properties.



- 3.34 *Images of proximity to 91 Redington Road*

- 3.35 The Officer's report confirmed that "the proposed terrace would be set in from the roof slope and largely screened from view by the existing roof and the large chimneys to either side shield the terrace from view by either neighbouring properties. It is therefore considered that the terrace would be adequately screened and would not be perceived to detrimentally impact on the amenity of neighbouring properties. The terrace would not offer increased opportunity for overlooking into windows or the gardens of the neighbouring properties and therefore the proposal would be acceptable in amenity terms."

4. Conclusions

- 4.1 The appeal statement has set out the case for the approval of the provision of a roof terrace and removal of two dormer windows at 93 Redington Road. The main justifications for the terrace, are as follows:
- i) The removal of the dormer windows on the rear roof slope is not considered to harm the overall appearance of the property. The front roof slope will still have the three dormers and contribute to the setting of the Redington Frogna Conservation Area.
 - ii) The removal of the two rear dormer windows could arguably take place under Class C, of Part 1 of Schedule 2 of the Permitted Development Rights (as amended 2015). There are no conditions outlined in the Development Rights or under an Article 4 Direction for the London Borough of Camden Council which would restrict the proposed alterations to the roof and rear of the dwelling.
 - iii) The proposed roof terrace will be setback, therefore concealing it from view. The setback of the terrace minimises overlooking and contains the terrace within the mass of the existing roof. This provides a measure of screening to both sides whilst providing the views over the private back garden, as confirmed by the officer report.
 - iv) The roof terrace has been designed in a manner that is indicated by the Camden Planning Guidance as being the way best way to provide a roof terrace.
 - v) The construction techniques and materials of the proposed terrace will match the original and existing roof construction in order to retain its period characteristics.
- 4.2 The changes to the roof are considered to comply with the planning guidance through their sympathetic design to the local architecture and retention of the overall integrity of the roof form.
- 4.3 It has been demonstrated that the setting and integrity of the dwelling in the Conservation Area would be preserved and that neighbouring residents' amenities and those of the future occupants would be safeguarded.
- 4.4 The appellant would disagree with this conclusion, policies D1 and D2 of the Camden Local Plan as outlined in the statement of case above, the proposals will not harm the host building or wider conservation area.
- 4.5 This appeal is made on the basis that these are not justified reasons for the refusal of this planning application.

