



# NEXT PHASE

## PLANNING & DEVELOPMENT

Submission to the Planning Inspectorate

Statement of Case due to the refusal of planning permission in accordance with  
Section 78(1) of the Town and Country Planning Act 1990

Local Planning Authority: London Borough of Camden  
Application No: 2017/2897/P

Statement of Case to the Planning Inspectorate for the installation of a glazed  
balustrade around the perimeter of 2 x flat roofs of dwelling house at 43 Belsize Lane,  
London, NW3 5AU

### STATEMENT OF CASE

On behalf of Mr. B. Daisley

October 2017



**RICS**<sup>®</sup>

0463/01

Statement of Case – 2017/2897/P

**STATEMENT OF CASE**

**Statement of Case to the Planning Inspectorate for the installation of a glazed balustrade around the perimeter of 2 x flat roofs of dwelling house at 43 Belsize Lane, London, NW3 5AU.**

**Mr. B. Daisley**

October 2017

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## 1.0 INTRODUCTION

1.1 This Statement of Case has been prepared for the attention of the Planning Inspectorate in accordance with Section 78(1) of the Town and Country Planning Act 1990 on behalf of the appellant, Mr B. Daisley.

1.2 This report provides a statement of case against the refusal of planning permission issued by the London Borough of Camden Council on the 21<sup>st</sup> September 2017 in accordance with the Town and Country Planning Act 1990 and the Town and Country Planning (Development Management Procedure) (England) Order 2015.

1.3 The application proposes the installation of a glazed balustrade which wraps around the perimeter of 2 flat roofs of the dwelling house known as 43 Belsize Lane, London, NW3 5AU.

1.4 This statement provides a clear explanation of the statement of case and directly responds to the reason for refusal issued by the London Borough of Camden Council for which were subsequently provided within their Decision Notice.

1.5 This application has been made with the intention of appealing via written representations and refers to documentation throughout that formed part of the application submission and is noted in the appeal submission documentation list.

## 2.0 STATEMENT OF CASE

### 2.1 Reason for Refusal

The London Borough of Camden Council refused the application for a single reason which is contested by the appellant and as such the statement of case against the reason for refusal is outlined throughout this chapter.

### 2.2 The appellant's case is as follows:

- The development accords with the principles of the Development Plan, meeting the criteria of relevant policies where they apply. Where it does not accord with design guidance material considerations outweigh any lack of accordance.
- The development installs a high quality feature to improve amenity provision for the dwelling in turn improving the quality of a dwelling within the housing supply.
- The development by way of the installation offers no significant harm to the Conservation Area that is not outweighed by the improvement to the amenity provision provided by the installation.
- The development offers no detrimental impact on any infrastructure matters on the surrounding area.
- The development offers no detrimental impact on neighbouring receptors through amenity or its design and offers limited character to the area that is not contained entirely by the effects of change.
- The development brings forward a design that contributes as opposed to detracts from the existing streetscene in a manner that is considered to be respectful of the character and its locality and as such an enhancement to the Conservation Area.

- The proposal meets the three mutually dependent roles of the NPPF with regards to Paragraph 7.

2.3 Reason for Refusal

*“The proposed glazed balustrade by reason of its location, scale and materials will be detrimental to the character and appearance of the host building, the streetscene in the Belsize Park Conservation Area contrary to Policies D1 and D2 of the Camden Local Plan 2017”.*

2.4 It is the appellant’s case that the introduction of the balustrade offers no significant harm to the surrounding area nor does it offer any significant adverse change to the buildings use or effects. In essence the inclusion of the balustrade simply provides a safety feature with regard to the maintenance of the existing green seed and roof of the property.

2.5 The building itself is unique in its nature and does not have a consistent aesthetic with regard to surrounding built development in the area. The delivery of balustrades as a supplementary feature to a different and modern aesthetic cannot be said to offer any measurable harm in Conservation Area terms that goes above and beyond the existing baseline provided by the site within this streetscene characteristic.

2.6 What the balustrade does offer is a feature of safety for the improvement of amenity space for the seed and roof provided for the dwelling. Within the character of the surrounding streetscene the impact of the introduction of the balustrade, as clearly identified within the photomontages provided in the submission document any

- quantifiable impact upon the character and streetscene is limited both in its visual impact and the nature of that impact upon the character of the Conservation Area.
- 2.7 Overall it is considered that the amount of weight in planning terms that can be provided to the impact on the Conservation Area created by the implementation of the development is extremely limited; with such limitations being confined to the impact of change alone given that any measurable impact in regards to the buildings aesthetic appearance following the implementation of the proposal is considered to be negligible upon the character of the streetscene.
- 2.8 As such it is considered that the ability for the proposal to be detrimental to the character and appearance of the host building, the streetscene and the Conservation Area as a whole is limited and I would consider such impact to be negligible overall.
- 2.9 The benefits of the delivery of the scheme are clear; they provide a low key safety feature to provide good quality access to the roofs of the property. It is considered that the implementation offers a high quality provision for the benefit of the dwelling, which in turn is seen as an improvement to an existing family home.
- 2.10 In NPPF terms overall it is considered that the development offers no amenity issues on the surrounding area and provides a high quality provision for a family home in a manner that does not impact upon the streetscene with any significant level of harm.
- 2.11 As such therefore it is considered that where harm is identified in relation to the proposal against the Development Plan, such harm is significantly minor and cannot be said to be significant in National Planning Policy Framework terms. The harm is clearly
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outweighed by the material benefits of the case and the overall accordance with the principle of the development in Development Plan terms.

- 2.12 It is respectfully requested therefore that the appeal is upheld and planning permission is granted for the proposal.



**3.0 CONDITIONS OF PLANNING**

- 3.1 Other than standardised conditions in relation to timings in the aforementioned plans, pre-commencement conditions in relation to the confirmed facing materials to be used for the implementation of the balustrade should be incorporated in to any Decision Notice as an appropriate pre-commence condition.

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