



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: 2017/2619/P

Statement of Case to the Planning Inspectorate for the erection of single storey, full
width of rear extension with 4 x roof lights, following demolition of existing part-
width extension; insertion of 2 x roof lights to rear main roof slope; insertion of door
and Juliette balcony within first floor bay window at 35 Crediton Hill, London, NW6
1HS

STATEMENT OF CASE

On behalf of Mr. & Mrs. Abrahams

September 2017



RICS[®]

0453/01

Statement of Case – 2017/2619/P

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Mr. & Mrs. Abrahams

September 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 appellants, Mr. & Mrs. Abrahams.
- 1.2 This report provides a statement of case against the refusal of planning permission issued by the London Borough of Camden Council on 1st 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 erection of a single storey full width rear extension following the demolition of an existing part-width projection, together with the incorporation of 4 roof lights along the rear extension and 2 roof lights to the rear main roof slope. Further to this the work includes the insertion of a door and Juliette balcony within the first floor bay window. The works take place at the property known as 35 Crediton Hill, London, NW6 1HS.
- 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 which was 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 together with further information that has been provided within the Appendices of this document in response to the content of the reason for refusal.
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1.6 Note that the appellants previously applied to the Local Authority for planning permission on 16th January 2017 (Application No: 2017/0296/P). That application included the substance of the present application, in particular the rear extension. The appellants were informed by the Local Authority planning officer that the rear extension was covered by Permitted Development Rights and should be removed from that application, and this was done, as can be seen from the Local Authority's records.¹ That advice was incorrect and the Local Authority subsequently refused a certificate to that effect. However, as a result of that erroneous advice from the Local Authority, work has commenced already on the rear extension part of the proposed development.²

¹ <http://camdocs.camden.gov.uk/HPRMWebDrawer/PlanRec?q=recContainer:2017/0296/P>

² The appellants reserve all their legal rights in respect of that erroneous advice and their reliance on it.

2.0 STATEMENT OF CASE

Summary

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

2.2 The appellants' case is as follows:

- The development accords with the principles of the Development Plan, meeting the criteria of relevant policies where they apply and are given requisite weight. Where it does not accord with design guidance, material considerations are outweighed by any lack of accord.
 - The development makes efficient use of space to provide a significant high quality improvement for the increased provision of a family home in a manner that does not offer any significant detriment to any neighbouring receptors.
 - The nature of the development is such that it offers no detriment to any designations applicable to the site including the Conservation Area due to the works taking place to the rear projection of the property.
 - As such the proposal offers no quantifiable detrimental impact to the character of the streetscene that contributes to said Conservation Area.
 - The development offers no detrimental impact to any infrastructure on the surrounding area and maintains similar scale and proportions to surrounding built development.
 - The proposal brings forward a scheme that does not provide any unreasonable change to the existing dwelling that could not be predominantly secured through Permitted Development Rights and as such the Local Authority's
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suggestion that the proposal provides any harm that could be quantified in planning terms is to be unreasonable.

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

2.3 Reason for Refusal

“The proposed rear extension by virtue of its width, depth, detailed design and the associated loss of part of the double height bay window feature, combined with the alterations to the bay window feature, would cause undue harm to the character and appearance of the host building and the proposal would fail to preserve or enhance the character and appearance of the West End Green Conservation Area, contrary to Policies to A1, D1 and D2 of the Camden Local Plan 2017”

- 2.4 The appellants consider that the application of the reason for refusal in this instance is unreasonably applied in the context of this particular application. Furthermore, it failed to take into account a number of important matters that should have been given considerable weight.

Benefits of the development

- 2.5 The proposal brings forward the demolition of a low quality part-width rear projection that offers minimal value to the host property and is not considered to contribute to the predominant aesthetic consideration of architectural contributions to the Conservation Area. On the contrary, the projection is unsightly and its removal benefits the property and the area. The Local Authority did not appear to give any weight to this at all in its determination of the application.

- 2.6 Furthermore, the projection is too small to provide any useful amenity to the property. The proposal looks to extend the rear projection of the property so as to increase the provision of primary space for a family home. Given the proportions of the proposal in the context of the site and its surroundings, it is clear that the delivery of the rear extension is a proportionate development that provides a clear beneficial contribution to the improvement of a family home.
- 2.7 Both local and national policy identifies the requirement to facilitate an improvement to family homes for the benefit of increasing high quality space associated with individual residential dwellings. Considerable weight should be attributed to the overarching benefits of this in the context of this application. The Local Authority did not appear to give any weight to this at all in its determination of the application.
- 2.8 With regard to the contents of the reason for refusal, it is the Council's consideration that the rear projection offers value to the Conservation Area by way of its existence in relationship to the host building. This conclusion is unreasonable; the projection lies to the rear of the property which has no relationship with the streetscene associated with Crediton Hill and as such has limited value to the Conservation Area.

Aesthetic considerations

- 2.9 From the perspective of the actual aesthetic of the building it is clear from the photoplates found in Appendix I that the existing structure is unattractive with little architectural value and in planning terms offers no characteristics that would justify its retention in a manner that would define a preservation or an enhancement of the Conservation Area. In actual fact, the provision of a much improved rear extension would (as much as impact on the Conservation Area can be applied in this instance)
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- offer an improvement to the Conservation Area by enhancing the architectural appeal of a dwelling within it. Again, the Local Authority did not appear to give any weight to this at all in its determination of the application.
- 2.10 It should also be noted that the nature of development within immediate proximity of the site, both in relation to immediate neighbours and elsewhere within the localised streetscene identify both that (a) the inclusion of a rear extension is not an alien feature within the locality and (b) the adaption to existing buildings within the Conservation Area is not a restricted consideration in the context of development within the surrounding area.
- 2.11 In particular, a number of properties on the street have rear extensions of a similar nature to the proposed development. The immediate neighbour at 33 Crediton Hill has a full width rear extension which is materially indistinguishable from the proposed development (see the photograph in Appendix 1). It would be irrational and incoherent to refuse permission for the proposed development, on the grounds that it is inconsistent with the area, when in fact it makes the property more harmonious with a neighbouring property.
- 2.12 Furthermore, to the rear of the property, facing the proposed rear extension, is an apartment block. The view of this block is a plain painted brick wall (see the photograph in Appendix 1).
- 2.13 So the aesthetic environment of the proposed development comprises (a) an extension which is substantially identical to the proposed development, and (b) a brick wall of no aesthetic value and which has no aesthetic relationship to the property. It cannot possibly be said, therefore, that the proposed development lacks harmony with its
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- visual environment. It would be incorrect and irrational to refuse permission for the proposed development on visual or aesthetic grounds.
- 2.14 The Local Authority’s decision referred to “*harm*” caused by “*loss of part of the double height bay window feature*” (i.e. the removal of a bay window on the ground floor to the rear of the property). However, this feature is not visible from the street, and has no relationship with the Conservation Area, due to its rear projection. The bay windows that do have potential to add value to the Conservation Area, namely on the front elevation of the property, are retained and are not affected by development.
- 2.15 Permitted Development Rights
- Furthermore, the appellants have Permitted Development Rights with regard to the ability to undertake a rear extension. I.e. they actually have permission (granted by Article 3(1) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (SI 2015 No. 596)) to (a) demolish the rear ground floor bay window and (b) to substantially extend the property to the rear, to substantially the same proportions as the proposed development.. Whilst the General Permitted Development Order is a separate statutory instrument, it nonetheless demonstrates that the Local Authority’s decision (that the delivery of the extension and the removal of the bay window respectively are unacceptable) is an unreasonable position given the options available to the appellants.
- 2.16 Given the extent of the planning permission which the appellants already have under the General Permitted Development Order, it would be unreasonable and incoherent to refuse the proposed development in the context of the Town and Country Planning Act. Further detail on Permitted Development Rights for the benefit of the
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Inspectorate, and an indicative overview of the extent of Permitted Development Rights available to the appellants, has been incorporated in in Appendix II.

2.17 Conclusion

Overall, significant weight should be given to the goal of providing improvements to a dwelling to facilitate delivery of a clear benefit to a family home, to be consistent with both the National Planning Policy Framework and the appropriate application of the Local Development Plan. Any harm (which is minor or non-existent) is completely outweighed by the significant benefit of the improvement of a family home.

2.18 The application of a restriction of policy appropriateness in this instance due to the overarching Conservation Area designation is considered to be unacceptable as little or no attempt has been made to quantify the weight of importance the rear projection of the dwelling offers to the contribution of the qualities of the Conservation Area. It is the appellants' view that little weight can be prescribed to this issue as the rear projection of the dwelling can clearly not contribute to any aesthetic or architectural qualities of the Conservation Area. In any instance were such a prescription able to be applied, the clear improvement of the aesthetic and internal benefit of the proposal in comparison to the current baseline position clearly outweigh any prescribed harm.

2.19 As such overall 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 outweighed by the material benefits of the case and the overall accordance with the principle of development in Development Plan terms.

2.20 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 confirmed facing materials and boundary treatments should be incorporated into any Decision Notice as a proportionate and appropriate set of pre-commencement conditions.

APPENDIX

I Photoplates



Photo 1: Pre-existing rear projection



Photo 2: Pre-existing rear projection



Photo 3: Neighbouring rear extensions



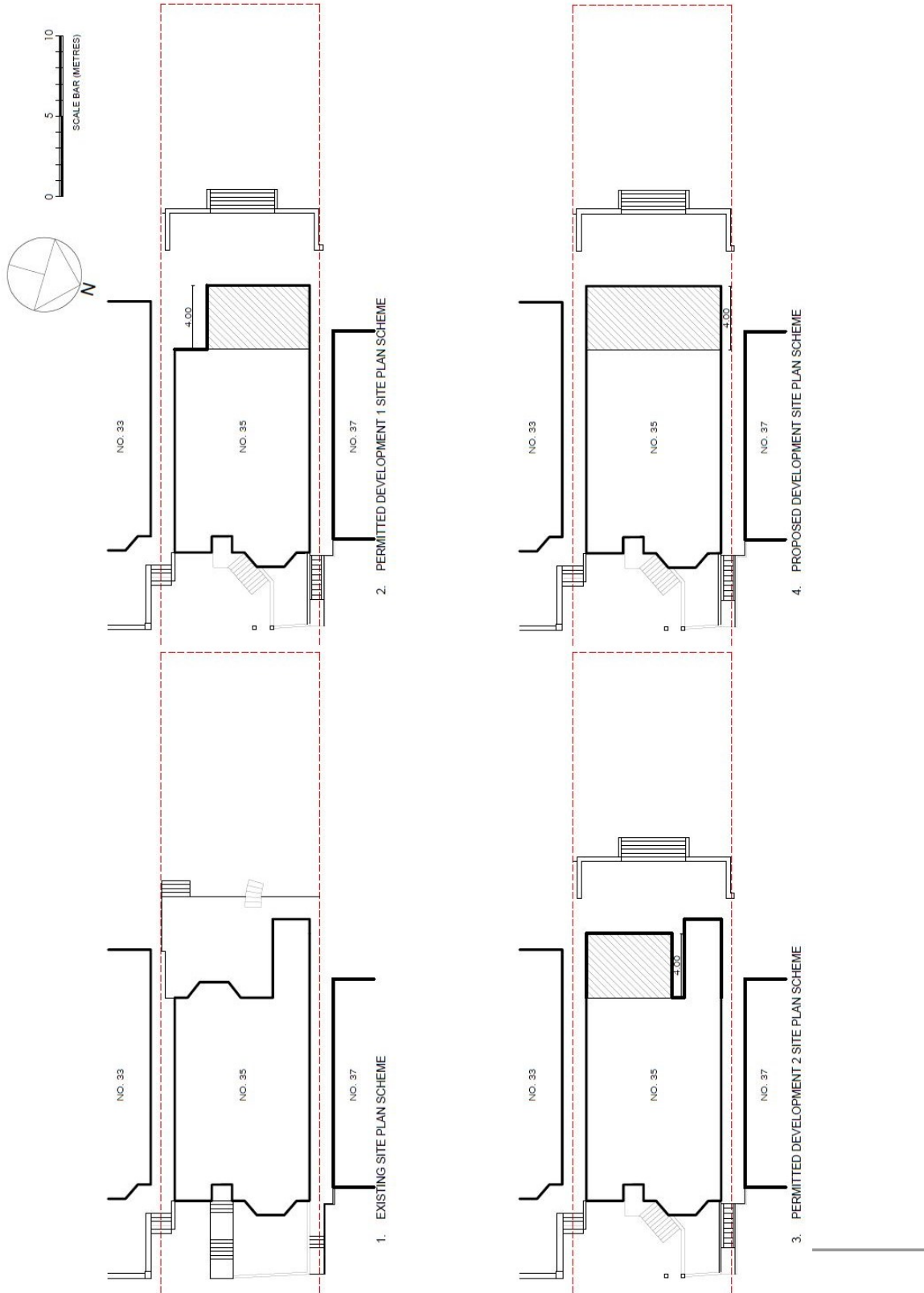
Photo 4: Apartment block to the rear of the appellants' garden

APPENDIX

II Permitted Development Rights

This Appendix includes 4 drawings as follows:

1. The pre-existing site plan.
2. A plan for which there are Permitted Development Rights. In this plan, both the pre-existing projection and the ground floor bay window are demolished and an extension is built almost the full width of the rear of the property.
3. A plan for which there are Permitted Development Rights. In this plan, the pre-existing projection is retained; the ground floor bay window is demolished; and new extension is built which, together with the existing projection, covers virtually the full width of the rear of the property.
4. The proposed development, for which permission is sought.



Article 3(1) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (SI 2015 No. 596) grants permission for (amongst other things) the “*enlargement, improvement or other alteration of a dwellinghouse*”, subject to certain exceptions which do not apply to Drawings 2 or 3. Therefore the appellants already have permission for those developments. National government has decided that it is consistent with national policy to grant permission for these developments. The Local Authority has not issued any relevant direction under Article 4 of the Order, and so it too considers that such developments are consistent with local policy.

Comparing Drawings 2 and 4, the proposed development (Drawing 4) does no more harm than the development for which the appellants already have permission (Drawing 2). Drawing 2 provides less benefit and amenity to the property than Drawing 4. It would therefore be irrational and incoherent to refuse planning permission for the proposed development of Drawing 4 when Drawing 2 is permitted.

Comparing Drawings 3 and 4, Drawing 3 retains the existing unsightly projection, and comprises two separate projections in different architectural styles. Overall, it would result in an unsightly appearance to the rear of the property. It would not provide the amenity or benefit to the property that Drawing 4 would provide. It would therefore be irrational and incoherent to refuse planning permission for the proposed development of Drawing 4 when Drawing 3 is permitted.

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