

Planning Inspectorate Appeal Application

Application Address: 26 Richborough Road
London
NW2 3LX

Application Reference: 2017/4358/P

Planning Authority: London Borough of Camden

Planning Officer: Tessa Craig

Reason for Appeal: Planning Permission Refusal

Appeal Application in Regards to: Planning Refusal at
26 Richborough Road, London, NW2 3LX.

History: Mr. and Mrs. Amlani (the appellants) initially made an application for a Lawful Development Certificate from the London Borough of Camden for this proposal. However, on the advice of Tessa Craig (Camden Planning Officer) the appellants upgraded the submission to a full Householder Planning Application. Ms. Craig advised at the time, that although the proposal did not meet lawful development rights, the scheme would be looked at favorably by the council should a full planning submission be made.

Refusal Details: The council, having considered the application for the rear extension at the above property, refused permission on the 23rd November 2017 stating the following grounds on the Decision Notice:

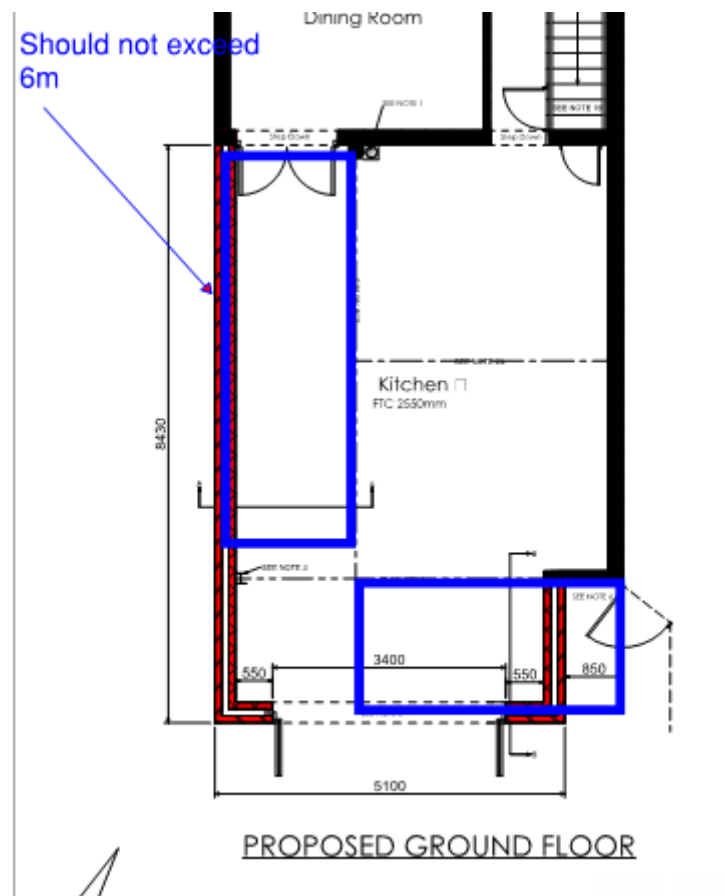
“The proposed single-storey side infill and rear extension, by reason of its scale, bulk, height, siting and detailed design, would fail to appear as a subordinate addition to the host building harming the appearance of the host building and the surrounding area. It would be contrary to Policy D1 of the Camden Local Plan 2017 and Policy 2 of the Fortune Green & West Hampstead Neighbourhood Plan 2015.”

Appellant Considerations: Policy D1 of the Camden Local Plan 2017 and Policy 2 of the FG&WHNP 2015 essentially deal with the design, scale and visual amenity of a proposed extension within this area. They set out in detail that any design should improve and not detract from the character of the local area or the structure being added to. This is of course considered and acceptable policy and approach. However, at no point throughout the application process did Ms. Craig engage with the appellants, nor the agent acting on their behalf, in regards to amending the visual design of the proposal. Had she done so, the appellants would have been perfectly flexible to changes in the visual design, building processes, structures and finishes of the scheme to make it more acceptable in line with CLP 2017 Policy D1 and FG&WHNP 2015 Policy 2.

The only engagement received from Ms. Craig during the process was an email (dated 30th October 2017) asking the scheme to be reduced in size and layout namely, reducing the side infill extension to just 6m from the rear facade of the main property and a smaller separate extension solely to the rear of the pocket wing extending up to 2m. This design change would have reduced the overall gross internal area by just 3.1m² from the preferred design scheme. The appellants, having considered this advice, decided that that this design would not look visually appealing, would impede on their side access arrangements and would not give the internal layout they required. They further felt that this advice was not considered in terms of visual amenity as the proposal would look clumsy and unconsidered in terms of design.

The proposed design suggested by Ms. Craig (shown in image 1 below) creates intricate areas of space difficult to utilise in an open plan kitchen and requires the removal of an existing soil pipe. The blocking of the side access to the garden would have meant wheelchair access to the rear of the house via the side gate would be impossible. This item alone, was a serious consideration for the appellants as their father has recently been treated for a brain tumour which has left him with significant disability – this point was also mentioned to Ms. Craig on numerous occasions, but was never acknowledged.

Image 1- Proposed layout suggested by Camden Planning Officer Tessa Craig



The wrap-around extension proposed by the appellants, as designed, is approximately 20m² GIA and as such is deemed very modest in terms of size and scale. Therefore, the appellants believe that the structure would thus look very subordinate to the main dwelling. Furthermore, the application outlined the use of similar finishing materials as the existing structure, therefore being sympathetic to the design and style of the main dwelling house and surrounding properties.

Whilst the decision notice stated that the proposed extension would only have utilised 22.8% of the garden – calculations based on onsite measurements of suggest the appellants proposal would utilise 20.6% of land used; whilst that proposed by Ms. Craig (Image 1) would have utilised 17.8% of land around house. Camden council's own policy on permitted development rights state permitted development is allowed unless ***"the total area of ground covered by the extension or conservatory will be greater than 50% of the total land around the original house"***. The difference between the council's interpretation of what a reasonable size is and their own policy does not seem to therefore make sense. In fact the entire proposal would appear to meet all of the councils Permitted development requirements apart from the side return. The appellants had carefully considered the impact of reduction of garden space prior to the proposal which is why they elected to not apply for a larger rear extension as would have been allowed under PD rights – having initially considered a 3m rear extension. Furthermore, the proposed design does not exceed the councils own guidance on PD rights in terms of volume of extension ***"for semi-detached or detached houses not in a Conservation Area; total not to exceed 115 cubic metres;"***

There were no objections from any of the neighbours; with the appellants having discussed the plans with the relevant adjoining owner's prior to submission, with the rear extension proposed being in line with a rear extension already in place at the adjacent property number 25 previously built under PD rights.

This type of extension is very common in London and as such is not deemed as pushing the boundaries of design, structure nor size. Indeed it was pointed out to Ms. Craig on a number of occasions (initially via email dated 26 October 2017) that the appellants could see a similar wrap-around extension on the road running adjacent to theirs, Ebbsfleet Road, a point which she seemingly never looked in to nor responded to.

Conclusion: The appellants are keen to point out that Ms. Craig never mentioned any design concerns whatsoever at any stage until her final decision notice was issued. Furthermore, it is felt that she did not at any point engage with them (or their agent) in a constructive manner. If she had done so, they would have been perfectly flexible in terms of amending the visual design and external finishes to bring the proposed extension in line with relevant planning policy and to subsequently achieve a positive outcome.

Her site visit, carried out in late September 2017, lasted no more than 60 seconds and was cursory to say the least. It is therefore felt that in no way did that give her the time to correctly assess the proposal, the existing site nor the impact the extension would have on the local area. It would seem that this application was assessed in the most part as a desk-top exercise only.

The size difference between what Ms. Craig subsequently advised the council would accept and the application plans was very minimal to say the least, at just some 3.1m² GIA. It was felt, that the aesthetics of this reduced size proposal would not have added to the overall appearance of the house nor the area and in the appellants view would have indeed hindered it. It is therefore felt that the refusal was somewhat incorrectly thought through.

The appellants strongly feel that Ms. Craig's handling of the case was poor. She contradicted herself on many occasions in terms of the limited advice she did give, ignored relevant matters brought to her attention and at all times appeared to be as obstructive as possible.

This application was for an extremely modest proposal, using similar design principles and it is felt that the refusal decision and the grounds for that refusal are wrong and should be reconsidered; therefore this appeal is submitted for your consideration.