

Grounds of Appeal



1 Rose Joan Mews, London, NW6 1DQ

With respect to an Appeal against the decision of the London Borough of Camden to refuse planning permission for the erection of a front infill extension at first floor level

LPA Reference 2017/3652/P

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1. Introduction

- 1.1. This document comprises the Appellant's Statement of Case in respect of the refusal of planning permission for the erection of a front infill extension at first floor level of the property.
- 1.2. The application was refused on 8th September 2017 for the following reasons:
 1. *The proposed front infill extension, by reason of its siting, massing, scale and detailed design, would have a materially detrimental impact on the character and appearance of the host building and its contribution to the wider streetscene contrary to policies D1 and G1 of the Camden Local Plan 2017.*
 2. *The introduction of a first floor habitable room with a front window would bring about an unacceptable level of overlooking, and result in a material loss of privacy, to the surrounding residential occupiers (particularly those at 94 Fortune Green Road). Thus, the development is contrary to policies A1 and G1 of the Camden Local Plan*
- 1.3. The Appellant contests these reasons for refusal.

2. The Site and the Proposal

- 2.1. The appeal property is shown on the cover photo. It comprises a one and two storey building set to the rear of 98 Fortune Green Road, and forming part of a wider "mews" style development on the site of a former garage and other land at the rear of properties in Fortune Green Road. The building is "modernist" in its appearance with rendered walls and flat roofs, with aluminium framed windows and glass blocks providing the fenestration.



Figure 1 - The site in context (courtesy Google maps)

- 2.2. The property is in residential use as a two storey duplex studio flat, and in effect it is a semi-detached property that is attached to a two storey house of similar form.
- 2.3. The accommodation within the studio is limited on the ground floor to a WC and a single room comprising the main living/bedroom space and kitchen, with the first floor providing a bathroom, accessed by an internal staircase. It is a somewhat cramped and impracticable accommodation.
- 2.4. Rose Joan Mews comprises a number of buildings of varying forms and design, although all are of relatively recent construction. The access road is of limited width and the surrounding developments are intended as being largely "car free", with restrictions preventing residents from applying for residential parking permits in surrounding streets. There are however two car parking bays adjacent to the appeal property, at the rear of No.98, and also a further two bays opposite, and to the rear of No.94. See extract below.

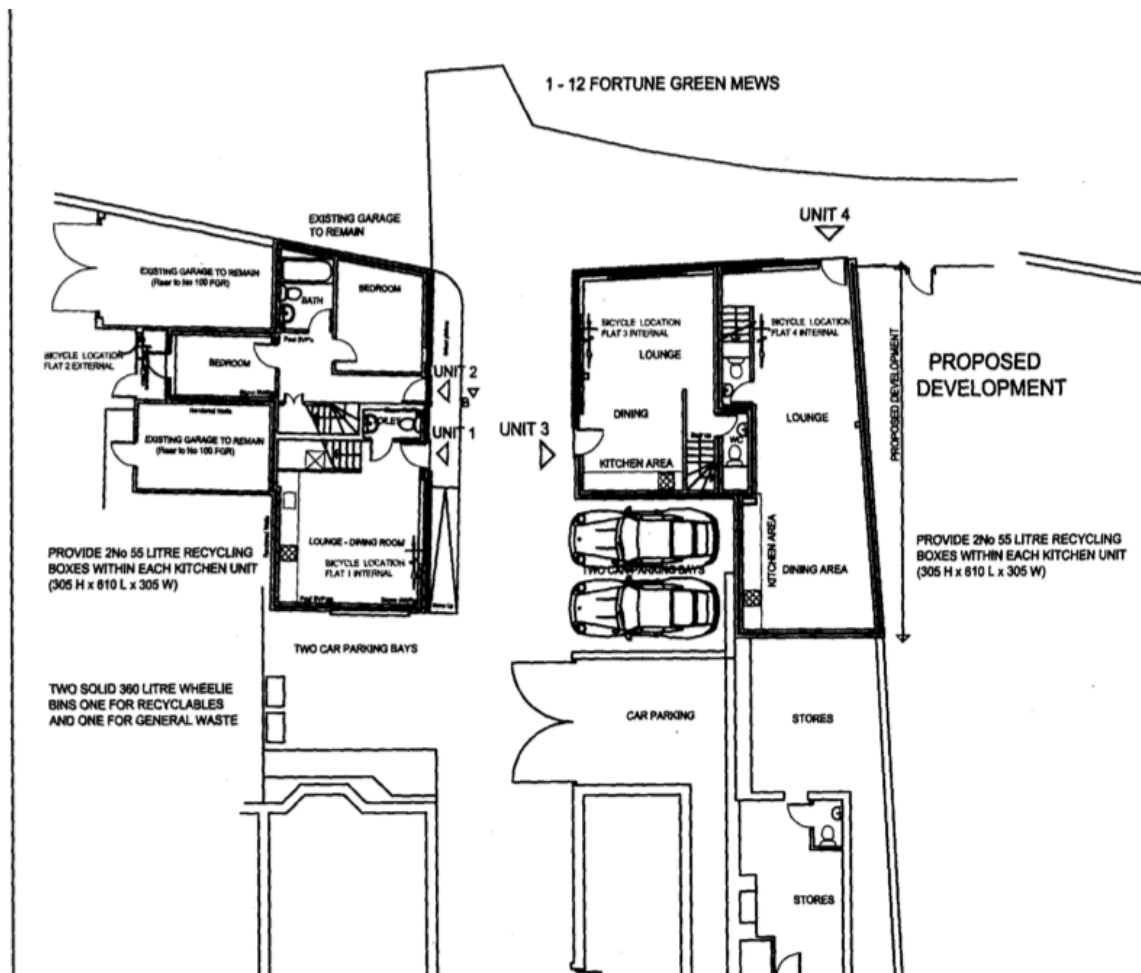


Figure 2 - Extract from the approved plans for the original development showing the general layout, access and parking arrangements

- 2.5. The site lies to the rear of three storey buildings on Fortune Green Road frontage that generally comprise commercial units on the ground floor with residential uses on the upper floors. No.98 is wholly in residential use.
- 2.6. The property is not within a Conservation Area or Article 4 area, nor is the building a Listed building or within the vicinity of such.

3. Relevant Planning History

- 3.1. 2005/2841/P - Planning permission was granted in July 2006 for the demolition of 6 existing garage/storage units on the site and the erection of 4 x 2-storey residential dwellinghouses (1 x studio dwellinghouse, 2 x 1-bed dwellinghouses and 1 x 2-bed dwellinghouse) including 1 x off-street parking space. This has been implemented.
- 3.2. 2011/0659/P - An application was submitted in 2011 but subsequently withdrawn for the renewal of planning permission reference 2005/2841/P.
- 3.3. 2011/2554/P - Approval of Details were given in October 2011 in respect of facing materials and facilities for storage of waste & cycle parking pursuant to conditions 2 and 5 of the planning permission dated 27/07/06 (ref. 2005/2841/P) for the demolition of 6 existing garage/storage units on the site and the erection of residential units.
- 3.4. Also of relevant to this appeal is a recent decision at No.14 Rose Joan Mews, where planning permission 2017/3589/P was granted on 10th October 2017 for the erection of a rear extension at first floor level.

4. The Appellant's Case

- 4.1. The Council's reasons for refusal relate to the impact of the proposed extensions in design and amenity terms, but the Council has not considered the benefits of the proposal, which will significantly improve the standard of living space within the flat. Its enlargement as proposed will bring it more in line with current space standards, and therefore help in maintaining an adequate provision of suitable housing stock for which there is a need and a demand in the area. This must also be a material consideration to this appeal.
- 4.2. In the light of the Council's reasons for refusal the Appellant makes the following comments.

Housing Need and the Standard of Accommodation

- 4.3. The local need for adequate and additional housing stock is very relevant and material to this appeal. This housing need is a benefit of the proposal that has to be considered against

the alleged adverse impact. The question is therefore whether the adverse impacts of the development will significantly and demonstrably outweigh the benefits¹.

- 4.4. Paragraph 49 of the NPPF also confirms that "*Housing applications should be considered in the context of the presumption in favour of sustainable development*". Whilst this proposal is not a housing application that will create any new dwellings, it does seek to improve upon the current unusual and cramped accommodation to make it more suitable and in accordance with current space standards. It is very much a sustainable development in an appropriate location. It will make a small but valuable contribution to the provision and improvement of the Borough's housing stock.
- 4.5. The living accommodation currently comprises less than 25m² of ground floor living space (including stairwell), a 2m² ground floor WC, and a 10m² first floor bathroom/landing. This total floor area of 37m² does not meet the DCLG Technical Housing Standards or the London Plan Standards for a one bed one person studio flat, which in any case require the "studio" to be on one level.
- 4.6. The proposal will however create an additional area of living space, in the form of a small bedroom with a floor area of 10m², thereby significantly improving the amount of floorspace and "usability" of the accommodation.
- 4.7. This material consideration is important in the context of the somewhat limited harm alleged by the Council.

Impact on the character of the terrace and the surrounding area

- 4.8. The Council suggest that the infill extension will not relate well to the existing building and that it will have an adverse impact on the character of the area.
- 4.9. The current recessed arrangement to the first floor does not fulfil any useful function. It is not accessible and it is not used as amenity space. Moreover it unduly restricts the size and layout of the accommodation below. It is therefore only logical to make good use of the available space within the footprint and confines of the existing building so as to improve the standard of accommodation.
- 4.10. The Council imply that the existing form of the building has some visual interest and that the proposal will materially alter its character and appearance. However, this is not a Conservation Area and it is hardly a prominent site, with only very limited views from Fortune Green Road. The development is small in comparison to other recent development within the Mews. The relationship with the surrounding built environment is such that there is no apparent symmetry or need to retain this open corner.
- 4.11. The Appellant has suggested that rendered elevations to the extension to match the existing building are appropriate. However, if deemed necessary the elevations could be

¹ National Planning Policy Framework, Paragraph 14

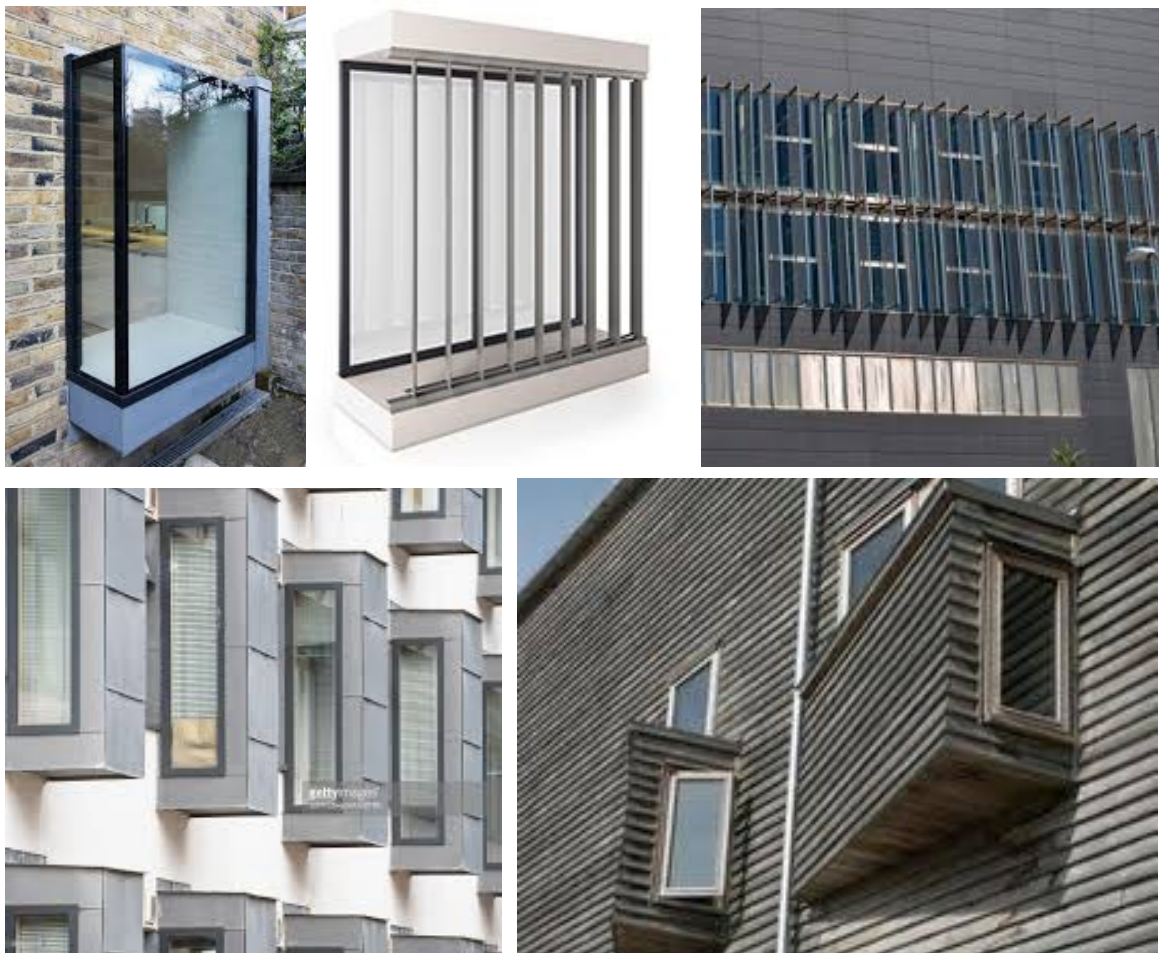
completed in a different coloured render, or cladding, so that the form of the original building can still be identified and complemented. It is also noted that other buildings within Rose Joan Mews have elements of grey cladding at first floor level. These external materials, if they are required to be different, can of course be controlled by means of an appropriate condition on any planning permission.

- 4.12. The Council also suggest that replicating the ground floor window at first floor level is not appropriate in that it has not been placed “haphazardly” like the other windows in the building. Whilst the width of the Mews does not readily allow this “haphazard” arrangement to be appreciated, if it is an issue of concern, the form of this window can altered. For example, it could be made smaller or placed vertically or in a different position. This can also be controlled by means of an appropriate condition.
- 4.13. As such the proposal will be consistent with characteristics of the surrounding properties and will be an appropriate extension that will cause no adverse harm. The property is not a prominent building within the general streetscene, it is not within a conservation area and it is not a property of special architectural or historical interest that warrants absolute protection.
- 4.14. It should also be noted that the Council have granted planning permission for a similar form of first floor development at No.14. Planning permission was granted in October 2017 under reference 2017/3589/P for the erection of a rear extension at first floor level (See Appendix A). It is somewhat odd that the Council has found this larger extension to be acceptable but deem the smaller appeal proposal to be unacceptable.
- 4.15. It is therefore maintained that the proposal will relate satisfactorily to the host building and the streetscene in general, and that no adverse harm will be caused by its existence.

Impact on Residential Amenities

- 4.16. The Council suggests that the front window within the extension would be unacceptable because of concerns regarding overlooking of the surrounding residential occupiers. The Appellant disagrees.
- 4.17. The new first floor window will not overlook the neighbouring properties and it is of sufficient distance away and at an oblique angle to the rear of the neighbouring properties so as to not allow any loss of amenity. It is in the same position as the ground floor window, albeit at first floor level, but as can be seen from *Figure 2* above, it will have an outlook across the thoroughfare and to the car parking spaces opposite. It will not therefore result in any direct overlooking of neighbouring properties.
- 4.18. Alternatively, a smaller window might be more acceptable, or it could be placed at a higher level further minimise any perceived overlooking. A smaller window would also address the Council’s desire in respect of the design to have a haphazard arrangement to the positioning

and form of the windows. Equally there are other means of directing outlook from windows, such as through the use of recessed windows combined with vertical fins, single aspect oriel windows and/or the use of directional “brise soleil”. Examples of such are illustrated below, and it is considered that a format similar to the top middle illustration would be appropriate in this case. This could be secured by means of an appropriate condition such as *“Notwithstanding the submitted drawings, prior to the commencement of development full details of the proposed screening to the first floor window shall be submitted to the Local Planning Authority for approval and the scheme shall only be implemented in accordance with the approved details”*.



*Figure 3 - Examples of design solutions to provide a directional outlook from windows.
The top middle design would be particularly appropriate in this instance*

4.19. As such the amenities of the nearby occupiers will not be affected by the proposed development.

Other Matters

4.20. The Council acknowledge that there are no concerns regarding loss of light or outlook, or overbearing impact arising from the development. There are also no parking or highway safety issues.

5. Conclusion

- 5.1. The Appellant has demonstrated that the development is appropriate to the site. The property is not within a Conservation Area and it is not a building of special architectural or historical merit. No adverse harm is caused, and the benefits of the proposal are considered to outweigh the less than substantial harm that the Council allege. Appropriate conditions can be imposed to ensure that all material planning considerations are satisfactorily addressed.
- 5.2. It is therefore respectfully requested that this appeal be allowed.

end.

APPENDIX A

PLANNING PERMISSION 2017/3589/P GRANTED AT 14 ROSE JOAN MEWS