

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

APPEAL UNDER SECTION 78 BY MS CARLA STOOKE

SITE AT 14 & 15 ST SILAS PLACE,
LONDON NW5 3QP

APPEAL STATEMENT – GROUNDS OF APPEAL

October 2017

CHRISTOPHER WICKHAM ASSOCIATES
Town Planning Consultancy

35 Highgate High Street, London N6 5JT t: 020-8340 7950 e: cmwickham@aol.com

1. INTRODUCTION

1.1 This Appeal Statement relates to the appeal by Ms Carla Stooke against the decision of Camden London Borough Council (“the LPA”) to refuse planning permission for the *‘erection of first floor rear extension with associated alterations to existing external staircase’* at 14 and 15 St Silas Place, London NW5 3QP.

1.2 This statement should be read in conjunction with the following application stage documents:-

- The existing and proposed drawing set;
- The Planning, Design & Access Statement (incorporating a Heritage Asset Impact Assessment); and
- The BRE Daylight & Sunlight Preliminary Analysis.

2. THE APPEAL SITE AND THE SURROUNDING AREA

2.1 The appeal site is located on the west side of St Silas Place, a short distance to the north of the junction with Prince of Wales Road. The site is occupied by a two storey, end-of-terrace residential building which dates from the 1960s. The building includes two self-contained flats, numbered 14 and 15 St Silas Place, the latter being the first floor unit and the main subject of this proposal. The first floor flat is accessed via an external metal staircase which is located adjacent to the southern boundary of the site. The ground floor unit includes a full-width rear extension, part of the flat roof of which provides the external landing (set on a metal frame) to the entrance to the first floor unit. The first floor flat, which is owned and occupied by the Appellant, Ms Stooke, is cramped one bedroom unit.

2.2 The terrace of which the appeal site forms part is unusual in that its rear elevation and the associated rear walled gardens to each property face St Silas Place. Other properties in the terrace to the north of the appeal site include small storage extensions on their rear elevations.

2.3 The immediate area is characterised by three and four storey residential development dating from the 1960s although an imposing seven storey building

has recently been completed (in replacement for a two storey office building) at the junction of St Silas Place and Prince of Wales Road, diagonally opposite the appeal site. The appeal property forms part of a U-shaped, two storey housing development. This development, which is located to the rear of a block of four storey flats which front Prince of Wales Road, is flat roofed, and the properties are faced in a mix of light coloured bricks and white, horizontal cladding.

- 2.4 St Silas Place is a short cul-de-sac which terminates against the impressive frontage of the church of 'St Silas the Martyr' which is a Grade II* listed building. No other heritage assets have been identified in the immediate vicinity of the application site. Private parking is provided in front of the terrace of which the appeal site forms part.

3. RELEVANT PLANNING HISTORY

- 3.1 No recent planning decisions have been identified in respect of the appeal site. It is not clear whether the property was constructed as two units or whether it was subsequently converted from use as a single dwelling. Similarly, no planning history has been identified in respect of the ground floor rear extension to 14 St Silas Place. This structure, and the external staircase to the first floor flat, would appear to have been in place for many years.
- 3.2 A planning application (ref: 2015/5940/P) for the erection of a first floor front extension was withdrawn on 3rd April 2016 following a neighbour objection and advice from the case officer that the proposal was unacceptable because it would result in a loss of daylight, sunlight and outlook for the adjacent property, and because the extension would appear prominent and out of scale in its context.

4. THE PROPOSAL, THE SUBJECT OF THIS APPEAL

- 4.1 The appeal scheme proposes the construction of a first floor rear extension to 15 St Silas Place. The extension, which would be located on the roof of the existing ground floor rear extension to number 14, would include an angled wall along its northern elevation, and a flat roof with symmetrical angled corners. The roof to the extension would be slightly lower than the roof of the host building. The extension

would also incorporate main central windows, a side window within the northern angled flank elevation, and an entrance porch. The scheme also proposes the replacement of the external metal staircase with a new staircase with contemporary-style, glazed balustrades. On the site's south elevation, a rendered infill panel would be introduced beneath the external staircase. The proposed external materials would otherwise match the existing building.

4.2 The proposed extension would provide enlarged and enhanced living accommodation for the occupier of 15 St Silas Place including a study/guest bedroom. This accommodation would be satisfactorily laid out, and would receive good levels of daylight, sunlight and outlook, and the scheme would include the installation of high-performing, thermally-efficient 'three layer cake glass'. Sustainably sourced timber with 100mm Celotex, for maximum thermal efficiency, would be used. The extension would provide 10 square metres of additional gross internal floor area (GIA), and would result in a modest but very useable enlargement of the dwelling with a total floor area of 50.5 square metres (GIA).

4.3 The Appellant is the owner-occupier of the property. As a key worker in local Government (she is a social worker employed by Camden Council), Ms Stooke needs to live close to central London at an affordable cost. She cycles to work, and is also employed as a Rape Counsellor at St Mary's Hospital Paddington, and is required to be within 30 minutes travelling time of the hospital when on call.

4.4 The planning case officer initially indicated some support for the proposal. In his email to this practice, he stated that '*...I do not entirely disagree with your justification.*' It is also relevant to note that there were neighbour objections to the proposal. However, the application was subsequently refused for the following reasons:-

- 1. The proposed first floor extension by reason of its siting, scale, bulk and design would appear as a visually prominent and incongruous addition to the subject property which would fail to appear subordinate to the subject building and would be out of character with this terrace and streetscene contrary to policy CS14 of the London Borough of Camden Local Development Framework Core Strategy, policy DP24 of the London Borough of Camden Local Development Framework Development Policies, policy D1 of the London Borough of Camden Local Plan Submission Draft, The London Plan and NPPF.**

2. **The proposed replacement external staircase by reason if its materials would appear as an incongruous addition which would fail to complement the subject building and would be out of character with this terrace and streetscene contrary to policy CS14 of the London Borough of Camden Local Development Framework Core Strategy, policy DP24 of the London Borough of Camden Local Development Framework Development Policies, policy D1 of the London Borough of Camden Local Plan Submission Draft, The London Plan and NPPF.**

3. **The proposed first floor rear extension by reason of the proposed window in its angled northern-flank elevation would result in increased overlooking of the rear garden of the adjacent property to the north at no. 5-6 St Silas Place to the detriment of residential amenity of these neighbours contrary to policy CS5 of the London Borough of Camden Local Development Framework Core Strategy, policies DP26 of the London Borough of Camden Local Development Framework Development Policies, policy A1 of the London Borough of Camden Local Plan Submission Draft, The London Plan and NPPF.**

5. PLANNING POLICY CONTEXT

The National Planning Policy Framework

- 5.1 The NPPF states that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Planning decisions should ensure that that developments function well, establish a strong sense of place, optimise the potential of the site, respond to local character while not preventing appropriate innovation, create safe and accessible environments, and are visually attractive as a result of good architecture and appropriate landscaping. To deliver a wide choice of quality homes, widen opportunities for home ownership and create inclusive and mixed communities, local planning authorities should plan for a mix of housing based on the needs of different groups, and reflecting local demand. Design policies should avoid unnecessary prescription of detail but should concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access for new development in relation to the local area. LPAs should not impose architectural styles or tastes. In determining applications, LPAs should require an applicant to describe the significance of any heritage assets affected, including any contribution

made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. When considering the impact of proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

The statutory development plan

- 5.2 The statutory development plan for the area comprises the consolidated London Plan 2016 (incorporating Early Minor Alterations 2013 and Further Alterations 2015/16), and the Camden Local Plan which was adopted in June 2017. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications and appeals to be determined in accordance with the development plan unless material considerations indicate otherwise.
- 5.3 It should be noted that the Camden Core Strategy and the Camden Development Policies DPD, as referred to in the LPA's reasons for refusal, have now been superseded by the Camden Local Plan.

The London Plan

- 5.4 The London Plan places a high priority on the provision of additional housing. Paragraph 3.13 states that "*the Mayor is clear that London desperately needs more homes in order to promote opportunity and real choice for all Londoners.....*". Paragraph 3.32 states that '*securing new housing of the highest quality and protecting and enhancing residential neighbourhoods are key Mayoral priorities. The number of new homes needed to 2036 will create new challenges for private developers and affordable homes providers, but also brings unique opportunities for new housing which will be remembered as attractive, spacious, safe and green and which help to shape sustainable neighbourhoods with distinct and positive identities.*'
- 5.5 Policy 3.4 states that, taking account of local context and character, the plan's design principles, and public transport capacity, development should optimise housing capacity. Policy 3.5 states that housing developments should be of the

highest standard, and should achieve specified internal space standards based on the nearest equivalent national technical standard.

- 5.6 Policy 7.4 states that development should have regard to the form, function and structure of an area, place or street, and the scale, mass and orientation of buildings. Design should be a high quality and human scale that has regard to existing context. Policy 7.6 states that development should protect residential amenity, and should be of the highest architectural quality including details and materials that need not necessarily reflect local character. Policy 7.8 states that development affecting heritage assets should conserve their significance by being sympathetic to form, scale, materials and architectural detail.

The Camden Local Plan

- 5.7 The following policies of the Camden Local Plan, as summarised, are considered to be relevant to the issues raised by this appeal:-

- Policy A1 states that the Council will seek to protect the quality of life of occupiers and neighbours, including in relation to the factors of visual privacy, outlook, sunlight and daylight;
- Policy D1 states that the Council will require development to respect context and context, to preserve heritage assets, and to be of sustainable design and construction;
- Policy D2 states that the Council will preserve heritage assets and their settings; and
- Policy H6 states that the Council will seek to secure high quality accessible homes which meets appropriate standards including applicable national space standards;
- Policy H7 states that the Council will aim to secure a range of homes of different sizes which will reduce mismatches between housing needs and existing supply. The supporting text indicates that there is a high demand for 2 bedroom dwellings.

Camden Planning Guidance

- 5.8 Camden Planning Guidance (Design) (CPG1) was adopted in July 2015. The guidance states that the Council is committed to excellence in design, and schemes should consider the context of the development and its surrounding area, the design and use of the building itself, and the materials used. Alterations should take account of the character and design of the property and its surroundings. Extensions should be subordinate to the original building in terms of scale and situation '***unless the specific circumstances of the site, such as the context of the property or its particular design, would enable an exception to this approach***'.

6. PLANNING CONSIDERATIONS

The Main Issues

- 6.1 Having regard to the LPA's three reasons for refusal and other material planning considerations, the following main planning issues arise in this appeal:-

1. Whether the proposal would harm the character and appearance of the appeal property, the terrace of which it forms part, and the wider street-scene in St Silas Place including the setting of the nearby listed church;
2. Whether the proposal would harm the living conditions of neighbouring occupiers;
3. Whether the appeal proposal would result in other planning benefits which weigh in favour of granting planning permission.

These issues are addressed below.

Impact of character and appearance

- 6.2 The appeal site is not located within a conservation area although the site lies a short distance to the south, and within the setting, of the listed church of St Silas

The Martyr. The terrace, of which the appeal property forms part, is unusual in terms of its relationship to the street. The rear elevation of the terrace faces the St Silas Place behind walled rear gardens. With the exception of the appeal property, the rear elevation functions satisfactorily as a section of townscape in St Silas Place, notwithstanding this somewhat confused relationship between the dwellings and the street. The terrace has an unremarkable and utilitarian appearance, not untypical of much 1960s domestic architecture.



View of the appeal property from the south-east with the church of St Silas The Martyr in the background

6.3 A number of unsympathetic alterations to the appeal property have detracted from its appearance, from the appearance of the terrace as a whole, and therefore from the townscape quality of St Silas Place and the setting of the nearby listed building. These negative features, which are apparent in the photograph above, include:-

- (i) The 'box-like' ground floor rear extension which includes only ill-proportioned high level windows, and which emphasizes the impression that this is the terrace's rear elevation, notwithstanding its prominence in the street-scene;
- (ii) The crude and prominent external metal staircase and landing

platform which have an industrial appearance; and

- (iii) The unbalanced first floor window arrangement which contrasts with the symmetrical first floor window pattern on the other properties in the terrace.

6.4 All these elements contribute individually and in combination to the unattractive appearance of the property, and are considered to be harmful to the local townscape including to the setting of the listed church.

6.5 The proposed first floor extension would create an architecturally cohesive rear elevation to the property by integrating the discordant ground floor projection. The extension, with its angled corners, would provide a 'capping' to the ground floor rear projection which would resolve the existing abrupt elevational contrast between the ground and first floors. The extension would take the form of symmetrical first floor addition, similar to a bay projection, which would have a transitional and subordinate scale in terms of its angled flank walls and slightly lower overall height than the main roof. The elevation would be further enhanced through the improved first floor window arrangement, and matching materials would provide proper integration with the remainder of the terrace.

6.6 The revised staircase arrangement would replace the 'industrial-style', metal stairs, and the crude metal platform at landing level. The new stairs would appear as an integrated architectural feature with simple, contemporary glazed balustrades and render infill beneath on the side (south) elevation. This proposed material treatment would be far more appropriate to the domestic character of the host property than the existing stair arrangement.

6.7 These proposed changes would therefore enhance the appearance of the appeal property, the terrace of which it forms part, and the immediate street-scene. As such, the proposal would also improve the setting of the nearby listed building.

6.8 The LPA asserts that harm would allegedly arise from the prominence of the extension and its lack of subordination. However, CPG1 acknowledges that site-specific circumstances may justify an exception to the normal principles applied to

extensions in terms of scale and situation. Such circumstances arise in this unusual case, in particular as a result of the crude and incoherent existing appearance of the appeal property, as detailed above. The appeal proposal would successfully resolve these visual deficiencies with corresponding benefits for the local street-scene and the setting of the listed building.



CGI view of proposal from the south-east

- 6.9 For the above reasons, the proposed extension and associated revised staircase design are considered to be attractive and well-considered features which are fully justified in the specific circumstances prevailing at this site, and which would offer clear-cut visual enhancements to the property, the wider street-scene, and the setting of the listed building. The proposal is therefore considered to comply with London Plan policies 7.4, 7.6 and 7.8, and with Camden Local Plan policies D1 and D2.

Impact on living conditions

- 6.10 The planning application was accompanied by a preliminary BRE Daylight & Sunlight analysis. This confirms that the form of the proposed extension would cause no loss of daylight or sunlight for occupiers of the adjacent property to the north. This would be by virtue of the angled flank wall of the extension which would

preserve a 45 degree angle of view from the closest adjacent habitable room window which is located at first floor level. It should be noted that the closest section of the ground floor of the adjacent property includes a windowless, single storey rear projection and entrance door (as opposed to a window serving a habitable room). For the same reasons, the proposed extension would not impinge on the outlook from these neighbouring ground and first floor windows.

6.11 The LPA asserts, in its third reason for refusal, that the proposed extension would result in greater overlooking of the rear garden of the adjacent property. In the Appellant's submission, there would be no material increase in the potential overlooking given that there is an existing first floor window in the appeal property directly adjacent to the party boundary. Furthermore, in both the existing and proposed arrangements, views into the closest section of adjacent garden are partially obscured by the flat roof of the ground floor extensions to each property. However, if the Inspector forms the view that a material increase in overlooking of the garden would arise, the Appellant suggests that a planning condition could be imposed requiring the window in question to be obscured-glazed to a height of 1700mm above finished floor level. It should be noted that this measure would not prevent the room in question from achieving an entirely acceptable quality of outlook as it would continue to be served by a wide window on the rear face of the proposed extension.

6.12 For these reasons, the appeal proposal would have no material impact on the living conditions of occupiers of the adjacent property, including in the use of their garden. It is noted that no objections were raised to the proposal at application stage. No conflict is considered to arise with Camden Local Plan policy A1.

Other planning benefits

6.13 There is an urgent and pressing need to improve the quality of much existing housing accommodation in London. The Appellant's flat is a small and cramped unit with low levels of insulation and thermal efficiency. Young people and key workers, such as the Appellant, need convenient access to good quality housing close to their places of work. Without this, London's housing crisis will deepen further with consequent harm to essential public services. Young key workers will

be forced out of central and inner London.

- 6.14 The proposed extension, the subject of this appeal, would provide beneficial additional residential floor space which would enhance living conditions within the flat. At present, the flat has a GIA of just 40 square metres which is suitable only for single person occupation. The proposed additional accommodation would increase the GIA to just over 50 square metres which would render the flat suitable for 2 person occupation. These enhancements would meet the objectives underlying London Plan policies 3.4 and 3.5, and Camden Local Plan policies H6 and H7.
- 6.15 In addition, the proposed works offer the opportunity (enforced by compliance with latest Building Regulations) to substantially improve the thermal performance of the building using sustainably sourced materials. These sustainability improvements would accord with all levels of planning policy.

7. CONCLUSION

- 7.1 The existing form and appearance of the application property are unsatisfactory, and harm visual amenities in St Silas Place. The proposed rear extension and associated alterations to the external staircase would resolve the existing architectural shortcomings of the property's prominent and unsightly rear elevation, and would thereby enhance the appearance of the property itself, of the terrace of which it forms part, and of the street-scene in St Silas Place and the setting of the nearby listed building. The proposal would not materially harm the living conditions of adjacent occupiers.
- 7.2 The appeal scheme would also enhance the spatial quality of the Appellant's flat, and would assist in addressing London's shortage of good quality small homes. The proposal would be implemented using high quality sustainable materials.
- 7.3 For the above reasons, the application proposal would offer a range of planning benefits, and would represent sustainable development which accords with the development plan and the NPPF, and local planning guidance.

7.4 The Inspector is therefore respectfully requested to allow this appeal.

CHRISTOPHER WICKHAM ASSOCIATES
October 2017