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Town and Country Planning Act 1990 (as amended)

Planning Appeal by:

Mr A Abbey and Mr & Mrs Gregoriou

**42a and 44 Coity Road,
London NW5 4RY**

Written Representations on behalf of the Appellants

LPA Ref: 2017/2097/P

November 2017

1.0 **INTRODUCTION**

- 1.1 This appeal arises out of the refusal of planning permission by Camden Borough Council for the erection of lower ground and ground floor rear extension to the maisonettes at nos. 42a and 44 Coity Road; the erection of single storey rear conservatory to no. 44 Coity Road; and the lowering of the front vault floor level of no. 42a Coity Road by 550mm.
- 1.2 A formal planning application was submitted by the Applicants on 25 April 2017. The application was accompanied by a detailed Design and Access Statement and a set of drawings, as listed on the Applicants' cover letter dated 7 April 2017. The application was validated under Council reference 2017/2097/P.
- 1.3 Paragraph 187 of the National Planning Policy Framework requires local planning authorities to look for solutions rather than problems, and seek to approve applications for sustainable development where possible. Working proactively with applicants is expected. The Applicants were accordingly surprised to receive a refusal notice without the Planning Officer either having made contact with them to discuss the merits of the development, despite the Applicants seeking to make contact with the Officer to ensure all issues had been appropriately addressed, nor with the benefit of a site visit to assess the proposals from the rear gardens of their properties. This was considered important to appreciate the physical characteristics of the rear elevations of these properties, the significant differences in topography which is beneficial to ensuring a discreet development is capable of being secured and to understand the current problems associated with the internal accommodation and the condition of the external fabric of the dwellings.
- 1.4 The decision notice, dated 7th June 2017, sets out a single reason for refusal. This relates to the allegation that the two storey rear extensions are considered unacceptable due to the detailed design, bulk, scale and siting which are seen to be highly visible additions to a 'largely unaltered part of the terrace', thereby causing harm to the character and appearance of the host buildings, the rear elevation of the wider terrace and the West Kentish Town Conservation Area. The development was accordingly identified as being contrary to Policy CS14 of the Camden Core Strategy, Policies DP24 and DP25 of the Camden Local Development Framework Development Policies and Policies D1 and D2 of the Emerging Local Plan.
- 1.5 The Appellants are frustrated by the Planning Officer's views which have led to the conclusion reached that this development is inappropriate, notwithstanding it is fully appreciated that it

is necessary to weigh up all the relevant planning issues and assess the overall merits of the development. In this case the Appellants submit that it is apparent that in the determination of these proposals the responsible Officer has not undertaken a balanced approach or fair assessment with regard to the background detail presented and which is submitted to be very relevant and material in this case. Furthermore there appears to be an inconsistency of approach that has been adopted and this is submitted to be unreasonable. The Appellants have accordingly felt compelled to lodge this appeal so as to enable a fresh and independent assessment to be carried out and with full confidence that the appointed Inspector will give detailed consideration to the contents of all the extensive submissions that have been presented within the Design and Access Statement in support of these minor householder proposals.

- 1.6 The contents of the Design and Access Statement continue to be relied on by the Appellants. These details will not therefore be rehearsed within this statement except to draw attention to some fundamental points.
- 1.7 The latest scheme has evolved against the background of pre-application consultations that were undertaken separately and jointly in respect of both properties. In this respect, very careful consideration was given to the comments expressed, as relevant, and the scheme was revised to address relevant matters raised at that time. Details are set out under Section 5 and 6 of the Design and Access Statement. The Appellants were not, however, afforded any opportunity to discuss their proposals with a Conservation Officer, despite requests to engage with such an Officer.
- 1.8 The Appellants fully recognise the requirement to introduce development that respects the host building and the wider terrace as well as conserving or enhancing the character and appearance of the West Kentish Town Conservation Area in which these properties stand. Detailed effort was made by the Appellants to meet these specific objectives, set in the context of important planning policy considerations and the physical characteristics of the site and surrounding area.
- 1.9 It is noted that the principal issue arising from the refusal notice relates to the introduction of the two storey rear extension to these properties. In the Planning Officer's report it is confirmed that there is no objection to the principle of the single storey rear extension proposed as a conservatory to no. 44. However, in the Officer's opinion the roof design with associated height was not appropriate. This is a minor matter and one that the Appellants submit could have been readily addressed during the course of the application process.

However it is submitted that this can be rectified under the appeal procedure at the discretion of the appointed Inspector and further comment on this matter is accordingly set out in paragraphs 2.16- 2.18 below. Furthermore the Officer has raised no objection to the lowering of the floor level of the front vault at no. 42a, subject to the completion of a Section 106 legal agreement securing Approval in Principle (AIP) to address the proximity of the development to the public highway. The Appellants submit that this is a matter that can be readily addressed by way of the imposition of a condition requiring the Appellants to secure an Approval in Principle with the Council prior to the commencement of development.

- 1.10 In the light of the submissions as presented, the Appellants robustly refute the allegations raised within the decision notice. These representations are accordingly directed at the principal issue associated with the introduction of the lower ground and ground floor development to the rear of the subject properties. As the Appellants' Design and Access Statement sets out relevant planning history and site context, this statement focusses on the reasons for refusal with specific reference to the Development Plan and heritage asset issues, having regard to the fact that the properties stand within the West Kentish Town Conservation Area.

2.0 **THE DEVELOPMENT PLAN**

- 2.1 The proposals are required to be assessed in the context of the Development Plan which comprises the London Plan 2016 and the Camden Local Plan adopted June 2017. Reliance is also placed on the contents of the West Kentish Town Conservation Area Statement (adopted September 2005); the Camden Planning Guidance CPG1 addressing Design, dated July 2015; and the National Planning Policy Framework 2012.
- 2.2 The reasons for refusal highlight the development as being contrary to Camden Core Strategy Policy CS14 and Camden Development Policies DP24 and DP25. These Plans and associated policies have now been superseded by the Camden Local Plan, adopted 2017.
- 2.3 The appeal properties are neither statutorily nor locally listed buildings. They are, however, identified as falling within the West Kentish Town Conservation Area which was designated in 2005. The Conservation Area Statement identifies many buildings within this Conservation Area, including the terrace nos. 40-56 Coity Road in which the appeal properties stand, as making a positive contribution to the character and appearance of the Conservation Area. Detailed reference to this document is set out within the Design and Access Statement.

Significantly, there is no specific identification within the Statement of any architectural or historic features considered of importance and associated with the rear elevations of properties within this terrace. It is the 'porches' and 'sash windows which are divided into three panes per sash' which are identified as the principal architectural features, along with some decorative cast iron railings to steps and front areas. In fact it will be noted that very few of the properties continue to display three pane sash windows, with a mix of entirely different sash style windows now being evident within the terrace. Neither of the appeal properties has the three pane sash window feature. Further comment in relation to the Conservation Area Statement is made below.

2.4 London Plan 2016

Whilst the proposed development is recognised to be only small scale and non-strategic in nature, reference is made to the contents of the London Plan as the policy objectives set out therein are deemed to be of relevance, particularly if there is a need to assess the merits of the proposals in the context of any public benefits arising. Attention is drawn to the following policies accordingly:-

- Policy 1.1 *delivering the strategic vision and objectives for London* – this policy seeks to ensure sustainable development is accommodated for the benefit of all Londoners with growth to be supported and managed across all parts of London without encroaching on the Green Belt, protected open spaces or having an unacceptable impact on the environment.

This scheme looks to make more effective use of two properties in a sensitive manner through careful design and detailing and which is principally related to their rear elevations and where the predominant part of the development is at the lower ground floor level and which will not accordingly be visible from the public realm.

- Policy 3.4 *optimising housing potential* – subject to addressing local context and character, design principles and public transport implications, development is required to optimise housing output in accordance with the density range set out under Table 3.2 of the London Plan.

The investment being undertaken to these properties will secure the optimum use of the properties to meet the needs of the existing occupiers as well as serving future generations.

- Policy 3.5 *quality and design of housing development* - development is required to inter alia, enhance the quality of local places and particular account of the needs of children and older people should be taken. New housing development should be of the highest quality and ensure residential neighbourhoods are protected and enhanced.

These proposals have been very carefully designed to respond to the favourable physical characteristics of the site at the rear which allow for a discreet development to be introduced at the lower ground floor level and with a smaller development above at ground floor level. The development will result in substantial improvements to the internal layout of each of the units, directly responding to family needs which in themselves are not considered to be unusual, excessive or unreasonable in any other respect. The Appellants contend that a highly successful relationship is secured between the host dwelling and the small scale rear development, with the upper floor relating to the main garden level and the lower floor sitting unobtrusively below. This results in effectively only part of a single story element of the development being capable of being appreciated from the public realm, and even then with only very limited views being obtainable from Allcroft Road as such views from Bassett Street are obscured by the presence of a high brick wall adjacent to the allotments. These very restricted views from Allcroft Road will of course also be appreciated against the backdrop of other rear extensions associated with the same terrace, despite the claim made by the Planning Officer that the presence of these extensions is not a relevant or material consideration in the determination of these proposals. The Appellants submit that the existing two and three storey extensions to neighbouring properties form part of the character and appearance of the terrace and the Conservation Area and as such should be taken into account when fairly assessing the principle of a similar form of development within the same terrace. In this respect the Appellants contend that there are no grounds to identify that the introduction of a similar form of development to others in the terrace can reasonably be concluded to harm the host building, the terrace as a whole or the character and appearance of the Conservation Area in which all these extensions sit. On the contrary, the Appellants submit that the residential neighbourhood will remain protected and enhanced through the quality investment being introduced to these properties which will put them back into more beneficial use.

- Policy 3.8 *housing choice* – a mix of housing sizes and types, taking account of housing requirements of different groups is encouraged, amongst other criteria, to ensure a wide choice of homes of different size and type are secured.

- Policy 3.14 *existing housing* – the protection of the existing housing stock, its maintenance and enhancement is sought. Efficient use of existing stock is recognised to be important.

As detailed within the Design and Access Statement the proposed development is sought by the Appellants to not only improve the internal layout and quality of accommodation, but provide two residential units with enhanced accessibility to their external space. The relationship failures between internal and external areas would have been evident from a site visit and this is a matter clearly not appreciated by the Planning Officer who did not undertake such a visit. This existing housing stock is being enhanced with the intention of it being more efficiently used as family homes. The scheme will also improve the environmental performance of both properties. These policy objectives are therefore met and whilst there are also recognised to be important conservation objectives, it is important to weigh up all the merits of the development in exercising a balanced judgment. There is no reference to all these other important policy objectives within the Planning Officer's report. The Appellants contend that undue emphasis has been placed against this development in the context of conservation area objectives, merely because the properties stand within a Conservation Area. It has not been demonstrated what specific harm arises to the character or appearance when an appropriate assessment is undertaken, which should include both reference to the architectural and historic features highlighted within the Conservation Statement as being important, (and which are not being affected by the development), and also an appraisal of the physical characteristics of the area. This should include the other development in the terrace which makes up part of its overall character as well as other terraces within this Conservation Area.

2.5 For all these reasons the Appellants submit that this development accords with policy objectives set out within the London Plan and in responding to these objectives there are recognised public benefits arising from this development, albeit small scale.

2.6 Camden Local Plan June 2017

The reasons for refusal identify the proposals as being in conflict with Policies D1 and D2 of the Emerging Local Plan. These policies are now adopted and the former referenced policies within the reasons for refusal have now been superseded.

2.7 Policy D1 addresses design and sets out a number of criteria development is required to meet to ensure it is seen to be of high quality design. Assessing the Planning Officer's report criticism appears to have been levied against the current design on the following grounds:-

1. 'A two storey rear extension is not considered to preserve the original design or proportions of the host building, nor preserve the historic pattern of development.'
2. 'The extension appears excessively bulky, out of character, and harms the architectural style of the host property and appearance of the attractive, well preserved rear elevations seen at nos. 40-46.'
3. 'The design and style of the new door and window would not match the existing traditional sash windows seen across the rest of the properties, and are not considered sympathetic additions to the host buildings. The fenestration design is not considered to preserve or enhance the character and appearance of the host buildings, particularly given the high level of visibility at upper ground floor level.'
4. In relation to the conservatory at no. 44:
 - (i) 'It would appear overly tall when viewed from the rear.'
 - (ii) 'The design of the conservatory roof with the pitch sloping down towards the rear elevation would be an incongruous feature that would be out of character with the traditional Victorian architecture of the host building.'

2.8 In the light of the above Planning Officer's views, it is assumed that the Planning Officer is making reference to Policy D1 criterion (a) requiring development to respect local context and character and criterion (e) requiring details and materials to be high quality and complement the local character. Criterion (b) seeking the preservation or enhancement of the historic environment and heritage assets is addressed in the context of Policy D2 heritage as below.

2.9 Policy D1 (a) respecting local context and character.

The written text at paragraph 7.2 helpfully highlights the relevant considerations and these have been taken into account in the evolution of the scheme, as appropriate. Paragraph 7.4 requires good design to take account of its surroundings and preserve 'what is distinctive and valued about the local area'. Development should be informed by and respond to local

context and character. In this respect it is right that the existing character of the terrace should form part of the overall assessment.

2.10 In addressing local context and character the Planning Officer seeks to place reliance on an assessment of the site in the context of the original character of the terrace. Whilst original character must form part of the assessment, the existing character also needs to be considered. Even if the Officer's approach is deemed accurate, the Officer's view that the application site 'was not originally characterised by any form of rear projection or closet wing extension' is incorrect, (as evidence put forward in the DAS), and this misconception has been pivotal to the judgement then taken over the merits of the development.

2.11 The views expressed by the Officer as outlined under paragraphs 2.7 - 2.10 above are submitted by the Appellants to be misconceived on the following grounds:-

1. Evidence has been presented within the Design and Access Statement which confirms that this terrace of only 9 properties was originally characterised by rear projections and closet wings. Please refer to pages 10 – 13 of the Design and Access Statement. The 1870 map clearly shows a number of projections to the rear of many of the properties within the terrace, including the appeal properties. Significantly there was also a large projection associated with the neighbouring property at no. 40 and fronting Allcroft Road. The 1913 Ordnance Survey Map shows that changes have taken place including the introduction of built form in the garden of no. 42a Coity Road. Further changes have taken place since. The Officer's comments over the well preserved rear elevations of nos. 40-46 and that the application site was not originally characterised by any form of rear projection are accordingly incorrect having regard to these relevant facts. The Appellants submit that the errors applied by the Planning Officer are fundamentally fatal to the determination of these proposals based on the application of an incorrect initial assessment and there is concern that the detailed submissions presented by the Appellants under the application submission were not in fact properly reviewed.

2. The Officer's misconception is then taken forward in identifying that only three out of the nine properties have any rear projection or closet wing extension. In the first place this assessment is wrong as even the appeal property at no. 44 has a rear projection. However even the fact that three properties have either two or three storey rear extensions is considered to be a very material consideration when assessing local context and character. The physical presence of this built form cannot

be conveniently ignored as appears to have been by the Planning Officer on the grounds that each of these buildings exist due to different circumstances. The fact remains that these extensions form part of the local context and character of both the terrace itself as well as the wider Conservation Area.

3. The Officer also concludes that the two storey extension will not preserve the original design or proportions of the host building. Such views were not expressed in relation to the physical characteristics of the other two storey development that has been granted in the terrace, regardless of whether they represented replacement buildings or new development. Reference is made to the Camden Planning Guidance design (CPG1 September 2015 – noting that former CPG Design Guidance also existed for the purposes of other approved development). The Guidance helpfully sets out some general design principles for rear extensions under paragraph 4.10. These include the requirement for rear extensions to be secondary to the building being extended in terms of location, form, scale, proportions, dimensions and detailing. Furthermore the original design and proportions of the building, including its architectural period and style should be respected and preserved. In assessing relevant height of rear extensions and whether they are considered subordinate to the original building, paragraph 4.12 requires ‘their heights should respect the existing pattern of rear extensions, where they exist.’ (Appellants’ emphasis). Ground floor extensions are generally considered preferable to those at higher levels, but if higher is proposed then such built form should be based on a smaller footprint. Paragraph 4.13 goes on to state that ‘in most cases, extensions that are higher than one full storey below roof eaves/parapet level or that rise above the general height of neighbouring projections and nearby extensions, will be strongly discouraged.’ The Appellants’ scheme matches the depth of the projection at no. 48 to the ground floor and is indeed lower in height than this property’s extension. It is also a full storey below the eaves. The Appellants acknowledge that the width of rear extensions should be designed so as not to be visible from the street (para 4.14) but this is submitted to relate to views as appreciated from the front of any property and not from side or rear vistas as otherwise the majority of rear extensions would fail against this criterion. Importantly it notes such extensions ‘should respect the rhythm of existing rear extensions.’
4. The Appellants draw attention to the above referenced requirements of the Guidance to give consideration to ‘the existing pattern of rear extensions, where they exist’ and associated rhythm as well as the very clear guidance to ensure development is proportionate to the host building. The appeal scheme meets all these tests and yet

the Planning Officer's report dismisses the presence of existing projections and rhythm, justifying this on the grounds that they are not relevant to this determination due to these extensions either being historic or representing replacement development or not visible (note all are visible). The Appellants submit that this approach is incorrect and is not supported by the objectives of the CPG design SPD and appears to have been formulated against the misunderstanding that the appeal properties and the overall terrace were 'not originally characterised by any form of rear projection or closet wing extension.'

5. Further concern arises from the approach taken by the Planning Officer when addressing the issue over whether the proposed development preserves the original design or proportions of host building. Attention is drawn to the contents of the Planning Officer's report in relation to no. 48 Coity Road under reference 2013/3186/P (appended at **A1**). That proposal similarly related to the erection of a two storey rear extension, although it is acknowledged that it related in part to a replacement development. The proposal related to a building 6.175m high, i.e. higher than the appeal proposals. In specifically addressing design, the Officer was readily able to conclude that the 'proposed extension would be subordinate to the existing house and would terminate one storey below eaves level.' Whilst representing a replacement building the Officer was still able to conclude 'the extension would remain secondary to the existing building and be of an appropriate design in compliance with CPG1 and Policies DP24 and DP25'. The objectives of these policies are now encompassed within Policies D1 and D2 of the Camden Local Plan. The Appellants contend therefore that had there been any issues over a failure to preserve the original design or proportion of the host building, these would have been rightly highlighted within the Planning Officer's report at that time, even on the understanding that the Officer was required to accept the principle of the development in the light of the fact it represented a replacement building. This was not, however, the case.
6. Whilst the Appellants fully acknowledge that precedent is not a material planning argument, inconsistency of approach in the determination of proposals is relevant and should be avoided in the interests of upholding the planning system.
7. In this respect it is submitted important to also consider the Planning Officer's assessment undertaken in relation to 54 Coity Road when addressing the proposal to introduce a basement and ground floor level rear extension. The Officer's report under reference 2008/0622/P (appended at **A2**) identifies the proposed extension as sitting

at 7.5m in height with the development 'aligning with the top of the ground floor window.' The bulk and height of the development was therefore considered acceptable and not deemed to fail to preserve the original design or proportions of the host building. The use of proposed slate as a cladding material as opposed to stock brick was also accepted as adding interest and quality to the terrace without harming the character and appearance of the Conservation Area. This view was taken against the acknowledged 'varied existing rear extensions (e.g. nos. 46 (sic - correct reference 48) and 56) viewed on site'.

8. In the Appellants' case the Planning Officer did not make a site visit to the properties to appreciate this varied character. The Officer's view that the development at no. 48 appears 'excessively bulky, out of character, and harms the architectural style of the host property and appearance of the attractive, well preserved rear elevations seen at nos. 40 - 46' and that the proportions of the appeal proposals is unacceptable, are therefore at marked variance with other Officers' views as expressed in the aforementioned reports. These add to the concerns over further inconsistency of approach, but also highlight the subjectivity that has been involved in this assessment.
9. The Appellants fully recognise that some subjective element is inevitable in the overall assessment of the merits of proposals under determination. However when there are helpful measures made available under the CPG1 SPD, in this case within paragraphs 4.10 - 4.14, it is submitted that a more objective assessment can be applied. This is clearly the basis against which other development in the terrace has been assessed and identified as positively responding to the general principles set out within the CPG1 design guide (former similar versions). As stated under point 3 above, the appeal proposals will similarly sit a full storey below roof eaves/parapet level and will sit below the height of neighbouring projections and extensions. They relate to the lower and ground floor levels and will significantly 'respect the existing pattern of rear extensions, where they exist.' It is contended that a similar approach should accordingly have been adopted in relation to the current appeal proposals.

2.12 The Appellants fully acknowledge that the development will be partially appreciated from the public realm off Allcroft Road but this was not considered to be inappropriate or unacceptable in principle when assessing other developments within the terrace. There are also many other examples where two storey rear extensions within the West Kentish Town Conservation Area are visible from the public realm but which in themselves do not detract from its

character or appearance. Whilst arguably some of these are more aesthetically attractive than others and where subjectivity is involved, there are all seen to make up part of the overall pleasing character and appearance of this Conservation Area. They are also evidently needed to provide functional buildings in meeting 21st century day to day living requirements.

- 2.13 Examples of some two and three storey rear extensions to properties within the Conservation Area are set out on pages 14-24 of the Design and Access Statement. These examples are highlighted to demonstrate that such development does not need to be hidden from public view or indeed from private view to be deemed acceptable. They also show the success of the Council's policies and guidance in maintaining sensitive rear development which remains subordinate to the host buildings. The Appellants' proposals are presented as ones where a similar view can be taken in terms of both its design and proportions and which cannot reasonably be concluded to be out of character or harmful to the architectural style of the host properties. There is no loss of any identified important historic fabric or other features of the buildings considered of significance as referenced in the Conservation Area Statement and there is no issue with the use of materials being promoted.
- 2.14 Policy D1 (e) looks to development incorporating materials of high quality and which complement the local character. The Appellants have given very detailed care and attention to the introduction of appropriate materials for the proposed development with the use of reclaimed yellow London stock brick to match the original host building, white painted rendering to the lower ground floor to respond to the existing condition (note other white painted rendering at ground floor level) and replacement timber frame windows. It is proposed to introduce white powder coated glazing bars to the proposed conservatory at no. 44 with sliding doors and a green sedum type roof above the lower storey. All details are set out within the Design and Access Statement.
- 2.15 The Officer's report raises no issue with the use of these proposed materials although objection is made against the design and style of the new door and window and other fenestration design. The fenestration has been incorporated in the light of the varied character associated with the existing rear projections within the terrace which includes a similar style door at no. 48 and alternative fenestration associated with no. 54 (please refer to top photograph on page 14 of the Design and Access Statement showing the fenestration associated with these two developments). There are also other examples where a similar approach has been taken within the Conservation Area as highlighted below. It will be noted in the Officer's report relating to 54 Coity Road that the proposal included the introduction of double glazed doors instead of a sash window at basement level. The loss of the sash

window was deemed acceptable at that height on the rear elevation alongside the proposed glazing. The Appellants accordingly submit that the fenestration detailing associated with this development is appropriate to its context and does not detract from either the host building or character and appearance of the Conservation Area. It should be further noted that existing sash windows are to be upgraded for the benefit of the properties and which will enhance the character and appearance of the Conservation Area.

- 2.16 Notwithstanding this position, the Appellants have also indicated a willingness to address any fenestration concern to reflect the timber sash window features, by way of minor changes to the door and window design associated with the ground floor extensions. Whilst only obscured views of this fenestration will be possible, revisions have been proposed under a revised drawing no. 42A_44_Coity_P_20_Elevations_Rev_01 appended at **A3**. This demonstrates one way in which the fenestration detailing could be amended to appear more like the existing traditional sash. The Appellants present this drawing to the Inspector as representing an alternative option against which this appeal can be determined, in the event that the Inspector takes the view that the current fenestration proposals could be improved. The Appellants acknowledge that receipt of this amended drawing will be at the Inspector's discretion but as it relates to very minor amendments, the Appellants do not consider that determination based on this revision, if deemed necessary by the appointed Inspector, will give rise to any prejudice to third party consultees. The alternative option to this proposal would be to impose a condition requiring further details of the doors and window fenestration associated with the rear extensions to be submitted to the LPA for approval.
- 2.17 In addressing the proposed conservatory detail at the lower ground floor at no. 44, the Planning Officer seeks to raise objection to its height and roof design which is seen to constitute over development and represent an incongruous feature. The Officer fairly concludes that the principle of the single storey rear extension is acceptable, but identifies concern over design and size. The Appellants strongly refute the allegation that the scale of this element of the development is inappropriate. It will not only sit at the lower ground level and discreetly behind the proposed two storey element and therefore not be appreciated from the public realm, but is also at a very limited 3m height at its maximum point. The roof has been designed specifically to maximise light into the habitable accommodation being provided, having regard to the conservatory's north facing orientation. It is also seeking to make effective use of existing drainage features. The Appellants consider the design is pleasing, but all the same one which will in any event only be principally appreciated from within its own garden, having regard to the siting of the appeal properties which directly face the dominant flank elevation of no. 2 Allcroft Road. This high and prominent flank wall has

no windows. Furthermore, the conservatory will stand below the raised garden boundary wall. There is no policy requirement to introduce traditional Victorian architecture, as suggested by the Officer, and the scale and discreet siting of this element of the development is not submitted by the Appellants to reasonably be seen to represent an incongruous feature having regards to the above submissions.

2.18 Notwithstanding the Appellants' submissions in relation to the current design of the conservatory, if an alternative roof design is considered to be more appropriate then this can be readily accommodated. An alternative option is shown under the same revised drawing no. 42A_44_Coity_P_20_Elevations_Rev_01, and a further drawing no. 42A_44_Coity_P_16_Section CC_Rev 01 also appended at **A3** addresses the minor changes to the proposed profile. The detail merely reverses the mono-pitch roof, more similar in style to the existing outbuilding. This is not the preferred option for the Appellants having regard to the objective of maximising light into the accommodation, but does represent an alternative viable option if the appointed Inspector considers there is a minor design issue that needs to be rectified. In these circumstances the Appellants request that this revised option is given consideration by the appointed Inspector as part of these appeal proceedings on the grounds that no prejudice arises to third party interests from this proposed minor design change.

2.19 For all the above reasons, the Appellants submit that this development does not conflict with the objectives set out under Camden Local Plan Policy D1.

2.20 Local Plan Policy D2 seeking the preservation or enhancement of the historic environment and heritage assets

This addresses heritage issues and complements Policy D1(b), setting out a requirement for development to preserve or enhance the historic environment and heritage assets. The West Kentish Town Conservation Area represents a designed heritage asset. There is a requirement accordingly for this development to preserve or where possible enhance its character or appearance in the context of Policy D2.

2.21 Reference has been made within the Design and Access Statement and above to the historical records which show that many of the rear elevations of the properties within this terrace benefited from a rear projection of one form or another dating back to the Victorian era. Inevitably changes have arisen, including the removal of the not insubstantial building that stood within the rear elevation of no. 40 Coity Road, the property immediately adjacent to the appeal site and fronting and accessed from Allcroft Road. It is apparent that no. 42

also benefited from a large outbuilding within the rear of the property which does not now exist. In the light of the evident changes in ground level, where the rear of the gardens sit at a substantially higher level, it would be reasonable to conclude that both these buildings would have been readily evident from Allcroft Road. As times have changed alternative development has taken place, some of which is acknowledged to be more visible from the public realm than others but where such development is capable of being viewed from the public realm and indeed from private vistas. This does not in itself justify rejection on policy grounds.

- 2.22 Importantly in assessing an impact on the heritage asset there are objective measures available in terms of addressing the overall design in terms of scale, proportion, design and detailing both in the context of the host building as well as the local area. In this case the development is only at ground and lower ground floor level, thereby retaining, as required under the policy guidance, a full storey below eaves. Through appropriate use of materials and fenestration detailing (as addressed above) the development is promoted as complementing the host dwelling and not being seen to be harmful to the character or appearance of the Conservation Area which as described above is made up of many properties with very visible two and three storey rear extensions.
- 2.23 Specifically there are no features within the host properties' rear terrace which have been identified as important to retain within this Conservation Area and the principle of lower and upper ground floor extensions both within the terrace and other properties within the Conservation Area is established, thereby forming part of its character. Furthermore due to the sympathetic scale and associated design, no issues arise in relation to impact on amenity of neighbouring residents in terms of privacy, overlooking, outlook or impact on daylight and sunlight. One of the purpose of good design is to ensure that development complements the host building and surrounding area and its visibility should be read in this context. If all this type of development was required to not be visible from the public or private realm, then it is submitted there would be no need to introduce quality and aesthetically attractive designs. In this case the Appellants fully accept that part of the development will be appreciated from the public realm, albeit that this will be from only limited views and the development will be appreciated in the same sightline as the other two and three storey development in the vicinity and within this particular terrace. The Appellants submit that the whole development will not, however, be 'highly visible' as stated by the Planning Officer, but even if this assessment is deemed appropriate, the visible element of the development will be read as a single storey ground floor extension which cannot be reasonably deemed to be out of

character having regard to similar development in this Conservation Area and within the immediate vicinity.

2.24 The Appellants are fully mindful of the duties set out under the Planning (Listed Buildings and Conservation Area) Act 1990 Section 72 (1) to the desirability of preserving or enhancing the character or appearance of this Conservation Area. These objectives are also set out within the National Planning Policy Framework (NPPF). The Appellants consider that having regard to the historic pattern of development as has been evidenced, and the requirement to consider existing development associated with this terrace, however this has historically evolved, there are clear grounds available to enable this ground floor and lower ground floor development to be introduced in the sensitive manner proposed whilst ensuring the character and appearance of this Conservation Area is preserved or enhanced. The Appellants accordingly submit that no harm arises to the Conservation Area objectives as a result.

2.25 Without prejudice to this submission, if such harm is identified, then the Appellants contend that this is only modest. Where development leads to less than substantial harm to the significance of the heritage asset in the context of paragraph 134 of the NPPF it is then necessary for such harm to be weighed against the public benefits of the proposal which includes securing its optimum viable use. In this respect there are a number of public benefits arising from the proposed development. These not only relate to the fundamental purpose of the proposals which seeks to address the current poor standard of accommodation and inappropriate internal layout for both existing and future occupiers of these residential units, thereby securing the optimum viable use of the properties, but also the recognition that is given to the importance of outward investment to maintain these buildings for the benefit of future generations. Such investment contributes to sustainability objectives in ensuring these buildings are appropriately restored. The Design and Access Statement sets out details of how these properties will be appropriately restored which includes ensuring the properties are appropriately insulated, naturally lit and ventilated as well as replacing old and rotten building fabric as necessary. Furthermore better connections between indoor and outdoor space will result. Whilst these are acknowledged to be works in the interests of the Appellants and to meet their family needs, there is significant emphasis placed at both national and local level to appropriately maintain the existing housing stock and ensure that the housing needs of, inter alia, families are catered for. The existing units are small family dwellings and it is not unreasonable for the properties to be sensitively adapted, in a similar manner to many others in the Conservation Area, to improve this family housing. This takes the burden off the public purse by way of private investment and restores properties which could otherwise continue to fall into disrepair with the worst case scenario of becoming

uninhabitable and requiring demolition in due course. Such a scenario conflicts with sustainability objectives where we are all charged with acting responsibly with the valuable resources that are currently available. The Appellants acknowledge that there may be a chance another investor may be willing to simply replace existing rotten fabric, but this has not happened to date and would not address the more fundamental problems with the properties, having basement accommodation and where proper ventilation and lighting is considered to be only reasonable with some rooms being sub-standard in this regard. Protecting existing housing, maintaining it for future generations and ensuring that high quality sustainable accommodation is achieved all represent important public benefits and are submitted to be of direct relevance in the determination of this appeal if less than substantial harm to the Conservation Area is identified in association with the rear extensions. On that ground such harm is outweighed by identified public benefits. Indeed this is further reflected under Local Plan Policy D1 (n) which requires high standards of accommodation for housing to be achieved and for development to take opportunities to improve the character and quality of an area and the way it functions.

2.26 For the above reasons, the Appellants contend there is no identified conflict with Local Plan Policy D2. It has been demonstrated that there is no conflict with any of the stated planning policy as relied on within the refusal notice (and as updated by the recently adopted Local Plan) and the development therefore accords with the provisions of the Development Plan.

3.0 **OTHER MATERIAL CONSIDERATIONS**

3.1 It is noted that there is no objection to the lowering of the floor level of the front vault associated with no. 42a. The Officer has identified that due to the proximity of the works to the public highway, an Approval in Principle is required. The Appellants submit that this can be secured by way of a condition requiring the Approval in Principle to be secured prior to the commencement of development.

3.2 In addressing residential amenities, no issues have been identified within the reasons for refusal identifying any harm to the amenity of neighbouring residents. The development includes a small (0.9m) increase in height of boundary wall between no. 44 and 46 Coity Road to maintain privacy between the developments and avoid unacceptable light spillage implications. No issues have been identified in terms of loss of privacy, outlook or unacceptable impact on daylight and sunlight to adjoining amenities. There is accordingly no conflict with amenity considerations. The protection of standards of amenity are embodied within Local Plan Policy A1 which seeks to manage the impact of development. The amenity

of neighbours should be protected and factors to consider include visual privacy, outlook, sunlight, daylight and overshadowing. These factors have been carefully considered by the Appellants in the evolution of the scheme to ensure no detrimental impact arises on residential amenities and this has been accepted as there are no reasons for refusal on these grounds.

- 3.3 It is noted that there are no third party objections raised against these proposals. Furthermore the Appellants are unaware of any formal comments having been expressed by the Conservation Officer to support the Planning Officer's subjective views that have been applied against a background of evident misconceptions, as highlighted above. Third parties and local amenity societies are rightly the strong protectors of their local environment and their views form an important material consideration in the determination of planning proposals. The lack of such response demonstrates, in the Appellants' view, that these proposals are not considered to be highly contentious or unreasonable, particularly having regard to the fact they principally relate to the rear elevation of the terrace which originally contained projections and outbuildings and more recently two and three storey rear extensions.
- 3.4 The Appellants have sought to enter into pre-application consultations with the Council as encouraged under paragraphs 188 and 188 of the NPPF. The responses received have been carefully addressed, as set out within the Design and Access Statement, but there is a clear difference of opinion between the Officer and Appellants over the principle of introducing the ground floor extension. Whilst the pre-application comments have been generally appreciated to assist in finalising the overall proposals, it is unfortunate that the Officer has not been able to fully appreciate the importance of these proposals and how they relate to the site having regard to the significant topographical differences associated with the back garden which would have been better understood following a site visit. This has proved somewhat frustrating as the Officer would have also been able to assess the quality of the existing accommodation as well as the rear elevations of these properties in the context of the terrace as appreciated from this perspective.
- 3.5 This development is promoted in the context of the Core Planning Principles as set out under paragraph 17 of the NPPF, as relevant. This includes ensuring high quality development is achieved and that residential amenities are fully respected, whilst optimising the potential of the site and making efficient use of this brownfield site. Whilst the development is recognised to be very small scale in nature, the development is highly important to the Appellants in being able to provide quality family living accommodation, appropriately lit, ventilated and

insulated and with an enhanced relationship between indoor and outdoor space. These are benefits that will be established for future occupiers as well as meeting the individual needs of the Appellants.

3.6 The Design and Access Statement and submissions as presented above highlight a number of inconsistencies of approach that have been adopted by the Officer when determining the current proposals. This is considered to be unacceptable and unreasonable, particularly when other Officers have assessed similar development against standards that are set out under Policy and the Camden Planning Design Guidance. This is particularly relevant in relation to the other decisions taken associated with rear development within the subject terrace. The Appellants do not accept the justification given by the Officer that these three developments should be effectively ignored due to different justifications for their presence. This is an inappropriate starting point particularly when guidance indicates that the 'existing pattern of rear extensions' should be respected when addressing height considerations. Accordingly an assessment over whether development is subordinate can be readily taken.

3.7 The Design and Access Statement highlights many rear extensions that have been approved within the West Kentish Town Conservation Area. It is fully accepted that every case is required to be considered on its individual merits and of course each is recognised to be different for one reason or another. However, the principle of two storey development either by way of lower ground and ground floor, erection of a single storey above an existing extension or indeed a fuller ground and first floor extension have been accepted in the context of planning policy and the Camden Design Guide. There are a plethora of examples which include:-

- 100 Prince of Wales Road – application reference 2014/3251/P erection of lower ground and ground floor rear extension to a property sitting within the West Kentish Town Conservation Area and which is subdivided into flats. The Officer was able to readily conclude that the development was subordinate to the building. The development was also promoted as modern in design with matching brickwork and an extension which would be mostly glazed. The Planning Officer's report is appended at **A4**.
- Flat B, 54 Malden Road – application reference 2014/3533P. The property stands within the West Kentish Town Conservation Area and the proposal related to the erection of a half width brick single storey rear extension at first floor level. In addressing design the Officer was able to conclude that the principle of extending the

property had been established within the terrace by two other extensions. The extension was considered to be subordinate and was to be constructed out of matching brick and therefore would respect the architectural character of the building and wider area. A copy of the Planning Officer's report is appended at **A5**.

- 48 Malden Road – application reference 2011/0317/P. The property stands in the West Kentish Town Conservation Area and the proposal related, inter alia, to a two storey rear extension associated with an existing basement and ground floor addition. Fully glazed doors were proposed and deemed acceptable and the two storey element was considered subordinate to the host building in terms of scale and bulk, thereby not detracting from the character and appearance of the host building, the terrace or the wider Conservation Area. A copy of the Planning Officer's report is appended at **A6**.
- 33 Rhyl Street – application reference 2007/5190/P – this property also stands within the West Kentish Town Conservation Area and relates to a two storey rear extension. The Officer concluded that whilst full width extensions are discouraged, the ground floor would not be visible from the public or neighbouring properties due to the high boundary wall. This element of a development would therefore appear subordinate and not harmful to the character or appearance of the building or terrace generally. In addressing the half width extension at first and second floor level the Officer concluded that this development would not terminate a full storey below eaves level. However, as it was recognised to be the same height as the rear closet wing of the neighbouring property, whilst it is seen to be 'rather bulky' it was not considered to be so harmful to the character and appearance of the building or the terrace generally as to warrant refusal on design grounds. A copy of the Planning Officer's report is appended at **A7**.

3.8 There are material differences to be recognised within these developments. However, it is evident that the assessments undertaken by these Officers has been taken in the context of planning policy and SPD Guidance which does not dictate against the principle of two storey development simply because it is visible from the public realm, but where it is appropriate to consider the physical characteristics prevailing within the existing terrace. The Appellants submit that their scheme has been both inappropriately assessed with an evident inconsistent approach adopted as well as against a background of misconceptions. As a result the subjective views of the Officer are deemed to be unreasonable when there is clear guidance available against which these proposals can be assessed. A high quality development is secured which positively responds to the host building and which will serve to respect the

existing terrace, albeit associated with the more discreet rear elevation. As a result the Appellants believe that the proposals can reasonably be concluded to preserve the character and appearance of this Conservation Area.

4.0 **CONCLUSIONS**

- 4.1 No issues have been identified within the reasons for refusal in relation to the provision of the front vault extension at no. 42a nor the principle of the conservatory extension at no. 44 subject to appropriate design and size. The principal issue relates to the introduction of a ground floor extension above the lower ground floor proposals which the Officer considers is inappropriate as not preserving the original design or proportions of the host building or the historic pattern of development, thereby being harmful to the Conservation Area. For the reasons identified above these views are submitted to be misconceived.
- 4.2 The existing characteristics and quality of the rear terrace form part of the overall consideration in the determination of these proposals. The identification of important features associated with the terrace is also relevant and in this respect the Conservation Area Statement does not give any importance to the rear elevation of these properties. The Appellants do not, however, contend that this in itself allows inappropriate development to be introduced. However, in this case care has been given to a scheme that directly responds to planning policy principles and relevant guidance.
- 4.3 The development at lower ground floor level is entirely discreet and will not be appreciated from the public realm. The criticism over the roof design of the conservatory is not accepted and has been designed in this manner for functional reasons. However, if there is a recognised failure in this respect the Appellants have sought to rectify this by way of the revised option as presented for the purposes of this appeal and against which the Appellants request the Inspector determines the proposals, if this is considered appropriate. There are many examples where more contemporary development incorporating extensive glazing in lower ground floor accommodation has been approved and there is no justification to reject this development accordingly.
- 4.4 In respect of the upper accommodation promoted on the ground floor, this has been designed with bricks to match the host dwelling and at a scale a full height below its eaves level to ensure the development can readily be appreciated as subordinate. An appropriate design ensures that as viewed from the public realm the development can be seen to sit comfortably in the context of the host dwelling, overall terrace and in character with the Conservation

Area in which it stands and where there are many similar examples. Changes to fenestration to more closely reflect the sash style can be accommodated as shown on the revised drawings presented as part of these appeal proceedings and against which the Appellants request determination at the appointed Inspector's discretion and if considered necessary.

4.5 For all the above reasons, the Appellants submit the scheme does not accordingly give rise to harm to the character or appearance of this Conservation Area. However, if such harm is identified then this is submitted to be insubstantial and is outweighed by public benefits as outlined within these submissions. Local Plan Policy H3 specifically looks to ensure existing housing continues to meet the needs of existing and future households by protecting existing homes. Policy H1 sets out the objective of maximising housing supply and self-contained accommodation, with one of the objectives being to return vacant homes to use and ensure that new homes are occupied. Policy H6 addresses housing choice and mix, with one objective being that a variety of housing is sought suitable to existing and future households and which includes criterion (h) making provision for housing suitable for families. The written text at paragraph 3.139 identifies that many aspects of housing quality have a critical impact on the health and wellbeing of occupiers. This includes external environment, the condition of the property and its state of repair and decoration, accessibility, internal space, daylight and sunlight, all of which can affect physical and mental health and influence life chances. High quality housing is a major consideration and is supported in the London Plan where properties should have adequate size rooms, efficient room layouts which are functional and fit for purpose and which meet the changing needs of Londoners over their lifetime (London Plan Policy 3.5). These are all seen to be public benefits which can similarly be related to the appeal proposals, albeit that these are small scale and relate to extension works. They are however submitted to represent important material considerations in weighing up all the merits of this development.

4.6 The inconsistent approach that has been applied by the Planning Officer is unfortunate. It is fully accepted that the character and appearance of this Conservation Area and the terrace itself as well the host building should be preserved or enhanced through development. However it is appropriate to ensure a balanced judgement is taken and wider policy objectives fully appreciated as highlighted above. These have not been taken into account by the Planning Officer in the overall assessment of this development and this is submitted to have resulted in an unfair and unreasonable decision. There is planning policy and associated guidance available to allow a more objective assessment to be undertaken and in this respect the Appellants submit that the scheme can readily be seen to sit comfortably against both

planning policy objectives and the Camden Design Guidance to ensure a subordinate and sympathetic development results which will not give rise to harm.

- 4.7 For all the above reasons the Appellants submit that the development does not give rise to conflict with stated planning policy. The presumption set out under paragraph 14 of the National Planning Policy Framework can accordingly be applied and planning permission granted accordingly, subject to the imposition of appropriate conditions, and against either the formerly submitted drawings or revised drawings as now presented to address the minor design iterations associated with fenestration and conservatory roof detailing, as highlighted above.