

Statement of Appeal

2nd & 3rd Floor Flat
26 Primrose Gardens
London
NW3 4TN

Prepared by: B2 Surveyors
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GROUNDS OF APPEAL

Summary

The refusal states the siting, scale and design as the main reasons that generate a visually intrusive and incongruous additions to the building and conservation area.

The LPA has made some errors when referring to previous applications used to assist the determination of this application used when formulating the reasons for refusal.

Our appeal is based upon the contention that this interpretation and criterion applied by the LPA is not appropriate or accurate given the existing street scene, scope and recent history of permitted alterations and extension within the street for schemes that are almost identical to the proposed design.

Visual inspection confirms that the existing appearance of the street has altered dramatically from its original form.

This statement of Appeal is to be read in conjunction with the Design and Access Statement prepared and submitted with the original planning application reference 2017/5284/P

The errors noted below and the summation of the LPA when arriving at its decision suggest the application was decided without appropriate reference to similar properties that are found within the terrace row. The application that is directly referred to in the officers delegated report used to recommend refusal is not the scheme that was permitted at a subsequent appeal. Additionally the various section used to form the basis of refusal contradict each other and when viewed collective show some basic anomalies in arriving at the refusal.

The stated reason for refusal:

“The proposed development, by reason of its siting, scale and design would appear as visually intrusive and incongruous additions and result in unacceptable harm to the character, form and appearance of the building and surrounding conservation area, particularly given their prominent visibility to both front and rear aspects of the terrace within the conservation area. As such the proposal is contrary to policies D1 and D2 of the Camden Local Plan (2017).”

Errors noted in Delegated Report:

CAAC/Local group comments - Belsize CAAC state 2 items:

- 1) Larger than surrounding Dormers
- 2) Attention is drawn to previous decisions.

Both items above are incorrect. Visual inspection clearly shows that the proposed alterations are identical to other dormers within the street both to the front and rear.

The officer responses drawn attention to a previous application (2013/1994/P) - this application was submitted by us, refused by the LPA and granted at appeal (APP/X5210/D/13/2201252).

The design granted at appeal was the original design (not the revised smaller front and rear dormer that were refused after lengthy consultation) and the allowed design had no apron to the rear dormer roof and maintained 800mm to either side of the terrace.

The officers statement that this site (2013/1994/P) preserved a greater proportion of roof slope and apron to the front and rear is therefore incorrect and has been used to influence the decision of this current application.

In addition the officers delegated report states that *'The officer advised that the rear roof terrace should be set into the roof slope, to mitigate its prominence however the applicant was unable to agree this amendment.'*

This statement is incorrect. The sections and plan show that it is set back approximately the thickness of the external rear wall and located within the roof structure, thus creating an apron clearly visible on the plan drawings and described in the section drawings. The apron detail is evident on at least 3 properties along the terrace that we are aware of, although multiple other rear terraces exist - for which the construction cannot be seen from the ground.

Main issues:

DESIGN & HERITAGE

Policy D1 (& D2 of Camden's Local Plan 2017 identify and list the criterion to be considered for proposed alterations and extensions.

Paragraph 7.2 - 7.6 contain information surrounding the local context and character and identifies the criterion for all developments, alterations and extensions.

The proposed design was formulated with these considerations in mind and meets concisely the majority of the criterion laid down.

The Belsize Conservation Area Statement (BCAS) recognises that Primrose Gardens currently has a wide variety of dormer window style's and size's to both the front and rear elevations.

It states that there are examples of large inappropriate dormers at roof level, inappropriate replacement windows and prominent pipe that detract from the consistency of the terrace. (Mostly these are located to the 'odd' side of the street)

The proposed design to enlarge the front dormer thus providing greater usable internal space and respect the existing form of Primrose Gardens terrace. The proposed enlargement is not overly bearing and rather regularises the overall roof scene along the terrace, thus positively contributing to the wider appearance.

Images and picture available in the public domain show the varied designs, styles colours, materials, and overall appearance of the properties, including full roof terraces at the 4th floor level and varying dormer widths including full width and increased height variations of front facing dormers.

The proposed application received 1 objection from the Belsize Residents Association (BRA) which stated the following:

"The width of the proposed front and rear dormers is excessive and overbearing when compared to the existing hierarchy of built form and fenestration on the front and rear facades In addition, the proportion of the front dormer fenestration in particular is incongruous with the proportions of other windows on the property and such an arrangement has a detrimental impact on the conservation area The fact that similar, albeit not exactly the same dormers exist in the street does not make this proposal any more acceptable for the area."

The design however was made in accordance with stated policy and guidance for roof dormer widths, to maintain 800mm between the edge fo the dormer and the parapet wall. The other comments that form the

objection are subjective and are not completely accurate. This is evident when compared with other properties within the street.

Furthermore the proposed alterations were designed to match the approved dormer alterations within the street.

Similar objections were raised to similar proposals to roof level alterations within the street, and those applications have previously been granted at delegated level and also at appeal.

FRONT DORMER

The LPA acknowledges the wide variety of the dormer style's and size's along the terrace but suggests the prevailing character is of small dormers placed in varying positions.

If the prevailing character is determined through size then this is incorrect.

If the prevailing character is determined through number then this is incorrect.

Looking at the even number side terrace there are 22nr. properties of similar height and construction. Of which 7nr are 1 window wide (most likely original), 8 are widened across the front roof slope and set either full width or 800mm from the parapet, and 7nr are enlarged, but not across the whole front pitch.

Clearly there is no distinguishable prevailing character.

Camden state that the dormers form, scale and size, should relate to the facade below, the surface area of the roof and subordinate to the windows below.

The proposals are based upon a tapering design from the ground floor upwards. the dormer width is within the external frame parameters of the windows to the floor below and the units are small in height. Therefore it is not appropriate to suggest the design is of 'excessive width, bulk and mass, unsympathetic or overly dominant and detracting from the existing hierarchy of windows.

Therefore we consider that the proposed design is appropriate and 'in keeping' with the host building, as well as the wider street scene. The new dormer improves the street scene as it is providing another property with similar frontage, therefore reducing the remaining number of poorly constructed single window dormers.

Furthermore, the current position of the existing dormer is offset to the centre of the roof – this is due to the construction method adopted when extending the existing dormer – opening up the room towards the centre. The proposal seeks to centralise the dormer as the existing offset dormer would only be aesthetically pleasing if it were the original dormer, located to the right hand side (when faced). The proposal therefore improves the appearance and allows the dormer to appear more integral to the overall appearance of the building rather than as an after thought and badly conceived attempt to increase the size of the original.

It is difficult to understand how the historic character and appearance of an area can be held to dictate development policy when the character and historic appearance has been so drastically altered (nrs. 29-43) it is therefore incomprehensible to contend that the proposal fails to preserve and enhance the character and appearance as there is no remaining original character or appearance at the dormer window to consider and further that the proposed design compliments the urban grain of Primrose Gardens and conforms to the architectural style that has developed in place of preserving the original features.

AMENITY

The proposals were acceptable in terms of amenity considerations.

The effect on amenity to any and all adjoining properties has not been questioned under the delegated officers considerations in reference to Local Plan Policy A1, therefore given the roof level location of the proposed development and extensive development at that level within the terrace row it is disconcerting to suggest the proposals are excessive in size or represent an increase in prominence.

REAR DORMER

The proposal sought are to form a dormer and balcony set into the roof slope. Currently the roof has 2nr roof lights installed.

CPG 1 design guidance was considered along with similar roof designs along the terrace and the final design sought to find a balance between a usable roof terrace providing outside amenity, a usable internal space and high quality design.

The design utilises a balustrade and handrail, in place of a retained slates to the required height of 1.1m. Two courses of slates above the eaves are retained.

The LPA state that the proposals will be overly dominant, incongruous and visually intrusive to the outward face of the terrace as it fails to preserve an area of roof slope to the outward face of the terrace.

The proposed terrace sits within the roof slope, with an up-stand of roof slope above the roof eaves and therefore the terrace deck cannot be seen from the ground, or any level below roof level. The materials used mean that the balustrade and balcony cannot be seen from the ground until viewed from a position further than 11.5m away from the rear elevation.

Given the LPA's confirmation that the design complies with Local Plan Policy A1 and is acceptable in terms of amenity it is unclear how the LPA can then state that the design visually instructive and visible to a large number of surrounding occupants.

On the basis of the design this opinion appears questionable.

The LPA also states that the proposals fail to respect local context and character and neither preserve or enhance the character or appearance of the conservation area and are contrary to policy D1 & D2.

This subjective view is not accurate given that the proposals will improve the appearance of the host building, rebalance the awkward existing roof arrangement and improve the overall street scene by regularising the roof appearance to align with the majority of properties within the row.

Many of the points raised relating to the front dormer are also applicable and therefore we do not consider necessary to reference them save to confirm that they apply to the whole proposal.

The design of the rear dormer looked to PPS 1, and Camden's Policies for guidance and considered all aspects contained within the policies. The proposal sought responds creatively to the site and its context.

The affect on amenity is again no issue for the rear dormer proposal given the extent and nature of the majority of neighbouring properties.