



Appeal Statement

Householder Extensions
AT
54 Maygrove Road,
London NW6 2ED

Reference:
54MR-1800113

Date:
6 October 2018

1. Introduction

- a. This Appeal Statement has been prepared by Just Planning on behalf of Mr J Walton to support an appeal against the decision of London Borough of Camden to refuse planning permission for householder extensions at 54 Maygrove Road, in Camden.
- b. Following a description of the site and surrounding area, the report will review the planning history, set out an overview of relevant planning policy and outline the case for the appellant.
- c. It will be demonstrated that the proposal complies with national and local planning policies and that planning permission should therefore be granted.

2. Background

- a. On 12 June 2018, the appellant submitted an application to London Borough of Camden (reference: 2018/2702/P) for the following development:

Erection of 2 storey extension at lower ground floor level including terrace at first floor level. Replacement of rear window at ground floor level and replacement of rear window with door at first floor level.

- b. In a Decision Notice dated 28 August 2018, the Local Planning Authority (LPA) advised that the application had been refused, for the following reasons:

- 1. The proposed two storey rear extension and balcony, by reason of their scale, bulk, depth, width, height and detailed design would overwhelm the rear elevations of the host property and its adjoining neighbours and would cumulatively constitute discordant and disproportionate additions harming the wider terrace and locality generally contrary to policy D1 (Design) of the London Borough of Camden Local Plan 2017 and Policy 2 of the Fortune Green and West Hampstead Neighbourhood Plan (2015).*
- 2. The proposed development, by reason of its height, scale and depth results in a harmful loss of light and a sense of enclosure to the adjoining building of No.56 Maygrove Road and specifically Flat A, contrary to policy A1 (Managing the impact of development) of the London Borough of Camden Local Plan 2017.*

3. Site Description

- a. The application property is a lower ground and ground floor flat forming part of a converted terraced house located on the southern side of Maygrove Road. The host building is late nineteenth century though the rear elevation was rebuilt in the 1950s. The works included the demolition of an original rear projection. A side wall of the original projection remains at the appeal site, running along the boundary with number 56.
- b. The appeal property is one of a row of 5 similar buildings. The other buildings in the row all have rear projections, some of which are original to the properties and others added in more recent years. The adjoining neighbour to the west, number 52, has a three-storey tall outrigger set close to its boundary with number 50. The neighbour to the east, number 56, has a two storey rear projection, set close to its boundary with number 58. Both numbers 52 and 56 have been converted into flats. Number 56 sits on slightly higher land than the appeal site.
- c. The surrounding area is residential in character, largely comprising similar Victorian terraces, though with some variation in the detailed design of individual buildings. Most of the terraced buildings have been altered – many are converted into flats and have been extended to the rear in a variety of different ways. A number have front and rear dormer extensions, and rooflight windows, roof terraces and balconies are a common feature of the rear streetscape. Both numbers 52 and 56 have balconies at roof level.
- d. The application is not listed and does not lie within a designated conservation area.

4. Appeal Proposal

- a. The appeal proposal is for a lower ground floor extension, a ground floor extension (both serving Flat A) and a first floor terrace (serving Flat B).
- b. The lower ground floor element is 5.4m deep with a maximum height of 3m. The first floor element is 3.75m deep and 4m wide. It is angled away from the boundary with number 56 so that it is only 2.5m deep along this boundary.
- c. The first floor terrace is 2.4m deep and 3.6m wide and is enclosed by an opaque screen to a height of 1.7m.

5. Planning History

- a. The appeal building was converted into two self-contained flats following a grant of planning permission in November 1982 (reference: 34819).
- b. The neighbour at number 52 was converted into 3 flats following a grant of planning permission in 1976 (reference: 23411). The neighbour at number 56 was converted into 4 flats following a grant of permission in 1990 (reference: 8804134). The works at number 56 included a single-storey rear extension, a rear dormer and front and rear roof terraces.
- c. In April 2018, the Council refused planning permission for the following development at the appeal site (reference: 2018/0297/P):

Erection of a two storey rear extension at lower ground and ground level. Erection of two rear terraces at ground and first floor. Replacement rear window at ground floor and replacement of 2x existing rear windows with doors at ground and first floor level. Infill of front steps to create a bathroom with 1x side window at lower ground level.

- d. The application was refused for the following reasons:
 1. *The proposed two storey rear extension and balconies, by reason of their scale, bulk, depth, width, height and detailed design would overwhelm the rear elevations of the host property and its adjoining neighbours and would cumulatively constitute discordant and disproportionate additions harming the wider terrace and locality generally contrary to policy D1 (Design) of the London Borough of Camden Local Plan 2017.*
 2. *The proposed development, by reason of its height, scale and depth results in a harmful loss of light and a sense of enclosure to the adjoining building of No.56 Maygrove Road and specifically Flat A, contrary to policy A1 (Managing the impact of development) of the London Borough of Camden Local Plan 2017.*
 3. *The proposed balconies, by reason of their position and proximity results in a loss of privacy to the adjoining buildings, specifically to the two lower floors of No.52 and Flat A and C of No.56 Maygrove Road, contrary to policy A1 (Managing the impact of development) of the London Borough of Camden Local Plan 2017*
- e. The appeal proposal responds to the council's concerns in respect of the earlier application by chamfering the end of the proposed ground floor extension along the boundary by number 56, removing a proposed ground floor terrace and replacing the railings around the proposed first floor terrace with opaque

glazing. The new application was accompanied by a Daylight and Sunlight Assessment.

6. Planning Policy

- a. Planning law states that planning decisions must be made in accordance with the statutory development plan unless material considerations indicate otherwise. According to the Decision Notice, the proposed development fails to comply with policies A1 and D1 of the Local Plan and policy 2 of the Fortune Green and West Hampstead Neighbourhood Plan (2015).
- b. Policy A1 (Managing the impact of development) seeks *"to protect the quality of life of occupiers and neighbours"* and *"to ensure that the amenity of communities, occupiers and neighbours is protected"*, in terms of, among other things, *"visual privacy, outlook ... sunlight, daylight and overshadowing"*.
- c. Policy D1 (Design) requires *"high quality design in development"*. New development should respect *"local context and character"* and incorporate appropriate architectural details and materials.
- d. Policy 2 (Design & Character) states that:

"All development shall be of a high quality of design, which complements and enhances the distinct local character and identity of Fortune Green and West Hampstead."

- e. The policies encourages extensions that:

"respect and are sensitive to the height of existing buildings in their vicinity and setting"

- f. The Decision Notice does not quote any specific policies or guidance on householder developments nor on the size, scale and design of roof terraces.
- g. The National Planning Policy Framework (NPPF) sets out the government's planning policies for England and how they should be applied. A revised version of the NPPF was published in July 2018. It identifies a presumption in favour of sustainable development. Development is sustainable when it meets the economic, social and environmental needs of a community.
- h. Paragraph 11(c) requires that decision-makers approve *"development proposals that accord with an up-to-date development plan without delay"*. Where policies are silent or out of date, permission should be granted unless:

"any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."

i. According to paragraph 38:

"Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible."

j. Paragraph 124 states that:

"Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."

k. According to paragraph 130:

"...where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development."

7. Case for the Appellant

Principle of Development

- a. The NPPF encourages development that improves people's living conditions. The appeal building is shallow with constrained lower ground floor living space. It originally had an additional projection that was demolished when the rear elevation of the building was rebuilt. The appeal proposal provides Flat A with enlarged and more usable reception space at lower ground floor and a bedroom at first floor level.
- b. Flat B has no access to outside space. Most of the other buildings on the row have terraces serving upper floors. The London Plan encourages developers to provide flats with at least 5sqm of outdoor living space and the new terrace will improve living conditions at Flat B.
- c. The Council does not object in principle to the appeal proposal. It is concerned, however, that (a) the extensions represent "*discordant and disproportionate additions*" that would harm the streetscene, and that (b) the extensions will lead to a loss of light and a harmful sense of enclosure affecting the neighbour at number 56.

Design & Appearance

- d. According to the first reason for refusal, the Council objects to the "*scale, bulk, depth, width, height and detailed design*" of the proposed development and argues that the proposal therefore fails to comply with Local Plan policy D1, which requires that all new development exhibit a high quality of design and take account of local character and context.
- e. The appellant observes that the building is not listed and is not located in a conservation area. There is no distinct uniformity or architectural quality to the rear streetscape in this location worthy of preservation and the Council quotes no specific policy or guidance on rear extensions to Victorian terraced houses of this kind. Similarly, the Council quotes no guidance on the size, siting or design of roof terraces. In paragraph 130, the NPPF cautions Councils against refusing applications on design grounds without explicit policy support.
- f. The extensions are proposed to the rear of the building, where they will be invisible from the public realm. As a result of tall trees and mature planting along the site's rear boundary, the development will only be partially visible from the gardens and rear windows of the buildings to the south, which front Loveridge Road. The lower ground floor extension, in particular, will be difficult to discern from any neighbouring gardens or windows. Insofar as the

extensions are visible, they will be seen in the context of the much larger four-storey building from which they will project.

- g. The extensions take up the full width of the building at lower ground floor level, but only part-width at ground floor. Apart from the roof terrace, there is no development at first or second floor levels. The extensions are respectful and proportionate additions to the tall and imposing host building and will not appear incongruous or out of place.
- h. The appellant notes that the appeal building is the only one in the row that does not have a rear projection. Outriggers of one form or another are characteristic of this architectural style and form part of the established character of this area. In fact, the property had a rear projection that was previously demolished, leaving a side wall (with brick chimney breast) remaining. The outrigger at number 52 is three storeys tall and much more imposing than the appeal development is likely to be. The projection at number 56 is less tall, but is deeper at lower ground floor level and is wider at ground floor level. The diversity in the size and shape of rear extensions to the properties on the row creates further tolerance for development at the appeal site.
- i. The extension is 5.4m deep at lower ground floor level to match the depth of the existing projection at number 56. This is just short of the depth of the rear projection that previously existed at the site. It is set into the ground a little to reduce its visual impact and ground levels are, in any case, lower at the appeal site than at number 56.
- j. The ground floor extension is 3.75m deep, set back from the end of the lower ground floor extension and set away from the boundary with number 52. The first floor terrace has a depth of only 2.5m. The progressive reductions in the depth and width of the development from lower ground to first floors help mitigate its impact and ensure it appears as a subordinate and proportionate addition to the building. The Council's assertions that the development would not be subordinate additions and would "*overwhelm*" the rear elevation of the property are not correct.
- k. According to the officer's report, the Council is concerned that the opaque screen around the proposed terrace would appear "*incongruous*". The screen is lightweight in design and appearance. It is set back from the edge of both the lower ground and ground floor extensions and is only 1.7m high. It will not represent an inappropriate or overbearing visual presence.

Impact on Neighbouring Residential Amenities

- l. Policy A1 of the Local Plan requires that new development does not harm the

living conditions of neighbouring occupiers, including in terms of a loss of light, outlook or privacy. The Council's second reason for refusal argues that the development will have an overbearing impact on the neighbour at number 56 and will lead to an unacceptable reduction in light levels reaching this neighbour's habitable windows. There is no suggestion of a harmful impact on any other neighbours and no suggestion that the development will lead of overlooking or a loss of privacy affecting number 56.

- m. There is an existing wall running along the shared boundary with number 56 to a depth just short of the proposed lower ground floor extension. The wall is 3.6m tall, measured from ground level at the boundary. The garden at number 54 sits below the boundary line so that the top of the lower ground floor extension will be substantially lower than the existing boundary wall, as shown in figure 1, below.

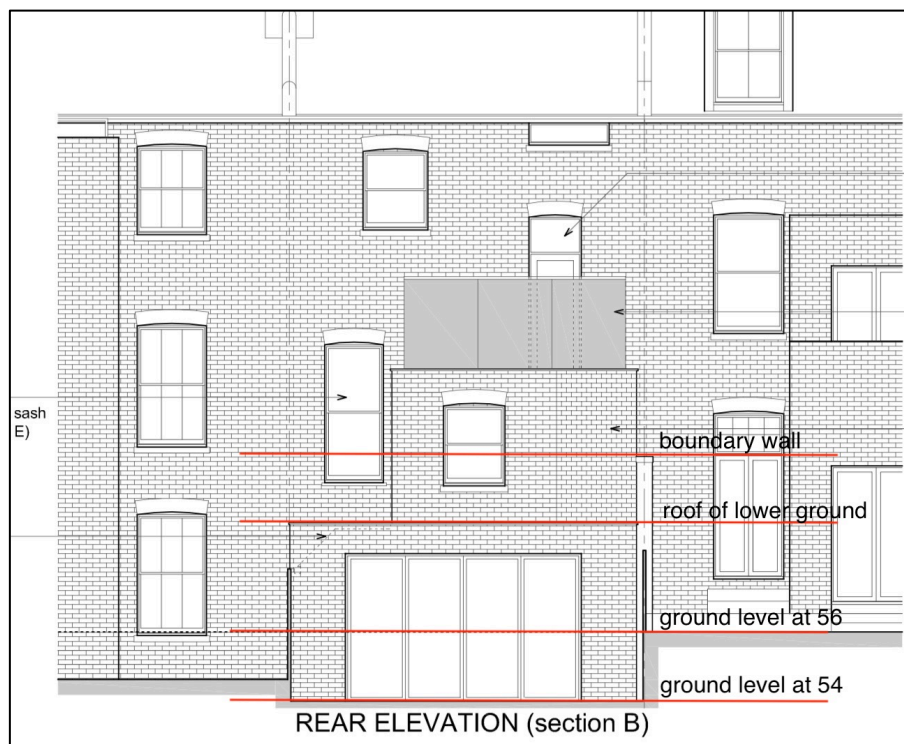


Figure 1: Excerpt from submitted drawings showing relative heights of extensions and boundary wall

- n. The ground floor (bedroom) extension rises only a little way above the boundary wall. In addition, it has a much lower depth of 3.75m with a chamfered corner so that it projects only a modest 2.5m along the boundary with number 56.
- o. The Council is concerned about the impact on the rear-facing patio doors at ground floor level in number 56. These doors look onto the side return at number 56 and are set immediately next to the property's own two-storey rear projection. The impact of the appeal development will be no greater than the

existing situation, which is characteristic of the rear elevations of properties along Maygrove Road.

- p. As shown in figure 1, the patio doors are set above ground level at number 56 (accessed by a couple of steps), which is itself above ground level at the appeal site. The top of the patio doors is only a little lower than the roof of the extension. Although the balcony screen rises a little taller, it is only 2.5m deep and is glazed so that light may penetrate.
- q. The application submitted to the Council included a Daylight Study carried out by Base Energy Services Limited. The study uses the BRE Digest 209 methodology to assess the likely impact on windows at numbers 52 and 56 Maygrove Road. For the patio doors at number 56, an assessment of the Vertical Sky Component (VSC) shows a 'minor' reduction in daylight. The doors in excess for the target amount of available hours of sunlight both annually and in the winter months. The development is not, therefore, likely to have a material impact on the neighbour in terms of a loss of light.
- r. The appellant notes that there were no objection to this proposal from any neighbours or from the Fortune Green and West Hampstead Neighbourhood Forum.

8. Conclusions

- a. The NPPF places a strong emphasis on allowing homeowners to improve their living conditions. This building originally had a rear projection and the new extensions will give the lower flat more comfortable reception rooms and an addition bedroom. The development also provides the upper flat with valuable outside amenity space.
- b. The Council does not object in principle to the proposal and it accepts that this is the only building on the row with no rear additions. It acknowledges that the building is not listed or in a conservation area, that the rear streetscape is diverse in character and that the extensions will not be visible from the street. It remains concerned that they will appear oversized and out of keeping with their surroundings.
- c. The lower ground floor extension is the same depth as the equivalent extension at number 56, approved in 1990. Due to differences in land levels, the lower ground floor element has a low profile and will be difficult to discern from neighbouring properties. A 3.6m tall brick wall means it will be entirely invisible from number 56. Rear boundary trees obscure it from view from rear neighbours.
- d. The ground floor element is only part-width and is set back from the lower ground floor. It has a chamfered corner so that it is less deep along the boundary with number 56. It is modest in size and scale, especially in the context of the tall and imposing building to which it will be attached.
- e. The balcony is only 2.5m deep. In order to protect the privacy of neighbours, it is to be enclosed in 1.7m-high obscured glazing. This is low in height and lightweight in appearance, allowing light to penetrate. There are roof terraces on many of the properties on the row, including both immediate neighbours, and they are a common feature on properties of this kind.
- f. The Council is also concerned that the development will have an overbearing on rear patio doors at number 56 and lead to a loss of light affecting the occupiers of the room served by the patio doors. The lower ground floor element sits below an existing 3.6m tall boundary wall running between the two properties. The ground floor element rises only a little above this boundary wall and is chamfered so that it is only 2.5m deep along the boundary. The roof terrace is also only 2.5m deep and has a glazed enclosure that will allow light to penetrate. The appellant provides a Daylight and Sunlight Assessment showing that any impact on the patio doors will be minor.

- g. The proposed extensions and roof terrace are appropriate in scale and conventional in design. They complement the character and proportions of the host building. In the context of surrounding development, they will be non-obtrusive additions to the streetscene, causing no harm to the character of the area. The development will not have an overbearing impact on number 56 and will not lead to a harmful loss of light.

- h. For these reasons, the appellant contends that the appeal proposal represents sustainable development of the kind encouraged by the NPPF and respectfully requests that the appeal be allowed.



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