

Statement on behalf of the appellants

October 2018

Introduction

1. A planning application for a rear infill of an existing closet wing at upper floor level to serve the existing flat at the above property was refused permission by LB Camden by Decision Notice dated 31 August 2018 (ref. 2018/1723/P). This Statement accompanies an appeal against that refusal and examines the reasons given by the Council for their decision.
2. The planning application that was submitted to the Council was accompanied by a Heritage, Planning and Design & Access Statement (March 2018), and a Design & Access Statement (February 2018). These still forms part of the appellants' case at appeal and should be read by the Inspector. The proposed works to the property are set out on drawings as listed on the enclosed schedule.
3. The appeal property is a flat within the first and second floors of No. 12 Willoughby Road. Many properties along the road have been converted to flats over the years, which has resulted in a very mixed character to the area as individual flats have been altered and extended with a multitude of different ownerships. The appellants have lived in their flat for many years and wish to remain at their home. However, they have a need to improve and extend the space in the property to meet the needs for mobility and caring provision in the future.
4. The owners therefore made a pre-application enquiry to the Council in 2014 (ref. 2014/3272/PRE), a copy of which is attached as Appendix 1 along with the Council's response. The matter was then put on hold for a while, until this current scheme that was made in 2018 by a new architect. This new submission took account of the pre-application advice by making major amendments to the original scheme, ie with the removal of previously proposed works to the roof, the previously proposed rear dormer, and by incorporating an altered design to the infill.
5. The Heritage and Planning Statement (March 2018) explained that Willoughby Road lies within the Hampstead Conservation Area, which was first designated in 1968 and subsequently extended. The Road is seen with the Council's Conservation Area Statement (2001) as being an area where there is homogeneity in the layout of streets, and the tall Victorian terraced houses of Willoughby Road itself are identified as being of interest. The Conservation Area Statement identifies the contribution paid by Willoughby Road to be front elevation of the terrace and the general form of the building, with no discussions relating to the private views at the back of the terrace (pages 27-29 of the Statement). The Streetscape Audit that accompanies the Conservation Area Statement identifies particular properties and features in Willoughby Road that are of note, and the appeal property itself is not identified in this Audit. The terrace within which the appeal

property lies is identified as a building making a positive contribution to the conservation area (page 56).

6. The Heritage and Planning Statement (March 2018) also examined the character of the properties in the immediate vicinity, which have been extended over the years. No. 12 itself has a rear conservatory at ground floor (permitted 1993) and a rear addition with roof terrace (permitted 1974), ie the existing raised rear closet wing. There have also been extensions at Nos. 14 and 10 adjoining, as well as at Nos. 2, 4, 6 and 8, with the extension to the latter being a large, deep addition.
7. The details of these changes are set out in the original Planning Statement, drawing 026.P.207, and photographs are attached at Appendix 2 to this Statement. The Inspector will also see these works at the site visit.
8. This context is very important to the current scheme: the appeal site lies in a terrace where the rear of all the terraced houses have been altered and extended, at all levels of the terrace. Extensions have occurred whilst the terrace has been within the Conservation Area and – as with the wider Willoughby Road area – these changes form part of the character of the Area. It can also be seen that these extensions have still retained the general principle of a rhythm of solid closet wings to the properties, with an infill extension set-back between the closet wings and set below the height of those closet wings. The current proposal seeks to replicate this established pattern of rear elevation.

Response to reason for refusal

9. The Council's Decision Notice considers that the height, bulk, form and design of the proposed infill would harm the design and proportions of the building, the architectural integrity of the terrace, and not be subordinate. They consider this would be harmful to the Conservation Area.
10. The main issue in this appeal to consider is therefore the form and design of the infill, and its effect on the character and appearance of the Conservation Area.

Character and appearance

11. The proposed infill would sit between the adjoining closet wings. Those closet wings have been raised in the past. The infill would closely match that seen at No. 14 (see drawings 026.P.208 & 026.P.501). It has been noted that the rear of the terrace has been modified from past infills and alterations, and it is important to recognise that such changes are now part of the established character of this part of the Conservation Area. As the infill would adjoin the existing altered closet wings that rise above the rear eaves line, the height of the proposed infill satisfies the requirements of the Camden Design Planning Guidance CPG1 (2018). This requires rear extensions to not be higher than one full storey below the roof eaves level or not to rise above the general height of neighbouring projections (paragraph 4.13); the infill would be lower than the existing rear closet wing extension to No. 12 that rises above the eaves.
12. It is clear from reviewing the drawing showing the rear elevation of the terrace that the existing pattern is that of closet wings and infill extensions. The proposed infill will be set back and set down from the adjoining closet wings. The Council's Delegated Report comments that the terrace is a group that has a similar design, age and composition. The Inspector will see that past extensions and alterations at all levels, and the roof, have diminished this grouping to a degree, but the Inspector will also appreciate that the infill will not upset the grouping that exists. The raised infill would remain subordinate to the property and terrace due to the consideration taken regarding form, siting and design.
13. The Council downplay the relevance of the other extensions at the terrace, and in particular No. 14, by saying they are alterations that have eroded the integrity of the building and do not accord with current planning policies. But at the same time, as noted above, the Council consider the terrace is a group that has a similarity in design, age and composition. It is the appellants' submission that this demonstrates that the terrace can accept changes, yet not lose its fundamental character of a row of tall buildings, with strong vertical proportions, where rear extensions may lead to a change in the original appearance of the properties but have retained the general height, bulk, form and design of the buildings. The proposed infill would therefore sit comfortably within this character, and would not harm the terrace.
14. The detailed design of the infill and roof terrace would be appropriate to the property. The fenestration reflects the infills below and to the side, with traditional materials being used. Other roof terraces in the area have metal railings.
15. Nor would there be any harm to the Conservation Area: the proposal would not be visible in the Area due to the private location at the back of the terrace. The contribution paid by the Willoughby Road houses to the Conservation Area is in the front elevation (albeit that has been diminished by previous alterations at the front, as can be seen in the enclosed photographs), and the change to the rear now proposed would not affect this at all. The

test as to the effect of the proposed development on the character and appearance of the conservation area is to have regard to the Hampstead Conservation Area as a whole, and it is clear that due to the small scale nature of the works, their location next to similar developments, and the absence of visibility mean there would not be any effect on the Area. Thus, the character and appearance would be preserved.

16. The Policies of the Local Plan, and the Council's Design Guidance and the Conservation Area Statement set out an approach for considering new extensions that requires an informed assessment to be made of the context of a site. This was examined in the original Heritage & Planning Statement and the Design & Access Statement, which demonstrated that the architect carefully considered the form and appearance of the rear of the terrace, and ensured that the new work would retain that pattern. In this way, the extension would be a subordinate addition to the property and the terrace. It can further be seen that this design approach addressed the concerns of Officers at the pre-application stage, which had shown a new conservatory addition with new wide doors above and a dormer window in the roof. The current scheme is considered to be a far more sensitive addition to the terrace.

Other considerations

17. The Council did not raise any objection to the proposed scheme on the basis of effect on residential amenity. As the Inspector will see at the site visit, there is currently a reasonable degree of mutual overlooking between roof terraces and windows at present, and the proposal will not lead to any material change in this regard, nor loss of light. The construction of the proposed infill would be a simple procedure that would not disrupt neighbours during the construction period. There were no objections from neighbours to the proposed development. Thus, there would not be any conflict with Policy A1 of the Local Plan.
18. The proposed infill will allow for the flat to adapt to the changing needs of the owners, who have lived in the flat for many years. They are now in their late 70s and wish to remain in their flat and in Hampstead, but need additional space to enable for their care in later life. The NPPF states that planning policies should have regard to the needs of older people, who are defined as those over or approaching retirement age and whose housing needs can encompass accessible and adaptable needs, including care requirements. The London Plan also states that particular attention should be paid to the needs of older people (Policy 3.5B), and that homes require to be adapted to suit these needs (paragraph 3.48). The works to the property would be accompanied by general upgrading of the flat in order to meet for the residents' long-term need and care. This would enhance the quality of the accommodation and represent an improvement to the housing stock and sustainability matters.

Conclusions

19. The Willoughby Road terrace has been modified over the years to the front and rear, and these changes now form part of the character of the Hampstead Conservation Area. Although there is a variety in the design and form of individual extensions to the rear of the terrace, there remains a degree of consistency in tall closet wings with set-back infill additions. These closet wings vary in height, some of which rise above the eaves line (as with the appeal property and its neighbour). There are also infill extensions that rise up to the second floor (as seen at the neighbouring property).
20. The proposed infill would retain this general rhythm of closet wings and infill additions, due to the set-back from the closet wing, the set-down from the height of the closet wing and eaves, and the fenestration reflecting the existing infill beneath and as seen at other infills in the terrace. These matters would ensure a subordinate appearance to the extension, which does not intrude to the terrace or wider area.
21. There is no visibility of the extension from public views or the wider Conservation Area. There were no objections from residents to the scheme. The proposed works followed careful consideration by the architect of the site and wider context, and for the reasons given the works would not harm the significance of the terrace or Conservation Area as a heritage asset. The extension would improve the quality of the housing stock by allowing existing long-term residents to remain in their home, which represents the optimum viable use of the property, and by allowing the upgrading of the apartment. These are public benefits.
22. The proposed works would therefore preserve the character and appearance of the Conservation Area, and represent suitable design for the area. There would be no conflict with Policies D1, D2 and A1 of the Camden Local Plan 2017, the Guidelines of the Hampstead Conservation Area Statement, supplementary guidance on Design and Amenity, and Policy DH1 of the Hampstead Neighbourhood Plan. The Inspector is requested to allow the appeal.

List of appendices

- 1 Pre-application submission and response, 2014
- 2 Photographs of appeal property and surrounding area
- 3 Relevant extracts from Hampstead Conservation Area Statement (2001), Design and Amenity SPD (2018), Camden Local Plan (2017) and London Plan (2016)