

Grounds of Appeal - Householder Planning Appeal at 31 Mackeson Road, London NW3 2LU

London Borough of Camden Application
Reference: 2018/1477/P

Appellant: Mr & Mrs Kirkpatrick
Agent: Planology Ltd

SEPTEMBER 2018



PLANOLOGY

REPORT PREPARED BY:

JOANNA LEEK MSc(Hons) DipTCP MRTPI
ON BEHALF OF PLANOLOGY LTD

PLANOLOGY LTD

joannaleek@planology.co.uk
www.planology.co.uk

PROJECT: 2018-JB069 MACKESON ROAD

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1.0 Introduction

1.1 Introduction

- 1.1.1 This Grounds of Appeal Statement is prepared by Planology Ltd on behalf of Mr & Mrs Kirkpatrick (“the Appellant”) in response to the decision of London Borough of Camden (“the Council”) to refuse the application for ‘of planning permission reference 2016/0451/P dated 31/03/16 as amended by 2016/6351/P dated 25/01/2017 (appeal allowed APP/X5210/D/17/3168272 dated 13/04/17) for erection of single storey side/rear infill extension and rear dormer window with associated roof terrace, namely to install timber clad box planters around the perimeter of the approved roof terrace (retrospective). (“the proposed development”) at 31 Mackeson Road, London NW3 2LU (“the Appeal site”) on 7th September 2018 (Council’s reference: 2018/1477/P).
- 1.1.2 The planning application was submitted on 22nd March 2018, validated by the Council on 12th April 2018. Consultation ended on 3rd May 2018. The decision was issued on 7th September 2018.

1.2 Document Structure

- 1.2.1 This statement provides a description of the background to the planning application and appeal, and sets out the Appellant’s response to the reason for refusal.
- 1.2.2 The statement is set out as follows;
- A description of the background and proposed development;
 - Response to the reason for refusal;
 - Conclusions for consideration by the Planning Inspector.

1.3 Site Background

- 1.3.1 The Appeal site comprises 31 Mackeson Road, London NW3 2LU (figure 1.1 and 1.2). It is a 3-storey Victorian terraced property with a rear garden.
- 1.3.2 The property is located within the Mansfield Conservation Area. It is not statutory listed.



Figure 1.1: SITE LOCATION PLAN



Figure 1.2: PHOTO OF 31 MACKESON ROAD (FRONT)

1.4 Proposals

- 1.4.1 Planning permission was granted in March 2016 for the Erection of single storey side/rear infill extension and rear dormer window with associated roof terrace (2016/0451/P). An application to vary condition 3 (approved plans) to install a glazed infill structure between the approved side and rear ground floor extensions was approved at appeal in April 2017 (APP/X5210/D/17/3168272).
- 1.4.2 The Applicant implemented the above consent, however in constructing the planters at roof level were advised by their landscape designer they need to be of a different design to accommodate and sustain vegetation. The planters were constructed (shown in photographs in figure 1.4), and subsequently a retrospective planning application was submitted to vary condition 3 (approved plans) to regularise the planters, which is the subject of this appeal.
- 1.4.3 The retrospective planning application was submitted to LB Camden on 22nd March 2018. It was validated on 12th April 2018. On 17th April 2017 the project architects submitted an additional elevation (726.PL212) showing the planters in the wider context.
- 1.4.4 The project architects continued to try and engage with the Planning Officer to obtain feedback on the application and on 31st May the Officer said they would be refusing the application. The project architects continued to try and speak to the Planning Officer for the following 3 weeks to discuss the proposals. They emailed the Officer on 25th June asking (and providing revised plans) if reducing the height of the planters by one cladding board (176mm) would be make them acceptable in the Council's view.
- 1.4.5 On 7th August the Planning Officer responded by email stating that even the revised (reduced) scheme would be unacceptable and would be refused, he asked the project architects to confirm which plans they wanted assessing and determining as part of the refusal. The project architects confirmed the revised (reduced) scheme is what the applicant would like to be determined. They continued to follow up with the Planning Officer for the formal decision notice to be issued, which then happened a month later on 7th September, some 5 months after validation.
- 1.4.6 Figures 1.3 shows the original, approved and proposed rear elevations for the planters and figure 1.4 shows the site photographs with the as built planters overlaid with the reduced height which is the subject of this appeal. Figure 1.5 shows an isometric of the proposed appeal scheme, with indicative planting.



Figure 1.3: REAR ELEVATIONS - EXISTING/APPROVED/PROPOSED

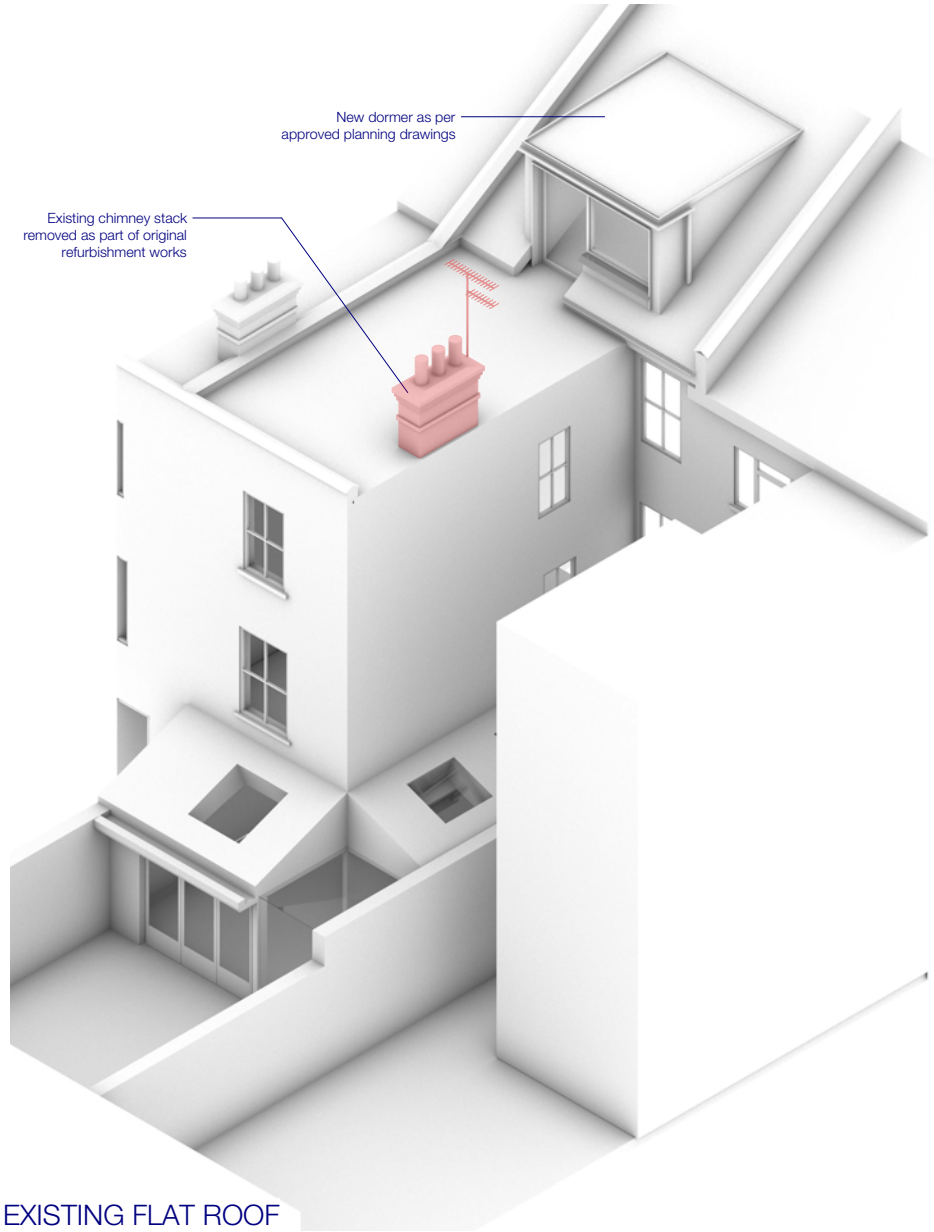


APPEAL SCHEME IS A PROPOSED REDUCTION IN HEIGHT OVER WHAT IS CONSTRUCTED ON SITE OF ONE CLADDING BOARD (176MM)

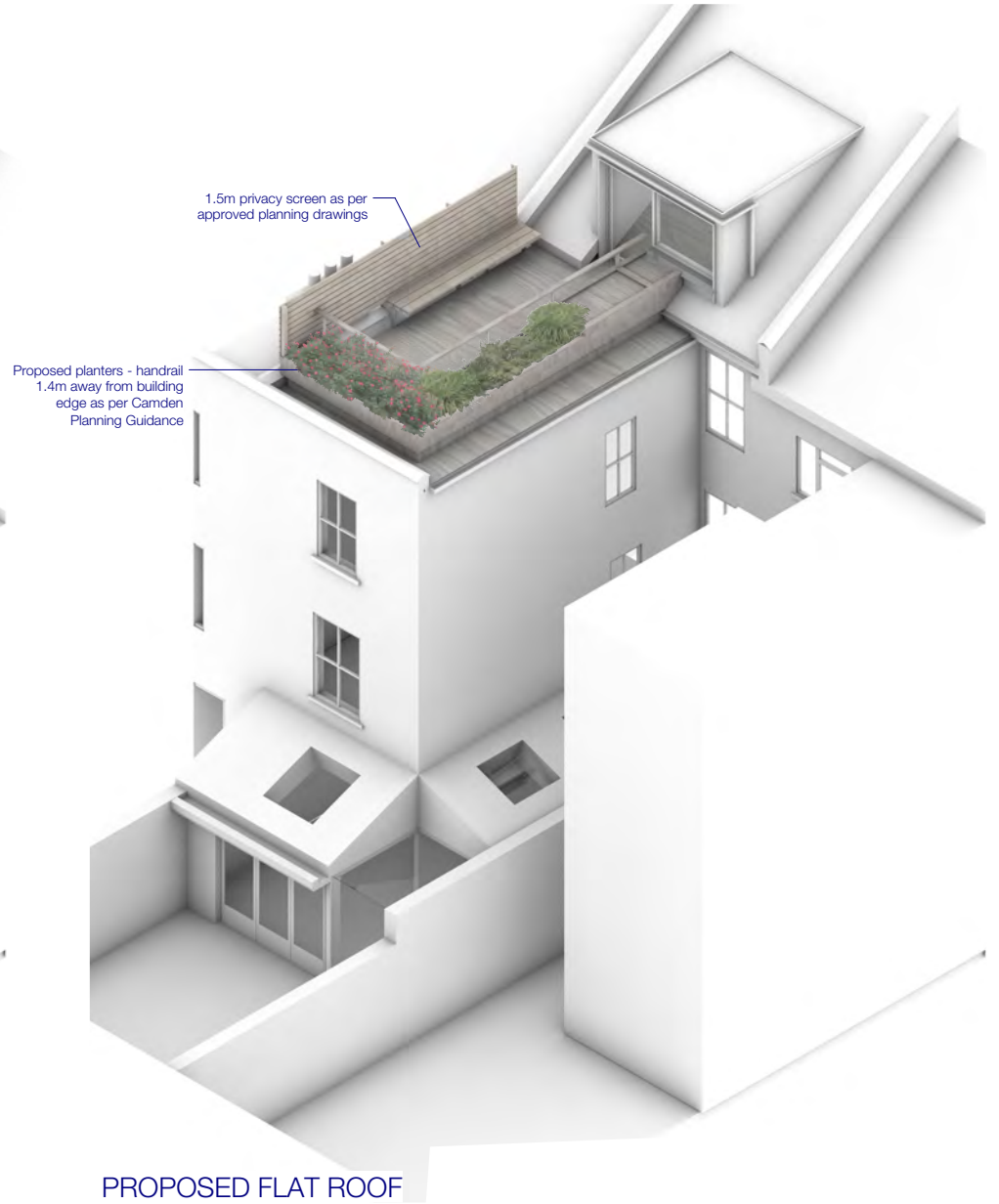


APPEAL SCHEME IS A PROPOSED REDUCTION IN HEIGHT OVER WHAT IS CONSTRUCTED ON SITE OF ONE CLADDING BOARD (176MM)

Figure 1.4: SITE PHOTOGRAPHS - DOTTED REDLINE SHOWS REDUCED PROPOSALS THAT ARE THE SUBJECT OF THIS APPEAL



EXISTING FLAT ROOF



PROPOSED FLAT ROOF

Figure 1.5: ISOMETRICS - EXISTING AND PROPOSED

2.0 Grounds of Appeal

2.1 Reasons for Refusal

- 2.1.1 The planning application was refused for one reason, as set out in the decision notice dated 7th September 2018:
- 2.1.2 Reason 1: “The proposed box planters, by reason of their size, bulk, materials, design and location would be detrimental to the character and appearance of the host building and the surrounding conservation area, contrary to Policies D1 and D2 of the Camden Local Plan 2017.”

2.2 Response to Reason for Refusal

- 2.2.1 As discussed in section one, the Appellant undertook consultations with a landscape architect who advised that the approved planters would not be sufficient to sustain high quality planting at this level. The architect sought to design an attractive and functional solution which are considered to fit in well with the existing roof terrace design and also within the wider roofscape of the Conservation Area, whilst preserving neighbouring occupiers sunlight/daylight and improving their privacy and outlook.

2.2.2 LB Camden have confirmed in the Officers report that there is no impact on neighbouring occupiers and their concerns lie only with the impact on the Conservation Area and host building.

2.2.3 As with the rest of the works undertaken at the property there has been considerable design development for each and every element, including the proposed planters. They are of a high quality material which is subservient to the host building, their colour blends with the existing grey slate roof, and it will age and weather gracefully, whilst being robust and functional.

2.2.4 The case officer in his report, paragraph 2.2.6 states that “the proposed planters, by reason of their size, design, fabric and prominent location would represent a discordant addition that would cause unacceptable harm to the character and setting of the host dwelling and the historic character of the adjoining roof-scape, particularly the flat roofs of the three storey closet wings which remain largely unimpaired by development.”

2.2.5 The Officer’s assessment of this area being largely unimpaired by development seems unreasonable. When viewing aerial images in figure 2.2 it is clear to see that to the rear of properties there have been fairly significant levels of alterations, particularly on this part of Mackeson Road, the adjacent parts of Constantine Road (with six consecutive roof terraces) and Cressy Road.

2.2.6 An example of one of these is at 86 Constantine Road (which is next but one to the appeal site), where planning permission was granted on appeal for a rear dormer with a balustrade around a roof terrace. As with the appeal site, there were restricted public views and in allowing the appeal, the Inspector took the view that the proposal would not appear intrusive or insensitive.

2.2.7 It should also be noted that in the original scheme, planning permission was granted for the 1.5m privacy screen on north boundary of the roof terrace (figures 1.4) , thereby allowing the introduction of additional height on the roof perimeter, and in timber.

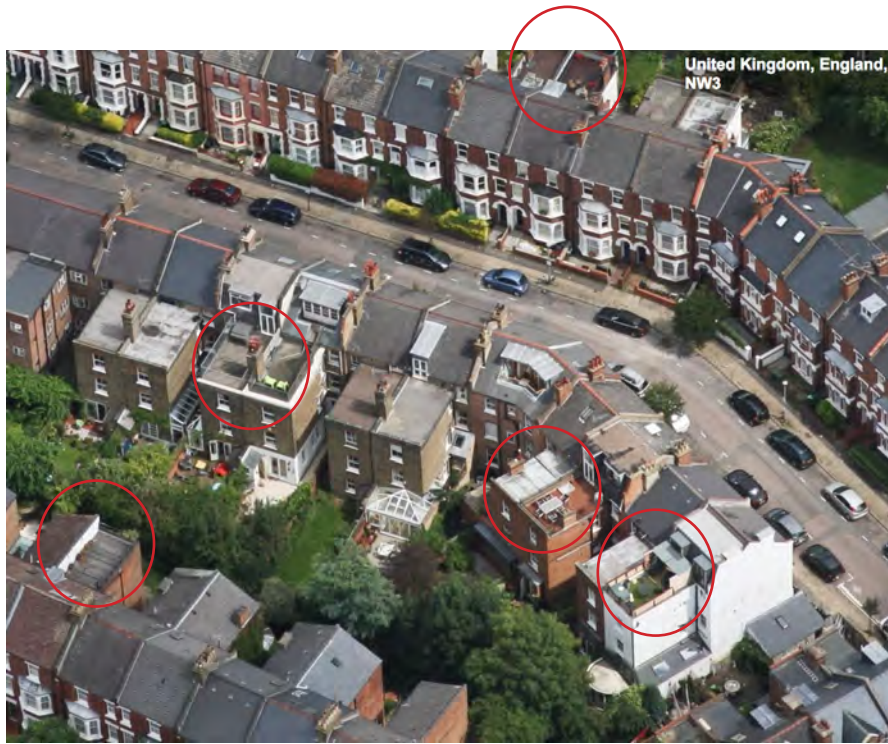


Figure 2.2: AERIAL VIEWS OVER CONSERVATION AREA HIGHLIGHTING SIGNIFICANT ROOF LEVEL ALTERATIONS AND TERRACE ENCLOSURES

2.2.8 In paragraph 2.2.7 of the Officers report, he sets out ' Whilst the proposed terrace planters would largely be seen in private views from the rear windows and gardens of the neighbouring properties along Cressy Road and Constantine Road, they would also have some visibility from the public realm, namely from the large gap between the terrace of properties on the western side of Cressy Road and a small terrace of properties (88-74) on the southern side of Constantine Road. This significant level of visibility further adds to the detrimental impact the proposal would have on the character of the area and reinforces the Council's view over the inappropriate nature of the development.'

2.2.9 We would respectfully challenge the officers assessment that there is significant visibility from the public realm. When moving along Cressy Road towards the junction of Constantine Road there is at best an obscure glimpse view of the rear roof level of 31 Mackeson Road. The orientation of Cressy Road and the trees that fill the space between buildings gives limited opportunity to view the appeal site. In addition any obscured view from this distance will not have any adverse impacts as the planters have been

well designed to sit low, be set in from the building edge, and using materials that blend in with the roofscape. This glimpse view is more likely to have a positive impact on the character and appearance of the area as it will be the planting which is more visible not the planters themselves, and this will complement the existing trees within the view that fill the gap between Cressy Road and Constantine Road (Figure 2.3).

2.2.10 In addition, the proposed planters will conceal any furniture that the occupiers put out on the terrace, which would be unregulated in terms of its size, material and colour, and which could have an adverse impact on the view and Conservation Area. Therefore having a more solid boundary treatment to the roof terrace in this particular location will conceal any potential clutter and enhance both this glimpse public view and other private views of the terrace, without setting a precedent for other terraces in the wider area. Their solidity will also improve the privacy of neighbouring occupiers on what is already permitted.

2.2.11 The inclusion of 'green roofs' is supported in policy, in particular all new development in the borough is required to have a green roof under policy CC2, and the CPG Biodiversity promotes green roofs. As the proposed planters are lined with a Bituthene waterproofing membrane and include a programmable irrigation system, and are not in pots, and therefore they would not be susceptible to the plants dying through neglect or from failure to keep them watered they would fall under the definition of a green roof. The planters will have a genuine positive effect on the local environment, promoting biodiversity, providing a habitat for wildlife, slowing rain water run off, and helping to reduce the heat island effect.



Figure 2.3: GLIMPSE VIEWS OF REAR OF 31 MACKESON ROAD FROM CORNER OF CONSTANTINE ROAD MOVING DOWN CRESSY ROAD

(NOTE: this is as constructed so this will be reduced in height for the appeal scheme)

2.2.12 Thorough consideration has been given to creating planters that are sympathetic and uses high quality materials to integrate into the approved scheme and wider area to meet the policy objectives of Local Plan Policies D1 (Design) and D2 (Heritage). Huge efforts have been made by the project architects to engage with planning and conservation officers to find a proposal which is acceptable, allowing for high quality landscaping.

2.2.13 The proposals by virtue of their design, materials, size and location do not cause any harm to the roofline, thereby complying with guidance set out in the Mansfield Conservation Area appraisal and management strategy (2008) which seeks to resist fundamental changes to the roofline, insensitive alterations, poor materials, intrusive dormers or inappropriate windows.

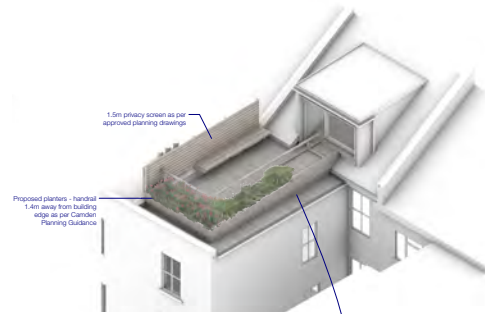
2.2.14 The proposals continue to be set back from the edge of the building and will be largely invisible from the ground, complying with Paragraphs 5.24 and 5.25 of Camden's supplementary design guidance document CPG1.

2.2.15 The proposed alterations to the approved roof terrace planters are creating a development which is of highest design and material quality, do not have any adverse impacts on neighbouring occupiers and seek to preserve the character and appearance of the host property and the wider Mansfield Conservation Area, and is therefore in accordance the National Planning Policy Framework, the London Plan, and both London Borough of Camden Planning Policies and Guidance.

31 MACKESON ROAD, NW3



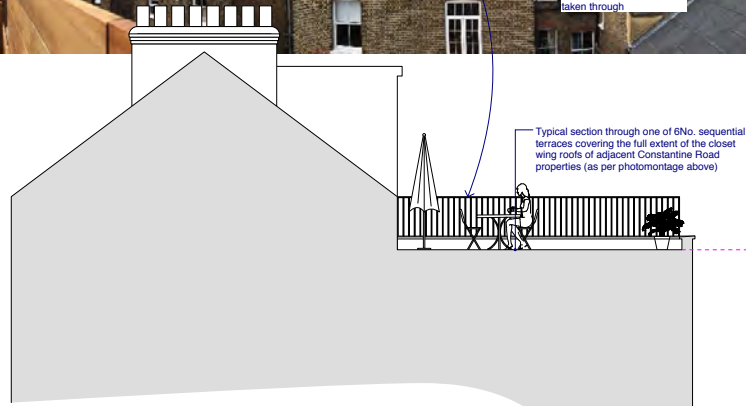
Neighbouring terrace along Constantine Road from which typical section is taken through



1.5m privacy screen as per approved planning drawings
Proposed planter - height 1.4m away from building edge as per Camden Planning Guidance



View of large chimney stack on roofs of nos. 29+27



Typical section through one of 6No. sequential terraces covering the full extent of the closet wing roofs of adjacent Constantine Road properties (as per photomontage above)



Slatted cedar wood screen



Original configuration of rear flat roof at no. 31 showing unstable chimney stack, now removed - as approved by LB. Camden



Typical view of roof of 33 Mackeson Road from a Constantine Road roof terrace, showing the slatted cedar wood screen to the roof terrace of 31 Mackeson Road whose installation was a stipulation of LB Camden for privacy purposes



Terraced houses along Constantine Road

31 Mackeson Road

AS PROPOSED REAR ELEVATION + CONTEXT 1:50@A1

JEFF KAHANE + ASSOCIATES
ARCHITECTS

100 Regent Company Street
London W1B 4JH
Telephone: 020 7288 8888
www.jeffkahane.co.uk
Jeff Kahane & Associates, Inc. 2014

DRAWING STATUS: ISSUED FOR PLANNING APPEAL			
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PROJECT	31 MACKESON ROAD, NW3		
DRAWING TITLE: PROPOSED REAR ELEVATION + CONTEXT			
DATE	SCALE	DATE	SCALE
SEPT 2018	MSUS	1:50@A1	726_P1_213

Figure 2.3: AS PROPOSED REAR ELEVATION WITH CONSTANTINE ROAD CONTEXT

3.0 Conclusions

3.1 Conclusions

- 3.1.1 The proposals do not have any adverse impacts on any neighbouring occupiers, as confirmed by the Council.
- 3.1.3 The proposals are of a high quality design and enhance the rear elevation of the property, preserving the character and appearance of the host building and the wider Mansfield Conservation Area.
- 3.1.4 In conclusion the proposals fully comply with the development plan policy and we respectfully request the Inspector allows the appeal.