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## Appeal Statement of Case

Vernon House, 5-8 St Mark's Square,  
London NW1 7TN

City Planning Limited  
on behalf of **SAV Group**

November 2018

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## Documents

- A1. DOCUMENT 1 – PLANNING HISTORY SCHEDULE
- A2. DOCUMENT 2 – MEMBERS’ BRIEFING DELEGATED OFFICER’S REPORT (LPA REF: 2015/2774/P)
- A3. DOCUMENT 3 – MEMBERS’ BRIEFING DELEGATED OFFICER’S REPORT ON THE APPLICATION (LPA REF: 2018/2343/FUL)

# 1. INTRODUCTION

- 1.1 City Planning is instructed by our client, SAV Group (The Appellant), to lodge an appeal against the London Borough of Camden's (LBC) non-determination of a full planning application (LPA ref: 2018/2343/FUL) for the following development (The Appeal Scheme) at Vernon House, 5-8 St Mark's Square, London, NW1 7TN:

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*"Erection of single storey outbuilding in rear garden for ancillary residential use."*

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- 1.2 The planning application (The Application) was received and made valid on 21<sup>st</sup> May 2018. The 8-week statutory date for determination was 16<sup>th</sup> July 2018. No decision has been made by LBC to date.
- 1.3 Planning officers have confirmed that they support the planning application and have recommended it for approval. A Members' Briefing Delegated Report (The Delegated Report) has been published by LBC that was prepared for a Members' Briefing meeting that took place on 29<sup>th</sup> October 2018. Since that time, The Appellant has received no formal communication from the LPA in relation to The Application despite their agent making several attempts to contact officers. In the absence of any formal response, The Appellant has chosen to activate their right to appeal.
- 1.4 Section 2 of this Statement describes the *Appeal Proposal*. Section 3 sets out the *Site and Surrounding Area*. Section 4 outlines the *Planning History*. Section 5 describes the *Planning Policy Context*. Section 6 discusses *Planning Considerations*. Finally, *Conclusions* are provided in Section 7.
- 1.5 This Statement demonstrates that The Appeal Scheme accords with the development plan and the National Planning Policy Framework. In light of this, the appeal should be allowed and planning permission properly granted.

## 2. APPEAL PROPOSAL

- 2.1 This section should be read in conjunction with the proposed plans and elevations, the Design and Access Statement (DAS), landscaping plans, manufacturer's specifications and Arboricultural Impact Assessment (AIA).
- 2.2 The Appeal Scheme includes the erection of a communal garden room at the rear of the Vernon House along with associated landscaping works. A detailed description of the proposal is provided on pages 10-13 of the DAS. Details of the proposed landscaping are shown on the Proposed Rear Garden Layout plan (Ref: 17023 PL3 105 A) and in Appendix 8 of the AIA.
- 2.3 The communal garden room will measure 5.57m in depth, 7.4m in width and 3m in height at the widest and highest points. The structure will have an internal head height of 2.3m. It will be located at the rear of the garden.
- 2.4 The communal garden room will provide communal space to the future residents of the existing building. It will be made of timber and will have a sedum green roof. Details of the green roof are set out in the Standard Roof/Wall Section drawing (Ref: ECO/DTL/02) and sedum roof manufacturer's specifications. Finally, level access will be provided throughout the garden.
- 2.5 In support of the appeal, the outbuilding (The Garden Room) will provide high quality ancillary amenity space for future occupiers of the main residence. Garden rooms are extremely popular and complement outdoor amenity space. There are several examples of similar outbuildings that have recently been granted planning permission in the local area. In this instance, The Garden Room has been designed in accordance with a landscape proposal for the whole garden area. Its setting has therefore been holistically considered. It will also be built using sustainable materials, including an organic timber and sedum roof. Against this background, The Appeal Scheme has been carefully sited to ensure that all nearby trees will be protected, as will the amenity of adjoining occupiers. This view is shared by the planning officers.

### 3. SITE & SURROUNDING AREA

- 3.1 This section should be read in conjunction with the existing plans and elevations, the Design and Access Statement (DAS), the Heritage Assessment (HA) and the Arboricultural Impact Assessment (AIA).

#### The Site

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- 3.2 The Site comprises Vernon House, a Grade II listed building, and its rear garden. It lies on the north side of St Mark's Square in London Borough of Camden. Vernon House is an L-shaped building located on the corner of St Mark's Square and Princess Road. An assessment of the building and its heritage value are provided in Section 3 of the HA. The part of Vernon House facing St Mark's Square has six storeys and drops down to two storeys on the Princess Road elevation.
- 3.3 The building benefits from a large rear garden measuring 209m<sup>2</sup> in size. The majority of the garden is paved with some planting around the boundary. A detailed description and photos of the site and the garden are provided on pages 8-9 of the DAS. The Appeal Scheme sites The Garden Room in this rear garden.
- 3.4 There are also five trees in the rear garden. Four of the trees (T1-T4) are set along the western boundary and one tree (T5) is on the boundary with 9 St Mark's Square. A detailed assessment of the trees is provided in Section 3 of AIA. Please refer to the AIA for further details of the existing trees.

#### The Surrounding Area

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- 3.5 In terms of the surrounding area, Vernon House is part of a terrace including nos. 5-11 St Mark's Square. Nos. 9-11 have been converted to dwellinghouses. The rear garden of no.9 forms the east boundary of the site.
- 3.6 To the west, the site abuts rear gardens of 2-12 Princess Road. Finally, to the north, the site abuts the yard of Primrose Hill Primary School. Pages 4-7 of the DAS show photos of the area surrounding the site.
- 3.7 The site is located within the Primrose Hill Conservation Area. Page 10 of the HA provides a detailed description of the Conservation Area.

## 4. PLANNING HISTORY

- 4.1 The planning history for the site is set out in the accompanying Planning History Schedule attached as Document 1.

### DOCUMENT 1

- 4.2 The Appellant has applied for and received planning and listed building consent recently from LBC for restoration and refurbishment works and extensions to The Site in 2018. These works are currently being implemented.
- 4.3 With respect to similar types of developments, an outbuilding designed by the same company that designed The Garden Room was granted planning permission (LPA ref: 2015/2774/P) on 14<sup>th</sup> July 2015. It is located to the east of the site and is also contained within the Primrose Hill Conservation Area. It is situated adjacent to Cecil Sharp House, which is a Grade II listed building.
- 4.4 When determining the application for the outbuilding, the LPA also took this application (LPA ref: 2015/2774/P) to the Members' Briefing. A copy of the Members' Briefing Delegated Report is enclosed as Document 2. Evidently, when recommending the planning application for approval, the LPA considered the principle and design of the outbuilding to be entirely acceptable. They also concluded that given its size, it would not give rise to any amenity concerns. The material planning considerations are very similar to The Appeal Scheme.

### DOCUMENT 2

## 5. PLANNING POLICY CONTEXT

5.1 Section 38 (6) of the Planning and Compulsory Purchase Act (2004) requires that proposals shall be determined in accordance with the Development Plan unless material considerations indicate otherwise. In this case, the Development Plan comprises the following documents:

- The London Plan (LP) (2016); and
- Camden Local Plan (CLP) (2017).

5.2 The LP provides strategic planning policy. Therefore, given the small scale nature of the development, policy context has focused on CLP.

5.3 In addition to this, regard has been given to the following documents, which are material considerations when determining this appeal:

- Camden Planning Guidance 1 Design (2011, updated 2018);
- Camden Planning Guidance 3 Sustainability (2015, updated 2018); and
- Primrose Hill Conservation Area Statement (CAS) (2001).

5.4 The Appeal Site has the following allocations and designations:

- Grade II listed building; and
- Primrose Hill Conservation Area.

5.5 Prior to examination of the development plan and other material considerations, regard is first given to the National Planning Policy Framework (NPPF) that was recently updated in July 2018.

### National Planning Policy Framework (NPPF)

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5.6 The NPPF sets out the Government's planning policies for England and how these should be applied. It is a material consideration in planning decisions.

5.7 Paragraph 11 of the NPPF sets out that planning decisions should apply a presumption in favour of sustainable development and that for decision-taking, development should be approved that accord with an up-to-date development plan without delay. This is reinforced in paragraph 47 of the NPPF, which states the following:

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*“Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing.”*

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- 5.8 Against this background, it is agreed between The Appellant and the planning officers that The Appeal Scheme accords with the development plan, yet this has not resulted in an approval. The Appellant has had to appeal by way of non-determination.
- 5.9 In support of the appeal, paragraph 131 of the NPPF discusses good design and is relevant when considering this appeal. The paragraph reads:

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*“In determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.”*

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### **Camden Local Plan (CLP)**

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- 5.10 When determining this appeal, the following policies are cited by the planning officers in The Delegated Report:
- A1 Managing the impact of development;
  - A3 Biodiversity;
  - D1 Design;
  - D2 Heritage;
  - CC1 Climate change mitigation;
  - CC2 Adapting to climate change; and
  - CC3 Water and Flooding.
- 5.11 The Appellant agrees that these policies are relevant when considering The Appeal Scheme and has given specific regard to Policies A1, D1 and D2 below.
- 5.12 With respect to Policy A1 *Managing the impact of development*, the policy reads *inter alia*:

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*“The Council will seek to protect the quality of life of occupiers and neighbours. We will grant permission for development unless this causes unacceptable harm to amenity.*

*We will:*

*A: seek to ensure that the amenity of communities, occupiers and neighbours is protected.”*

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- 5.13 Turning to Policy D1 *Design*, the policy sets out that the Council will seek high quality design and will require that developments meet certain criteria. The Appeal Scheme accords with many of these criteria, including:



- Respects local context and character;
- Preserves or enhances the historic environment and heritage assets in accordance with Policy D2 Heritage;
- Is sustainable in design and construction, incorporating best practice in resource management and climate change mitigation and adaptation;
- Is of sustainable and durable construction and adaptable to different activities and land uses;
- Comprises details and materials that are of high quality and complement the local character;
- Is inclusive and accessible for all;
- Responds to natural features and preserves gardens and other open spaces; and
- Incorporates high quality landscape design and maximises opportunities for greening for example through planting of trees and other soft landscaping.

5.14 Finally, with respect to Policy D2 *Heritage*, the following policy aspects are relevant:

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*“The Council will:*

*e. require that development within conservation areas preserves or where possible, enhances the character and appearance of the area;*

*h. preserve trees and garden spaces which contribute to the character and appearance of a conservation area or which provide a setting for Camden’s architectural heritage;*

*k. resist development that would cause harm to significance of a listed building through an effect on its setting.”*

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### **Camden’s Planning Guidance (CPG)**

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5.15 Regard has been given to the relevant CPG’s relating to Design and Sustainability.

## 6. PLANNING CONSIDERATIONS

6.1 For the purposes of assessing the planning merits of The Appeal Scheme, the following issues are considered relevant by The Appellant:

- Design;
- Impact on the Listed Building and Conservation Area;
- Impact on amenity; and
- Trees and landscaping.

6.2 Each of these issues are discussed in turn below.

6.3 Prior to the discussion of each matter and as set out in the *Introduction* section of this Statement, it should be noted that the planning officers have already recommended the planning application for approval. The assessment of The Appeal Scheme and recommendation for approval subject to conditions were set out in the Members' Briefing Delegated Report (The Delegated Report) published by LBC on 25<sup>th</sup> October 2018, ahead of the Members' Briefing meeting on 29<sup>th</sup> October 2018. A copy of The Delegated Report accompanies this submission as Document 3.

### DOCUMENT 3

#### Design

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6.4 Policy D1 of the CLP seeks high quality design and sustainable development in the Borough. The proposed communal garden room will measure 29.5m<sup>2</sup>. As shown on the Proposed Section A-A' (Ref: 17023 PL3 140), the communal garden room will be set away from the main building. It will be set in the context of high brick boundary wall at the rear and trees and landscaping to the sides. The size and location of the structure will ensure that it appears subservient to the main building and the garden. Finally, the organic timber and sedum roof will ensure that the structure does not detract from the garden's character and amenity.

6.5 The proposed size and design of the structure was considered acceptable by planning officers, as set out in paragraph 2.2.2. of The Delegated Report:

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*"2.2.2. The proposed outbuilding is not considered to be excessive in size, given its external area of 38sqm which would occupy approximately 19% of the existing rear garden."*

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6.6 As such, it is considered that the proposed development will be subservient to the main building. The proposed development, therefore, fully accords with Policy D1 and Camden Planning Guidance.

## Impact on the Listed Building and Conservation Area

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- 6.7 Policy D2 of the CLP seeks to preserve and enhance the historic environment and heritage assets. Paragraphs 4.4-4.11 of the HA provide an assessment of the impact of the proposed garden room on the Listed Building and Primrose Hill Conservation Area. As concluded on page 13 of the HA, the proposed development would have a negligible impact on the listed building, resulting in no harm to the designated heritage assets.
- 6.8 This view was supported by planning officers with due regard to the s.66 and s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Paragraph 2.2.2 of The Delegated Report states:

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*“2.2.2 [...] the simple flat roof form of the proposed outbuilding is considered to represent a sympathetic addition that would not cause harm to the special character of the host listed building. The discreet setting and location of the outbuilding, approximately 19m from the rear elevation of the host listed building, would further ensure no harm is caused to the historic character and special interest of the listed terrace. Furthermore, the proposed use of timber cladding and sedum roof are considered to be appropriate to the landscaped character of this part of the conservation area. [our emphasis]”*

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- 6.9 It is therefore considered that The Appeal Scheme would preserve the character and appearance of the listed building and the Conservation Area. As such, it would fully accord with Policy D2 of the CLP.

## Impact on amenity

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- 6.10 Policy A1 of the CLP seeks to resist development that causes unacceptable harm to amenity. The garden room will be located away from the neighbouring building facades. As such, there will be no impact on the daylight levels, privacy or outlook of the neighbouring residents.
- 6.11 Planning officers similarly considered the impact of The Appeal Scheme in terms of privacy, overlooking, outlook and noise.
- 6.12 In terms of overlooking, paragraph 2.3.2 of The Delegated Report confirmed that no increased overlooking of neighbouring habitable room windows would occur as a result of the development.
- 6.13 In terms of privacy, paragraph 2.3.3, in particular, assessed the impact on the neighbouring occupiers along Princess Road. It states:

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*“2.3.3 [...] windows of the proposed single storey structure would directly face the existing 1.8m high boundary wall at the side which would screen any views into the neighbouring gardens or habitable*

room windows. **The proposal is therefore considered not to cause any harm** to the amenity of neighbouring properties in terms of loss of privacy. [our emphasis]”

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6.14 Finally, in terms of outlook and noise, paragraph 2.3.4 of The Delegated Report states:

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*“2.3.4 The size, scale, height and location of the proposed development, along the side and rear boundaries of the existing garden at the site, would ensure **no undue loss of neighbouring residential amenity would occur in terms of loss of light and outlook.** [...] the erection and use of a garden structure in this part of the site is not considered to generate unacceptable levels of noise and disturbance that would harm the amenity of neighbouring residents. [our emphasis]”*

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6.15 As such, The Appeal Scheme would fully accord with Policy A1 of the CLP.

### **Trees and landscaping**

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6.16 Policy A3 of the CLP seeks to resist the loss of trees. The planning application was accompanied by an Arboricultural Impact Assessment (AIA) that assessed the impact of the proposed development on the trees on site. All existing trees would be retained. The proposed tree protection measures are set out in paragraphs 3.8-3.35 of the AIA. Furthermore, as shown on Tree Protection Plan in Appendix 6 of the AIA, the garden room will be built on posts 50mm above the ground, therefore, limiting any impact on the tree root protection areas.

6.17 The Council’s officers confirmed in paragraph 2.4.1 of The Delegated Report that the impact of the garden room footprint on the root protection areas of nearby trees would be minimal and therefore acceptable. The proposed tree protection measures were considered to adequately protect the trees during the implementation of the proposal.

6.18 In terms of landscaping, Policy A2 seeks to protect and enhance the Borough’s green infrastructure. The retained landscaped garden will measure 171m<sup>2</sup>. The proposed landscaping design will provide overall increase the planting and soft landscaping on the site. It will retain and extend the boundary planting. In addition, a sedum green roof will be installed on the top of the garden room.

6.19 Paragraph 2.5.1 of The Delegated Report set out that installation of a sedum roof was welcomed. It stated:

*“2.5.1 [...] it would increase sustainable urban drainage by slowing the speed within which rainwater would enter the drainage system. This would comply with the policy CC2 of the Local Plan. The green roof would also help to provide habitats for local wildlife.”*

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6.20 As such, it is evident that The Appeal Scheme will safeguard the existing trees on the site and enhance the green infrastructure on site. Therefore, the development will accord with the policies of the development plan.

## 7. CONCLUSIONS

- 7.1 When determining this appeal, in the absence of any decision by the LPA, regard has to be had as to whether The Appeal Scheme accords with development plan policies.
- 7.2 As detailed in the Planning Considerations section of this Statement, the proposed development fully accords with all material planning considerations and their relevant development plan policies. In summary:
- The scale of the garden room would result in The Garden Room appearing subservient to the main building;
  - The siting and design of The Garden Room will preserve the setting, appearance and character of the listed building and Primrose Hill Conservation Area;
  - The Garden Room would not give rise to any increased overlooking, loss of privacy or any other impact on the amenity of neighbouring residents; and
  - The proposed design and tree protection measures will ensure the existing trees are safeguarded during the construction of The Appeal Scheme.
- 7.3 Planning officers have confirmed their support of the development in the Members' Briefing Delegated Report. The application was recommended for approval subject to conditions.
- 7.4 In light of the above, it is considered that The Appeal Scheme accords with the development plan and has merit. As such the appeal should be allowed and planning permission properly granted.

**A1. DOCUMENT 1 – PLANNING HISTORY SCHEDULE**

**A2. DOCUMENT 2 – MEMBERS’ BRIEFING DELEGATED OFFICER’S  
REPORT (LPA REF: 2015/2774/P)**

**A3. DOCUMENT 3 – MEMBERS’ BRIEFING DELEGATED OFFICER’S  
REPORT ON THE APPLICATION (LPA REF: 2018/2343/FUL)**