



**The Anna Freud Centre, 21 Maresfield Gardens, London,  
NW3 5SD**

Appeal by Mr Eli Pine against Camden Council's decision to refuse  
planning application: 2018/3110/P

Grounds of appeal and full statement of case on behalf of appellant

19<sup>th</sup> December 2018

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# AZ URBAN STUDIO

The Anna Freud Centre, 21  
Maresfield Gardens, London, NW3  
5SD

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## 1. Introduction

- 1.1. This Statement of Case is provided in support of an appeal against Camden Council's decision to refuse planning application ref 2018/3110/FUL for alterations and extensions to the building at 21 Maresfield Gardens, London, NW3 5SD ('the Appeal Site').
- 1.2. The proposed development includes the reprofiling of the principal roof of the property, the insertion of two rooflights to the ridge and one rooflight to the front roof slope, the removal of a single dormer on the rear roof slope and its replacement with two dormers, the raising of the pitched roof behind the decorative parapet and the reinstatement of and alterations to the chimney stacks.
- 1.3. The proposed alterations to the property result from both a desire to enhance the character and appearance of the building through the reinstatement of historic features, as well as a requirement to better utilise the third floor level of the building. The Appeal Site is currently in Class D1 use under a personal permission (planning application ref. G6/8/8/27668) which was granted in 1979.
- 1.4. The description of the proposal on the application form was "*External alterations to 21 Maresfield Gardens including re-profiling of the roof and insertion of dormer windows, raising of the pitched roof behind the decorative parapet and reinstatement of and alterations to chimney stacks*".
- 1.5. The description of development on the decision notice issued by Camden Council is "*Roof extension to include creation of crown roof with two rooflights on top, replacement of rear dormer with two dormers, one new front rooflight, reinstatement of chimneybreast on southern side, increase in height of the chimneybreast on northern side, all to non-residential institution (Class D1)*" ('the Appeal Scheme').
- 1.6. The application was submitted to Camden Council on 2<sup>nd</sup> July 2018 and was validated on 4<sup>th</sup> July 2018. Revised drawings were submitted to the Council on 30<sup>th</sup> August 2018 showing the omission of a new dormer on the front roof slope at third floor level and its replacement with a roof light.

- 1.7. Planning permission was refused based on the revised drawings, with a decision being made under delegated authority on 9th October 2018 for the following reasons:

**Reason 1** - *“The proposed roof extension, by reason of its resulting bulk, mass, form and detailed design would have a detrimental impact on the character and appearance of the host building, the group of buildings of which it forms a part and the wider Fitzjohns/Netherhall Conservation Area contrary to policies D1 (Design) and D2 (Heritage) of Camden Local Plan 2017”.*

**Reason 2** - *“The proposed 5th floor rooflight on the front slope, by reason of its location and size, would have a detrimental impact on the character and appearance of the host building, streetscene and wider Fitzjohns/Netherhall Conservation Area contrary to policies D1 (Design) and D2 (Heritage) of Camden Local Plan 2017”.*

- 1.8. The decision notice is included at Appendix A to this statement. The officer's delegated report is included at Appendix B.

- 1.9. This Statement outlines the case for appeal against the Council's decision. The planning application to which this appeal relates was submitted with a comprehensive Design and Access, Planning Statement and Heritage Statement which set out:

- A description of the site and its planning history;
- A review of the planning policy relevant to the development;
- An identification and assessment of heritage assets;
- A description of the proposed development; and
- An assessment of the proposals and their compliance with the relevant planning policy.

- 1.10. All submitted supporting material and drawings are included as part of this appeal.

- 1.11. It is important to note that one neighbour objection was submitted by Mr Stephen Williams for and on behalf of the Netherall Neighbour Association. There were some factual errors put forward in this objection, which were set out and fully addressed in a written response submitted to Camden Council

on 16<sup>th</sup> August 2018. Such response is provided at Appendix C to this statement.

- 1.12. We would ask that the Inspector refers to the above documentation and the further assessment provided here as to why, having regard to the development plan and other material considerations, planning permission should be granted.

**2. Reason 1: Bulk, mass, form and detailed design of the proposed roof extension having a detrimental impact on the host building, the group of buildings it forms part of, and the wider conservation area.**

2.1. As noted above, reason for refusal 1 of 2 on the Council's decision notice is as follows:

*"The proposed roof extension, by reason of its resulting bulk, mass, form and detailed design would have a detrimental impact on the character and appearance of the host building, the group of buildings of which it forms a part and the wider Fitzjohns/Netherhall Conservation Area contrary to policies D1 (Design) and D2 (Heritage) of Camden Local Plan 2017".*

2.2. The specific development plan policies listed in the Council's first reason for refusal are:

- Policy D1 of the Camden Local Plan (2017); and
- Policy D2 of the Camden Local Plan (2017).

2.3. These policies will be assessed individually below for the purposes of clarity. An assessment of relevant national planning policy and supplementary planning guidance is also provided below.

***Policy context***

***NPPF (2018)***

2.4. Chapter 16 of the National Planning Policy Framework (NPPF) (2018) seeks to conserve and enhance the historic environment. Paragraph 192 of this document states that *"in determining planning applications, local planning authorities should take account of:*

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- c) the desirability of new development making a positive contribution to local character and distinctiveness".*

- 2.5. Paragraph 200 of the NPPF states that “*Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably*”.

*Policy D1 of the Camden Local Plan (2017) (Design)*

- 2.6. Policy D1 sets out that “*the Council will seek to secure high quality development and will require that development (inter alia):*
- (a) respects local context and character;*
  - (b) preserves or enhances the historic environment and heritage assets in accordance with policy D2 Heritage;*
  - (e) comprises details and materials that are of high quality and complement the local character;*
  - (f) integrates well with the surrounding streets and open spaces, improving movement through the site and wider area with direct, accessible and easily recognisable routes and contributes positively to the street frontage; and*
  - (m) preserves strategic and local views”.*

*Policy D2 of the Camden Local Plan (2017) (Heritage)*

- 2.7. Policy D2 states that “*the Council will preserve and, where appropriate, enhance Camden’s rich and diverse heritage assets and their settings, including conservation areas. Policy D2 sets out that the Council will not permit the loss of or substantial harm to a designated heritage asset, including conservation areas and Listed Buildings, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:*
- (a) the nature of the heritage asset prevents all reasonable uses of the site;*
  - (b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation;*
  - (c) conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and*



*(d) the harm or loss is outweighed by the benefit of bringing the site back into use”.*

- 2.8. In relation to development in conservation areas, policy D2 sets out that “*in order to maintain the character of these areas, the Council will take account of conservation area statements, appraisals and management strategies when assessing applications within conservation areas. The Council will:*
- (e) require that development within conservation areas preserves or, where possible, enhances the character or appearance of the area;*
  - (f) resist the total or substantial demolition of an unlisted building that makes a positive contribution to the character or appearance of a conservation area;*
  - (g) resist development outside of a conservation area that causes harm to the character or appearance of that conservation area; and*
  - (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”.*

*Camden Planning Guidance 1 (CPG 1) (2015) (Updated 2018)*

- 2.9. Paragraph 5.7 of CPG 1 sets out that “*roof alterations are likely to be acceptable where:*
- There is an established form of roof addition or alteration to a terrace or group of similar buildings and where continuing the pattern of development would help to re-unite a group of buildings and townscape;*
  - Alterations are architecturally sympathetic to the age and character of the building and retain the overall integrity of the roof form;*
  - There are a variety of additions or alterations to roofs which create an established pattern and where further development of a similar form would not cause additional harm”.*
- 2.10. Paragraph 5.8 sets out that “*a roof alteration or addition is likely to be unacceptable in the following circumstances where there is likely to be an adverse affect on the skyline, the appearance of the building or the surrounding street scene:*
- There is an unbroken run of valley roofs;*

- *Complete terraces or groups of buildings have a roof line that is largely unimpaired by alterations or extensions, even when a proposal involves adding to the whole terrace or group as a coordinated design;*
- *Buildings or terraces which already have an additional storey or mansard;*
- *Buildings already higher than neighbouring properties where an additional storey would add significantly to the bulk or unbalance the architectural composition;*
- *Buildings or terraces which have a roof line that is exposed to important London-wide and local views from public spaces;*
- *Buildings whose roof construction or form are unsuitable for roof additions such as shallow pitched roofs with eaves;*
- *The building is designed as a complete composition where its architectural style would be undermined by any addition at roof level;*
- *Buildings are part of a group where differing heights add visual interest and where a roof extension would detract from this variety of form;*
- *Where the scale and proportions of the building would be overwhelmed by additional extension”.*

2.11. Paragraph 5.9 of CPG1 sets out that where roofs are being refurbished, original materials such as decorative chimney stacks and chimney pots should be reused.

### **Officer Report**

2.12. The Council’s first reason for refusal states that it is the “*bulk, mass, form and detailed design*” of the proposed roof extension which would have a detrimental impact on the character and appearance of the host building, the group of buildings and the Fitzjohns / Netherall Conservation Area. These concerns are expanded upon within the officer’s report and relevant sections of the report are repeated below.

2.13. The delegated report sets out that the proposal would “*change the profile of the existing roof by increasing its ridge width to 4.42m along the whole roof. The roof volume would be significantly larger than existing, adding incongruous bulk which would change completely the appearance of the host building as a whole, and its views from the street*”. The report states that “*the existing front dormer would be recessed and would no longer project*

*forward, changing its composition and overall appearance of the roof along the street”.*

- 2.14. Whilst considering the precedent of no.19 Maresfield Gardens which sits directly to the south of the Appeal Site, the delegated report sets out that *“the historic development at no.19 is the only one along this street which changes the building’s roof volume by increasing the ridge width in an incongruous manner, resulting in significant loss of the host building’s original architectural style and character, out of scale with its surroundings”*. The delegated report continues that *“the character of the buildings on Maresfield Gardens is strongly represented by dual pitch roofslopes, with front gables and secondary front dormer at eaves level”*.
- 2.15. Finally, in relation to the proposed reprofiling of the roof, the delegated report states that *“the drawings submitted do not show how the proposed roof extension would deal with the existing historic features and that it is considered that the development would not support such neat continuation of the brickwork within the new roof shape”*. In turn, the Council states that this would result in *“significant harm to the architectural qualities of the building and its contribution to the Conservation Area”*.

### **Assessment**

- 2.16. Firstly, in terms of the bulk, mass and form resulting from the proposed extension to the roof, we disagree that the increase in size of the roof would have a detrimental impact on the character and appearance of the host building, the group of buildings and the Fitzjohns / Netherall Conservation Area.
- 2.17. As set out within paragraph 5.10 of the Design and Access, Planning and Heritage Statement submitted as part of the application, the property is not part of a terrace and there is not an unbroken valley of roofs within this part of Maresfield Gardens. There is no rigid uniformity to the roofscapes when viewed within the context of the street scene, but rather a loose uniformity set around coherence of general scale, materiality and prominence of the varied roof forms. Evidence of the varying roofscapes is provided on pages 13-14 of the Design and Access, Planning and Heritage Statement.

- 2.18. Although the roof volume would increase as a result of the proposals, the appearance of the roof will not be considerably changed when viewed from within the immediate context of the street scene, from wider views either northwards or southwards in Maresfield Gardens, or within the context of the Fitzjohns / Netherall Conservation Area. The alteration to the roof form will neither be a wholly noticeable nor an incongruous design change to the building as shown by the visualisations provided on pages 21-22 of the submitted Design and Access, Planning and Heritage Statement and re-provided below.
- 2.19. NB, such visualisations have not been revised since the proposals were amended (and revised drawings submitted to the LPA) and remain to show the previously proposed dormer in the front roof slope at third floor level. The conservation type roof light now proposed in place of this dormer will have much more of an unassuming position recessed into the plane of the roof.



21 Maresfield Gardens as Existing (view from the southeast)



**21 Maresfield Gardens as Proposed (view from the southeast). NB proposed dormer at third floor level has been omitted and replaced with a conservation type roof light**



**21 Maresfield Gardens as Existing (view from the northeast)**



21 Maresfield Gardens as Proposed (view from the northeast). NB proposed dormer at third floor level has been omitted and replaced with a conservation type roof light

- 2.20. We contend that the Appeal Site has a particular role to play in townscape terms, particularly when viewed within the context of the Netherall / Fitzjohns Conservation Area, due to its positioning between the prominent building of no.19 Maresfield Gardens to the south which exhibits a more pronounced third floor level, and the more recessed no. 23 Maresfield Gardens to the north.
- 2.21. The proposal introduces the mansard for one storey before reverting back to the original shallower pitch of the roof back to the ridgeline, as opposed to a full mansard evident at no.19. This same roof form can be seen on the projecting bay no. 23 Maresfield Gardens. The resulting façade and roof slope will not appear as incongruous and will on the contrary, be in keeping with and provide a visual balance and transition between the two immediate neighbouring properties. The bringing forward of the roof pitch as proposed in the Appeal Scheme is rather an enhancement to the character and appearance of the Fitzjohns and Netherall Conservation Area.
- 2.22. It is important to note that the existing dormer in the front roof slope remains an important part of the roof composition and its visual importance is not therefore reduced.
- 2.23. The proposed alterations are to be carried out using high quality materials which integrate well with the host building and in turn with the street frontage.



The proposed development will therefore be fully compliant with policy D1 of the Camden Local Plan.

- 2.24. With regards to the detailed design of the reprofiling of the roof, particularly the neat continuation of the brickwork within the new roof shape, the Council did not, as part of their assessment of the application, request any additional information or detailing of the proposed design. If the Inspector agrees that the Council should assess the detailed design of the masonry such that it continues the neat appearance of the existing brickwork, we would suggest that a pre-commencement condition is added to the decision requesting detailed drawings / samples of the proposed external facing materials.
- 2.25. Further enhancement to the character and appearance of the conservation area is also sought through the reinstatement of the chimney stack on the eastern part of the southern gable which has been lost over time. Such reinstatement will also partly conceal the reprofiling of the roof when viewed from the south. This part of the proposal will reinstate an important architectural element which was inherently part of the original building and will make a positive contribution to the conservation area in accordance with paragraph 200 of the NPPF.
- 2.26. The works to the chimney are also fully compliant with paragraph 5.9 of CPG 1 which, as set out above, states that where roofs are being refurbished, original materials such as decorative chimney stacks and chimney pots should be reused.
- 2.27. The proposals will not result in substantial harm to the Fitzjohns and Netherall Conservation Area and will not only preserve the conservation area as required by policy D2 of the Camden Local Plan, but will enhance the character and appearance of the conservation area as desired by part (e) of policy D2.
- 2.28. We do not therefore agree with the Council's assessment that the proposed alterations to the roof form contravene policies D1 and D2 of the Camden Local Plan (2017).

**3. Reason 2: the location and size of the proposed 5<sup>th</sup> floor rooflight on the front slop would have a detrimental impact on the character and appearance of the host building, streetscene and wider conservation area.**

3.1. As noted above, reason for refusal 2 of 2 on the Council's decision notice is as follows:

*"The proposed 5th floor rooflight on the front slope, by reason of its location and size, would have a detrimental impact on the character and appearance of the host building, streetscene and wider Fitzjohns/Netherhall Conservation Area contrary to policies D1 (Design) and D2 (Heritage) of Camden Local Plan 2017".*

3.2. The specific development plan policies listed in the Council's first reason for refusal are:

- Policy D1 of the Camden Local Plan (2017); and
- Policy D2 of the Camden Local Plan (2017).

***Policy Context***

3.3. The requirements of policies D1 and D2 of the Camden Local Plan (2017) as well of the relevant chapters of the NPPF (2018) are set out in the assessment of reason 1 for refusal above, they will not therefore be repeated.

***Camden Planning Guidance 1 (CPG 1) (2015) (Updated 2018)***

3.4. Paragraph 5.21 of CPG 1 sets out that *"roof lights can have an adverse impact upon the character and appearance of buildings and streetscapes. This occurs where they are raised above the roof slope rather than being flush with the roof profile, or where they are an incompatible introduction into an otherwise uncluttered roofscape, or where they conflict with other architectural roof elements, e.g. gables and turrets"*.

3.5. Paragraph 5.22 of CPG 1 states that *"roof lights should be proportioned to be significantly subordinate both in size and number and should be fitted flush with the roof surface. Some properties, particularly listed buildings and those within conservation areas with prominent roof slopes may be so sensitive to changes that even the installation of roof lights may not be acceptable"*.



## **Officer Report**

- 3.6. The Council's second reason for refusal states that "*location and size*" of the proposed 5<sup>th</sup> floor rooflight which would have a detrimental impact on the character and appearance of the host building, streetscene and wider Fitzjohns / Netherall Conservation Area. These concerns are expanded upon within the officer's report. Relevant sections of the report are repeated below.
- 3.7. In the assessment of the proposed rooflight at 5<sup>th</sup> floor level, the delegated report refers to CPG1 which states that in conservation areas where roof slopes are very prominent, they would be "*sensitive to changes that even the installation of roof lights may not be acceptable*".
- 3.8. The officer continues that the rooflight would be "*located at a high level, which is out of character with the host building and that the rooflight in a similar location to that proposed at no.23 Maresfield Gardens has no planning records and is the only example along the northern part of the street with a rooflight within the front roofslope*". NB regarding this point made by the Council, we would comment that the property is located in the southern part of Maresfield Gardens on the western side of the highway, rather than being within the northern part of the street.
- 3.9. The delegated report therefore concludes that "*the established character along this part of the street does not include rooflights at 5<sup>th</sup> floor level and would be unacceptable in this instance*".

## **Assessment**

- 3.10. It is important to note that the proposed rooflight is at third floor level rather than at fifth floor level as set out within both the officer's report and within reason 2 on the decision notice. This is evidenced on the submitted floor plans (drawing refs. 288.200 Rev P1, 288.201 Rev P1, 288.202 Rev P1, 288.203 Rev P1, 288.204 Rev P2 and 288.204 Rev P3) whereby the floors are marked 'basement', 'ground floor' 'first floor' 'second floor' and 'third floor'.
- 3.11. Firstly, assessing the 'location' of the proposed rooflight, it is set within the upper part of the roofslope at third floor level.

- 3.12. As set out above, paragraph 5.21 of CPG 1 states that roof lights can have an adverse impact upon the character and appearance of buildings and streetscapes when they are (1) *“raised above the roof slope rather than being flush with the roof profile”*, or (2) *“where they are an incompatible introduction into an otherwise uncluttered roofscape”*, or (3) *“where they conflict with other architectural roof elements, e.g. gables and turrets”*.
- 3.13. In the case of that proposed at the Appeal Site, the proposed rooflight will be flush with the front tiled roof slope as shown on drawing number 288.205 Rev P3 and is therefore compliant with point (1).
- 3.14. The conservation type rooflight is not an incompatible introduction to an otherwise uncluttered roofscape as assessed further below and does not conflict with other architectural roof elements such as a gable or a turret. The proposed rooflight is therefore compliant with points (2) and (3) of the guidance provided in paragraph 5.21 of CPG1.
- 3.15. In terms of the immediate street scene in the southern part of Maresfield Gardens, rooflights are evident in the upper part of the roofslopes of no’s 10, 15, 24, 33 and 37 Maresfield Gardens. We therefore wholly disagree with the Council’s assessment that the roof light in existence at no.19 is the only example in this part of the street and it is incorrect to say that the established character along this part of the street does not include rooflights at *“5th”* (3rd) floor level.
- 3.16. As per the existing rooflights evident in the upper part of the roof slopes within Maresfield Gardens, the proposed rooflight at the Appeal Site will not be readily visible from street level and, in the case of 21 Maresfield Gardens, the rooflight will be concealed by the reinstatement of the chimney stacks. When viewing the building from the north or the south, only glimpsed views of the rooflight will be available and, in any case and as set out above, the window is entirely appropriate to the roofscape within the street scene and the Fitzjohns and Netherall Conservation Area.
- 3.17. Turning to the ‘size’ of the proposed conservation type window, as set out above, the rooflight is to sit flush with the roofslope and does not therefore have an excessive height beyond the roof plane. We therefore anticipate that

it is the height and width of the proposed rooflight that the Council must have grievances with.

3.18. The dimensions of the proposed rooflight are approximately 1150mm x 1550mm, which result in a modestly-sized conservation type rooflight. The size of the window enables it to be a subservient addition to the roofslope, enabling the existing dormer window at second floor level and the windows at lower ground to first floor levels to remain as the dominant fenestration.

3.19. The size and location of the proposed rooflight will not have an adverse impact upon the character and appearance of 21 Maresfield Gardens, the streetscape, or the conservation area. The proposed rooflight has been proportioned to be subordinate to both the existing dormer at second floor level and to the fenestration on the front elevation below. We therefore contend that this element of the proposal is therefore in full accordance with paragraphs 5.21 and 5.22 of CPG 1, as well as policies D1 and D2 of the Camden Local Plan (2017).

#### 4. Other issues

- 4.1. Although the 2no. reasons for refusal are directly related to the design of both the proposed roof extension inclusive of the proposed roof light, for the purposes of clarity, we would like to confirm that the Council agree that the proposal to replace the asymmetrical dormer at third floor level on the rear elevation with 2 no. smaller aligned dormers would be acceptable “*due to their modest scale and appropriate positioning in relation to the existing rear elevation*” as confirmed within the delegated report.
- 4.2. We would also like to clarify that the proposals will not cause harm to the amenity of the surrounding neighbours.
- 4.3. The officer’s delegated report confirms that “*the proposed increase in roof volume with associated alterations, due to its nature and location, would not directly affect the amenity of the neighbouring occupiers, in terms of loss of light, outlook and overbearing appearance*”.

## 5. Conclusion

- 5.1. The design of the proposed extensions and alterations have been carefully considered and amended throughout the course of the application - ensuring that the reprofiling of the roof and the introduction of the rooflight at third floor level would entirely harmonise with the existing building of 21 Maresfield Gardens, the wider streetscene and the character and appearance of the Fitzjohns and Netherall Conservation Area.
- 5.2. The development proposals have been based on an understanding of local character - in particular, the immediate neighbouring buildings - and seeks to provide a visual transition between no.19 and no.23 Maresfield Gardens. This rebalancing of this part of the streetscene, combined with the reinstatement of the chimney stack will provide an enhancement to the character and appearance of the conservation area.
- 5.3. The high quality development proposed has been carefully formulated such that it is fully compliant with both the Council's design guidance and local and national planning policy.
- 5.4. It is for these reasons we respectfully ask the Inspector to allow the appeal.

## **6. Appendices**

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