

**APPEAL UNDER SECTION 78 OF THE TOWN AND COUNTRY PLANNING ACT 1990
AGAINST REFUSAL OF PLANNING PERMISSION DATED 3 OCTOBER 2018 BY THE
LONDON BOROUGH OF CAMDEN FOR:**

**ERECTION OF FOUR STOREY REAR CLOSET WING EXTENSION, MANSARD ROOF
EXTENSION WITH REAR DORMERS AND TWO STOREY OUTBUILDING TO PROVIDE
ADDITIONAL OFFICE SPACE; DEMOLITION OF EXISTING REAR CLOSET WING
EXTENSION AND OUTBUILDING; AT 66 CHARLOTTE STREET W1
(LPA REFERENCE 2018/3838/P)**

APPEAL BY ROLAND COWAN ARCHITECTS ON BEHALF OF SALASH HOLDINGS

STATEMENT OF CASE

JANUARY 2019

Background

The applicant, Salash Holdings, has instructed Roland Cowan Architects to submit an appeal against the decision of the London Borough of Camden, dated 3 October 2018, to refuse planning permission for alterations and extensions to 66 Charlotte Street, W1.

This document and appendices comprises our full statement of case. All planning application documents referred in this statement, along with the LB Of Camden's officers report and decision letter and responses to consultation, are contained in a set of Core Documents submitted separately. Any further relevant documents are contained in the Appendices to this statement.

Relevant Planning History

The Planning Application

In August 2018 an application was submitted by Roland Cowan Architects, on behalf of Salash Holdings, to the London Borough of Camden. The application comprised:

- A Planning, Design & Access Statement,
- Full detailed existing and proposed drawings showing the works proposed,
- A 3D image of the proposal,
- Photographs of the site and context.

Works were described as 'Erection of four storey rear closet wing extension, mansard roof extension with rear dormers and two storey outbuilding to provide additional office space. Demolition of existing rear closet wing extension and outbuilding' (LPA REFERENCE 2018/3838/P).

Consultations were carried out by the LB Camden. One objection to the application was received from the Bloomsbury CAAC stating that *'the existing roof is original and we therefore strongly object to this application for a mansard roof extension. We also object to further damage to the building by the proposed closet wing extension'*. No representations were received from any adjoining residents or other occupiers.

On 3 October 2018 LB Camden resolved under officer delegated powers to refuse the application on the following grounds:

1. *The proposed roof extension, by virtue of its form and detailed design which includes raising of the rear parapet, would fail to preserve or enhance the character and appearance of the building, the terrace to which it belongs and the Conservation Area contrary to Policy D1*

(Design) and D2 (Heritage) of the Camden Local Plan 2017 and the Camden Planning Guidance 1 Design (CPG1 Design).

2. *The proposed four storey rear closet wing, by virtue of its height, bulk and mass would fail to respect the established height of rear extensions on this terrace and would fail to preserve or enhance the character and appearance of the building, the terrace to which it belongs and the Conservation Area contrary to policy D1 (Design) and D2 (Heritage) of the Camden Local Plan 2017 and the Camden Planning Guidance 1 Design (CPG1 Design).*

The decision was made under delegated powers.

Other proposals for 66 Charlotte Street

Two further planning applications were submitted at the same time as the appeal scheme.

The first application was for the 'erection of a three storey rear closet wing extension, mansard roof extension with rear dormers and two storey outbuilding to provide additional office space; demolition of existing rear closet wing extension and outbuilding' (2018/3839/P). This scheme differed from the appeal scheme in the following respects:

- the proposed rear mansard roof extension was double pitched to match that at No. 68 Charlotte Street;
- the rear parapet was not raised; and
- the new rear closet wing did not include a fourth storey to the rear closet wing.

In all other respects the schemes were identical.

No objections were received to this proposal. This scheme was approved under delegated powers on 2 October 2018. A copy of the decision, including an informative which sets out the reasons for granting planning permission, is attached at Appendix 1 along with key approved drawings. The informative states that *'There is an established form of roof addition along this group of buildings. The mansard roof extension therefore would help to re-unite this group of buildings and be compliant with CPG1.....The proposal retains the rear parapet which is unaltered along this group of buildings'*.

The second application was for the 'erection of a three storey rear closet wing extension and two storey outbuilding to provide additional office space; demolition of existing rear closet wing and outbuilding' (2018/3850/P). This scheme differed from the appeal scheme in that:

- it did not include a rear mansard roof extension;
- the rear parapet was not raised; and
- the new rear closet wing did not include a fourth storey to the rear closet wing.

In all other respects the schemes were identical.

An objection was received from the Bloomsbury CAAC stating that it objected to the scheme 'because of the damage the proposal would do to the existing fabric'. This scheme was approved under delegated powers on 2 October 2018. A copy of the decision is attached at Appendix 2 along with key approved drawings. The reasons for approval are set out in Informative 1 of the decision letter

Relevant planning history for No.s 64 - 74 Charlotte Street

It is considered relevant to review the planning history of the other buildings forming the group of buildings identified by the LB of Camden as making a positive contribution to the Charlotte Street Conservation Area (namely 64 - 74 Charlotte Street and 32 Tottenham Street).

No.64 Charlotte Street - There is extensive planning history for No. 64 Charlotte Street/ 32 Tottenham Street. This property lies immediately to the south of 66 Charlotte Street and forms part of the same terrace, with a return frontage to Tottenham Street. Planning permission was granted on appeal in November 2013 for various works including infill rear extensions at 1st to 3rd floors (2012/3157/P). The appeal related to land use issues. The physical works were considered

uncontentious. The appeal decision and proposed rear elevation and section are shown at Appendix 3.

Planning permission was refused on appeal for a mansard roof extension to 64 Charlotte Street in April 2015 (2014/5073/P). Although the Inspector considered the extension to be modest, subservient and to comply with policy, he was of the opinion that the proposed fenestration was inappropriate and dismissed the appeal. Following this a revised design of mansard was submitted and again refused by LB Camden (2015/6701/P). However, planning permission for this revised design was granted on appeal in July 2016. The appeal decisions and key drawings are shown at Appendix 4. At no time in the assessment of these schemes were concerns raised about the loss of the rear parapet line, which aligned with that at No. 66 Charlotte Street, nor the treatment of the rear elevation which was detailed to be a sheer extension on top of the infill extensions approved in November 2013.

The schemes have now been constructed. The overall effect is a sheer four storey rear wall immediately adjoining and higher than the existing rear elevation of 66 Charlotte Street. This rear elevation is clearly visible in views from Charlotte Mews. In addition an untreated metal extract duct has been attached to the rear wall, which was approved by LB Camden on 30 December 2016 (2016/3133/P). Photographs of the existing view are reproduced at Appendix 6.

No. 68 Charlotte Street - There is no record of planning permission being granted for the double height mansard roof extension to No. 68 Charlotte Street.

No. 70 Charlotte Street - A Certificate of Lawfulness for Existing Use or Development was granted for No. 70 Charlotte Street in June 2015 (2015/3171/P) for use of the 3rd & 4th floors as 2 flats and the erection of a roof extension. On the application form it was claimed the works had been carried out in 2007.

No. 72 Charlotte Street - No.72 Charlotte Street is a grade II listed building with a single storey mansard. There are no planning records for the roof extension.

No. 74 Charlotte Street - This property extends through to Charlotte Mews. Planning permission was granted on appeal in September 2013 for the redevelopment of No. 74 Charlotte Street behind a retained front facade to provide a new 5 storey building including new mansard with rear terrace for mixed use purposes (2012/2133/P). The scheme involved substantial additional bulk at the rear. In determining the appeal the Planning Inspector concluded that the principle significance of the building as a heritage asset was its front facade and that the removal of the remainder of the building, with enhancements to the front facade, would not undermine the significance of designated heritage assets (the Conservation Area and the adjacent listed building at No. 72 Charlotte Street). This decision along with relevant approved drawings is attached at Appendix 5. Photographs of the existing view of the rear of the property are reproduced at Appendix 6.

The Site

No. 66 Charlotte Street is a building comprising basement, ground and three upper floors. It is unlisted and dates from the nineteenth century. The site lies within the Charlotte Street Conservation Area and within the Central London Area. The property is currently occupied throughout for office purposes apart from a ground floor retail unit.

The Proposed Development

The works proposed comprise:

- the demolition of the existing rear closet wing and rear outbuilding;
- construction of a replacement two storey outbuilding;
- raising of the rear parapet line to match the height of the front parapet;
- construction of a single storey mansard roof extension above the new parapet line including rear dormers;
- construction of a new rear four storey closet wing to contain the internal staircase;

- installation of new windows to front and rear elevations;
- creation of 92 sq.m. additional office floorspace.

The works replicate those approved by the LB Camden on 2 October 2018 (2018/3839/P) apart from:

- the raising of the rear parapet line to match the front parapet;
- the erection of a single mansard roof extension above the new parapet line; and
- the provision of a fourth storey to the new rear closet wing.

All other works were considered acceptable by the LB Camden and now benefit from an extant planning permission. As such the appeal statement concentrates only on the contentious elements which do not benefit from planning permission.

Planning Policy Context

National Planning Policy

On 24 July 2018 the Government published a revised National Planning Policy Framework (NPPF). The revised NPPF sets out a broad framework for plan making and decision taking at the local level. It is a key material consideration in planning decisions.

The revised NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development in its three dimensions; economic, social and environmental. Central to the NPPF is a presumption in favour of sustainable development. For decision taking this means (paragraph 11):

'c) approving proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determine the application are out-of-date, granting permission unless;

i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii) 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.'

The presumption in favourite of sustainable development as set out in paragraph 11 of the revised NPPF is of considerable importance as a material consideration.

The NPPF indicates at paragraph 192 that local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets, the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality, and the desirability of new development making a positive contribution to local character and distinctiveness.

At paragraph 193 the NPPF states that *'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be)'*. At paragraph 194 it states that any harm to the significance of a designated heritage asset requires clear and convincing justification.

At paragraph 195 the NPPF states that where a proposed development will lead to substantial harm to a designated heritage asset consent should be refused unless the loss is necessary to achieve substantial public benefits that outweigh the loss or all the test set out in the paragraph apply.

At paragraph 196 the NPPF states that *'Where a development proposal will lead to less than substantial harm to a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.'*

At paragraph 197 the NPPF confirms that the effect of an application on the significance of a non designated heritage asset should be taken into account in determining an application and that a balanced judgement is required having regard to the scale of any harm or loss and the significance of the heritage asset.

Paragraph 201 of the NPPF states that *'Not all elements of a Conservation Area or World Heritage Site will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 195 or less than substantial harm under paragraph 196, as appropriate, taking into account the relative significance of the elements affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole.'*

Local Planning Policy Context

Section 38(6) of the Planning and Compulsory Purchase Act requires all applications to be determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise. The Development Plan for the site comprises the London Plan (Consolidated) 2016 and the Camden Local Plan 2017.

The London Plan (Consolidated 2016)

No specific policies were identified in the officer delegated report as relevant to the consideration of the application. Detailed policies in the Camden Local Plan have been developed to be consistent with London Plan policies.

Camden Local Plan 2017

The following policies have been identified in the above reasons for refusal:

Policy D1 Design

This policy states that *'The Council will seek to secure high quality design in development. The Council will require that development:*

- a) respects local context and character;*
- b) Preserves or enhances the historic environment and heritage assets in accordance with Policy D2 Heritage;*
- c) Is sustainable in design and construction, incorporating best practice in resource management and climate change mitigation and adaptation;*
- d) Is of sustainable and durable construction and adaptable to different activities and land uses;*
- 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.....;*
- g) Is inclusive and accessible for all;*
- h) Promotes health;*
- i) Is secure and designed to minimise crime and anti-social behaviour;*
- j) Responds to natural features and preserves gardens and other open spaces;*
- k) Incorporates high quality landscape design.....;*
- l) Incorporates outdoor amenity space;*
- m) Preserves strategic and local views;*
- n) For housing, provides a high standard of accommodation; and*
- o) Carefully integrates building services equipment.*

The Council will resist development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.'

Paragraph 7.2 of the supporting text adds all development, including alterations and extensions, should be of the highest standard of design. Where alterations and extension are proposed development will be expected to consider , amongst other things, the character, setting, context and the form and scale of neighbouring buildings are proposed, the character and proportions of the existing building and the prevailing pattern of surrounding development. Paragraph 7.4

indicates that good design takes account of its surroundings and preserves what is distinctive and valued about the local area.

Policy D2 Heritage

This policy states that that *'The Council will preserve and, where appropriate, enhance Camden's rich and diverse heritage assets and their setting, including conservation areas.....and locally listed heritage assets.*

Designated heritage assets

Designated heritage assets include conservation areas and listed buildings. 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 if 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.*

The Council will not permit development that results in harm that is less than substantial to the significance of the heritage asset unless the public benefits of the proposal convincingly outweigh that harm.

Conservation areas

Conservation areas are designated heritage assets and this section should be read in conjunction with the section above headed 'designated heritage assets'. In order to maintain the character of Camden's conservation 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 and appearance of the area;*
- f) resist the total or substantial demolition of the an unlisted building that makes a positive contribution to the character and appearance of a conservation area;*
- g) resist development outside of a conservation area that causes harm to the character and appearance of the 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.'.....*

.....Other heritage assets and non-designated heritage assets

The Council will seek to protect other heritage assets including non-designated heritage assets (including those on and off the local list), Registered Parks and Gardens and London Squares.

The effect of a proposal on the significance of a non-designated heritage asset will be weighed against the public benefits of the proposal, balancing the scale of any harm or loss and the significance of the heritage asset.'

Paragraph 7.46 of the supporting text indicates that the relevant Conservation Area appraisal and management plan assesses the character and appearance of the Conservation Area. Development will be expected to contribute positively to the distinctive character of the Conservation Area. Paragraph 7.54 indicates that alterations should be undertaken in similar material to the original and that traditional features should be retained or reinstated.

The following policies were also identified in the delegated officers report as being relevant to the assessment of the application:

Policy A1 - Managing the Impact of Development

This policy seeks to protect the amenity of communities, occupiers and neighbours having regard to a range of factors including privacy, outlook, day and sunlight, transport impacts, noise etc.

Policy E1 - Economic development

This policy supports businesses and seeks to maintain the provision of a stock of premises for a variety of business activities and for firms of differing sizes and available on a range of terms and conditions for firms with differing resources. It directs new office growth to specific locations including Central London (as designated in the London Plan).

Policy E2 - Employment premises and sites

This policy seeks to protect premises suitable for continued business use, in particular small businesses.

Policy T1 - Prioritising walking, cycling, and public transport

This policy promotes sustainable development by prioritising walking, cycling and public transport.

In addition the following policy is also considered to be relevant:

Policy CC1 - Climate Change Mitigation

This policy requires all development to meet the highest feasible environmental standards. It supports sensitive energy efficient improvements to existing buildings.

Supplementary Planning Guidance

Camden Design Guidance 1 Design (adopted July 2015, updated March 2018)

The above reasons for refusal also refer to Camden's adopted Supplementary Planning Guidance for Design (CPG1 Design). This document provides guidance to supplement the design policies contained in the Camden Local Plan. No specific paragraph or section is referred to in the reason for refusal or officer delegated report.

Section 4 of the SPG deals with extensions. Paragraph 4.8 states that '*extensions should be subordinate to the original building in terms of scale and situation unless the specific circumstances of the site, such as the context of the property or its particular design, would enable an exception to this approach.*'

Paragraph 4.10 sets out principles for rear extensions, namely they should be designed to:

- be secondary to the building being extended, in terms of location, form, scale, proportions, dimensions and detailing;
- respect and preserve the original design and proportions of the building;
- respect and preserve existing architectural features;
- respect and preserve the historic pattern and established townscape of the surrounding area;
- not cause a loss of amenity to adjacent properties.

Paragraph 4.12 states that '*In order for new extensions to be subordinate to the original building, their heights should respect the existing pattern of rear extensions, where they exist.*' The maximum height of extension should be determined in relation to the principles set out in paragraph 4.10. It continues '*In cases where a higher extension is appropriate, a smaller footprint will generally be preferable to compensate for any increase in visual mass and bulk.*'

Paragraph 4.13 states that '*In general extensions higher than one full storey below roof eaves/parapet level, or that rise above the general height of neighbouring projections and nearby extensions, will be strongly discouraged.*'

Section 5 of the SPG deals with roofs, terraces and balconies. The key principles for roof alterations and extensions are:

- scale and visual prominence,
- effect on the established townscape and architectural style,
- effect on neighbouring properties.

Paragraph 5.7 indicates that roof alterations and additional storeys are likely to be acceptable where:

- there is an established form of roof addition or alteration to a terrace of similar buildings and where continuing the pattern of development would help to re-unite a group of buildings or 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 and alterations to roofs which create an established pattern and where further development of a similar form would not cause additional harm.

Paragraph 5.8 sets out that a roof alteration or addition is likely to be unacceptable where there is likely to be an adverse affect on the skyline, the appearance of the building or the surrounding street scene. This arises in a number of scenarios including:

- complete terraces which have a roofline which is largely unimpaired by alterations or extensions;
- buildings which already have an additional storey or mansard.

Paragraph 5.14 indicates that mansard roofs are a traditional means of terminating a building and are acceptable where it is an established roof form in a group of buildings. Paragraph 5.15 states that mansard roofs are often the most appropriate form of extension for Georgian and Victorian buildings with a raised parapet and low roof structure (with a maximum pitch of 70 degrees). However, *'other forms of roof extension may also be appropriate in situations where there is a strong, continuous parapet and the extension is sufficiently set back or where the would match other existing sympathetic roof extension already in the terrace'*.

Charlotte Street Conservation Area Appraisal and Management Strategy 2008

The Charlotte Street Conservation Area Appraisal and Management Strategy is also of relevance in determining whether the proposed design of the scheme is acceptable.

The Strategy notes at paragraph 3.7 that the predominant type of building in the Conservation Area is terraced townhouses of 4 storeys in height. Paragraphs 3.12 sets out characteristic details in the design of these terraces including use of yellow stock brick, window patterns and design, doorways, elevational details, chimney stacks and slate roofs. At paragraphs 6.14 - 6.16 the character and qualities of terraced townhouses in the Conservation are further explored, including reference to strong front parapet lines. To the rear, former mews are typically 2 storey, though many have been replaced by taller 3 storey 19th century workshop buildings.

At paragraphs 6.26 & 7 Charlotte Street is identified as a street with mixed use character. Its architectural character is dominated by 4 storey townhouses. At paragraph 6.37 the character of buildings in Mews Areas, including Charlotte Mews, are described as a range of commercial uses in former mews properties or subsequent 19th century workshop buildings. These are small scale with roofs generally concealed by parapets.

Paragraph 7.4 states that a range of buildings makes a positive contribution to the Conservation Area. (The accompanying map identifies the terrace from 64 to 74 Charlotte Street as making a positive contribution to the Charlotte Street conservation area. 72 Charlotte Street is listed).

Section 12 sets out current issues facing the Charlotte Street Conservation Area, and at Paragraph 12.3 alterations to existing buildings is identified, including *'inappropriate roof level extensions, particularly where these interrupt the consistency of a uniform terrace or the prevailing scale and character of a block, are overly prominent in the street.'*

Paragraph 13.15 confirms that development proposal must preserve and enhance the character and appearance of the Charlotte Street Conservation Area. Paragraph 13.23 states that *'The Conservation Area retains many diverse historic rooflines which it is important to preserve.'*

Fundamental changes to rooflines, insensitive alterations, poor materials, intrusive dormers or inappropriate windows can harm the historic character of the roofscape and will not be acceptable. Of particular interest are butterfly roof forms, parapets, chimney stacks and pots and expressed party walls'. Paragraph 13.24 states that 'The original pattern of rear elevations within a street or group of buildings is an integral part of the character of the area and as such rear extensions will not be acceptable where they would compromise the special character.'

The following further documents were identified in the officer delegated report as relevant to consideration of the application:

Camden Planning Guidance CPG7 (Transport) - this SPG sets out in detail Camden's approach to assessing the transport impact of development and how this should be mitigated. It is considered that the detailed guidance set out is not directly relevant to the proposal given that it results in only a small amount of additional office floorspace and that this will not significantly alter the existing transport requirements of the building in terms cycle and car parking. The officer delegated report confirms this.

The Fitzrovia Action Plan 2014 - this is referred to in the delegated officer report. This Area Action Plan is intended to help shape a vision for the area shared by the LB Camden, key community groups and key land owners, to ensure that growth balances the needs for residential, institutional and commercial uses and addresses the impact of growth on residential amenity. It also identifies Opportunity Sites in the Area and sets out principles for development in the area. It is not considered that the Area Action Plan raises issues over and beyond adopted policies and guidance that directly affect the consideration of the proposal.

Planning Policy Assessment

No. 66 Charlotte Street is identified in the Charlotte Street Conservation Area Appraisal and Management Strategy 2008 as being part of a terrace (comprising No.s 64 - 74 Charlotte Street) which makes a positive contribution to the Charlotte Street Conservation Area (No. 72 is Grade II listed). The Appraisal and Management Strategy identifies those elements of buildings in the Conservation Area which make the most significant contribution to its special character - these include the design, detailing and scale of front elevations, historic rooflines and chimney stacks and strong front parapets. Appeal decisions at No.s 64 and 74 Charlotte Street confirm that the principle significance of the buildings in the terrace to the Conservation Area are their front facades.

The proposal retains the front facade, front parapet line and the historic roofline and chimney stacks. It includes replacing the third floor front windows and installing new windows of a more appropriate historic design. The proposal is therefore considered to enhance those elements of the building which makes the most positive contribution to the Charlotte Street Conservation Area.

Rear elevations within the Charlotte Street Conservation Area are considered to be of significance only in terms of townscape pattern. Paragraph 13.24 of the Appraisal and Management Strategy states *'The original pattern of rear elevations within a street or group of buildings is an integral part of the character of the area and as such rear extensions will not be acceptable where they would compromise the special character.'*

The proposal involves alterations to the rear of No. 66 Charlotte Street. This element of the building and terrace is considered to make a less than significant contribution to the special character of the Conservation Area. The proposed alterations are all considered acceptable by the LB Camden apart from the raising of the rear parapet and the rear mansard above it, and the fourth storey to the new rear closet wing. The LB Camden consider that these elements are harmful to the character and appearance of the Conservation Area. This is not accepted for the detailed reasons set out below.

Roof Extension and Raising Rear Parapet

Reason for Refusal:

- 1. The proposed roof extension, by virtue of its form and detailed design which includes raising of the rear parapet, would fail to preserve or enhance the character and appearance of the building, the terrace to which it belongs and the Conservation Area contrary to Policy D1 (Design) and D2 (Heritage) of the Camden Local Plan 2017 and the Camden Planning Guidance 1 Design (CPG1 Design).*

The officer delegated report states:

'There is an established form of roof additions along this group of buildings. A mansard roof extension, similar to that at the adjoining buildings, would therefore be regarded as acceptable in principle. However the proposed design of the mansard is not architecturally sympathetic to the wider terrace. CPG1 has a section on mansard roofs such states that other forms of roof extension may also be appropriate in situations where there is a strong continuous parapet and where the extension is sufficiently set back or where they would match other existing sympathetic roof extensions already in the terrace. The proposed mansard roof extension does not respect the continuous parapet or match the design of adjacent extensions.' and it continues:

'The proposal would result in the raising of the rear parapet line which is of merit and should be retained.....the raising of the rear parapet to allow increased massing serves to overbear the host property and fails to preserve the original architectural features of the building and the wider terrace.'

This reason for refusal is predicated on there being an established form of rear roof additions to the terrace identified as making a positive contribution to the Charlotte Street Conservation Area (No.s 64 - 74 Charlotte Street) and also a strong, continuous rear parapet line to the terrace.

In terms of the form of roof additions, there is no consistency across the terrace. The mansard extension to No.70 comprises a lower double mansard whilst the extension to No. 72 is a single traditional mansard form. There are also two much larger, bulkier and taller extensions in the terrace at No. 64 & No. 74, both of which were recently granted planning permission and both of which involved losing the rear parapet line of each building (see photographs at Appendices 6 & 7 showing the appearance of the existing rear of the terrace and its appearance in 2012, prior to these schemes being implemented). As such the terrace includes considerable variation in the form of rear roof extensions.

Camden would prefer to replicate the existing, unattractive double mansard extension at No. 68 rather than allow the parapet to be raised to enable a new traditional mansard detailed in line with its own design guidance. This is despite the fact that:

- planning permission has never been granted for the extension at No. 68,
- that it does not comply with its own design guidance regarding the preferred form and detailing of mansard roof extensions,
- that it is inconsistent with the design and height of other mansard roof extensions in the terrace (at No.s 70 & 72),
- that it is not visible (other than in part where the parapet line is breached by a window) from any public viewpoint, and
- that there are two much larger, bulkier and taller extensions in the terrace (No, 64 & No. 74), both of which were recently granted planning permission and both of which involved losing the rear parapet line of each building.

In terms of the rear parapet line to the terrace, there is no consistent parapet line, whether considering only the part of the terrace visible from public viewpoints or the whole terrace. The only public view of the rear of the properties forming the terrace is from Charlotte Mews. This allows a view of the rear of 66 Charlotte Street, framed by the taller sheer rear elevation of 64 Charlotte Street (including an unattractive metal duct) and the southern part of the rear of 68 Charlotte Street (which is dominated by a large window which breaches the rear parapet line). Although the rear parapet line to the northern part of No. 68 and No.s 70 & 72 are broadly consistent, to No. 74 there

is no parapet line as the gap between the front and mews building has recently been infilled as part of a scheme involving redevelopment behind the front facade (see photographs at Appendix 6). In assessing the proposals for No.s 64 and 74 in neither case did the LB Camden indicate that the retention of the existing parapet line was important to the Conservation Area or raise concerns about its loss (see photographs at Appendix 7 which show the parapet line to No.s 64 and 74 prior to the approved works being implemented).

For these reasons it is not accepted that the rear of 66 Charlotte Street forms part of a consistent terrace in terms of roof extensions or parapet lines, nor that the retention of the existing parapet line is of importance to the Conservation Area.

The LB Camden refused the raising the rear parapet and the mansard roof extension above because it considered the impact of the works to be harmful to the character and appearance of the building, the terrace (both identified in the Charlotte Street Conservation Area Appraisal and Management Strategy as making a positive contribution to the Conservation Area - a non designated heritage asset) and to the Charlotte Street Conservation Area (a designated heritage asset).

In terms of the impact on the Charlotte Street Conservation Area, a designated heritage asset, any harm arising from the raising of the rear parapet line and the roof extension is considered to be less than substantial. This is because the alterations are to the rear elevation, an element which is not identified in the Charlotte Street Conservation Area Appraisal and Strategy as making the most significant contribution to the Conservation Area. As such guidance in paragraph 196 of the revised NPPF applies, namely that any harm should be weighed against the public benefits of the proposal. The harm, if any, is considered to be negligible and more than outweighed by public benefits arising from the scheme.

Any harm arising from raising the parapet and a single rear mansard extension is considered to be limited. The public benefits of upgrading of the building, including the installation of more appropriate windows to the far more significant front elevation, the improvements to the sustainability of the building through upgrading structure and seniors, and the provision of additional office space for small businesses, an improved internal layout and the replacement of poorly detailed rear windows and cheap plastic drainage pipes with more appropriate detailed windows and rainwater goods, improving the appearance of the rear elevation, easily outweigh any harm.

In terms of the impact on the building itself and the terrace, non designated heritage assets, any harm arising from raising of the rear parapet line and the roof extension is considered to be very limited, given the alterations are to an element which is not identified as being of the greatest significance to the Conservation Area, and given the rear of the terrace is not visible from any public views, apart from the rear of No.s 64, 66 and part rear No. 68. Guidance at paragraph 197 of the revised NPPF applies, namely that a balanced judgement is required on any application which effects the significance of a non designated heritage asset having regard to the scale of any harm and the significance of the heritage asset. As explained above, the scale of harm arising from the works proposed is considered to be minimal. The significance of the rear elevation of the building and the terrace (non designated heritage assets) to the Conservation Area is also considered to be low. A refusal in these circumstances is not considered to be justified or reasonable.

Because of the significant alterations allowed at No. 64 there is also an argument that the rear No. 66 now reads as the end of the terrace. As such it would seem reasonable to enable development which acts as a transition between the larger sheer flank wall at the rear of No. 64 and the less altered rears of No.s 68 - 72. The proposed raising of the parapet and higher closet wing would all act to mask the scale of the sheer flank wall to No. 64 (which is highly visible from Charlotte Mews) and offer transition to the remainder of the terrace (which is not visible from any public viewpoint).

Closet wing extension

Reason for Refusal

- 2. The proposed four storey rear closet wing, by virtue of its height, bulk and mass would fail to respect the established height of rear extensions on this terrace and would fail to preserve or enhance the character and appearance of the building, the terrace to which it belongs and the Conservation Area contrary to policy D1 (Design) and D2 (Heritage) of the Camden Local Plan 2017 and the Camden Planning Guidance 1 Design (CPG1 Design).*

The delegated officer report states:

'CPG1 states that in order for new extensions to be subordinate to the original building, their heights should respect the existing pattern of rear extensions, where they exist. The proposal would be a storey above the highest existing extension at No. 70 and is therefore considered to not respect the existing pattern of rear development.'

It is noted that the officers report does not address the fact that the terrace includes recently approved rear extensions at No. 64 and at No.74, both of which are considerably higher and bulkier than the existing rear structures at No.s 66 - 72 (and also significantly higher and bulkier than than the proposed rear closet wing extension to No. 66). There are no other remaining rear closet wing extensions in the terrace. At No.s 68 - 72 these have been replaced with structures linking through to the mews properties of different heights and forms. As such there is no consistent existing pattern in terms of rear closet wings to the rear elevation of the terrace - the existing situation is highly varied and the proposed rear closet wing sits comfortably within that variation in terms of height and bulk.

The officer report continues:

'CPG1 states that rear extensions should respect and preserve the original design and proportions of the building and respect and preserve architectural features. CPG1 goes on to specify that extensions that are not at least one full storey below parapet level will be strongly discouraged. The proposal would result in the raising of the rear parapet line which is of merit and should be retained. Overall the four storey closet wing extension and the raising of the rear parapet to allow increased massing serves to overbear the host property and fails to preserve the original architectural features of the building and the wider terrace.'

LB Camden refused the fourth storey to the new rear closet wing because it considered its impact to be harmful to the character and appearance of the building (a non designated heritage asset as identified in the Charlotte Street Conservation Area Appraisal and Management Strategy as making a positive contribution to the Conservation Area) and to the Charlotte Street Conservation Area (a designated heritage asset).

In terms of the impact on the Charlotte Street Conservation Area, a designated heritage asset, the harm arising from the fourth storey to the new rear closet wing is considered to be less than substantial. This is because rear closet wings are an element which is not identified in the Charlotte Street Conservation Area Appraisal and Strategy as being of the greatest significance to the Conservation Area. As such guidance in paragraph 196 of the revised NPPF applies, namely that the harm should be weighed against the public benefits of the proposal. The harm is considered to be very limited as there is no consistent pattern of rear closet wing extensions to the terrace, that only part of the rear terrace is visible from public viewpoints and because public views are dominated by the taller, bulkier flank wall to the rear of No. 64. Public benefits of the overall scheme are set out above.

In terms of the impact on the building itself and the terrace (non designated heritage assets), the harm arising from the fourth storey to the new rear closet wing is considered to be limited, given the rear closet wings are not identified as being of the greatest significance to the Conservation Area, and given the rear of the terrace is not visible from any public views, apart from the rear of No.s 64, 66 and part rear No. 68. Guidance at paragraph 197 of the revised NPPF applies, namely that a balanced judgement is required on any application which effects the significance of a non designated heritage asset having regard to the scale of any harm and the significance of the heritage asset. Any harm is considered to be limited whilst the significance of the non designated assets are low.

It also follows that if a raised rear parapet line and mansard roof extension are considered acceptable, then the height of the rear closet wing can be increased to four storeys as it will remain subservient to the host building and one full storey below parapet level, in line with policy. Its relationship to the new rear parapet line will be no different from the 3 storey rear closet wing already approved by LB Camden.

Conclusions

It is considered that the proposal is acceptable and complies with national and local policy and guidance. The proposals do not affect the elements of the building making the most significant contribution to the Charlotte Street Conservation Area, namely the front facade. The contentious elements of the scheme all affect the rear elevation, namely the raising of the rear parapet line to match the level of the front parapet, the creation of a rear single mansard with dormers and the creation of a four storey rear closet wing. These have a very limited impact on the character and appearance of the Conservation Area, on the building itself and on the terrace (No.s 64 - 74 Charlotte Street). Any harm is considered to be negligible whilst the public benefits of upgrading of the building, including the installation of more appropriate windows to the far more significant front elevation, the retention of the front roof slope and roofline, the improvements to the sustainability of the building through upgrading structure and services, and the provision of additional office space for small businesses, easily outweigh any harm.

There is no consistent form of rear mansard or rear closet wing extension in the terrace and no strong established parapet line. Two recently approved and constructed schemes within the terrace involved the loss of the existing rear parapet line, and included far larger and more visually significant works to the rear (namely at No. 64 and No. 74 Charlotte Street). The impact of these works on the character and appearance of the terrace and to the setting of 66 Charlotte Street has not been considered by the LB Camden. Further the full rear terrace is not visible from any public position. The only glimpses are from Charlotte Mews where the view is of the rear of 66 Charlotte Street dominated by the taller sheer rear elevation of 64 Charlotte Street which includes an unattractive metal duct.

It is considered that the proposals are acceptable given their context and that any harm to the character and appearance of the Charlotte Street Conservation Area would be minimal and outweighed by the public benefits of the scheme. Given the existing context, the design of the proposed rear mansard is considered to follow Camden's design guidelines.

It is therefore respectfully requested that this appeal be allowed. Proposed conditions, reflecting those attached by the LB Camden to the alternative scheme for extensions to 66 Charlotte Street approved 2 October 2018, are set out below.

Suggested Planning Conditions

The Appellant proposes the following conditions should this appeal be allowed. These conditions replicate those attached by the LB of Camden to the scheme approved in 2 October 2018 for the erection of a closet wing extension, mansard extension and 2 storey outbuilding; demolition of the existing rear closet wing extension and outbuilding, all at 66 Charlotte Street (2018/3839/P):

1. The development hereby permitted must be begun no later than the end of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 191 of the Town and Country Planning Act 1990 (as amended).

2. All new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the existing building, unless otherwise specified in the drawings hereby approved.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy D1 and D2 of the London Borough of Camden Local Plan 2017.

3. The development hereby permitted shall be carried out in accordance with the following approved plans (1329-66-2018-001, 1329-66-2018-002, 1329-66-2018-003b, 1329-66-2018-004, 1329-66-2018-005c, 1329-66-2018-006, 1329-66-2018-007c, 1329-66-2018-008, 1329-66-2018-009c, 1329-66-2018-0010, 1329-66-2018-011c, 1329-66-2018-020, 1329-66-2018-023, 1329-66-2018-024, 1329-66-2018-026, 1329-66-2018-027a, 1329-66-2018-029).

Reason: For the avoidance of doubt and in the interest of proper planning.

Appendices

Appendix 1 - 66 Charlotte Street - first alternative approved scheme (2018/3839/P); decision letter and key drawings.

Appendix 2 - 66 Charlotte Street - second alternative approved scheme (2018/3850/P); decision letter and key drawings.

Appendix 3 - 64 Charlotte Street - appeal decision dated November 2013 and approved proposed rear elevation and section (2012/3157/P).

Appendix 4 - 64 Charlotte Street - appeal decision dated April 2015 (2014/ 5073/P); appeal decision dated July 2016 and approved rear elevations and section (2015/6701/P).

Appendix 5 - 74 Charlotte Street - appeal decision dated September 2013 and approved rear elevation and section (2012/2133/P).

Appendix 6 - existing photographs of the rear of the terrace 64 - 74 Charlotte Street.

Appendix 7 - photographs of the rear of the terrace 64 - 74 Charlotte Street before works carried out to 64 & 74 Charlotte Street (dated 2012)