

**Michael Maan BA (Hons) Dip UD MRTPI  
Town Planning Consultant  
69 Wentworth Avenue  
Finchley  
London N3 1YN**

Tel:0777 305 4192

E – mail:michaelmaan@aol.com

**STATEMENT OF CASE OF MICHAEL MAAN IN RESPECT OF  
PLANNING APPEAL FOR SITE AT 85 JAMESTOWN ROAD,  
LONDON NW1 7DB.**

**APPELLANT – JAMESTOWN ROAD LLP**

**OUR REF:                   MM/527/18/2**

13<sup>th</sup> March 2019

## **1.0 Introduction**

1.1 This appeal is made against the decision notice refusing planning permission as issued by the London Borough of Camden (the Council) on 28<sup>th</sup> September 2018 (Council ref: 2018/1486/P ).

1.2 The development is for installation of double doors and Juliet balcony at fourth floor leading to flat roof; installation of railings to flat roof (retrospective).

1.3 The reasons for refusal are:

1. The proposed french doors, Juliet balcony and railings, by reason of their siting, design and material finish would appear as unsympathetic and incongruous additions to the building which fail to preserve or enhance the character, appearance or historic interest of the locally listed building and its terrace, the adjacent conservation areas and the setting of nearby listed buildings contrary to policies D1 (Design), D2 (Heritage) & A1 (Managing the impact of development) of the London Borough of Camden Local Plan 2017, the London Plan 2016, and the National Planning Policy Framework 2018.

2. The proposed french doors and railings, which would facilitate use of the fourth floor roof as an amenity area, by reason of its location, size and proximity to neighbouring properties would cause harmful overlooking and result in a loss of privacy to the upper floor levels of neighbouring properties, including Nos. 14, 16 and 18 Oval Road, contrary to Policy A1 (Managing the impact of development) of the London Borough of Camden Local Plan 2017.

1.4 A copy of the decision notice is attached as Appendix 1 to this statement.

## **2.0 Location and Appeal Site Description**

- 2.1 The appeal site comprises a prominent four storey building (the Building) with a mansard roof located on the corner of Jamestown Road and Oval Road. The original building is early 20<sup>th</sup> Century that has been recently extended under cover of a planning approval granted on appeal. The local authority planning reference is 2014/4058/P and the appeal reference is APP/X5210/W/14/3000701. This permission enabled the provision of a modern designed four storey high infill on the Jamestown Road frontage and a new mansard roof on top of the original corner building. The new mansard roof provides for additional accommodation to the third floor flat in the original corner building.
- 2.2 A copy of the appeal decision letter and relevant plans are attached as Appendix 2 to this statement.
- 2.3 The new infill side extension has modern styled windows on the upper floors as does the third floor of the original building on both the Jamestown Road and Oval Road frontages. In respect of the new mansard roof on top of the original building, this contains two windows on the Jamestown Road frontage and two windows on the Oval Road frontage. With the mansard roof being higher than the adjacent infill side extension, a new door opening, accommodating a set of double doors has been created this looks out over towards the roof of the side infill extension. Beyond the opening, a set of black painted metal railings, 900mm high, run around the perimeter of the roof of the side infill extension. The purpose of the railings is to provide an element of safety for the maintenance of the roof. This roof area has not been designed as a terrace. If it were then railings of a greater height would be needed to ensure an adequate level of safety for such a purpose.
- 2.4 It is to be noted at this point that there is currently no balcony installed. This is a proposal only and would be installed in the event of planning permission being granted.

- 2.5 From street level the railings fronting Jamestown Road can be seen high up on the roof and a very small part of the doorway opening leading to the terrace is visible. The rest of the railings and doorway are hidden from view at street level.
- 2.6 Photographs of appeal site with the original building and side infill extension, with the railings above are shown below in Photos 1 & 2.

**PHOTO 1**



**Photo 1** Photo taken on Jamestown Road looking south-west towards the appeal site on the corner of Jamestown Road and Oval Road. A section of the railings and upper part of the door opening can be seen on top of the side infill extension and in the mansard roof respectively.



**Photo 2. – Photo taken on Oval Road looking south-east towards the appeal site on the corner of Jamestown Road and Oval Road**

### **3.0 Relevant Planning History**

#### **April 2105**

3.1 On 10<sup>th</sup> April 2015 planning permission was granted on appeal (APP/X5210/W/14/30070 – Appendix 2) for a mansard roof extension to create an additional floor to the 3rd floor flat. This permission was implemented but with some minor design changes. These changes were:

1. Metal framed single paned windows in place of wooden framed sliding sash multi paned windows at third and fourth floor levels on the Jamestown Road and Oval Road frontages;
2. Different finish to the metal framed door and window openings to the new side infill extension;
3. The party wall chimney stack, on the boundary with No.83 Jamestown Road raised in height;

4. A new roof light in the mansard roof extension;
5. The replacement of the window opening with a doorway opening in the east facing elevation of the new mansard roof, accommodating a pair of double French doors to enable access onto the roof of the new side infill extension fronting Jamestown Road;
6. New railings to create the small terrace on the roof of the new side infill extension.

### **February 2018**

- 3.2 On 7<sup>th</sup> February 2018 planning permission was refused (Council Ref: 2017/5170/P) for .the ‘Installation of 1 x window at third floor level; double glazed aluminium framed windows to third and fourth floors; increase height of party wall chimney stack; installation of 1 x roof light (Retrospective)’.
- 3.3 This application sought to obtain retrospective planning permission for items 1 (windows), 3 (party wall chimney stack), and 4 (rooflight) above. The sole reason for refusal was;

‘The proposal by reason of the inappropriate design and materials represents an unsympathetic and incongruous addition to the building which fails to preserve or enhance its character, appearance or historic interest representing less than substantial harm to this Locally Listed Building without any public benefit contrary to policies D1, D2 & A1 of the London Borough of Camden Local Plan 2017, the London Plan 2016, and the National Planning Policy Framework 2012.’
- 3.4 As indicated in the delegated report for this application, the Council did not support the change in the window designs. However they did accept the

variations relating to the raised height of the party wall chimney stack and the new rooflight.

- 3.5 A copy of the decision notice, delegated report and relevant plans are attached as Appendix 3 to this statement

### **March 2018**

- 3.6 On 9<sup>th</sup> March 2018, an Enforcement Notice (Council ref: EN17/0067) was served requiring the removal of the single paned windows at third and fourth floor levels on the Jamestown Road and Oval Road frontages and have these replaced with timber framed sash windows.

### **September 2018**

- 3.7 On 28<sup>th</sup> September 2018 planning permission was refused for the development the subject of this appeal (Council ref: 2018/1486/P – Appendix 1) namely, the installation of double doors and balcony at fourth floor leading to flat roof; railings to flat roof (retrospective).

### **October 2018**

- 3.8 On 15<sup>th</sup> October 2018, the aforementioned Enforcement Notice (Council ref: EN17/0067) was quashed on appeal (Planning Inspectorate ref: APP/X5210/C/18/3200487). This was due to the poor construction of the notice and it was felt by the planning inspector that a decision could not be made without injustice to one or more parties involved in the appeal process. A follow up suggestion was made by the inspector however for the serving of another notice against which a fresh appeal could be lodged.
- 3.9 Copies of the enforcement notice and decision letter are attached as Appendix 4 to this statement.

### **December 2018**

3.10 On 11<sup>th</sup> December 2018, a Breach of Condition Notice (BCN) (Council ref: EN17/0067) was served. This essentially seeks to secure compliance with the approved plans under cover of the planning permission granted on appeal in April 2015 (Appendix 1). The alterations which the Council seeks include the removal of those building elements the subject of this appeal. In summary the BCN seeks:

1. The replacement of the metal framed windows at third and fourth levels on the Jamestown Road and Oval Road frontages with timber framed sash windows;
2. Install metal framed double doors and windows in the new infill side extension fronting Jamestown Road in accordance with the approved plans (in particular Dwng. 348-207-P) granted on appeal (APP/X5210/W/14/30070 - Appendix 1);
3. To remove the double doors and Juliet balcony located at fourth floor level to the third & fourth floor flat and have the double door opening changed to a window opening in line with the approved plans granted on appeal (APP/X5210/W/14/30070 - Appendix 1) and in particular Dwngs 348-113-P RevA & 348-114-Rev A.
4. To remove the railings around the perimeter of the flat roof to the new side infill extension.

3.11 Items 3 and 4 above are those which are the subject of this appeal. The time for compliance in respect of the BCN is six months from the date of service of the notice.

3.12 A copy of the BCN is attached as Appendix 5 to this statement.

**March 2019**



3.13 A Section 73 planning application has been submitted to seek retrospective approval for the following details not in accordance with the originally approved plans granted on appeal (APP/X5210/W/14/30070 – Appendix 1). These are:

- Retain all the single paned metal framed windows at third and fourth floor levels on the Jamestown Road and Oval Road frontages. Some minor design changes proposed to the windows at third floor level only. Windows to the mansard roof to remain unchanged;
- Retain the windows and door openings in the new infill side extension fronting Jamestown Road;
- Retain the party wall chimney stack;
- Retain the roof light in the mansard roof

3.14 No decision has yet been made on this application at the time of this appeal submission.

#### **4.0 Relevant Planning Policy**

4.1 The relevant policies considered to be relevant are the two that are referred to in the Notice. These are policies D1 (Design), D2 (Heritage)) and A1 (Managing the impact of development) of the adopted Camden Local Plan 2017.

4.2 Policy D1 seeks to secure high quality design in development and sets out criteria that includes; respecting local context and character and to preserve or enhance heritage assets.

4.3 Policy D2 seeks to preserve and, where appropriate, enhance heritage assets including locally listed heritage assets.

- 4.4 Policy A1 seeks to protect the quality of life of occupiers and neighbours and covers factors such as visual privacy
- 4.5 A copy of the Policies D1, D2 and A1 are attached as Appendix 6 to this statement.
- 4.6 The Building on the appeal site is locally listed. The local listing includes also the adjacent terrace block on Jamestown Road and the adjacent terrace block on Oval Road.

## **5.0 Planning Assessment**

### **First reason for refusal**

- 5.1 The door opening with the double doors, form part of the new mansard roof with the railings extending out onto the roof of the side infill extension. The door opening is an integral part of the new mansard roof and is considered to be visually compatible with the new mansard roof. From street level the door opening is barely visible and has virtually no impact on the character and appearance of the original building.
- 5.2 The railings are positioned on top of the new infill extension and by virtue of their design and position has limited visual impact on the locally listed building. Whilst visible from the street the railings are seen more in the context of being an addition to the new side extension infill rather than an extension or structural addition extending from the original corner building.
- 5.3 It is lightweight in its appearance reflecting a thin frame with a black paint finish. As a result the new infill side extension still remains a subservient structure in relation to the original corner building. Furthermore with the railings being contained in between the raised party wall chimney stack at one end and the new mansard roof at the other, when viewed from the street, their

presence have no impact on setting of the locally listed terraced properties adjacent to the appeal side this side of Jamestown Road.

- 5.4 Overall the provision of a door opening, railings and the balcony as proposed, has no impact on the architectural integrity of the host building that is locally listed. These features are considered to be acceptable alterations compatible both with the overall mansard roof extension and also the side extension infill which remains as being subservient to the main host building. With the presence of the raised party wall chimney stack the railings do not impinge on the setting of the adjacent locally listed terrace. For all these reasons the proposal is considered to be in compliance with the objectives of Policies D1, D2 and A1 of the Adopted Local Plan (2017)

#### **Second reason for refusal**

- 5.5 The second reason for refusal appears to be based on the Council's concern of overlooking and the associated potential of loss of privacy. As already mentioned, the intention is not to use the roof of the side infill extension as a terrace. Access onto it would be maintenance purposes only. To this extent the railings have been erected to provide some element of safety for maintenance work. For the use of the roof area as a proper terrace, the perimeter of the roof would have to be better secured with higher railings and/or solid screening.
- 5.6 From within the top floor flat the view from the double door opening and behind the locked Juliet balcony would be eastwards only over the roofs of the properties along Jamestown Road. From this position, there is no danger of overlooking or loss of privacy in relation to the amenity of the occupiers of any of the adjoining residential properties. No overlooking or loss of privacy would therefore arise in relation to the nearest properties at Nos. 14, 16 & 18 Oval Road. For this reason there would be no conflict with the policy objective of A1 regarding the issues of overlooking and privacy. The door opening with the proposed Juliet balcony and existing railings therefore would not conflict with Policy A1 with regard to protection of privacy and prevention of overlooking.

## **6.0 Conclusion**

- 6.1 The proposal the subject of this appeal is for the retention of the railings on the roof of the side infill extension and the door opening in the mansard roof together with the proposal to install a Juliet balcony in front the door opening.
- 6.2 The railings and the door opening are considered to be entirely in keeping with the appearance of the main host building, which is locally listed and also with the new side infill extension. These features do not detract from the setting of the locally listed building and neither would the installation of the Juliet balcony which would be hidden from public view.
- 6.3 The roof area to the side infill extension, which is enclosed with the metal railings, is intended to be used as a terrace. The purpose of the railings is to provide an element of safety in conjunction with maintenance work on the roof. To this extent the height of the railings at 900mm does not lend themselves to safe use of the roof area as a terrace. A higher railing and/or solid enclosure would be required for the safe use of a terrace area. With the access to the roof area being for maintenance only, no issues of privacy or overlooking would arise.
- 6.4 For all these reasons this appeal proposal is considered to be in compliance with the objectives of Policies D1, D2 and A1 of the Adopted Local Plan (2017). The inspector is kindly requested therefore to uphold this appeal.