



SF PLANNING APPEAL STATEMENT OF CASE

**Erection of a ground floor rear extension to mixed-use existing retail and cafe (Sui Generis) | May 2019**

**168 West End Lane, London, NW6 1SD**

*On behalf of Lolas Cupcakes Limited*

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## 1.0 Introduction

- 1.1 These grounds of appeal are prepared by Paul Jenkins of SF Planning Limited.
- 1.2 Paul Jenkins graduated from the University of Wales, Swansea in 2003 with a BSc (Hons) Degree in Geography and also holds an MA Degree in Town and Country Planning having graduated from the University of the West of England in 2006.
- 1.3 Paul is a Member of the Royal Town Planning Institute and joined SF Planning Limited in 2016. Paul has a total of fifteen years' experience; with 8 years of experience working in the development control function of two different local planning authorities including Westminster City Council in central London for 5½ years at a senior level.
- 1.4 Paul has 6 ½ years' experience in the private sector and is leading on a number of projects including high density residential and mixed-use developments and commercial development in urban environments which raise issues similar to those being considered as part of this appeal, with experience all over London and the south east.
- 1.5 The appeal is submitted on behalf of on behalf of Lolos Cupcakes Limited (the appellant), in support of their written representations appeal under s78 of the Town and Country Planning Act 1990.
- 1.6 The appeal is against the decision of the London Borough of Camden, (the council), to refuse their application on the 3<sup>rd</sup> April 2019 reference number 2018/4156/P (the appeal application), for the erection of a ground floor rear extension to existing mixed-use retail and cafe (Sui Generis) at no.168 West End Lane, West Hampstead, London.
- 1.7 The application was supported by a design and access statement by Spin Architecture, a planning statement by SF Planning Limited and an acoustic report by KP Acoustics, as detailed within the accompanying list of appeal documents.
- 1.8 The plans determined by the council and the supporting documentation accompanying the application, together with the council's notice of refusal are submitted with the appeal forms.

- 1.9 A copy of the decision notice and associated officer report are attached at Appendix 1 & 2.
- 1.10 To avoid unnecessary repetition the inspector is requested to refer to and accept the appellants' supporting documentation as part of this statement.
- 1.11 We assume the council will attach the relevant planning policies referred to with the appeal questionnaire in the normal way.
- 1.12 Final comments will be made on the council's response to these grounds of appeal, and any suggested planning conditions in due course as may be appropriate.
- 1.13 Any third-party representations submitted at the appeal stage will also be addressed as may be appropriate in due course, at the final comments stage.

## 2.0 Background

### THE SITE

- 2.1 The site comprises of the basement and ground floor of no.168 West End Lane in West Hampstead. No.168 West End Lane forms part of a large mansion block, with commercial uses on the ground and basement floors and residential flats on the upper floors, known as Canterbury Mansions.
- 2.2 The unit is located on the east side of the street and was formally occupied by a printing shop. The unit was granted permission in 2017 for mixed-use retail, bakery and café use (Class A1/A3) following a change of use application (ref: 2017/0631/P) which was implemented by the Appellant and the unit subsequently occupied by Lola's Bakery.
- 2.3 More specifically, the location of the proposed extension is to the rear of the mansion block and very much part of the secondary façade of the building with the ground floor and basement providing "back of house" services including access to the commercial units fronting West End Lane.
- 2.4 The appeal site is not readily visible from public vantage points, due to existing ground floor structure attached to the main building which provides the residential entrance to Canterbury Mansions on the upper floors from Lymington Road.

### THE LOCATION

- 2.5 In terms of planning designations the site falls within West Hampstead Town Centre, which as one would expect, provides a vibrant mix of uses, including shops, restaurants and cafes within ground floor commercial units with the upper floors generally providing residential accommodation. The site also falls within the West End Green Conservation Area.
- 2.6 Directly relevant to the consideration of this appeal are the uses and planning history of the immediately adjoining buildings.
- 2.7 Immediately to east of the rear of the appeal site is no.2 Lymington Road and its associated outdoor space, which is understood to provide additional B&B rooms for "Charlotte Guest House."

- 2.8 Also relevant is a recent planning permission for the re-development of no.156 West End Lane, directly to the south of the appeal site, which was granted planning permission on the 23<sup>rd</sup> June 2017 (ref: 2015/6455/P) for;

*"Comprehensive redevelopment following demolition of all existing buildings to provide 164 self-contained residential dwellings (Class C3), 763sqm of flexible non-residential use (Class A-A3, D1, D2), 1093sqm of employment floorspace (Class B1) and 63sq.m of community meeting space (Class D1) in buildings ranging from 3 to 7 storeys. New vehicular access from West End Lane and provision of 08 accessible car parking spaces. Provision of new public open space and widening of Potteries Path and associated cycle parking and landscaping."*

- 2.9 The decision notice and approved plans for this development are provided within appendix 4, 5 and 6 of this appeal statement. This scheme will have a significant impact on the setting of the appeal site and adjacent buildings. The appeal plans demonstrate the appeal proposals will result in a very minor impact on the character of the area as the scheme at no.156 West End Lane emerges.

## THE APPLICATION

- 2.10 The appeal application is for the erection of a ground floor rear extension to the existing mixed-use retail and café, submitted to the council on the 4<sup>th</sup> September 2018 (application reference 2018/4156/P).
- 2.11 The appeal proposals relates to a small single storey rear extension to the building, measuring 9m in width, 3.6m in depth (from the existing bay window) and 3.9m in height (from the parapet of the existing lower ground floor of the building). This would provide an opportunity for the existing business at the premises to expand to accommodate its growing needs and provide approximately 20 additional covers.
- 2.12 The need for additional covers has come about due to the fact the premises is currently completely full for approximately 3 hours each midweek day between 11am and 2pm and approximately 9 hours on each day at weekends. The proposed extension will help the existing business meet demand and increase its turnover and staffing levels.
- 2.13 The appearance of the business from street level would remain unchanged with the ground floor shopfront and retail display retained unaltered to provide an active frontage and street level interest.

- 2.14 Following a site visit from the planning officer on the 8<sup>th</sup> November 2018, revised plans were submitted on the 17<sup>th</sup> December 2018 to address concerns the officer highlighted at the visit.
- 2.15 Despite the submission of revised plans, the application was refused on the 3rd April 2019 (some 7 months after it was submitted), without any extension of time agreed with the applicant, for the following two reasons;
1. *"The proposed extension by reason of its siting, height, bulk and mass would fail to be subordinate to the host building and be out of character for a group of buildings that are unaltered at the rear resulting in harm to the character of the host building and the character and appearance of the West End Green Conservation Area contrary to policies A1 (Managing the impact of growth and development), D1 (Design), D2 Heritage) of the London Borough of Camden Local Plan and policies (Design & character) and 3 (Safeguarding and Enhancing Conservation Areas and heritage sites) of the Fortune Green and West Hampstead Neighbourhood Plan 2015."*
  2. *"The proposed extension, by reason of its size, height and location abutting the neighbouring windows, would result in an increased sense of enclosure, light spill, noise and loss of outlook and daylight and sunlight which would be detrimental to the living and working conditions of neighbouring occupiers, contrary to policy A1 (Managing the impact of development) of the London Borough of Camden Local Plan 2017."*
- 2.6 It appears there maybe a drafting error in reason for refusal 1, as the neighbourhood plan policies appear to be incorrectly referenced. We look forward to further clarification from the council on this matter.

## 3.0 Relevant Planning Policy

- 3.1 The relevant local planning policy background for the consideration of the application is provided in the adopted development plan and related supplementary planning policy.
- 3.2 Relevant national planning policy and guidance is provided in the National Planning Policy Framework (the Framework, 2019) and Planning Practice Guidance (PPG).
- 3.3 Section 70 (as amended) of the Town and Country Planning Act states that Local Planning Authorities should have regard to:
- "(a) the provisions of the development plan, so far as material to the application;*
  - (b) any local finance considerations, so far as material to the application;*
  - and*
  - (c) any other material considerations."*
- 3.4 Paragraph 47 of the Framework reiterates this statutory requirement and confirms that the Framework is a material consideration in planning decisions.
- 3.5 Paragraph 213 of the Framework states that due weight should be given to relevant policies in existing local plans according to their degree of consistency with the Framework; the closer the policies in the Plan to the policies in the Framework, the greater the weight that may be given.
- 3.6 Paragraph 11 of the Framework is clear that, at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development. Paragraph 11 also states that for decision taking, the presumption in favour of sustainable development means approving development proposals that accord with the development plan without delay.

### ***The National Planning Policy Framework (NPPF - 2019)***

- 3.7 The NPPF was originally published on 27 March 2012. It is a key part of Government reforms to make the planning system less complex and more accessible, to protect the environment and to promote sustainable growth. The latest version of the NPPF was published in February 2019.



- 3.8 In terms of relevant sections of the document to the appeal application, chapter 7 relates to ensuring the vitality of town centres. More specifically, **paragraph 80 of the NPPF** states that policies and decisions should help create the conditions in which businesses can invest, expand and adapt.
- 3.9 The NPPF goes on to state that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.
- 3.10 Further to supporting local business, **paragraph 85 of the NPPF** sets out that planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. Part (A) of paragraph 85 goes on to state that planning policies should;

*"define a network and hierarchy of town centres and promote their long-term vitality and viability – by allowing them to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries, allows a suitable mix of uses (including housing) and reflects their distinctive characters."* (Appellant's Emphasis)

- 3.11 What is clear from this section of the NPPF is that it is the Government's intention to promote suitable economic development in town centres which support business expansion to ensure successful town centres and ensure they remain viable in the backdrop of a significant shift in how customers shop.
- 3.12 As it will be demonstrated within these grounds of appeal, these proposals will provide economic and social benefits, through the small scale extensions to the existing building will support the expansion of the existing business located at the appeal site, whilst providing additional jobs and a larger premises for customers.

### ***The London Plan (2016)***

- 3.13 The London Plan (2016) makes it clear London's town centres are a key spatial priority of the London Plan, providing access to a range of services and enabling all parts of London to make a greater contribution to London's economic success.
- 3.14 **Policy 2.15** relates specifically to "Town Centres." At a strategic level, part (A) of the policy makes it clear the Mayor requires Town Centres to be the main foci beyond the Central Activities Zone for commercial development and intensification.

- 3.15 The sub-text of the policy, (P72 – para. 2.70) states that town centres “.....are the most accessible locations on the public transport system and the centres of their communities.....” and that “.....they are key locations for a diverse range of activities, including...retail, leisure and office space....”
- 3.16 Paragraph 2.72 also notes that “...a wide range of uses will enhance the vitality and viability of town centres...” with the text going on to set out that leisure uses contribute to London’s evening economy and ensure that town centres remain lively beyond shopping hours.
- 3.17 **Policy 4.8** relates to “Supporting a successful and diverse retail sector and related facilities and services” and is also relevant to a degree.
- 3.18 Part (A) of the policy states that the Mayor will, and boroughs and other stakeholders should, support a successful, competitive and diverse retail sector which promotes sustainable access to the goods and services that Londoners need and the broader objectives of the spatial structure of this Plan, especially town centres (Policy 2.15).
- 3.19 The sub-text of the policy (4.47) sets out that a vibrant, diverse retail sector is essential to London’s success. This is not only is it vital to ensuring that Londoners have access to the goods and services they need, but it plays a key role in London’s economy, employing over 400,000 people and supporting the economic vitality and health of the whole range of town centres across London, including West Hampstead.
- 3.20 As it will be demonstrated within these grounds of appeal, these proposals through the modest proposed extension to the existing building at rear ground floor level will allow the existing business to expand and help provide a vibrant and diverse retail sector within West Hampstead Town Centre.

#### **Camden Local Plan (2017)**

- 3.21 The Camden Local Plan was adopted in 2017 and covering the period from 2016-2031. The Council’s reasons for refusal set out three local plan policies the appeal proposals conflict with, as summarised out below.
- 3.22 Camden Local Plan **Policy A1 (Managing the impact of growth and development)** states that the Council will seek to protect the quality of life of occupiers and neighbours. We will grant permission for development unless this causes unacceptable harm to amenity. This set out a number of criteria

developments will be considered against including matters such as transport and residential amenity impacts.

3.23 Camden Local Plan **Policy D1 (Design)** states that the Council will seek to secure high quality design in development. The Council will require that development once gain complies with a number of criteria, the most relevant of which to these appeal proposals are set out below;

- *respects local context and character;*
- *preserves or enhances the historic environment and heritage assets in accordance with Policy D2 Heritage;*
- *comprises details and materials that are of high quality and complement the local character;*
- *preserves strategic and local views;*
- *carefully integrates building services equipment.*

3.24 The policy goes in to state that 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.

3.25 **Camden Local Plan Policy D2 (Heritage)** is the final policy the council reference within the reasons for refusal. This states that the Council will preserve and, where appropriate, enhance Camden's rich and diverse heritage assets and their settings, including conservation areas, listed buildings and locally listed heritage assets.

#### ***Fortune Green & West Hampstead Neighbourhood Plan (2015)***

3.26 The Fortune Green & West Hampstead Neighbourhood Plan (FG&WHNP) was adopted in September 2015. The council make reference to two policies within the reasons for refusal, which are considered below.

3.27 **Policy 2, Design & Character** of the neighbourhood plan states that all development shall be of a high quality of design, which complements and enhances the distinct local character and identity of Fortune Green and West Hampstead. In relations to extensions to existing buildings, relevant parts of the policy set out the above will be achieved by;

- *Development which maintains the positive contributions to character of existing buildings and structures.*
- *Development which has regard to the form, function, structure and heritage of its context - including the scale, mass, orientation, pattern and grain of surrounding buildings, streets and spaces.*
- *A presumption in favour of a colour palate which reflects, or is in harmony with, the materials of its context.*
- *New buildings and extensions that respect and are sensitive to the height of existing buildings in their vicinity and setting.*
- *Extensions - and infill development - being in character and proportion with its context and setting, including the relationship to any adjoining properties.*
- *Having regard to the impact on local views across the Area and the streetscapes within the Area (as identified in A11 and Map 2).*

- 3.28 **Policy 3** of the neighbourhood plan relates to safeguarding and enhancing **Conservation Areas and heritage assets**. This states under part (i) that development that enhances or preserves Conservations Areas and heritage assets in the area as well as their distinct character, appearance, and setting will be supported.
- 3.29 Conversely, part (ii) of the policy states that proposals which detract from the special character, and/or, architectural and/or historic significance, and setting of Conservation Areas and heritage assets in the Area will not be supported.

## 4.0 Grounds of Appeal

- 4.1 This section of the Statement reviews national and local policy which supports business growth and economic development in the town centre as well as the case officer's report in detail and justifies the schemes in planning policy terms in relation to the reasons for refusal.
- 4.2 It should be read alongside the Statement of Case submitted by Squire Heritage Consulting (dated 26<sup>th</sup> May 2019), which deals principally with matters relating to heritage and the impact of the proposals on the conservation area and host building.
- 4.3 The council have not stated the proposals are contrary to any parts of the NPPF or the London Plan, which are both important considerations in considering the merits of the appeal proposals. Indeed, the officer report is virtually silent of any of the economic benefits the scheme would bring.

### ECONOMIC BENEFITS

- 4.4 The additional seating that will be provided from the extended floorspace of the unit, will facilitate the expansion and economic growth of an existing retail business, in a town centre location.
- 4.5 As previously set out, the need for additional covers has come about due to the fact the premises are currently completely full for approximately 3 hours each midweek day and approximately 9 hours on each day at weekends. The proposed extension will help the existing business meet demand and increase its turnover and staffing levels.
- 4.6 The significant increase in turnover from the seating area will mean employment of another 4/5 full time staff plus 4-part time workers for weekends only. This will be an additional of approximately £125,000 to the payroll of the business per annum.
- 4.7 The cost of construction will be circa £75,000 - £100,000, with additional temporary employment generated from the build and further business rates will be paid on the extended area.
- 4.8 These matters are all significant economic benefits the Council have overlooked in their decision-making process.

- 4.9 Since they are not referred to in the reasons for refusal, no further commentary on these matters is provided since the supportive parts of the London Plan and NPPF, which should weigh strongly in favor of these proposals, have already been highlighted in section 3 of this statement.

## COMMENTS ON OFFICER REPORT AND REASON FOR REFUSAL

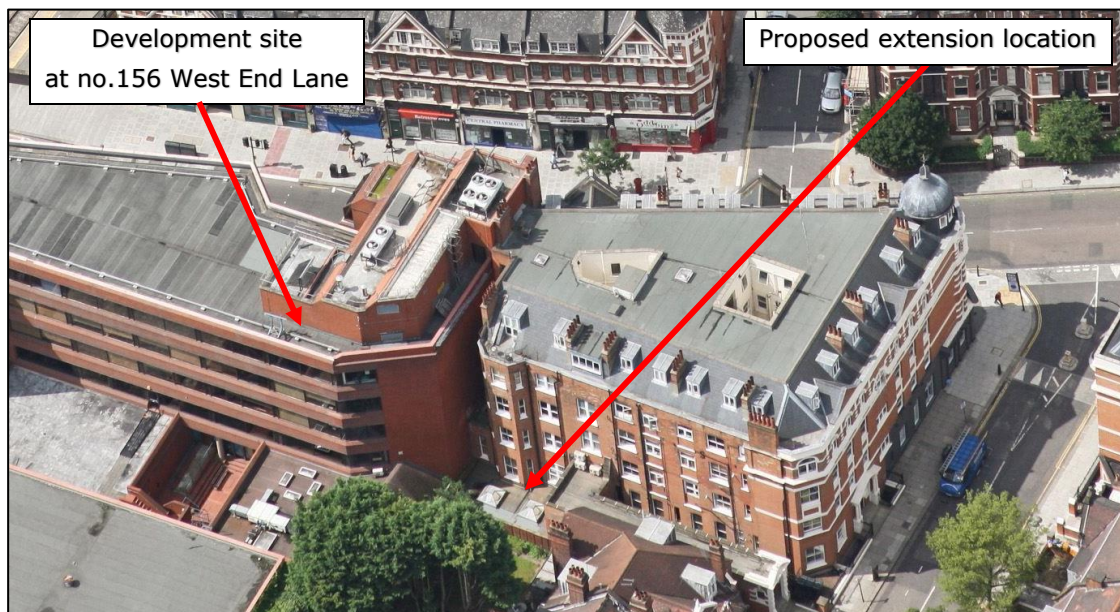
- 4.10 The council asserts the appeal application is contrary to local development plan policies A1 (Managing the impact of growth and development), D1 (Design), D2 (Heritage) of the London Borough of Camden Local Plan and policies 2 (Design & character) and 3 (Safeguarding and Enhancing Conservation Areas and heritage sites) of the Fortune Green and West Hampstead Neighbourhood Plan 2015.

## REASON 1 - CHARACTER

- 4.11 A Statement of Case on heritage grounds has been supplied by Squire Heritage Consulting (dated 26th May 2019), which deals principally with matters relating to heritage and the impact of the proposals on the conservation area and host building.
- 4.12 The council consider the proposed extension by reason of its siting, height, bulk and mass would fail to be subordinate to the host building and be out of character for a group of buildings resulting in harm to the character of the host building and the character and appearance of the West End Green Conservation Area.
- 4.13 Reason 1 states the scheme is contrary to the following policies;
- Camden Local Plan - A1 (Managing the impact of growth and development),
  - Camden Local Plan - D1 (Design);
  - Camden Local Plan - D2 (Heritage) of the London Borough of Camden Local Plan;
  - Fortune Green and West Hampstead Neighbourhood Plan - 3 (Safeguarding and Enhancing Conservation Areas and heritage sites)
- 4.14 It is important to consider the context which the proposed single storey rear extension would be located within.
- 4.15 West Hampstead has undergone a significant period of change in recent years, with higher density development. More specifically, the development at no.156 West End

Lane will further alter the character of the area and directly affect the setting of the rear of the appeal site where the proposed extension is to be located.

- 4.16 Whist the front of the building along West End Lane is highly prominent and plays a significant positive role in the character and appearance of the conservation area when appreciated from the adjoining public realm, the rear elevation of the building is much less visible.
- 4.17 This part of the mansion block provides more of a service role to the wider building, with the existing residential entrance from Lymington Road to the flats on the upper floors of the building spanning the majority of the ground floor.



Photograph 1- Rear of appeal site and context (source – bing maps)



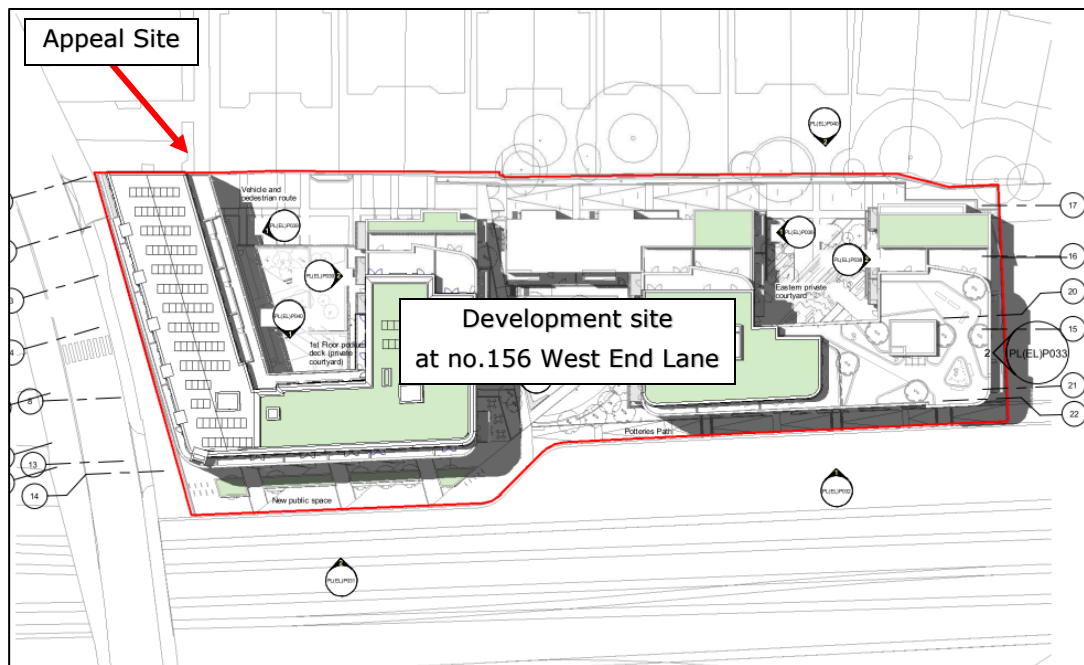


*Photograph 2 - Rear of appeal site and location of infill extension and adjacent existing ground floor structure (source – bing maps)*



*Photograph 3 - View towards the appeal site from Lymington Road (appeal site not visible)*





*Block Plan of adjacent development at no.156 West End Lane in relation to appeal site*

- 4.18 The council's concerns within the proposed rear extension in design terms, seem to relate to three matters, namely whether the extension is "subordinate" to the original building, its impact on the conservation area and the "loss" of bay architecture. These matters are considered in turn below.

### **"Subordinate"**

- 4.19 The officer report at paragraph 2.2 states that in order for a new extension to be "subordinate" to the original building, its height and depth should respect the existing common pattern of rear extensions at neighbouring sites.
- 4.20 The Oxford English Dictionary defines "subordinate" as being "of less or secondary importance." The word "subordinate" does not feature in any of the policies the council have referred to within the reasons for refusal.
- 4.21 Instead, Camden Local Plan Policy D1 (Design) states that the Council will seek to secure high quality design in development. The policy requires development to comply with a number of criteria. Relevant to the appeal proposals considered to be ensuring that development respect local context and character; comprises details and materials that are of high quality and complement the local character and preserves strategic and local views.

- 4.22 The proposed extension would result in a modest addition to the existing building in the appellant's view. The extension is single storey and although it would be located above the existing basement storeroom, it would actually be lower in height than the existing ground floor projecting structure which provides an entrance hall serving the flats on the upper floors of Canterbury Mansions. This spans the majority of the rear of the building.
- 4.23 The total height of the building measures approximately 20m. The proposed extension measures 3.89m in height from the parapet of the existing lower ground floor to the parapet of the proposed extension. The proposed extension would be a full 4 storeys lower than the roof height of the main building and would clearly respect the height of the existing building (being some 13m lower in height).
- 4.24 In addition, the proposed extension would be lower in height than the existing adjacent rear projection serving Canterbury Mansions shown on photograph 2 and on drawing 3030\_PL18-00.
- 4.25 In terms of its overall depth, it would project 3.6m from the main rear façade of the building, to align with the rear wall of the existing basement storey as well as the adjacent ground floor projecting structure (residential entrance to the flats on the upper floors) to the north. On this basis, the proposed extension would be in scale and character with the main mansion block building, which includes the adjacent ground floor structure.
- 4.26 The proposed extension would be constructed of materials that are of high quality, which complement the existing red brick façade of the rear of the buildings. Window details are also proposed to match the windows on the existing rear façade, having been amended during the course of the application to respond to the council's concerns, as detailed on the accompanying drawings.
- 4.27 The council at paragraph 2.6 of the officer report also consider the new fresh air vent positioned on the flat roof to the proposed extension to be unacceptable in design terms.
- 4.28 The small fresh air vent is located behind a parapet wall to ensure it is screened from public views and would be approximately 900mm lower than the height of the sill of the neighbours window which would ensure private views from Canterbury Mansions would remain virtually unaltered.

- 4.29 On the basis of the above, the scheme would comply with the relevant parts of Camden Local Plan Policy D1, D2 and A1 as well as parts 2 and 3 the Fortune Green and West Hampstead Neighbourhood Plan 2015.

***Impact on conservation area***

- 4.30 The north and west elevations of Canterbury Mansions have a uniformity that is a positive contributor to the conservation area.
- 4.31 However, these proposals relate to a small rear infill extension to the rear of the main building, which is very much secondary façade and provides “back of house” services to the commercial units on West End Lane along with the residential entrance to the mansion block. As previously identified the entrance structure obscures the view of the appeal site from the street (see photograph 3).
- 4.32 The Council acknowledge that “.....*the scale of the mansion block may allow some capacity for additions.....*” (ref: officer report, appendix 2, para. 2.3)
- 4.33 The addition would infill the gap at ground floor level only between the existing ground floor structure directly to the north of the appeal site serving Canterbury Mansions and the flank wall of existing building at no.156 West End Lane. It is difficult to see how the extension could be any smaller whilst remaining practical.



Photograph 4 - Existing side flank wall to no.156 West End Lane (left) and existing side flank wall to Canterbury mansions (right)

- 4.34 As previously set out, the development at no.156 West End Lane will further radically alter the character of the area and immediate vicinity of the appeal site. This includes the full demolition of the neighbouring building to south and the construction of buildings ranging from 3 to 7 storeys. This redevelopment will directly affect the setting of the rear of the appeal site where the proposed extension is to be located and is a significant material consideration.
- 4.35 The extension is proposed in complementary materials to match the existing rear elevation and the proposed structure would respect the original design and proportions of host building, in accordance with the NDP policy 2 for design and character and the Camden Local Plan Policy D2 for Heritage.

### **"Loss" of bay architecture**

- 4.36 The rear of mansion block includes the architectural feature of a projecting bay window which runs from running vertically from the basement to third floors.

- 4.37 The bay window has been enclosed, presumably by a later addition at basement floor level, as drawing 3030\_PL12 (proposed lower ground floor context) indicates.
- 4.38 Whilst the bay window would be enclosed by the proposed ground floor level extension in a similar manner as the basement level, it cannot be said it would be "lost."
- 4.39 The structure would be preserved and easily interoperated when inside the building, with the upper floor bay retained unaltered from first to third floors, as detailed on drawing 3030\_PL20 (proposed section A-A), preserving the external appearance of the building.
- 4.40 This architectural feature on a secondary façade of the building is also only visible in private views from rear gardens and whilst these are important, it is considered the single storey infill extension, retaining the bay feature thought out the building and visible externally from above first floor level would not materially harm local views.

## REASON 2 -LIVING CONDITIONS

- 4.41 Reason 2 on the council's decision notice states the scheme is contrary to the single policy below;
- Camden Local Plan - A1 (Managing the impact of growth and development).
- 4.42 The council have contended that proposed extension, by reason of its size, height and location abutting the neighbouring windows, would result in an increased sense of enclosure, light spill, noise and loss of outlook and daylight and sunlight which would be detrimental to the living and working conditions of neighbouring occupiers.
- 4.43 Whilst the reason for refusal does not set out which neighbouring properties would be impact in the council's view, the officer report does elaborate on this matter. The officer report considers the impact on a commercial storeroom at no.166 West End Lane, the residential properties within Canterbury Mansions and the impact on the rear gardens of properties on Lymington Gardens, would be unacceptable in the council's view.
- 4.44 In terms of consultation responses, we understand from the officer report one objection was received from a resident from Lymington Road (which is addressed in full in section 5 of this statement) and no objections were received from the

commercial occupier of no.166 West End Lane of any of the residents within Canterbury Mansions.

- 4.45 The appellant has full support from the Freeholder / Owner of the Mansion block who lets out the residential properties in the building on shorter term tenancies.
- 4.46 Nevertheless, the impact on each of the above properties is considered in turn below.

***Impact on commercial storeroom at 166 West End Lane***

- 4.47 The council themselves state within the officer report (para. 3.9) "*.....it is accepted that there are no clear guidance for amenity standards for commercial units.*"
- 4.48 However, the report goes on to state that due to the enclosure of the rear yard, this proposal constitutes unneighbourly development in a highly constrained location, building right up against neighbouring windows.
- 4.49 This area of no.166 West End Lane is used as a storeroom for the main unit occupied by a shop selling cookery products (Season Cookshop). The area immediately adjacent to the windows in question also provides stair access to the basement. The storeroom by its very nature holds stock for the shop and is an area in which workers would visit irregularly, as photograph 5 demonstrates.





*Photograph 5 – Internal view of rear storeroom to no.166 West End Lane*

- 4.50 Two of the windows within the rear façade would continue to receive natural daylight and would not be connected to the proposed extensions, as shown on drawing 3030\_PL16-00. This drawing also indicates the presence of an internal stair also which impacts on the outlook of this commercial unit. In addition, mirrored glass is proposed within the western wall of the proposed extension which will assist keeping light going into the back of no.166.
- 4.51 Given this area of the unit at no.166 is used as a storeroom, the fact there is no clear guidance for amenity standards relating to commercial units and the fact the neighbouring commercial occupier has been consulted and raises no objection, the appeal proposals wouldn't have a detrimental affect on the working conditions of this unit as the council contend.

***Impact on Canterbury Mansions***

- 4.52 The proposal infill extension would cover two existing side flank windows on the boundary where the appeal site meets its neighbour. These windows serve the adjacent entrance corridor/hallway to Canterbury Mansions and directly overlook the appeal site being on the boundary wall.
- 4.53 This corridor is already served by other windows (see photograph 6) and isn't primary residential accommodation, being access to the flats on the upper floors of the building. The council contend the amount of daylight and sunlight entering the corridor/hallway through the two corridor windows would be "adversely affected" which as the photograph below demonstrates, wouldn't be the case.
- 4.54 Mirrored glass is also proposed within the northern wall of the proposed extension which will assist keeping light going into the entrance corridor of Canterbury Mansions.



*Photograph 6 – Internal view of entrance corridor to Canterbury Mansions*



### ***Impact on Lymington Gardens***

- 4.55 The Council contend that the appeal proposals would impact the visual amenity and create an increased “sense of enclosure” to the neighbouring gardens in Lymington Road.
- 4.56 The extension would be visible from private vantage points from the rear elevations and gardens of the properties on Lymington Road. As previously outlined, the closest property to east of the rear of the appeal site is no.2 Lymington Road and its associated outdoor space.
- 4.57 This is understood to provide additional B&B rooms for “Charlotte Guest House” for at least the last 10 years and therefore is not a private residential dwelling. Given the nature of the use, the former rear garden area, would not be used in the same manner as if it were a single-family dwelling.
- 4.58 The proposed rear infill extension would not be as close as to the building at no.2 Lymington Road than the existing ground floor structure which contains the entrance hall to Canterbury Mansions.
- 4.59 Whilst the proposals would raise the height of the building by approximately 3.9m, this would not be an uncommon situation in an inner-city environment and is a relationship replicated in the immediate vicinity.
- 4.60 Given the above and the approved scheme at no.156 West End Lane, the appeal scheme would not impact on the visual or residential amenity from adjoining residential gardens or the former garden at no.2 Lymington Road to a material degree.

### ***Other Matters***

- 4.61 Paragraph 3.5 of the officer report relates to “light spillage”. The proposed floor plans show the extension would be for additional seating. The Council have said that *“it is more than likely that the area would be artificially lit during the hours of operation, which are identified in the previous planning permission.”*
- 4.62 Paragraph 85 of the NPPF recognise that residential development can play an important role in ensuring the vitality of centres and therefore accepts a mix of uses are acceptable in such locations, with residential units often above commercial properties.

- 4.63 The existing windows within the appeal site and the neighbouring unit at no.166 already face the appeal site and are not obscure glazed or fixed shut. The roof lantern and proposed windows to the rear elevation will be non-opening and obscure glazed. The proposed extension would house a relatively small number of covers and would extend an existing use which is operating from the ground floor and basement of the building.
- 4.64 Any "light spillage" could be mitigated by a detailed lighting strategy which could be controlled via a suitably worded planning condition in the appellant's view.

## 5.0 Third parties

- 5.1 We understand from the officer report one objection was received from a resident from Lymington Road. It is not clear exactly which property on Lymington Road this relates to. The representation, according to the officer report raises a number of matters including the size of the extension, potential additional noise, potential increased deliveries, impact on conservation area and disruption during construction.
- 5.2 The majority of these points have been addressed in the appeal statement.
- 5.3 In relation to potential noise and disruption during construction, this could be mitigated via an operating hours construction. In relation to additional deliveries, this will not be the case given the appellant is already operating from the unit and deliveries from suppliers would be larger but not more frequent.
- 5.4 We note no other responses were received as part of the consultation process.
- 5.5 We also note the neighbour representations received and we are also confident the detailed points raised can be considered and satisfactorily resolved via suitably worded planning conditions.

## 6.0 Conclusion

- 6.1 To conclude, it is considered that the application scheme fully accords with the latest national planning policy objectives within the NPPF, as well as those at a local level within the London Plan and Camden's Local Plan which support the proposed development.
- 6.2 The proposed development does not, as the council confirm, conflict any parts of the NPPF or London Plan.
- 6.3 The council have failed to take into account important material considerations including the economic benefits of the scheme and planning permission on the adjacent site. As it has been demonstrated, the council's reasons for refusal do not stand up to scrutiny.
- 6.4 Based upon the planning assessment justification in this statement and separate statement of case in relation to heritage by Squire Heritage Consulting, the, applicant contends that the case in support of these proposals is compelling.
- 6.5 For the above and other reasons set out in this statement and elsewhere in the appellant's supporting information and previous submissions, it is respectfully requested that planning permission is granted for each of the proposed development which is the subject of this appeal.

## List of Appendices

Appendix 1 – Final Decision Notice

Appendix 2 - Case Officer Report

Appendix 3 – Site Photographs

Appendix 4 – 156 West End Lane Decision Notice

Appendix 5 – 156 West End Lane Approved Plans Part 1

Appendix 6 - 156 West End Lane Approved Plans Part 2



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