

# Appeal Statement

Against refusal of Planning Permission  
ref: 2018/6361/P

**14 Eton Garages  
London  
NW3 4PE**

**on behalf of  
Mrs V McFadyen**

Project No: 1248  
April 2019

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## **1.0 INTRODUCTION**

Planning Sense has been instructed to act on behalf of Mrs V McFadyen (the appellant), in respect of the decision by the London Borough of Camden to refuse Planning Permission (PP) ref: 2018/6361/P at no.14 Eton Garages (the appeal property):-

The description of development is as follows: *"Installation of replacement front roof dormer window. Addition of inset balcony to rear second floor level. Installation of two rooflights to rear. Replacement of windows with double-glazed timber windows."*

The application was received and validated on 11 February 2019. On 17 April 2019 the application was refused under officers' delegated powers.

The decision notice contained a single reason for refusal which alleges harm resulting from the proposed scale and massing on the appearance of the host building, the wider mews and the Belsize Conservation Area. The reason for refusal is addressed in this statement.

## 2.0 SITE AND SURROUNDING CONTEXT

The appeal site is a terraced mews property located on the west side of Eton Garages within the Belsize Conservation Area of predominantly 19th Century residential properties.

No.14 is not a listed building and like many neighbouring properties has been subject to major alterations over the years.

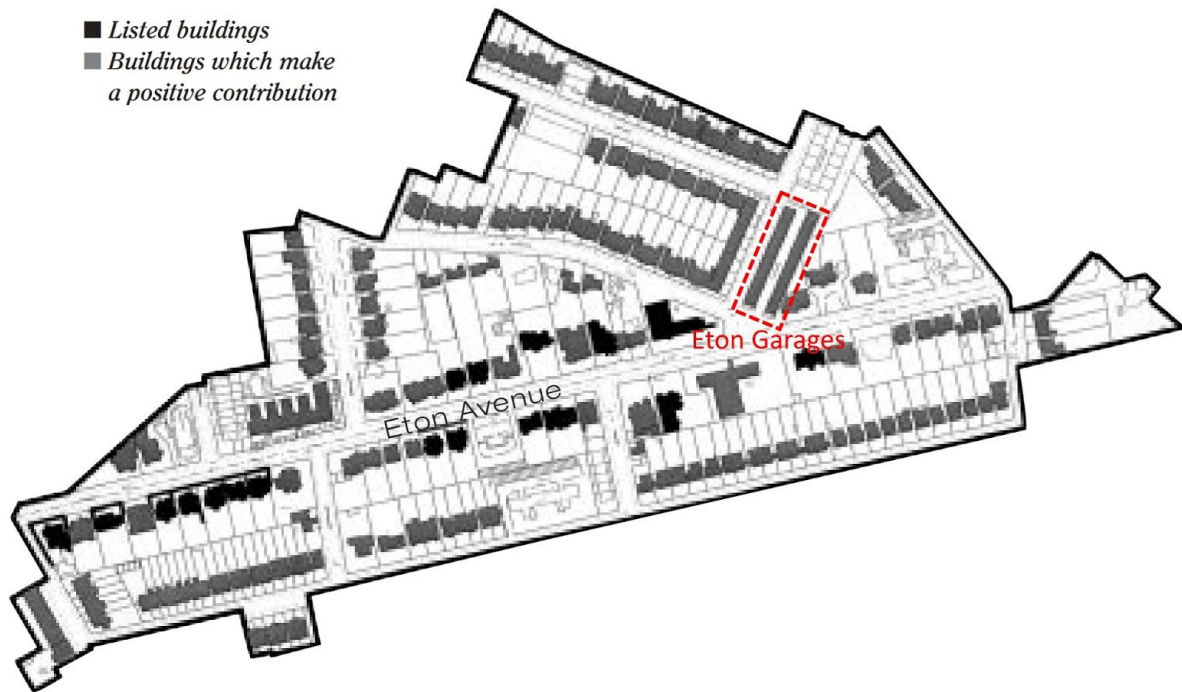
The property comprises two self contained units arranged over three storeys. No.14a Occupies the ground floor & No.14 occupies the two upper floors. The entrance doors to both the ground floor and the maisonette are located off the mews, Eton Garages.

This appeal relates to the unit arranged over the upper floors.



### Conservation Area

The site is located within the Belsize Conservation Area, and forms part of the Eton Avenue Sub Area (plan overleaf).



Plan of Eton Avenue Sub Area (CAS, pg.20 )

The Eton Avenue Sub Area is described by the Conservation Area Statement (CAS) as comprising predominantly late Victorian housing with Edwardian pockets. The houses are noted as generally being smaller than the northern area of the CA, consisting of primarily two storeys with attic level. It states *"The properties in this area are notable for their varied styles and elevational treatment. There is however consistency of materials generally, red brick with red clay tiled roofs being a recurrent theme"*

Both terraces which form Eton Garages are noted as comprising 'buildings which make a positive contribution' to the Conservation Area.

#### Lambolle Place/ Lancaster and Eton Garages

The CAS identifies elements of the Eton Avenue Sub Area which share particular characteristics. The Lambolle Place/ Lancaster and Eton Garages group are one of those identified elements:

*"These streets form a small area of typical mews development, with much in common with the mews in Belsize Village, housing a variety of commercial and residential uses. Lancaster and Eton Garages are narrow streets fronted by terraces abutting the pavement. Each of the terraces*

*has a distinct character. However, all are small scale being two-storey with pitched roofs. They have upstands at roof level, shared chimneys, large openings at ground level and small, vertically proportioned, first floor windows. The gables facing Lancaster Grove have distinctive brickwork arches. Eton Garages' frontage to Lambolle Place has slightly recessed arches, several of which remain blind as originally built."*

Page 20 of the CAS sets out what are considered to be negative features within the Sub Area which detract from its character and appearance. The statement sets out specific elements which detract from the CA. Whilst the Appellant appreciates that this list is not necessarily intended as exhaustive, it should be noted that no elements within Eton Garages are identified on this list.

### Planning History

The relevant planning history for the site is set out in the table below:

Reference	Description	Decision	Date
2010/4517/P	<i>Change of use of ground floor level storage area (Class B8) to a self-contained work/live unit (Sui Generis) and associated external alterations including the insertion of 2 windows at rear ground floor</i>	Approved	25/10/2010
2013/6026/P	<i>Change of use from 1 bedroom live/work unit (sui generis) to 2 bedroom residential unit</i>	Approved	25/11/2013

The above history indicates that in the last ten years, the property has changed from commercial use at ground floor level and to live/work and now residential use.

### 3.0 APPEAL PROPOSALS

The appeal seeks approval for:

*"Installation of replacement front roof dormer window. Addition of inset balcony to rear second floor level. Installation of two rooflights to rear. Replacement of windows with double-glazed timber windows."*

The appeal proposal will include an enlargement of the existing front dormer to match the style and design of neighbouring dormers, a small roof terrace and 2 nos. rooflights to the rear.

The scheme has demonstrated a contextual approach to the proposed alterations through reflecting neighbouring dormers and incorporating feedback from pre-application advice-2015/6904/PRE.

## **4.0 POLICY MATTERS**

### The National Planning Policy Framework (NPPF)

The revised NPPF was published in February 2019 and sets out the Government's planning policies for England and how these should be applied. At the heart of the NPPF is a presumption in favour of sustainable development.

The NPPF sets out core planning principles, which should underpin both plan making and decision taking.

### Development Plan

The Development Plan comprises a number of documents which form the basis for planning decisions in Camden.

The Camden Local Plan (2017) is key strategic document in Camden's development plan. It sets out the planning vision for the Borough and contains policies for guiding planning decisions. The Council refers to the following Local Plan policies in the reason for refusal:

- Policy A1 Managing the impact of development
- D1 (Design) requires development to be of the highest architectural and urban design quality which improves the function, appearance and character of the area.
- D2 (Heritage) states that the Council will preserve, and where appropriate, enhance Camden's rich and diverse heritage assets and their settings, including conservation areas.



### Camden Supplementary Guidance

In addition to the local plan policies, the following supplementary planning documents/guidance are of relevance to the appeal:

- Belsize Conservation Area Statement (2003)
- CPG1 Design (adopted March 2019) – chapters 1, 2, 3
- CPG Altering and extending your home (adopted March 2019) – chapters 1, 2, 4

CPG1 provides advice for ‘Roof alterations and extensions – general principles’

5.6 *Proposals to alter and extend roofs fall into two categories: Those that are accommodated within the existing roof form, such as dormer windows and roof lights, and those which alter the overall roof form, such as the construction of mansard roofs.*

5.7 *Additional storeys and roof alterations are likely to be acceptable where:*

- *There is an established form of roof addition or alteration to a terrace or group of similar buildings and where continuing the pattern of development would help to re- unite a group of buildings and townscape;*
- *Alterations are architecturally sympathetic to the age and character of the building and retain the overall integrity of the roof form;*
- *There are a variety of additions or alterations to roofs which create an established pattern and where further development of a similar form would not cause additional harm.*

The above principles for roof design are restated in CPG ‘Altering and extending your home’, Chapter 4.

## **5.0 MAIN ISSUES**

The Council’s refusal notice contains a single reason for refusal. This reads as follows:

*“The proposed rear dormer window by reason of its excessive scale, mass and design would be an unsympathetic addition which would be detrimental to the character and appearance of the host building, the wider mews and the Belsize Conservation Area, contrary to policies D1 and D2 of the London Borough of Camden Local Plan 2017.”*

The above reason relates to the design of the proposed dormer and it's alleged visual impact upon the appeal property and its surroundings, and in particular the character and appearance of the conservation area.

Section 72 of the Planning (Listed Buildings and Conservation Area) Act 1990 requires decisions to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.

## **6.0 PLANNING ASSESSMENT**

### Effect on the character appearance of Eton Garages and the Conservation Area

The existing property generally conforms to the development characteristics along Eton Garages, at ground and first floor level. Their appearance is generally characterised by their two storey scale and typical mews arrangement of larger openings at ground floor level, referencing their former commercial uses and smaller windows at first floor level.

At roof level, both sides of the mews contain a variety alterations to both front and rear roof slopes. These predominantly dormer alterations vary in both size and position, however, they are relatively uniform in terms of being set back from the eaves of each property. Other alterations include small terraces and inset balconies located at the rear, and as such are less visible.

All of the properties on the southern section of the street (including appeal property) have front and in some cases rear dormers too. A similar pattern of roof level alterations follows towards the northern end of mews. There are few properties midway along the street which comprise attic accomodation with no dormers at present.



View facing west mews terrace

As shown below, most of the dormers are visible at street level from within Eton Garages or in longer views from Lancaster Grove or Eton Avenue in the south.



View from southern end of Eton Garages





View from Eton Avenue - Polychrome brick arches clearly visible.

As the position of the dormers are set back from the eaves and below the ridge line (in most cases), the dormers appear architecturally sympathetic to two story scale of the terraces and respects their age and character.

The dormers at no.8 Eton Garages were allowed at appeal in 1993. In allowing the front and rear dormers the Inspector stated, *"the proposed dormers would be adequately set back on the roof, below the ridge, and surrounded by sufficient original roof surface to enable them to fit in with the variable pattern of the present roofscape. In this context, I consider that they would also relate well to the rest of No 8, in terms of scale, proportion and general appearance..."*

Despite the varied dormer designs along the mews, as they are primarily viewed from a side aspect (as described previously), the frontage design becomes much less prominent. As all of the dormers provide a substantial separation from the eaves, the two storey scale and integrity of the overall roof slope is fully preserved in these longer views.

The appellant considers that proposals fully comply with CPG1 paragraph 5.7 guidance which states that roof alterations are likely to be acceptable where there is *"an established form of roof addition or alteration to a terrace or group of similar buildings and where continuing the pattern of development would help to re-unite a group of buildings and townscape;"*

The Conservation Area Statement refers specifically to the polychrome brick arches on the gable end of the terrace facing Lancaster Grove. This element, which forms a key part of the character and appearance of the terrace, would be fully preserved by the proposed dormers.

#### Surrounding Development/Precedents

As previously discussed in this statement, the majority of properties on Eton Garages have roof dormers. Specific examples of similar local developments were provided as part of the application submission and are also examined in the officer's delegated report.

Whilst it is acknowledged that some of the applications were determined in the context of a previous Development Plans, the legislative objective for preservation or enhancement of the character or appearance of conservation, as set out under Section 72 (1) of the Planning (Listed Building and Conservation Areas) Act 1990, has remained consistent throughout. This states:-

**General duty as respects conservation areas in exercise of planning functions.**

*(1) In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*

Despite some of these past roof level alterations becoming lawful through the passing of time rather than receiving planning permission, their presence within the context of this mews is now part of its established character.

In the 1993 appeal decision for no.8, the Inspector describes the area as "*characterised by substantial residential properties, apparently of Victorian origin. I did not find dormers and roof extensions to be uncommon features here, and believe that those proposed by your client would preserve the character and appearance of the conservation area as a whole.*"

The objectives of the legislative framework have remained consistent since 1990 and as such the assessment criteria for the 1993 appeal is essentially unchanged. The appellant also considers that the character of the area has not significantly changed since the 1993 decision, and moreover, subsequent roof alterations along Eton Garages have not resulted in any negative impact on the character or appearance of the mews or conservation area..

Many of the alterations read as entirely appropriate to both the host building and the area. This is due to the fact that they respect the overall style and scale of the host building. If anything, the formation of well designed and constructed traditional dormer would enhance the appearance of the area and add to its character. In accordance with CPG1; paragraph 5.7 the proposed *“Alterations are architecturally sympathetic to the age and character of the building and retain the overall integrity of the roof form;”*.

The varied selection clearly demonstrates that the proposed dormer extension is in no way incongruous, rather they are part of the established character of this area and this mews.

The appellant considers that proposals meets the requirements of CPG1;5.7, which states roof alterations are likely to be acceptable where there *“are a variety of additions or alterations to roofs which create an established pattern and where further development of a similar form would not cause additional harm.”*



Bird's eye view of Eton Garages from the east

Given the surrounding development context set out in this section, the appellant maintains that the proposed development would not cause any harm to host property, the street scene or the Conservation Area. Rather, in accordance with policy D1, it respects the character of the area and seeks to provide an improved alignment of windows at roof level in the streetscene.

## **7.0 CONCLUSION**

As set out in this statement the appellant considers that the reason for refusal set out by the Council's decision notice is unfounded.

The appellant considers that the proposed dormer would not harm the character or appearance of the property or Conservation Area in accordance with Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

The statement demonstrates that dormer extensions are a common features along Eton Garages and form part of it established character. As such the proposed development would not be incongruous as alleged by the council.

The scale, bulk and position of the roof extension is well within the design guide limits for such development set out in CPG1, and as such the proposals are appropriate to the scale and character of mews/terrace.

We therefore consider that the proposal fully satisfies D1 and D2 of the Local Plan and Camden's Planning Guidance and we respectfully request that the Inspector allows the appeal accordingly.