

**Erection of single storey roof-top extension to facilitate
the provision of additional B1(a) floorspace at**

13 Tottenham Mews, London, W1T 4AQ

June 2019

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1 Introduction

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- 1.1 This planning appeal is lodged against a decision that was taken by Officers at the London Borough of Camden on 3 May 2019 whereby full planning permission was refused for a proposed scheme of development which aimed to provide an additional 85 square metres of B1(a) office floorspace.
 - 1.2 The decision notice cites three reasons for refusal. The first of these suggests that by virtue of its scale and detailed design, the proposed roof extension would appear as an over-dominant and discordant addition to the host building which would detract from the street scene along Tottenham Mews and harm the character and appearance of the Charlotte Street Conservation Area.
 - 1.3 The second and third reasons suggest that in the absence of a legal agreement to secure a Construction Management Plan and “Car Free” Office Accommodation, the proposed development would be likely to (i) give rise to conflicts with other road users and be detrimental to the area generally and (ii) contribute unacceptably to parking stress and congestion in the surrounding area.
 - 1.4 With respect, it is however, argued that Officers’ assessment of the proposal was flawed and their conclusions were consequently both unreasonable and unjustified. This statement therefore aims to present a case to support the view that the proposed scheme of development would neither appear as over-dominant or discordant or lead to undue highway and pedestrian safety/free-flow issues.
 - 1.5 Section 2 of this statement will expand on this opinion and, by objectively assessing the Council’s application of planning policy, will argue that the proposed development would successfully avoid having the adverse visual and environmental impacts that the Council’s Officers perceived it would.
 - 1.6 Section 3 will conclude the statement by stating precisely why, given that the proposal successfully accords with all of the local level policies which the Council cite on their decision notice, it is respectfully considered that full planning permission should not have been refused, but granted.

2 **Assessment**

Development Plan

- 2.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. In this particular instance, the development plan is considered to comprise the following:
- *Camden Local Plan (2017)*
 - *Camden Planning Guidance*
 - *Charlotte Street Conservation Area Appraisal and Management Plan (2008)*
 - *Fitzrovia Area Action Plan (2014)*
- 2.2 The remainder of this section will be split into two parts. The first will briefly summarise those development plan policies which the Council chose to rely on in their decision notice. The second will consider all three of the Council's reasons for refusal and will in turn, present a case to support the claim that the proposed development would by reason of its design, have no undue adverse impacts.

Policies

- 2.3 It is noted that on their decision notice, the Council chose to rely on six policies from their 2017 Local Plan and none from any of the other development plan documents listed above. The following paragraphs will provide a brief overview of the objectives of each of the Local Plan policies cited.
- 2.4 Policy D1 seeks to secure high quality design in development which primarily respect local context and character. It therefore seeks to 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.
- 2.5 Policy D2 exists to preserve and where appropriate enhance, Camden's rich and diverse heritage assets and their settings, including conservation areas, listed buildings, archaeological remains, scheduled ancient monuments and historic parks and gardens and locally listed heritage assets.
- 2.6 Policy A1 aims to protect the quality of life of occupiers and neighbours and states that planning permission will be granted for development unless this causes unacceptable harm to amenity. It lists a number of factors that will be given consideration when assessing a proposed scheme's impact.

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- 2.7 Policy T2 acknowledges how well connected the borough is and how day-to-day services are only a short journey away from any location and in doing so, reinforces the Council's objective to limit the availability of car parking by ensuring that all new developments within the borough are car-free.
- 2.8 Policy T4 states that the Council will promote the sustainable movement of goods and materials and therefore seek to minimise the movement of goods and materials by road. Consequently, the Council will encourage the movement of goods and materials by canal, rail and bicycle where possible.
- 2.9 Lastly, Policy DM1 sets out how the Council will deliver the vision, objectives and policies of the Local Plan. More specifically, it states that the Council will work with partners to deliver plans, ensure that the necessary infrastructure is provided, make use of planning obligations and the Community Infrastructure Levy and monitor delivery so as to ensure that the aims of the Local Plan are realised.

Reason for Refusal 1

- 2.10 The first reason for refusal states:

'The proposal roof extension, by virtue of its scale and detailed design, would appear as an over-dominant and discordant addition to the host building detracting from the street scene along Tottenham Mews and harming the character and appearance of the Charlotte Street Conservation Area, contrary to Policies D1 (Design) and D2 (Heritage) of the Camden Local Plan 2017'.

- 2.11 In support of this reason, Officers assess the proposed roof extension's *impact on the character and appearance of the wider area (including the Charlotte Street Conservation Area)* at Section 5 (paragraphs 5.1 - 5.15 inclusive) of their delegated report - a copy of which is included at Appendix 1.
- 2.12 Paragraphs 5.1 - 5.6 describe the site's location, its immediate setting, and the main aims of policies D1 and D2. They also provide details on the existing character of Tottenham Mews by referring to parts of the *Charlotte Street Conservation Area Appraisal and Management Plan (CSCAAMP)*.
- 2.13 Paragraph 5.4 describes the building's contribution to the street scene and states that *'...by virtue of its position at the end of the mews, where it terminates views along the mews, it [No.13] is considered to have a degree of importance in the street scene. This is particularly the case because the building is visible in glimpses of the mews from Tottenham Street'*. This opinion is not contested.

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- 2.14 Despite Section 5's title, the latter half of it (paragraphs 5.7 - 5.15) specifically consider the impact of the proposed roof extension on the character and appearance of the host building *in addition* to the wider area. The following comments are made on the assessment contained in those paragraphs.
- 2.15 At paragraph 5.7, Officers acknowledge that the CSCAAMP does not specifically identify the host building as one which makes a positive contribution to the character and appearance of the conservation area. In spite of this, Officers recognise that '*...it nevertheless has a traditional mews-type, back-street industrial character and its windows and door openings contribute to its character*'.
- 2.16 It subsequently recognises that '*...the window and door openings and the concrete bands give the building a horizontal emphasis and this means it relates well to the other buildings on the north-eastern side of the mews (identified as positive contributors) which also have a horizontal emphasis*'. It is important to note that Officers' assessment of the building's relevance is in now way contested.
- 2.17 This *horizontal emphasis* which is evident in the host building and the other buildings on the north-eastern side of the mews was initially identified by Officers in their assessment of the previously refused application (2018/4282/P) at paragraph 5.8 of their delegated report. That scheme proposed the erection of a two-storey extension. A copy of the delegated report is included at Appendix 2.
- 2.18 Accordingly, the current application sought to respond to Officers' observations on the design of other existing buildings within the mews and in doing so, proposed an extension which drew heavily upon the horizontal emphasis - whilst offering an innovative yet contemporary-style design. To fully appreciate this, reference should be made to the Proposed South Elevation - drawing no. 183_410_A.
- 2.19 Notwithstanding this opinion, it is acknowledged that at paragraph 5.10, Officers claim the proposed roof extension '*...appears too large for the host building...*' and '*...by virtue of its vertical walls and height, the proposed roof extension has the proportions, dimensions and appearance of an additional storey, rather than a sensitive roof addition...*' which is considered inappropriate to the host building.
- 2.20 Whilst the views of Officers are respected, it is argued that the proposed extension would, on the contrary, be of an appropriate size to the host building. In fact, it is considered that by reason of its scale and detailed design, it would be the most suitable and sympathetic type of addition here as it would successfully reflect and respect the existing character and proportions of the host building.
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- 2.21 At this stage, it is important to note that prior to the application being determined, the Planning Officer sent an email which stated that the submitted design was not considered acceptable. The email described clearly the design that Officers would find acceptable and invited revised drawings.
- 2.22 In the email, the Planning Officer made it clear that her Authority wished to see the proposed roof extension to be of traditional mansard design, set back from the front elevation, with sloping sides and traditional dormer windows set within it, that align with the fenestration on the lower levels. She also stated that the extension should respond better to the building's L-shape and comprise of 2 distinct parts, rather than being one box-like structure. A copy of her email is included at Appendix 3.
- 2.23 On this point, it should be understood that no revised drawings were submitted - simply because it was considered (after much deliberation) that introducing a mansard design extension at roof level (comprising of two distinct parts) would simply not do either the host building or the street scene justice. Instead, it was maintained that the building's industrial heritage would be far better complemented in the proposed design - which offers straight lines, zinc panels and metal windows.
- 2.24 It was likewise considered that splitting the proposed extension into two distinct parts was not necessary. Specifically, it was concluded that due to the host property's location, the positions of adjoining properties and the relationships of all (when viewed in the context of the two street scenes - namely, Tottenham Mews and Charlotte Street) there would be no visual benefit. It is important to highlight here that the host property's existing roof comprises only one part and is completely flat.
- 2.25 Adding further weight to the argument that the design approach that was adopted to extend 13 Tottenham Mews is entirely acceptable, it is necessary to refer to two schemes of development at sites which immediately 'flank' the application site - namely 11-12 and 14-19 Tottenham Mews.
- 2.26 At 11-12 Tottenham Mews, a scheme of conversion to provide self-contained flats and also included for an additional floor roof extension was granted on appeal. It is noted that the appointed Inspector noted that following considerable alterations, the mews buildings were now '*very mixed in nature*'. It is equally as important to acknowledge that the additional storey that was approved at 11-12 Tottenham Mews was, like the scheme which is proposed for 13 Tottenham Mews, also of 'box-like' design yet the Inspector expressed absolutely no concerns whatsoever regarding its visual impact - in spite of it being noted that '*...it would be visible in long views from the southern end of the mews...*'.
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- 2.27 To fully appreciate the Inspector's findings on the impact of the proposed scheme on the character and appearance of the Conservation Area, reference should be made to paragraphs 4-7 of his decision. A copy of the appeal decision and the approved Front Elevation is included at Appendix 4.
- 2.28 At 14-19 Tottenham Mews, a scheme which proposed the demolition of the derelict two storey Mental Health Resource Centre and replacing it with a state-of-the-art five storey replacement facility was approved. It is of paramount importance to recognise that the roof top element of the replacement building would, like that which was approved at 11-12 and is proposed for 13, also have a 'box-like' appearance. The Committee Report notes that the proposed building '*would respect the character of the Mews and preserve and enhance the character and appearance of the wider conservation area*'. A copy of the Committee Report and Front Elevation is included at Appendix 5.
- 2.29 It should however, be noted that in spite of both of the aforementioned schemes being approved, only the former was actually constructed and given the length of time that has passed since the scheme for 14-19 was approved, the permission has expired and can no longer be implemented. Notwithstanding this, it is clear that 'box-like' structures have previously been considered acceptable forms of roof styles for buildings occupying different sites at the northern end of Tottenham Mews.
- 2.30 In its current form, the proposed extension is therefore argued to be architecturally sympathetic to both the age and character of the host property and therefore, its immediate and wider setting. Consequently, it would not, as was suggested by Officers at paragraph 5.11 of their delegated report, '*detract from the character and appearance of the host building*' but constitute a suitable addition.
- 2.31 At paragraph 5.12, Officers claim that when viewed from Bedford Passage, due to its vertical sides and as it would only be set in marginally from the rear building line, the proposed roof extension would '*appear overbearing*' as a very tall wall would be created adjacent to the pedestrian route.
- 2.32 On the contrary, it is argued that no such situation would result - at least not to an unacceptable degree - given the already significantly overbearing presence of the immediately adjacent and significantly taller refurbished building (approximately double the height of 13 Tottenham Mews) which exists on the opposite side of Bedford Passage which was previously granted under reference 2015/1139/P. Copies of the approved scheme drawings which illustrate its far superior height, relationship with Bedford Passage and proximity to 13 Tottenham Mews are included at Appendix 6.

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- 2.33 The proposed extension's fenestration is subsequently assessed. At paragraph 5.13, Officers suggest that the proportions of the proposed windows are considered to be 'too large'. It is however, argued that the proposed windows, by virtue of them being shorter in both height and width, would appear subordinate to the host building's significantly larger openings and would therefore be acceptable.
- 2.34 It is with all of the above in mind that the proposed scheme of roof-top development is respectfully argued to successfully comply with all elements of policies D1 and D2 of the Camden Local Plan 2017.

Reason for Refusal 2

- 2.35 The second reason for refusal states:

'The proposed development, in the absence of a legal agreement securing a Construction Management Plan, would be likely to give rise to conflicts with other road users and be detrimental to the amenity of the area generally, contrary to policies A1 (Managing the impact of development), T4 (Sustainable movement of goods and materials) and DM1 (Delivery and monitoring) of the Camden Local Plan 2017'.

- 2.36 In support of this reason, Officers suggest at paragraph 6.5 that '*...it is likely that there would be some disruption during the construction period*' and state that if the application was considered acceptable, they would look to secure a Construction Management Plan through a legal agreement.
- 2.37 In response to this suggestion that a Construction Management Plan would be required for any planning permission that may be granted for the proposed development, it is necessary to refer to the case that was made at paragraphs 6.31 - 6.32 of the previously submitted Planning Statement.
- 2.38 In these, it was argued that there would be no need for a Construction Management Plan as the Council had not considered it to be necessary in the case of a similar scheme of office development which was approved in January 2018 for 83 Charlotte Street & 7 Tottenham Mews (2017/4361/P).
- 2.39 It is further argued that due essentially, to the application site's end of mews location, any associated construction phase works would be far less likely to cause any sense of disruption to either neighbouring amenities or for that matter, the flow of traffic on the local highway network.

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- 2.40 With respect, it is considered entirely unnecessary for the Council to request that a legal agreement is entered into by the Applicant in order to secure the submission of a Construction Management Plan - should the proposal have been considered acceptable in every other respect. In this sense, the proposal is held to successfully comply with policies A1, T4 or DM1 of the Camden Local Plan 2017.

Reason for Refusal 3

- 2.41 The third and final reason for refusal states:

'The proposed development, in the absence of a legal agreement to secure "car-free" office accommodation, would be likely to contribute unacceptably to parking stress and congestion in the surrounding area, contrary to Policies T2 (Parking and car-free development) and DM1 (Delivery and monitoring) of the Camden Local Plan 2017'.

- 2.42 In response to the Council's suggestion that a legal agreement would be required to secure "car-free" office accommodation, it is again necessary to refer to an argument which was put forward in the previously submitted Planning Statement. The full argument can be found at paragraphs 6.38 - 6.39.
- 2.43 In arguing that a legal agreement would not be required, reference was made to comments made by Officers within a Delegated Report that was prepared in connection with the aforementioned approved scheme of development 87 Charlotte Street and 7 Tottenham Mews (2017/4361/P).
- 2.44 That scheme proposed roof-top extensions in order to provide 88 square metre of additional B1(a) office floorspace - a similar level to that which is proposed for 13 Tottenham Mews. However, in this earlier case, Officers did not insist on the scheme being "car-free". A copy of the decision notice (NB. a delegated report was never prepared) and the approved floor plans are included at Appendix 7.
- 2.45 It is on this basis that it is respectfully argued that as the scheme that is proposed for 13 Tottenham Mews would be providing a similar amount of additional office floorspace (85 square metres), there should similarly be no requirement for a legal agreement to secure "car-free" office accommodation. Accordingly, the proposal is held to comply with policies T2 and DM1 of the Camden Local Plan 2017.

3 Conclusion

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- 3.1 In conclusion, it is respectfully argued that the proposed roof extension is considered to be of an entirely appropriate and sympathetic design and is accordingly claimed to be acceptable in terms of its impact on the character and appearance of the host building, street scene and conservation area.
- 3.2 It is also considered important to appreciate that as noted on the delegated report, no consultation comments were made by Members of the Charlotte Street Conservation Area Advisory Committee or for that matter, any other party. This further demonstrates the proposed scheme's appropriateness.
- 3.3 On this occasion, the Council's Planning Officers are considered to have made an unmerited planning decision. Accordingly, the appointed Inspector is respectfully invited to allow this planning appeal and grant planning permission for this intelligent, well-designed scheme of roof-top development.

Brett Moore MRTPI