



NEXTPHASE

THE TOWN PLANNING EXPERTS

Submission to the Planning Inspectorate

Statement of Case due to the refusal of planning permission in accordance with
Section 78(1) of the Town and Country Planning Act 1990

Local Planning Authority: The London Borough of Camden
Application No: 2019/2293/P

Statement of Case to the Planning Inspectorate for the creation of a terrace at main roof
level with associated glazed balustrade and roof access hatch at Flat 7,
8 Hampstead Hill Gardens, NW3 2PL

STATEMENT OF CASE

On behalf of Mr Mark Cousins

July 2019

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Statement of Case to the Planning Inspectorate for the creation of a terrace at main roof level with associated glazed balustrade and roof access hatch at Flat 7, 8 Hampstead Hill Gardens, NW3 2PL.

Mr Mark Cousins

July 2019

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1.0 INTRODUCTION

1.1 This Statement of Case has been prepared for the attention of the Planning Inspectorate in accordance with Section 78(1) of the Town and Country Planning Act 1990 on behalf of the appellant, Mr M. Cousins.

1.2 This report provides a statement of case against the refusal of planning permission issued by The London Borough of Camden Council on 13th June 2019 in accordance with the Town and Country Planning Act 1990 and the Town and Country Planning (Development Management Procedure) (England) Order 2015.

1.3 Planning permission is sought for the creation of a terrace at main roof level with an associated glazed balustrade and a roof access hatch for the benefit of the property known as Flat 7, 8 Hampstead Hill Gardens, London, NW3 2PL.

1.4 This statement provides a clear explanation of the statement of case and directly responds to the reason for refusal issued by The London Borough of Camden Council within their Decision Notice.

1.5 This appeal has been made with the intention of appealing via written representations route and refers to documentation throughout that formed part of the application submission and is noted in the appeal submission documentation list as appropriate.

2.0 STATEMENT OF CASE

2.1 Reason for Refusal

The London Borough of Camden Council refused the application for a single reason which is contested by the appellant and as such this statement of case against the reason for refusal is outlined within this chapter.

2.2 Reason for Refusal Detail

“The roof terrace and associated glazed balustrade, by virtue of its height, location and detailed design, would result in an incongruous addition that would be harmful to the character and appearance of the host building and Hampstead Conservation Area, contrary to Policies D1 (Design) and D2 (Heritage) of the Camden Local Plan 2017 and Policies DH1 (Design) and DH2 (Conservation Areas and Listed Buildings) of the Hampstead Neighbourhood Plan 2018”.

2.3 It is the appellant’s case that the harm prescribed to the character and appearance of the host building in the Hampstead Conservation Area has been oversubscribed given the design specification brought forward in the application. As such the benefits associated with providing superior amenity space for the provision of a high quality home, in a manner that offers no measurable environmental harm to any other receptor, is considered to outweigh any prescribed harm to Conservation Area policies in policy terms.

2.4 The council have considered that the introduction of the roof terrace, including the use of a glazed balustrade, causes harm to the character and appearance of the building in the Hampstead Conservation Area due to the physical specification of the terrace’s design offering harm by virtue of its height, its location and its design. It should be noted that the reason for refusal does not identify that the introduction of the roof

- terrace is against policy in principle and as such it is expected in common ground that the principle of the roof terrace introduction (and in providing improved amenity space for the benefit of higher quality residential space) is in accordance with planning policy. The apparent harm prescribed simply comes down to its physical design.
- 2.5 In with this regard context should be given as to the importance of the host dwelling in the context of Hampstead Conservation Area. The host dwelling itself is not specifically identified within Conservation Area supplementary advice as offering a specific contribution towards the historic value and character of it; as such it can be assumed that whilst the introduction of any new development should preserve or enhance the character of the Conservation Area in policy terms the sensitivity to change of the host building in its streetscene context is significantly less sensitive than other buildings specifically identified within the Conservation Area.
- 2.6 The appellant brings forward a scheme that is significantly subservient to the host building; its location and positioning upon the roof is such that it cannot be seen from a street scene level and its interrelationship with surrounding neighbouring buildings, including any significant issues of overlooking or privacy, is negligible. As such it is the appellant's case that the introduction of the roof terrace offers a negligible impact upon the character and streetscene of the Conservation Area itself and in physical terms introduces new limited development to a building that offers no specific character contribution to the Conservation Area.
- 2.7 With regard to the aforementioned principle associated with the scheme it should be noted that the implementation of roof terraces is a consistent theme within the immediate area and as such the introduction of character and form associated with the roof terrace structure (were it physically visible from the streetscene associated with
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- the Conservation Area) will not bring forward a development that could be principally incongruous for the area. Given its dimensions, configuration and layout it is clearly also not physically incongruous to the area.
- 2.8 In reviewing the implementation of the reason for refusal in policy terms therefore and the application of Policies D1, D2, DH1 and DH2 the proposal is in principle acceptable; has been physically located whereby its scale and impact of its use would not be visible from the street scene and would have a negligible impact upon surrounding receptors; is located on a building with limited sensitivity and its contribution to the Conservation Area and in a location for which roof terraces are common place; and for which its design has specifically responded to mitigation measures designed to deliver the lack of impact identified above. The materials associated with the design are in clear reference to those replicated throughout the immediate context of the site and the surrounding area.
- 2.9 In the context therefore of the specific reasons for refusal associated with the site and the application of Policies D1, D2, DH1 and DH2 in this regard, the proposal is clearly in accordance with the application of these policies. Any measurable harm that can be applied to this simple introduction of a roof terrace to the host property is extremely limited.
- 2.10 The weight prescribed to such harm is not sufficient enough so as to demonstrate that the proposal would not at least preserve the character of the Conservation Area and any limited weight prescribed in this regard is clearly outweighed by the benefits afforded to improved amenity being provided to residential dwellings for the benefit of the quality of living, given that the principle of it is sound. There is as such significant weight in NPPF terms that can be applied to the introduction of the roof terrace.
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Within such NPPF terms, given the presumption in favour of sustainable development, the material balance associated with the benefits of the scheme clearly outweigh any prescribed harm that can be afforded to it.

- 2.11 In policy terms the proposal is clearly in accordance with policy as it can be applied once material considerations are taken into account.
- 2.12 It is respectfully requested therefore that the appeal is upheld and planning permission is granted for the proposal.

3.0 CONDITIONS OF PLANNING

- 3.1 It is considered that standardised conditions with regard to timeframes and plans should be adopted. Pre-commencement condition confirming the specification of facing materials associated with the glazed balustrade is also considered to be reasonable and appropriate.

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