

# **Appeal Statement of Case**

Flat 10, 52 West End Lane, London

September 2019

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**Client**

Mr J & Miss E Reitman

**Our reference**

MRJH3004

02 September 2019

# 1. Introduction

- 1.1 This appeal statement has been prepared by Turley on behalf of Mr J and Miss E Reitman (the appellants) following the decision by Camden Council to refuse planning permission under ref. 2018/5657/P for:

*Installation of 1 x rear and 1 x side facing dormer windows; installation of 4 x roof lights*

- 1.2 The decision notice for the refusal is dated 19 July 2019. It relates to Flat 10, 52 West End Lane, London and comprises the second floor and loft space of this three storey (plus lower ground floor) property, located on the corner of West End Lane at its junction with Woodchurch Road.
- 1.3 The property is not statutorily or locally listed, but is identified as a 'positive contributor' within Appendix 1 of the South Hampstead Conservation Area Character Appraisal and Management Strategy (2011).



*Figure 1: appeal property No. 52 West End Lane, as seen from West End Lane looking towards Woodchurch Road. The wider 'Hamptons' group sit to the immediate north / left-hand side of the photograph (see Figure 2 below).*

## Appeal Issue

- 1.4 The issue for this appeal, as set out in the single reason for refusal listed on the decision notice is whether *"the proposed development, by reason of its siting, scale and design, represents undue harm to the character and appearance of the property and surrounding area, particularly given its prominence and public visibility within the conservation area."*

- 1.5 The reason for refusal is considered in the sections which follow in relation to the relevant local and national planning policy cited on the decision notice and other material considerations.
- 1.6 This statement should be read in conjunction with the drawings and other relevant documentation submitted with this appeal, which formed part of the planning application.

## **2. Procedural Matters**

### **Appeal Procedure**

- 2.1 This appeal is made as a written representations appeal on behalf of the appellants, Mr J and Miss E Reitman.

### **Application Determination / Delayed Appeal**

- 2.2 The planning application subject of this appeal was submitted by Allen Smith Associates and received by Camden Council on 16 November 2018, but not formally acknowledged by the Council until an email of 18 December 2018 – some four weeks after the original submission. This email requested a correction to the application form and certificate, which was subsequently provided by Allen Smith Associates immediately following the Christmas break on 07 January 2019.
- 2.3 Despite no additional information being requested or further comments being raised, Camden Council did not confirm the application as valid until 05 March 2019. This was a delay of over eight weeks following receipt of the updated application form and certificate by Camden Council on 07 January 2019, with no satisfactory explanation provided for the further delay.
- 2.4 The statutory timeframe for the determination of a planning application of this nature is eight weeks. In this instance, it took Camden Council over eight weeks from receipt of the requested information simply to register the application as valid. It must be made clear that no further requests were made for additional information in the intervening period between 07 January 2019 and the eventual validation of the application on 05 March 2019. Moreover, no reasonable explanation was provided for this considerably delayed validation of the application.
- 2.5 Consultation on the application was begun on 13 March 2019 and continued to an expiry date of 01 July 2019. This is despite the Council indicating by email (dated 08 March 2019) to the applicants' agent Allen Smith Associates that it hoped to issue a decision by 30 April 2019. A consultation period of close to 16 weeks is unusual and unreasonably long, particularly given the nature of this planning application, where no third party objections or indeed responses were received by Camden Council. This lengthy consultation was furthermore unreasonable, given that the majority of the proposed development remained acceptable in principle by virtue of the extant and implementable planning permission granted at appeal in 2018 (under ref. APP/X5210/W/18/3197457 – discussed later). The 2018 appeal decision should have been given considerable weight as a material consideration to the determination of this application.
- 2.6 The decision notice for the application was finally issued on 19 July 2019, following a further two weeks plus after the expiry of the lengthy consultation period.

2.7 In short, this is:

- Over eight weeks from receipt of the updated application form and certificate for the Council to validate and register the application
- A further eight weeks from validation to the end of the consultation period, and
- Over 19 weeks from validation to the issue of a decision notice – which is approximately 27 weeks since the provision of the requested information in January 2019 and 34 weeks following the original submission in November 2018.

2.8 The nature of the proposed development is such that this planning application should have been determined in eight weeks from receipt as valid (i.e. eight weeks from 07 January 2019). This is particularly the case given that the majority of the proposed development benefits from extant and implementable planning permission granted at appeal on 13 September 2018 (under appeal ref. APP/X5210/W/18/3197457). The only minor changes to the extant planning permission is:

- the introduction of a single dormer window to the side elevation in place of one of the two approved roof lights in this the location, and in place of the existing roof access hatch door, and
- the slight repositioning of the second approved roof light to sit more discretely behind the eastern chimney stack

2.9 The Council's unexpected and unreasonable decision to refuse the application related to the 'principle' of the development, following the already unreasonable delay to the validation and progression of this application, has unreasonably delayed the appellants' ability to proceed with what should have been considered an acceptable development. The unreasonably lengthy determination period by the Council has also delayed the appellants' ability to pursue this appeal, by virtue of the delayed decision, but also in having to engage Turley to prepare this statement of case to respond to the stated 'reason for refusal'.

2.10 It is acknowledged that the appellants' could have appealed against non-determination of the application after eight weeks, which would have taken the decision out of the hands of the local authority. However, this was not considered necessary given that the majority of the proposed development remains acceptable in principle and benefits from extant and implementable planning permission. This should have been a material consideration for the Council in the determination of this application and was expected to have been given considerable weight.

2.11 However, unfortunately, it is clear from email correspondence with the appellants' agent and from reading the delegated officer report for the application that very little weight has been given to the appeal decision. Indeed, very little weight appears to have been given to the wider planning balance as required by national planning policy and it appears that this application has been determined solely on the basis of the consultee advice provided from the conservation team. This advice effectively dismisses the previous appeal decision as 'unfortunate' and fails to accurately appreciate the existing character and appearance of the area and buildings surrounding the appeal site, where



other such roof level additions are prevalent. This conclusion was clearly and correctly established by the previous appeal decision. Furthermore, the delegated report ignores the fact that when the extant planning permission is implemented at the appeal property, it will itself comprise identical roof level additions to the majority of those sought under this new application.



*Figure 2: wider group of ‘Hamptons’ properties adjacent to No. 52, showing large Velux roof lights to the front roof slope of No. 58 (far right), approved by Camden Council in 2017.*



*Figure 3: No. 58 West End Lane as seen looking towards the property frontage from the western side of West End Lane – the approved roof lights are clearly visible from street level.*





Figure 4: frontage of Nos. 113-119 West End Lane, directly opposite the appeal property, showing prominent roof level dormers and large projecting Velux roof lights.



Figure 5: mansard level dormers to Nos. 93 and 95 West End Lane, at the corner of Gascony Avenue, close by to the appeal property.





*Figure 6: large projecting Velux windows seen to the property at the rear of the appeal property on Woodchurch Road.*



*Figure 7: property to the rear of the appeal property on the northern side of Woodchurch Road with front and side dormer windows clearly visible from the public realm.*

- 2.12 Therefore, given that an approval was expected to be forthcoming for the proposed development, it was not considered appropriate to appeal against non-determination, particularly given the finite resources of the Planning Inspectorate, the costs for preparing an appeal submission and the timescales involved with the appeal process, which can take several months and should be a last resort. Unfortunately, the Council's decision to unreasonably refuse this application, largely on the basis that it is displeased with the previous appeal decision, has led to what we consider to be an unnecessary appeal situation for the appellants.
- 2.13 As stated above, it is clear from reading the delegated report accompanying this refusal that the Council has given very little weight to the previous appeal decision and the sound reasons why it was allowed by the Inspector. In particular, the reason for refusal for this application is identical to that of the previous application allowed at appeal. It still considers the 'siting, scale and design' of the proposed development to represent 'undue harm'. This is despite the fact that the scale and design of the new dormer

window to the side elevation matches the design and scale of that allowed at appeal and approved to the rear of the building in 2018. Therefore, the only reasonable consideration is whether the 'siting' of this already approved scale, design and materials of dormer window is appropriate to the side elevation.

- 2.14 Whilst the delegated report clearly expresses the Council's dissatisfaction at the previous appeal decision, it must be clearly stated that Camden Council chose not to respond to, engage with or defend its position to refuse the previous application during the 2018 appeal process.

### **Application for Costs**

- 2.15 In light of the above, this appeal is accompanied by a claim for appeal costs. The introduction of a single additional side facing dormer window, which is to an identical design and scale to the dormer approved to the rear, is not unacceptable such that it warrants or can substantiate the refusal of the proposed development which has otherwise been considered acceptable previously. The 'scale and design' concerns should fall away by virtue of the extant permission, whilst the siting (and visibility) of the new side dormer window is, for the reasons alluded to above and discussed below, acceptable in the context of the well-established character of the area.
- 2.16 The costs claimed therefore relate to the time and cost implications to the appellants associated with the preparation for and preparation of this appeal submission. This includes the use of professional consultants to provide detailed and technical advice to the appellants on the appeal process and options available to them, including the preparation of this detailed statement of case and the appeal submission to robustly respond to the unreasonable and unsustainable reason for refusal.

### 3. Planning Policy and Other Considerations

- 3.1 The Planning (Listed Buildings and Conservation Areas) Act 1990 provides specific protection for buildings and areas of special architectural or historic interest over and above that provided by development control. Section 72 (1) of the Act states that, the general duty in the exercise of planning functions in conservation areas requires *“special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”*

#### **Development Plan Policies**

- 3.2 The planning policies relevant to the consideration of this appeal are those cited in the decision notice. These include Policies D1 and D2 of the London Borough of Camden Local Plan (2017) and policies within Section 16 of the NPPF (conserving and enhancing the historic environment). These policies are discussed in an abbreviated form below and the full policy wording should be read for clarity, context and understanding of these planning policies.

#### **London Borough of Camden Local Plan (2017)**

##### ***Policy D1- Design***

- 3.3 This policy states that the Council will seek to secure high quality design in development. Specifically, the Council will require development to respect local context and character and preserve or enhance the historic environment and heritage assets in accordance with Policy D2

##### ***Policy D2- Heritage***

- 3.4 This policy states that the Council will preserve and, where appropriate, enhance Camden’s rich and diverse heritage assets and their settings. Specifically, with regard to conservation areas, the Council will require that development preserves, or where possible, enhances the character or appearance of the area and resists total or substantial demolition of an unlisted building which makes a positive contribution.
- 3.5 Please refer to the full extracts of these policies included at Appendix 1.

#### **National Planning Policy Framework (as revised, 2019)**

- 3.6 Government policy is set out in the National Planning Policy Framework (NPPF), supported by National Planning Practice Guidance (PPG) (2014).
- 3.7 The NPPF sets out the key purpose of the planning system: the achievement of sustainable development, including the three dimensions of sustainability within Paragraph 8: economic, social and environmental. The NPPF states that these roles should not be undertaken in isolation, because they are interdependent and need to be pursued in mutually supportive ways. Economic growth can secure higher social and environmental standards, and well-designed buildings and places can improve the lives of people and communities. Therefore, to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. The planning system should play an active role in guiding development

to sustainable solutions. It should not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives.

3.8 Whist the NPPF has to be read as a whole, the critical guidance for both plan making and decision taking is set out in Paragraph 11. This states that at the heart of the NPPF is a presumption in favour of sustainable development. For decision-taking, this means *'approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*

- *the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

3.9 In determining planning applications, Paragraph 192 of the NPPF advises local planning authorities to take account of:

- *the desirability of sustaining and enhancing the significance of heritage assets, and putting them to viable uses consistent with their conservation;*
- *the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- *the desirability of the new development making a positive contribution to local character and distinctiveness.*

3.10 Paragraph 193 states that *'when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.'*

3.11 Where a proposed development will lead to 'less than substantial' harm to the significance of a designated heritage asset, Paragraph 196 advises that the *'harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use'.*

3.12 Paragraph 201 of the NPPF states that not all elements of a Conservation Area will necessarily contribute to its significance, and that any harm considered to arise should take account of the relative significance of the element affected and its contribution to the significance of the Conservation Area as a whole.



### **National Planning Practice Guidance (PPG)**

3.13 Paragraph 017 of the PPG makes clear that, in general terms, substantial harm is a high test, so it may not arise in many cases. It states for example, that *‘in determining whether works to a listed building constitute substantial harm, an important consideration would be whether the adverse impact seriously affects a key element of its special architectural or historic interest’*. The same could be applied, in this instance, as to whether alterations within a conservation area affect its character or appearance. The PPG also adds that, *‘...works that are moderate or minor in scale are likely to cause less than substantial harm or no harm at all.’*

### **Guidance and Other Material Considerations**

- (CPG1) Camden Planning Guidance 1 – Design (2015)
- South Hampstead Conservation Area Character Appraisal and Management Strategy (2011)

## 4. Relevant Planning History

### Flat 10, No. 52, The Hamptons, West End Lane

- 4.1 The most relevant planning history to the consideration of this appeal is planning application ref. 2017/4980/P. This application was submitted to Camden Council in September 2017 for:

*Installation of rear facing dormer; 1 x rooflight to rear, 2 x roof lights to side, and 2 x roof lights to the front following removal of roof level access door and external platform*

- 4.2 The application was refused on 22 January 2018 for the following single reason for refusal:

*The proposed development, by reason of its siting, scale and design, represents undue harm to the character, appearance and historic interest of the property and surrounding area, particularly given its prominence and public visibility within the conservation area. As such the proposal is contrary to advice contained within CPG1 and policies D1 and D2 of the Local Plan (2017), and Section 12 of the NPPF.*

- 4.3 This refusal was subsequently appealed (under appeal ref. APP/X5210/W/18/3197457), with the appeal allowed and planning permission granted. The Inspector's Appeal Decision (dated 13 September 2018) is included in full at Appendix 3, but in particular the Inspector's reasoning established that:

*8. ...the immediate surroundings of the appeal site are characterised by a variety of architectural styles which have differing roof forms. This observation is supported by the Council's Conservation Area Appraisal which confirms that the character of the CA relies significantly on the attractive, wide variety of prominent roof forms.*

*9. This variety includes dormer windows of different sizes and appearances on surrounding buildings. It also includes the presence of roof lights, with the north facing roofslope of the appeal building containing 3 such additions. Many of the properties that front Woodchurch Road have prominent dormer windows and the terraced houses located on West End Lane, which terminate the view from Woodchurch Road, also have pitched roof dormer windows. Moreover, I noted that a dormer window is also currently being constructed at 58 West End Lane and which is apparent from within the public realm.*

*11. Although the alterations would be prominent, due to the narrow width of the dormer, its limited scale and bulk, and the use of traditional materials, the dormer would not overwhelm the scale and proportions of the existing building. It would therefore represent a sensitive addition that would maintain the overall structure of the existing roof form.*

*16. Due to the unassuming design of the proposed dormer window, and the context of the surrounding and varied roofscape, I consider that the proposed roof alterations would be sympathetic to the existing building and would preserve the character and appearance of the CA. Accordingly, there is no need to weigh the effect of the proposal*

*against public benefits as required by the Framework because there would be no harm to the CA. (Paragraph 16).*

- 4.4 The 2018 appeal decision demonstrates that then then proposed development, which is almost identical to the development now sought, would preserve the character and appearance of the South Hampstead Conservation Area. It also established, as we consider is the case with this appeal that, the proposed development is consistent with and accords with policies D1 and D2 of the Camden Local Plan (2017) and advice contained within Camden Planning Guidance 1 – Design (2015).



*Figure 8: 'existing' elevations of No. 52 West End Lane. Source: Allen Smith Associates.*



*Figure 9: 'proposed' elevations showing roof lights and rear dormer window as approved at appeal under ref. APP/X5210/W/18/3197457 and implementable at No. 52 West End Lane. Source: Allen Smith Associates.*

#### **No. 58, The Hamptons, West End Lane**

- 4.5 In addition to the above, planning permission was granted at neighbouring No. 58 West End Lane by Camden Council under ref. 2016/4441/P (dated 17 January 2017) for:

*Erection of 2 storey rear extension; erection of 2 x dormer windows to rear roof slopes; 3 x roof lights to front roof slope; and conversion of existing 16 x studio flats into 5 x 2 bedroom flats, 1 x 1 bedroom flat and 8 x studio flats.*

4.6 This approval is also highly relevant to the consideration of this appeal as it granted planning permission for a very similar development proposal, which has now been implemented. In particular, it should be noted that No. 58 West End Lane forms part of the same group of buildings as the property subject to this appeal, known as ‘The Hamptons’.

4.7 Informative 1 attached to the decision notice for the above planning approval at No. 58 states that:

*The dormers are considered to be modest additions to the roofslopes that would be set down from the roof ridge and eaves to appear as a subordinate addition. The proposed roof lights to the front and rear roof slopes would be conservation style, flush with the roofslope.*

4.8 Informative 1 later states that:

*The planning history of the site and surrounding area and relevant appeal decisions were taken into account when coming to this decision. Considerable importance and weight has been attached to the harm and special attention has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area, under s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act (ERR) 2013.*

4.9 As with the 2018 appeal decision at the current appeal property, this clarification by Camden Council and the approval of the proposed development at No. 58 West End Lane, established that the principle of dormers and roof lights preserve the character and appearance of the Conservation Area. This is the same Conservation Area (and group of buildings) in which the property subject of this appeal is located. The planning permission decision notice for the 2017 approval at No. 58 is included in full at Appendix 4, with extracts of the then existing and approved proposed drawings are included below. The proposal has now been implemented.



Figure 10: (left) ‘existing’ unaltered rear elevation to No. 58 at the time of the 2016/17 application; (right) ‘approved’ (and now implemented) large rear dormers to No. 58. Source: ASB Architects.





Figure 11: (left) 'existing' drawing showing front elevation to No. 58 at the time of the 2016/17 application; above right: 'approved' (and now implemented) front elevation arrangement to No. 58 showing new roof lights. Source: ASB Architects.



Figure 12: plan showing the location/proximity between the appeal site (outlined in red) and the approved (and now implemented) development of dormers and roof lights at No. 58 (indicated by green star). Source: provided by Allen Smith Associates as part of the planning application ©Crown Copyright and database rights 2017 OS 100019980.

## 5. Proposed Development

- 5.1 The proposed development seeks planning permission for exactly the same extent of development as granted planning permission at appeal in 2018 under ref. APP/X5210/W/18/3197457, with only a minor change. This change relates to the addition of a single dormer window to the southern side elevation of the property in place of the existing roof access hatch and two approved roof lights – with only one roof light now proposed and discretely repositioned slightly to the east of its approved position behind the chimney stack. The new side dormer matches the design and scale (albeit to a slightly reduced width) of the dormer window granted permission to the rear of the property as part of the appeal approval. There are no other changes to the extant approved and implementable planning permission, which again continues to propose the introduction of roof lights to the various elevations and rear dormer window.



Figure 13: (left) existing side elevation arrangement showing set back cut-away roof access hatch door; (right) 2018 arrangement approved at appeal for the introduction of two new conservation roof lights. Source: Allen Smith Associates.



Figure 14: (left) existing side elevation arrangement showing set back cut-away roof access hatch door; (right) arrangement of side elevation proposed by this appeal, which seeks to introduce a single dormer window in place of the conservation roof lights. Source: Allen Smith Associates.

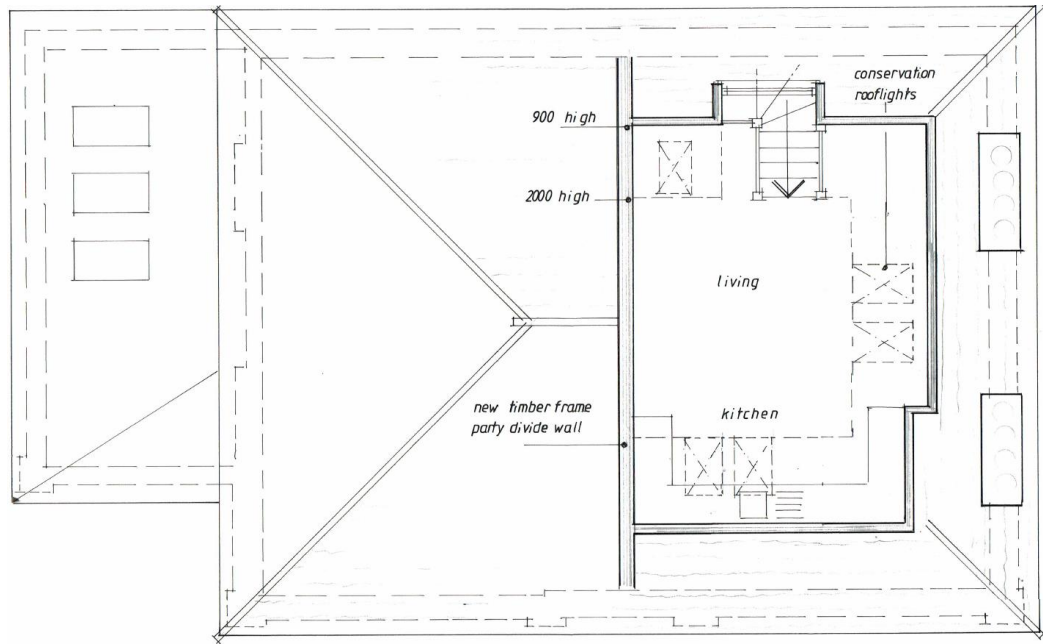


Figure 15: 2018 approved and implementable roof plan arrangement. Source: Allen Smith Associates.

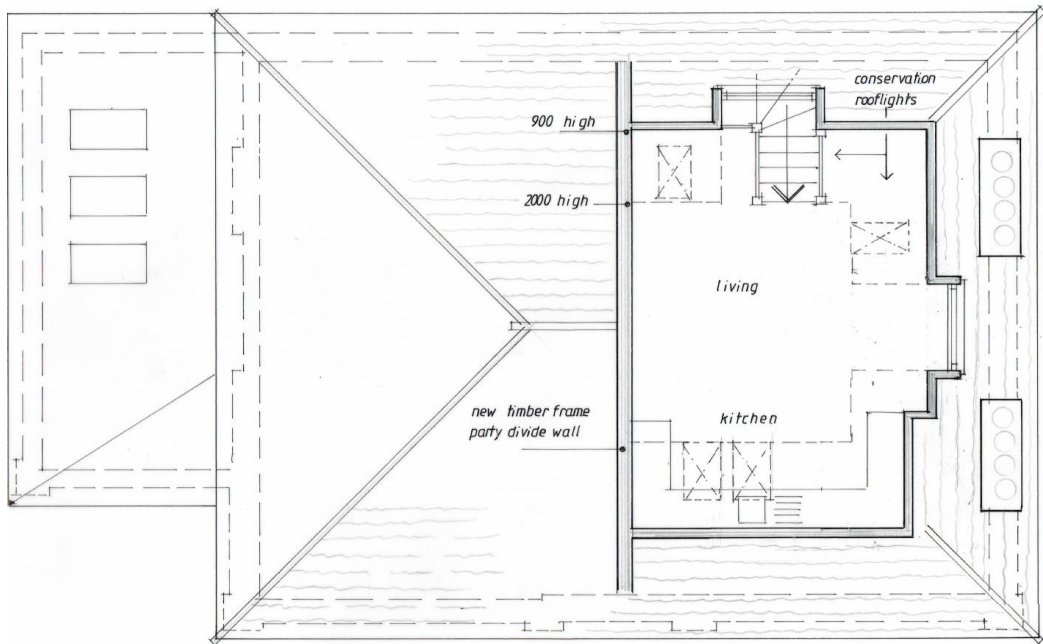


Figure 16: now proposed roof plan arrangement showing the addition side dormer window between the chimney stacks and slightly repositioned approved single conservation roof light. Source: Allen Smith Associates.

## 6. Appeal Case

- 6.1 This section of the appeal statement sets out the appellants' case in response to the matters raised by the reason for refusal, which considers:

*The proposed development, by reason of its siting, scale and design, represents undue harm to the character and appearance of the property and surrounding area, particularly given its prominence and public visibility within the conservation area. As such the proposal is contrary to policies D1 (Design) and D2 (Heritage) of the Local Plan (2017), the London Plan (2016), and the NPPF (2019).*

- 6.2 For completeness in responding to the Council's decision, the siting, scale and design of the development is considered in the responses to the relevant policies below. However, as mentioned previously in this statement, it should be reiterated that the majority of the proposed development benefits for extant and implementable planning permission granted in 2018. The full extent of the proposed development has been applied for again as part of this new application for completeness, so that any resulting approval allows for a single implementable planning permission. The only change being the introduction of a matching side dormer window to that approved at the rear in place of an approved conservation roof light and slight repositioning of the second approved roof light in this location.

### Response to Local Planning Policies and Guidance

#### Policy D1 – Design

- 6.3 The proposed dormers to the rear and side elevations are of a matching and simple traditional design to ensure that they respond appropriately to the local context and character of the host property and surrounding buildings within this part of the Conservation Area. The design of the dormer windows proposes to use details and materials that are of a high quality and complement the local character, including timber window frames, with lead lined dormer cheeks and to the flat roofs above, which reflects the materials of dormers nearby on West End Lane (Nos. 113-119) and Woodchurch Road (Nos. 3-19 odd, 18 and 22). The scale of the proposed dormers ensures that they would read as subordinate features on the respective roof slopes, and be of a size and scale commensurate with the host building. In line with good conservation practice, the proposed dormers will not occupy more than half the width or half the depth of the roof slope. They will not overlap or wrap around the hips of the roof and will sit comfortably below the ridge height.

- 6.4 In the 2018 appeal decision, the Inspector established in relation to the identical rear dormer window that:

*10. The proposed dormer window to the rear of the appeal building, and the proposed rooflight next to it, would be prominent from Woodchurch Road. The dormer would have a flat roof which would be set down from the ridge height of the building. It would contain timber framed windows and would have lead lined cheeks. It would also be set in from the side of the roof and set back from the eaves level of the building.*



*11. Although the alterations would be prominent, due to the narrow width of the dormer, its limited scale and bulk, and the use of traditional materials, the dormer would not overwhelm the scale and proportions of the existing building. It would therefore represent a sensitive addition that would maintain the overall structure of the existing roof form.*

6.5 In our view, the same conclusion should also be drawn in relation to the now proposed additional side dormer window, which will be:

- set down from the ridge height of the building
- timber framed and lead lined
- set in from the hips of the roof and sit comfortably between the large imposing chimney stacks
- set back from the eaves level of the building

6.6 In addition, it should be noted that the scale and bulk of the side dormer window is similarly “limited” as with the approved rear dormer and indeed is actually slightly reduced in width to that at the rear. Accordingly, it is concluded the additional side dormer is appropriately designed and will not overwhelm the scale and proportions of the existing building.

6.7 The proposed roof lights will be conservation style roof lights, discretely located on the respective roof slopes; two proposed to the front elevation and one each to the side and rear elevations. These will sit flush with the roof slopes and will provide natural light into an area of the flat which does not currently benefit from natural light, improving the quality of the internal accommodation available to this residential unit.

6.8 The roof lights proposed to the front and rear slopes are exactly as allowed and granted planning permission under the 2018 appeal decision, whilst the side roof slope will now contain only one of the two previously allowed roof lights owing to the proposed dormer window. The single roof light proposed to the side roof slope remains exactly as per the size and conservation style detail approved previously, but is slightly repositioned to sit to the east, more discretely behind the eastern chimney stack, which will not be altered as a result of the proposal and will entirely hide the presence of the roof light. It is therefore considered, as with the now proposed side dormer window and as considered in principle by the previous Inspector, that the side roof light will continue to be a suitably sensitive addition to the building.

6.9 Overall, the proposed development has been designed in line with the requirements of CPG1, and will therefore respect the local context and character as required by this planning policy and the proposed development should be considered acceptable in terms of its design.

## **Policy D2 – Heritage**

- 6.10 The proposed development seeks to introduce modest additions to the roof level of the host building in the form of conservation style roof lights, a single rear dormer window and similar single side dormer window. These are characteristic features on properties within the immediate and wider Conservation Area, which is well established, particularly by the recent 2018 appeal decision, where the Inspector noted that:

*8. ...I observed on my site visit that the immediate surroundings of the appeal site are characterised by a variety of architectural styles which have differing roof forms. This observation is supported by the Council's Conservation Area Appraisal which confirms that the character of the CA relies significantly on the attractive, wide variety of prominent roof forms.*

*9. This variety includes dormer windows of different sizes and appearances on surrounding buildings. It also includes the presence of roof lights, with the north facing roofslope of the appeal building containing 3 such additions. Many of the properties that front Woodchurch Road have prominent dormer windows and the terraced houses located on West End Lane, which terminate the view from Woodchurch Road, also have pitched roof dormer windows. Moreover, I noted that a dormer window is also currently being constructed at 58 West End Lane and which is apparent from within the public realm.*

- 6.11 The principle of such additions, as is established by the 2018 appeal decision and 2017 approval of rear dormers at No. 58, therefore very clearly maintains (preserves) the well-established character and appearance of the area in line with the requirements of this policy (and the statutory duty) and would not detract from the positive contribution that the existing building makes to the area. Specifically, in line with this policy, the proposal:

- does not involve total or substantial demolition of an unlisted building that makes a positive contribution
- does not comprise harmful development outside the Conservation Area
- will have no impact on trees or gardens spaces
- will not affect the setting of any listed buildings
- will have no impact on remains of archaeological importance

## **CPG1 (Design)**

- 6.12 Paragraph 5.7 of CPG1 states that roof alterations (such as dormer windows and roof lights) are likely to be acceptable where:

- there is an established form of roof addition or alteration to a terrace or group of similar buildings...
- 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
- 6.13 Roof lights exist as an established addition within this group of similar buildings, with roof lights added to the northern side extension to No. 52 and to the rear of Nos. 54, 56 and 58 (see Figure 17 below) and approved at appeal in 2018 to be added to the appeal property (see Figures 22 and 23 below).
- 6.14 The recent approval for the appeal property (under ref. APP/X5210/W/18/3197457) and the 2017 approval at No. 58 (under ref. 2016/4441/P), has established the principle and acceptability of rear dormer windows and roof lights as sympathetic additions to buildings within this group (The Hamptons). Roof lights and dormers are clearly prevalent on adjacent buildings, forming a well-established pattern in the surrounding area. Furthermore, as has been established, the proposed development is architecturally sympathetic to the age and character of the building. The new additions are located comfortably away from the hips and below the ridge height and the overall integrity of the existing hipped roof form will be maintained.
- 6.15 Paragraph 5.8 of CPG1 considers circumstances in which roof additions are unlikely to be acceptable. In response to this, we would clarify that the:
- roof line of the wider group is already altered by existing roof lights and dormer windows, notably those approved and now implemented at No. 58, which were considered acceptable (by Camden Council) in the context of the same planning design guidance (CPG1)
  - group of buildings do not form part of any important London-wide or local view from public spaces
  - appeal property's hipped roof construction/form is suitable to accommodate such roof additions, as is confirmed by the recent appeal decision and approved works undertaken at No. 58 which features an identical roof form
  - scale and proportions of the building would not be overwhelmed by the addition of a single rear dormer, single side former or flush conservation style roof lights as proposed
  - proposed dormers will be sensitive additions which maintains the overall structure and integrity of the existing roof form, and in the case of the side dormer, replaces an existing incongruous access hatch/door cut away.
- 6.16 In response to paragraph 5.11 of CPG1, the:
- pitch of the existing roof is sufficient to allow adequate habitable space without the creation of disproportionately large dormers and the roof ridge will be unaffected by the proposed development.

- dormers would not cut through the roof ridge or sloped edge of the hipped roof. They are set sufficiently below the ridge to avoid projecting into the roof line when viewed from a distance – and similarly set back / up from the eaves level.
- dormers would not interrupt an unbroken ‘roofscape’ (discussed below).
- form, scale, pane size and location of the dormers relates well to the windows on the respective façades below and would read as modest additions to the roof, with the dormer’s side cheeks shallower in depth than the proposed width.
- materials would complement the host property, which include lead lined cheeks and roof, with timber framed windows and structure.

6.17 The Council’s delegated report considers this group of buildings, known as ‘The Hamptons’, to have a “largely unaltered roof form” and makes several references to “undisturbed” roof forms and slopes. The report also states that: *“views from Messina Avenue show their roof scape to be uninterrupted by any dormers or roof lights. Some singular roof lights exist to the rear of the Hamptons, but these are not visible from the street.”* The delegated report also states, in response to the previous appeal decision, that:

*Even where the Inspector refers to the presence of pre-existing rooflights on the current building, this is only on a more recent side extension well away from being a visible corner, and not present on the original part of the building.*

6.18 Notwithstanding that the above overlooks the as yet implemented planning permission by way of the 2018 appeal decision, this assessment fails to accurately take account of the existing situation across this group of buildings – including the 2017 approval by Camden Council in relation to No. 58. The ‘roofscape’ of No. 52 and its wider group is not unbroken, with the group featuring existing rear roof lights to Nos. 54, 56 and 58, with two rear dormer windows and large roof lights recently introduced at No. 58 – which are all publically visible from Woodchurch Road. Furthermore, as is very clear from visiting the area, roof lights exist to the front of No. 58 (see Figure 23 below) and to the side of the appeal property which are visible from the street.

6.19 Paragraph 5.11 of CPG1 refers to an unbroken roofscape<sup>1</sup> of a terrace or group of buildings, not an individual roof slope to a single building. It is clear that the roofscape across this group is not unbroken. Indeed, the individual roofslope of No. 52 does not exist unaltered or unbroken itself, as the later four storey side extension to the northern elevation has quite visibly altered and extended the original roofslope to the property and itself features three existing roof lights.

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<sup>1</sup> A roofscape is “a scene or view of roofs, especially when considered in terms of its aesthetic appeal” – Oxford English Dictionary.





*Figure 17: photograph of the rear elevation of No. 52 (far left) showing the side extension breaking the roof slope of the existing building (green arrow); the adjacent group feature rear Velux roof lights (indicated by red arrows). Additionally, it should be noted, as confirmed by the 2018 appeal decision, that the rear dormers approved at No. 58 have now been implemented.*

- 6.20 Therefore, as demonstrated, the proposed development is in accordance with the guidance contained within CPG1. A correct application of the guidance within that document would have allowed for the same conclusion of acceptable development as with the recent appeal decision and the Council's own 2017 approval at No. 58 – which comprises part of the same publically visible roofscape as the appeal property.

#### **Impact on No. 52 West End Lane**

- 6.21 The introduction of rear and side dormer windows and roof lights as proposed to No. 52 West End Lane would constitute minor alterations/additions to the host property, resulting in a minor change to its external appearance, particularly in longer views of the rear from Woodchurch Road and from the south along West End Lane. However, as paragraph 6.4 of the Conservation Area Appraisal acknowledges, positively contributing buildings which have experienced minor alterations over the years, do still contribute as part of a group to the character of their surroundings. Therefore, the introduction of these well-designed additions, which would be sympathetic to the age and character of the host property and associated group of buildings, would not detract from the building's positive contribution to the area. This is further confirmed by the 2018 appeal decision and approval of the similar alterations by Camden Council to No. 58 West End Lane, a property of near identical design, similarly identified as a positive contributor within the same group, and with a similar level of visibility in views to the rear from Woodchurch Road.
- 6.22 In particular, it should be noted that the 2018 appeal decision fully acknowledged the visibility of the roof to the appeal property in views from the surrounding area, and the prominence of the proposed additions. Moreover, the Inspector's decision concluded that notwithstanding this visibility, that the proposed additions are sensitive and would maintain the overall structure of the existing roof form. The same conclusion should have been drawn with regard to this latest application.

## Impact on Character and Appearance

- 6.23 The statutory duty in respect of the Conservation Area is to preserve or enhance its character or appearance. To comply with the requirements of the Act<sup>2</sup>, the resulting building would need to make the same contribution (preserve) or a greater one (enhance) to the character or appearance of the area. In our view, the proposed development, which is limited to the introduction of single rear and side dormer windows and discrete conservation roof lights, achieves the first of these objectives and the positive contribution that the existing building makes to the area will be maintained (preserved).
- 6.24 The recent appeal decision (APP/X5210/W/18/3197457) and planning approval by Camden Council in 2017 at No. 58 (under ref. 2016/4441/P) confirms that the principle of roof lights and rear dormers is acceptable within the Conservation Area. These decisions also confirm that such additions would maintain (preserve) the building's positive contribution to the area. In both instances, considerable importance and weight was given to the statutory duty and the respective developments were found to be acceptable. In our view, the same conclusion should have been reached with this planning application, which is largely as approved by the 2018 appeal decision.
- 6.25 To preserve (maintain) the character and/or appearance of the area, the statutory duty does not require that no change takes place, simply that any change must be in keeping with the established character and appearance of the area. The proposal subject to this appeal would self-evidently be in keeping with the well-established presence of dormers and roof lights present within this part of the Conservation Area (and within this group of buildings) and is acceptable in terms of its detailed design and materials – with the new side dormer matching exactly that approved to the rear in 2018.
- 6.26 An analysis of properties in the immediate vicinity of the appeal site confirms that dormers and/or roof lights are a characteristic feature of the area and exist at:
- Nos. 54-58 West End Lane – front and rear roof lights and dormers
  - Nos. 113-119 West End Lane – front dormers and roof lights
  - Nos. 133-137 West End Lane – front dormers
  - Nos. 93 and 95 West End Lane – front mansard style dormers
  - Nos. 3-19 (odd) Woodchurch Road – front dormers
  - Nos. 18 Woodchurch Road – front dormers
  - Nos. 22 Woodchurch Road – front and side dormers
  - Nos. 28 Woodchurch Road – side roof lights, facing appeal property

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<sup>2</sup> Planning (Listed Buildings and Conservation Areas) Act 1990.



*Figure 18: (above left) photograph of Nos. 113-119 West End Lane, opposite the appeal site, showing front roof level dormers and large Velux rather than conservation style roof lights; (above right) modern dormer windows introduced to front elevation of Nos. 133-137 West End Lane.*

### **Prominence and Public Visibility**

- 6.27 The reason for refusal indicates that the “prominence and public visibility” of the proposed development would cause undue harm to the character and appearance of the host property and Conservation Area.
- 6.28 The proposed roof lights to the front roof slope of the property may be visible in medium-range views from the south along West End Lane, albeit this would be in the context of filtered views between existing mature tree planting within the appeal property and to neighbouring Sidney Boyd Court (see Figure 19 below).



*Figure 19: photographs demonstrating that the proposed roof lights to the front roof slope would be partially obscured by existing trees, even when they are not in leaf. The single roof light to the side would not be visible from these viewpoints.*



Figure 20: medium and close range views towards the appeal property from the western side of West End Lane whilst the surrounding trees are in leaf. Note the visible Velux roof lights to the property at the rear.

- 6.29 Additionally, it should be noted that the limited experience of these roof lights would not form the focus or draw the attention of any such views from the south. Furthermore, it should be noted that the proposed conservation style roof lights to the front roof slope, which are discretely located to one side, would be less prominent in views from the street than the three widely spaced Velux roof lights approved by Camden Council and introduced to the front roof slope of No. 58. These are similarly (if not more) visible as you move along West End Lane towards No. 58 and they occupy more of the front roof slope at that property. Moreover, the proposed roof lights to the front roof slope of the appeal property remain exactly as approved by the 2018 appeal decision, where the Inspector established that:

*13. The building is prominent in the street scene and it is a tall structure with a raised ground floor level. As a result, when viewed from the front at ground level, views towards the roof are dominated by the strong eaves line and the front roof slope is not perceptible when standing close to the building. Mature trees located to the front of the site also restrict views of the building, particularly when in leaf, as I observed on my site visit.*

*14. Oblique views can be gained of the building when stood towards the junction with Messina Avenue. Views towards the appeal site are also achievable further south on West End Lane. However, these would be longer distance views and the alterations to the front roof slope would be seen in the context of the surrounding roofscape in which dormer windows and rooflights are a well-established component of the character and appearance of the area.*



15. The siting of the appeal building, which steps forward in the site following the curve of the road, also ensures that views from north of the site do not reveal the front roof slope. However, they do allow for glimpsed views of the existing rooflights located within the north facing elevation of the appeal building.

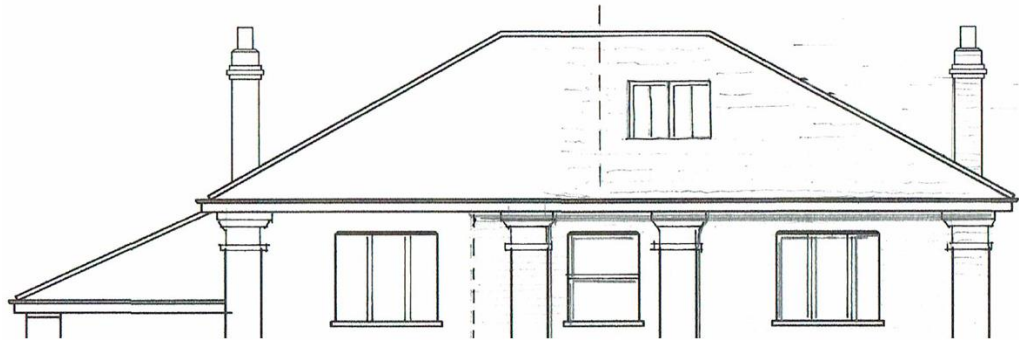


Figure 21: conservation roof lights approved at the appeal property in 2018 and retained as part of the current application at appeal.



Figure 22: large projecting Velux roof lights approved in 2017 by Camden Council and now implemented to the front elevation of No. 58.



Figure 23: projecting Velux roof lights as now introduced at No. 58, with the rear dormers also now introduced and visible from Woodchurch Road.



- 6.30 The repositioned single side roof light will be discretely located and entirely obscured from view behind the tall eastern chimney stack and now proposed single side dormer window. This should therefore remain an acceptable introduction, given its reduced visibility over the extant approved situation.
- 6.31 The new dormer window would be visible in medium to longer-range views from the south along West End Lane. However, this new dormer has been carefully designed to match the dormer window granted permission to the rear by way of the 2018 appeal decision, where the Inspector noted that its design was of narrow width, limited scale and bulk and would be in sympathetic traditional materials. This is such that the Inspector concluded that the proposed dormer would not “overwhelm” the scale and proportions of the existing building, which we consider should similarly be the case with the new proposed side dormer. Specifically, the side dormer is proposed to be situated centrally between the taller pair of chimney stacks, which will continue to draw the focus of views towards the roof and the new dormer will replace the existing incongruous roof access hatch in this location, providing a more traditional and sympathetic appearance to the host property.
- 6.32 The ‘prominence’ of this new side dormer window, whilst constituting a clear visual change to the existing situation, is not unacceptable in principle, particularly as this would effectively replace the existing prominence and visibility of the incongruous access hatch in this location. The design (including scale and bulk) of the additional dormer window matches that already considered acceptable to the appeal property, and the dormer would be set back such that it remains a subservient element to the chimney stacks. Accordingly, as with the ‘prominence’ and ‘visibility’ of the approved rear dormer, we consider the siting of the now additional side dormer is equally appropriate and that it should similarly be considered a sympathetic and sensitive roof level addition.
- 6.33 The view shown in Figure 24 below provides an example of views in which the side dormer may be experienced. This is a limited view from the eastern side of West End Lane that would initially be obscured by the taller development of Sidney Boyd Court in views further south along the road and would be intermittently obscured by existing trees (and chimney stacks) as you move further north towards the appeal site, with there being no visibility of the roof level in immediate street level views adjacent to the property from Woodchurch Road.
- 6.34 The presence of a new dormer in this view (and location) is not unacceptable in principle and, as the 2018 appeal decision establishes, such a design and roof addition (as allowed at the rear) would read as a sensitive roof addition to this particular building, regardless of any prominence or visibility. Indeed, the Inspector fully acknowledged in paragraph 10 of the appeal decision that the dormer allowed to the rear would be prominent from Woodchurch Road, but all aspects considered, determined that it would comprise and continue a “well-established component” of the character and appearance of the area.



*Figure 24: photograph showing the existing roof access hatch to the side elevation, seen in a longer-range view from south along the eastern side of West End Lane.*



*Figure 25: immediate street level view towards the roof of the appeal property, where the proposed side dormer would read as a subservient addition between the chimney stacks and would be partly obscured by the eaves level overhang.*

- 6.35 As noted above, in medium range views looking west along Woodchurch Road towards the rear of the appeal property, the proposed dormer window will be visible. However, this will be in the context of other roof level dormers at Nos. 113-119 West End Lane, which form the termination to the view looking west along Woodchurch Road. In close range views looking north-west towards the appeal site, the rear roofline of Nos. 52 to 58 is clearly visible, including the recently implemented rear dormers to No. 58, which the 2018 appeal decision acknowledges (see Figures 26 and 27 below).



Figure 26: view looking north-west towards the appeal property (far left) with No. 58 West End Lane (far right) highly visible. N.B. this photograph was taken prior to the implementation of the rear dormers to No. 58.

- 6.36 As with the 2018 refused application, the delegated report accompanying this recent refusal makes reference to the dormers being approved at No. 58 by the Council because these are *“on a roof with minimal visibility from Woodchurch Road, as the building is located mid-block”*. This has again led to an inaccurate conclusion by the Council that due to the perceived increased public visibility of the proposed dormer to No. 52 over those approved at No. 58, it would cause harm to the character and appearance of the area. However, as Figure 26 clearly demonstrates, the roof level to No. 58 is as visible from the same public views. Furthermore, paragraph 9 of the 2018 appeal decision acknowledges the visibility of No. 58 from the public realm, as well as the physical presence of the then under construction (and now implemented) rear dormers to No. 58. It also clearly establishes that dormers are a visible part of the character of the area.
- 6.37 The now completed construction of the dormer windows at No. 58, confirms the public visibility of such dormer windows, in the same view that the rear dormer to No. 52 would be visible, does not detract from or cause undue harm to the character or appearance of the Conservation Area. Furthermore, the dormers introduced to No. 58 are seen in side profile from the public realm, creating the visible impression of additional bulk to the roof level of that property and obscuring the existing chimney stack. In contrast, in this same public view of No. 52, the proposed rear dormer would be seen against the backdrop of the existing hipped roof form, reducing any impression of new bulk at roof level.
- 6.38 In addition to the above, it should be clarified that the character of the Conservation Area in particular, does not comprise only what can be seen from public views; and the character and appearance of the area is also affected by the impact of any proposed development on private views. The two rear dormers introduced at No. 58 are no doubt highly prominent and visible in views from the rear upper windows of properties nearby along the north side of Woodchurch Road and properties on the south side of Cleve Road. The impact of introducing these two rear dormers to No. 58 on private views, and



indeed in the same public views available from Woodchurch Road, was considered by Camden Council to maintain (preserve) the character and appearance of the area. Therefore, as was considered the case under the 2018 appeal decision, the principle of a rear dormer to No. 52 remains acceptable in the context of its visibility and impact on the character and appearance of the area. As discussed above, its design is acceptable in terms of the relevant planning policy and design guidance CPG1 and as confirmed by the 2018 appeal decision.



*Figure 27: close range photograph taken from Woodchurch Road, showing the highly visible rear roof slope to No. 58, where two rear dormers have recently been introduced. N.B. photograph taken before the works were implemented.*

## **Response to NPPF and PPG**

- 6.39 The proposed development affects a single building within the South Hampstead Conservation Area. Whilst it is identified as providing a positive contribution to the area within the Character Appraisal, it is not identified as a designated or non-designated heritage asset in terms of paragraphs 193 and 197 respectively of the NPPF. Notwithstanding this, in consideration of paragraph 017 of the PPG, the proposed development for single rear and side dormer windows and associated conservation style roof lights would be minor in scale and would not result in the loss of a building or element which makes a positive contribution to the area (in response to paragraph 201 of the NPPF). The proposed development would affect a small element (the roof) of a single building within the much larger designated heritage asset of the Conservation Area, where these types of changes already exist as well-established components of the character of the area or have been approved more recently, including by Camden Council. Indeed, the majority of the now proposed development remains as considered

acceptable in the 2018 appeal decision and remains acceptable now. Therefore, given the sympathetic design (including scale and bulk) and carefully considered central placement of the additional side dormer between the chimney stacks, this minor change to the proposed development would not harm the character or appearance of the Conservation Area and should remain acceptable as with the 2018 appeal decision. The positive contribution of the existing building to the character of the area will be maintained, as was considered the case with the 2018 appeal decision and similar approved development at No. 58. This therefore sustains the heritage significance of the Conservation Area as per the impetus of paragraph 193 of the NPPF and the proposed development should be considered acceptable in terms of the relevant National Planning Policy and guidance.



## 7. Summary and Conclusions

- 7.1 This appeal is against Camden Council's decision to refuse planning permission under application ref. 2018/5657/P for:

*Installation of 1 x rear and 1 x side facing dormer windows; installation of 4 x roof lights*

- 7.2 The main issue for this appeal is whether the proposed development would preserve or enhance the character or appearance of the South Hampstead Conservation Area.
- 7.3 Policy D1 (Design) of the Local Plan requires development proposals to be of high quality design, to respect local context and character and to preserve or enhance the historic environment and heritage assets in accordance with Policy D2. The proposed conservation roof lights and dormer windows are modest additions to the roof that are set down away from the roof ridge and eaves and away from the hips, ensuring that they read as subordinate additions. The proposals respond to other similar features which exist or have been approved within the area, including at the appeal property in 2018, and are therefore acceptable.
- 7.4 Policy D2 (Heritage) requires that development within conservation areas preserves or enhances the character or appearance of the area and resists total or substantial demolition of an unlisted building which makes a positive contribution. The proposed development seeks to make limited alterations to the roof level of the host property and does not propose total or substantial demolition. The 2018 appeal decision, as well as the similar approval by Camden Council in 2017 at No. 58 West End Lane, which has now been implemented, confirms that the principle of such additions would preserve the character and appearance of the area, with roof lights and dormers a well-established component of the varied roof lines of buildings in the area.
- 7.5 Considering the above, as well as the 2018 appeal decision at the same property, the proposed development is consistent with the aims of Local Plan policies D1 and D2 and the design guidance within CPG1. The proposed development would not cause undue harm to the character, appearance or historic interest of the host building or to the surrounding area. It has been demonstrated that similar features to the proposed roof lights and dormer windows exist within the area and have recently been considered acceptable to the host property at appeal and by Camden Council in 2017 at a property forming part of the same group of buildings, against the same design guidance (CPG1). Whilst the Council's planning policies have changed since its decision in relation to No. 58, the emphasis and aims of policy to preserve or enhance the character or appearance of the Conservation Area in line with the statutory duty remains the same.
- 7.6 The proposal would therefore result in a similar level of change to the character and appearance of the host property and surrounding area as considered acceptable through the approval of planning permission at No. 58 West End Lane, under an identical statutory and national planning policy framework, and against the same Camden design guidance (CPG1). Additionally, as has been noted throughout this statement, the majority of the proposed development subject to this appeal remains near identical to the development approved at appeal in 2018 to the same property (under ref. APP/X5210/W/18/3197457) and against the same policy context. The only exception is

the addition of the single side dormer window in place of an approved roof light in that location and the slight repositioning of one of those approved roof lights to a more discrete location behind the eastern chimney stack. The “scale and design” of the additional dormer matches that allowed to the rear, so should be considered acceptable in principle. The only matter therefore which remains is the siting of this additional dormer window on the side elevation. The comments raised in the Council’s delegated report and single reason for refusal about the prominence of the development were considered and addressed by the previous appeal decision, which acknowledged that the roof additions allowed then and similarly proposed now will be prominent in certain public viewpoints, but, by virtue of their appropriate design and materials, are sensitive roof level additions. In our view, the same conclusion should be drawn in relation to the now proposed development for Flat 10, No. 52 West End Lane, and the development should be considered acceptable.

- 7.7 Accordingly, as established by the 2018 appeal decision and for the reasons discussed in this report, the proposed development will maintain (preserve) the character and appearance of the South Hampstead Conservation Area and the positive contribution of the existing building to the area will also be maintained. Therefore, no harm arises to the Conservation Area as a result of the proposed development. This sustains its heritage significance as per the impetus of paragraph 193 of the NPPF and in the context of the relevant statutory duties and planning policies. For these reasons and in accordance with paragraph 11 of the NPPF, planning permission should have been granted for the proposed development.
- 7.8 In light of the above, we would respectfully request that the Inspector allows this appeal and that planning permission be granted with appropriate conditions.

## **Appendix 1: Relevant Planning Policy Extracts**

## Design

- 7.1 Good design is essential to creating places, buildings, or spaces that work well for everyone, look good, last well and will adapt to the needs of future generations. The National Planning Policy Framework establishes that planning should always seek to secure high quality design and that good design is indivisible from good planning.

### Policy D1 Design

The Council will seek to secure high quality design in development. The Council will require that development:

- a. respects local context and character;
- b. preserves or enhances the historic environment and heritage assets in accordance with Policy D2 Heritage;
- c. is sustainable in design and construction, incorporating best practice in resource management and climate change mitigation and adaptation;
- d. is of sustainable and durable construction and adaptable to different activities and land uses;
- e. comprises details and materials that are of high quality and complement the local character;
- f. integrates well with the surrounding streets and open spaces, improving movement through the site and wider area with direct, accessible and easily recognisable routes and contributes positively to the street frontage;
- g. is inclusive and accessible for all;
- h. promotes health;
- i. is secure and designed to minimise crime and antisocial behaviour;
- j. responds to natural features and preserves gardens and other open space;
- k. incorporates high quality landscape design (including public art, where appropriate) and maximises opportunities for greening for example through planting of trees and other soft landscaping,
- l. incorporates outdoor amenity space;
- m. preserves strategic and local views;
- n. for housing, provides a high standard of accommodation; and
- o. carefully integrates building services equipment.

The 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.

#### Tall buildings

All of Camden is considered sensitive to the development of tall buildings. Tall buildings in Camden will be assessed against the design criteria set out above and we will also give particular attention to:

- p. how the building relates to its surroundings, both in terms of how the base of the building fits in with the streetscape and how the top of a tall building affects the skyline;
- q. the historic context of the building's surroundings;
- r. the relationship between the building and hills and views;
- s. the degree to which the building overshadows public spaces, especially open spaces and watercourses; and
- t. the contribution a building makes to pedestrian permeability and improved public accessibility.

In addition to these design considerations tall buildings will be assessed against a range of other relevant policies concerning amenity, mixed use and sustainability.

### **Public art**

The Council will only permit development for artworks, statues or memorials where they protect and enhance the local character and historic environment and contribute to a harmonious and balanced landscape design.

### **Excellence in design**

The Council expects excellence in architecture and design. We will seek to ensure that the significant growth planned for under Policy G1 Delivery and location of growth will be provided through high quality contextual design.

## **Local context and character**

- 7.2 The Council will require all developments, including alterations and extensions to existing buildings, to be of the highest standard of design and will expect developments to consider:
- character, setting, context and the form and scale of neighbouring buildings;
  - the character and proportions of the existing building, where alterations and extensions are proposed;
  - the prevailing pattern, density and scale of surrounding development;
  - the impact on existing rhythms, symmetries and uniformities in the townscape;
  - the composition of elevations;
  - the suitability of the proposed design to its intended use;
  - inclusive design and accessibility;
  - its contribution to public realm and its impact on views and vistas; and
  - the wider historic environment and buildings, spaces and features of local historic value.
- 7.3 The Council will welcome high quality contemporary design which responds to its context, however there are some places of homogenous architectural style (for example Georgian Squares) where it is important to retain it.
- 7.4 Good design takes account of its surroundings and preserves what is distinctive and valued about the local area. Careful consideration of the characteristics of a site, features of local distinctiveness and the wider context is needed in order to achieve high quality development which integrates into its surroundings. Character is about people and communities as well as the physical components.



## Policy D2 Heritage

The Council will 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.

### Designated heritage assets

Designated heritage assets include conservation areas and listed buildings. The Council will not permit the loss of or substantial harm to a designated heritage asset, including conservation areas and Listed Buildings, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a. the nature of the heritage asset prevents all reasonable uses of the site;
- b. no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation;
- c. conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
- d. the harm or loss is outweighed by the benefit of bringing the site back into use.

The Council will not permit development that results in harm that is less than substantial to the significance of a designated heritage asset unless the public benefits of the proposal convincingly outweigh that harm.

### Conservation areas

Conservation areas are designated heritage assets and this section should be read in conjunction with the section above headed 'designated heritage assets'. In order to maintain the character of Camden's conservation areas, the Council will take account of conservation area statements, appraisals and management strategies when assessing applications within conservation areas.

The Council will:

- e. require that development within conservation areas preserves or, where possible, enhances the character or appearance of the area;
- f. resist the total or substantial demolition of an unlisted building that makes a positive contribution to the character or appearance of a conservation area;
- g. resist development outside of a conservation area that causes harm to the character or appearance of that conservation area; and
- h. preserve trees and garden spaces which contribute to the character and appearance of a conservation area or which provide a setting for Camden's architectural heritage.

### Listed Buildings

Listed buildings are designated heritage assets and this section should be read in conjunction with the section above headed 'designated heritage assets'. To preserve or enhance the borough's listed buildings, the Council will:

- i. resist the total or substantial demolition of a listed building;
- j. resist proposals for a change of use or alterations and extensions to a listed building where this would cause harm to the special architectural and historic interest of the building; and
- k. resist development that would cause harm to significance of a listed building through an effect on its setting.

### Archaeology

The Council will protect remains of archaeological importance by ensuring acceptable measures are taken proportionate to the significance of the heritage asset to preserve them and their setting, including physical preservation, where appropriate.

### Other heritage assets and non-designated heritage assets

The Council will seek to protect other heritage assets including non-designated heritage assets (including those on and off the local list), Registered Parks and Gardens and London Squares.

The effect of a proposal on the significance of a non-designated heritage asset will be weighed against the public benefits of the proposal, balancing the scale of any harm or loss and the significance of the heritage asset.

## Enhancing the historic environment

7.42

The Council has a proactive approach to conserving heritage assets. In addition to the application of Local Plan policies the Council protects the historic environment through the following areas of work:

- Conservation Area Management Strategies: The Council works with the Conservation Area Advisory Committees to update and support the implementation of the strategies.
- Heritage at Risk: The Council identifies buildings and structures at risk and proactively seeks to conserve and where required put them back into viable use, including identifying sources of funding.
- Local list of undesignated heritage assets: The Council introduced the local list in 2015 and it will be updated annually.
- Guidance: The Council has adopted detailed guidance for the preservation of heritage assets in the supplementary planning document Camden Planning Guidance on design, and Retrofitting Planning Guidance (for sustainability measures in historic buildings). The Council updates planning guidance as required.

**Appendix 2:    Decision Notice for Refusal – Ref.  
2018/5657/P (dated 19 July 2019)**

Application ref: 2018/5657/P  
Contact: Ben Farrant  
Tel: 020 7974 6253  
Date: 19 July 2019

**Development Management**  
Regeneration and Planning  
London Borough of Camden  
Town Hall  
Judd Street  
London  
WC1H 9JE

Phone: 020 7974 4444

[planning@camden.gov.uk](mailto:planning@camden.gov.uk)  
[www.camden.gov.uk/planning](http://www.camden.gov.uk/planning)

Allen Smith Associates  
Fitzroy House  
32 Market Place  
Swaffham  
PE37 7QH

Dear Sir/Madam

## **DECISION**

Town and Country Planning Act 1990 (as amended)

### **Full Planning Permission Refused**

Address:

**The Hamptons  
Flat 10  
52 West End Lane  
London  
NW6 2NE**

Proposal:

Installation of 1 x rear and 1 x side facing dormer windows; installation of 4 x roof lights

Drawing Nos: 2751/01, 2751/02, 2751/03, 2751/04, 2751/05, 2751/06\_B, 2751/07\_B & 2751/08

The Council has considered your application and decided to **refuse** planning permission for the following reason(s):

#### **Reason(s) for Refusal**

- 1 The proposed development, by reason of its siting, scale and design, represents undue harm to the character and appearance of the property and surrounding area, particularly given its prominence and public visibility within the conservation area. As such the proposal is contrary to policies D1 (Design) and D2 (Heritage) of the Local Plan (2017), the London Plan (2016), and the NPPF (2019).

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraph 38 of the National Planning Policy Framework 2019.

You can find advice about your rights of appeal at:

<http://www.planningportal.gov.uk/planning/appeals/guidance/guidancecontent>

Yours faithfully

A handwritten signature in black ink, appearing to read 'DPope', is positioned above the printed name and title.

Daniel Pope  
Chief Planning Officer



**Appendix 3: Appeal Decision for Approval – Ref.  
APP/X5210/W/18/3197457 (dated  
13 September 2018)**

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## Appeal Decision

Site visit made on 21 August 2018

**by Martin Chandler BSc MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 13<sup>th</sup> September 2018**

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**Appeal Ref: APP/X5210/W/18/3197457**

**52, Flat 10, The Hamptons, West End Lane, London, NW6 2NE**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr J and Miss E Reitman against the decision of the Council of the London Borough of Camden.
  - The application Ref 2017/4980/P, dated 4 September 2017, was refused by notice dated 22 January 2018.
  - The development proposed was originally described as “internal alterations, conversion of existing roof space to accommodation and insertion of dormer windows and rooflights”.
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### Decision

1. The appeal is allowed and planning permission is granted for the installation of a rear facing dormer window, 1no rooflight to the rear, 2no rooflights to the side, and 2no rooflights to the front at 52, Flat 10, The Hamptons, West End Lane, London, NW6 2NE in accordance with the terms of the application, Ref 2017/4980/P, dated 4 September 2017, and the plans submitted with it, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 2751/03; 2751/04A; 2751/06A; 2751/07A; and 2751/08.
  - 3) Prior to the installation of the dormer window, details of the external materials, including the window frames, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

### Procedural Matters

2. The description of development set out in the formal decision is different to that taken from the original planning application form. I have removed reference to the internal alterations and the conversion of the roof space as these are not acts of development and I note that the Council made a similar change when determining the proposal. In doing this, I am satisfied that the interests of the main parties are not compromised.
3. The Council’s decision notice suggests that there is an inaccuracy in the scale of the existing and proposed plans. The appellant has responded to this point

and has confirmed that this relates to a discrepancy between the scale shown in the title block and that shown on the scale bar. The appellant has also confirmed that the scale in the title block is the correct scale and I have determined the appeal on this basis.

4. During the course of the appeal, the revised National Planning Policy Framework (the Framework) has been published. Both main parties were given an opportunity to comment on any relevant implications for the appeal, and any comments received have been taken into account in my reasoning.

### **Main Issue**

5. The main issue is whether the proposal would preserve or enhance the character or appearance of the South Hampstead Conservation Area (CA).

### **Reasons**

6. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.
7. The appeal site is located within a large and imposing detached villa that is identified as a positive contributor to the CA. It is one of 4 similar villas that front onto West End Lane and is located adjacent to the junction with Woodchurch Road. This allows for clear views towards the rear of the site when looking west.
8. Although the front and rear of the appeal building exhibit unbroken roof slopes, I observed on my site visit that the immediate surroundings of the appeal site are characterised by a variety of architectural styles which have differing roof forms. This observation is supported by the Council's Conservation Area Appraisal which confirms that the character of the CA relies significantly on the attractive, wide variety of prominent roof forms.
9. This variety includes dormer windows of different sizes and appearances on surrounding buildings. It also includes the presence of rooflights, with the north facing roofslope of the appeal building containing 3 such additions. Many of the properties that front Woodchurch Road have prominent dormer windows and the terraced houses located on West End Lane, which terminate the view from Woodchurch Road, also have pitched roof dormer windows. Moreover, I noted that a dormer window is also currently being constructed at 58 West End Lane and which is apparent from within the public realm.
10. The proposed dormer window to the rear of the appeal building, and the proposed rooflight next to it, would be prominent from Woodchurch Road. The dormer would have a flat roof which would be set down from the ridge height of the building. It would contain timber framed windows and would have lead lined cheeks. It would also be set in from the side of the roof and set back from the eaves level of the building.
11. Although the alterations would be prominent, due to the narrow width of the dormer, its limited scale and bulk, and the use of traditional materials, the dormer would not overwhelm the scale and proportions of the existing building. It would therefore represent a sensitive addition that would maintain the overall structure of the existing roof form.

12. The proposal would also install a pair of conservation rooflights within both the front and side elevations of the buildings. The rooflights to the side would replace an existing cutaway section of roof which is already an inconspicuous feature of the roof slope due to the presence of two large chimney stacks. The chimney stacks would not be altered as a result of the proposal and therefore these would continue to mask the proposed rooflights. The side rooflights would therefore be a suitably sensitive addition to the building.
13. The building is prominent in the street scene and it is a tall structure with a raised ground floor level. As a result, when viewed from the front at ground level, views towards the roof are dominated by the strong eaves line and the front roof slope is not perceptible when standing close to the building. Mature trees located to the front of the site also restrict views of the building, particularly when in leaf, as I observed on my site visit.
14. Oblique views can be gained of the building when stood towards the junction with Messina Avenue. Views towards the appeal site are also achievable further south on West End Lane. However, these would be longer distance views and the alterations to the front roof slope would be seen in the context of the surrounding roofscape in which dormer windows and rooflights are a well-established component of the character and appearance of the area.
15. The siting of the appeal building, which steps forward in the site following the curve of the road, also ensures that views from north of the site do not reveal the front roof slope. However, they do allow for glimpsed views of the existing rooflights located within the north facing elevation of the appeal building.
16. Due to the unassuming design of the proposed dormer window, and the context of the surrounding and varied roofscape, I consider that the proposed roof alterations would be sympathetic to the existing building and would preserve the character and appearance of the CA. Accordingly, there is no need to weigh the effect of the proposal against public benefits as required by the Framework because there would be no harm to the CA.
17. Consequently, the proposal would accord with policies D1 and D2 of the Camden Local Plan 2017, and advice contained within Camden Planning Guidance, Design, CPG, July 2015, updated March 2018 which, taken together, require development to preserve or, where possible, enhance the character or appearance of conservation areas by securing high quality designs that are sympathetic and do not harm the character and appearance of buildings in the borough. These policies are consistent with policies in the Framework in that regard.

## **Conclusion**

18. For the reasons set out above, the appeal is allowed subject to the statutory condition limiting the validity of the permission and to a condition specifying which plans are approved and compliance with them. Due to the location of the site within the CA, a condition is also necessary requiring the details of the external materials of the proposed dormer window to be agreed with the Council.

*Martin Chandler*

INSPECTOR

**Appendix 4:    Decision Notice for Approval at No.  
58 West End Lane – Ref.  
2016/4441/P (dated 17 January  
2017)**



Mr Amos Sivan  
ASB Architects  
215 West End Lane  
Sumatra House  
London  
NW6 1XJ

Application Ref: **2016/4441/P**  
Please ask for: **Laura Hazelton**  
Telephone: 020 7974 **1017**

17 January 2017

Dear Sir/Madam

## **DECISION**

Town and Country Planning Act 1990 (as amended)

### **Full Planning Permission Granted Subject to a Section 106 Legal Agreement**

Address:  
**58 West End Lane**  
**London**  
**NW6 2NE**

Proposal:

Erection of 2 storey rear extension; erection of 2 x dormer windows to rear roofslope; 3 x rooflights to front roofslope; and conversion of existing 16 x studio flats into 5 x 2 bedroom flats, 1 x 1 bedroom flat and 8 x studio flats.

Drawing Nos: 04 rev. A, 05 rev. A, 06 rev. A, 07 rev. A, 08 rev. A, 30 rev. B, 40 rev. L, 41 rev. F, 42 rev. L, 44 rev. J.

The Council has considered your application and decided to grant permission subject to the following condition(s):

Condition(s) and Reason(s):

- 1 The development hereby permitted must be begun not later than the end of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).



- 2 All new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the existing building, unless otherwise specified in the approved application.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policies DP24 and DP25 of the London Borough of Camden Local Development Framework Development Policies.

- 3 The development hereby permitted shall be carried out in accordance with the following approved plans: 04 rev. A, 05 rev. A, 06 rev. A, 07 rev. A, 08 rev. A, 30 rev. B, 40 rev. L, 41 rev. F, 42 rev. L, 44 rev. J, Design & Access Statement received 09/08/2016 and Arboricultural Impact Assessment & Method Statement ref: TH 1308 dated 27/09/2016.

Reason:

For the avoidance of doubt and in the interest of proper planning.

- 4 No development shall take place until full details of hard and soft landscaping and means of enclosure of all un-built, open areas have been submitted to and approved by the Council. Such details shall include:

- 1) Scaled plans showing all existing and proposed vegetation and landscape features.
- 2) A schedule detailing species, sizes, and planting densities.
- 3) Location, type and materials to be used for hard landscaping and boundary treatments.
- 4) Specifications for a minimum of two replacement trees (and tree pits where applicable), taking into account the standards set out in BS8545:2014.
- 5) Details of any proposed earthworks including grading, mounding and other changes in ground levels.
- 6) A management plan including an initial scheme of maintenance.

The relevant part of the works shall not be carried out otherwise than in accordance with the details thus approved.

Reason: To enable the Council to ensure a reasonable standard of visual amenity in the scheme in accordance with the requirements of policy CS14, and CS15 of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 of the London Borough of Camden Local Development Framework Development Policies.

- 5 Before any works commence on site, final details shall be submitted to and approved by the Council to demonstrate how all trees on the site, or parts of trees growing from adjoining sites, unless shown on the permitted drawings as being removed, shall be retained and protected during construction work. Such details shall follow guidelines and standards set out in BS5837:2012 and should include:

- 1) A tree protection plan (TPP) showing the location and nature of tree protection measures.
- 2) Appropriate working processes in the vicinity of trees.
- 3) Details of an auditable system of site monitoring.
- 4) Details of the design of building foundations details, including dimensions and levels, of service trenches and other excavations on site in so far as these items may affect trees on or adjoining the site.

The development thereafter shall be implemented in strict accordance with the approved details.

Reason: To ensure that the Council may be satisfied that the development will not have an adverse effect on existing trees and in order to maintain the character and amenities of the area in accordance with the requirements of policy CS15 of the London Borough of Camden Local Development Framework Core Strategy.

- 6 All hard and soft landscaping works shall be carried out in accordance with the approved landscape details by not later than the end of the planting season following completion of the development or any phase of the development, whichever is the sooner. Any trees or areas of planting which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced as soon as is reasonably possible and, in any case, by not later than the end of the following planting season, with others of similar size and species, unless the local planning authority gives written consent to any variation.

Reason: To ensure that the landscaping is carried out within a reasonable period and to maintain a high quality of visual amenity in the scheme in accordance with the requirements of policies CS14 and CS15 of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 of the London Borough of Camden Local Development Framework Development Policies.

#### Informative(s):

- 1 Reasons for granting permission.

Although the loss of 2 flats is contrary to policy DP2, it is considered acceptable in this instance as it would involve the conversion of 8 substandard studio flats at upper and lower ground floor into 5 x 2 bedroom units which are identified as very high priority in the LDF. 2 units would be marginally below the nationally recommended minimum internal floor area, but this is considered acceptable given the fact that it would be an improvement on the current standard. All new units would benefit from adequate daylight, ventilation and outlook and would provide an acceptable standard of accommodation. The existing 8 x studio flats at 1st/2nd floor would remain as existing (deemed lawful by virtue of time on 29/06/2010, ref: 2010/2474/P).

The new 1 bed unit at loft level and 2 x dormers are similar to a previously

approved application (ref: 2013/3362/P, granted 20/01/2014). The dormers are considered to be modest additions to the roofslope that would be set down from the roof ridge and eaves to appear as a subordinate addition. The proposed rooflights to the front and rear roof slopes would be conservation style, flush with the roofslope.

Although the proposed 2 storey rear extension would be fairly large, it has been set in at 1st floor, and is considered to remain subordinate to the substantial 5 storey host building. It would be constructed of matching brick, with detailing and timber framed windows that would match the existing building. The rear windows would be sashes to match the existing and their size and positioning respects the existing fenestration pattern. The proposals are therefore considered to preserve the character and appearance of the host building and wider conservation area.

The proposal includes the installation of new side windows, but as they are at lower ground floor level, views between them and neighbouring properties would be blocked by the existing boundary walls and would not harm neighbouring privacy. The bulk of the extension at lower ground floor level would be lessened by the existing boundary walls, and the first floor level has been set in by an additional 800mm to reduce the impact on neighbouring outlook. There are no side windows at this level which would help to protect neighbouring privacy. The closest neighbouring property no.56 is located to the south of the site, and is therefore unlikely to experience a reduction in daylight levels as a result of the development.

As the development would result in a reduction in the number of flats, cycle parking would not be required. However, the new flats would be secured as car-free via S106 legal agreement as the site is located in an area of excellent accessibility by public transport (PTAL level 6a).

The development would result in the loss of 2 x Lime trees in the rear garden which are visible from West End Lane. However, the proposal includes the planting of 2 replacement semi-mature trees which the Council's Tree Officer has confirmed is acceptable.

One objection has been received and duly taken into account prior to making this decision. The planning history of the site and surrounding area and relevant appeal decisions were taken into account when coming to this decision. Considerable importance and weight has been attached to the harm and special attention has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area, under s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act (ERR) 2013.

As such, the proposed development is in general accordance with policies CS5, CS6, and CS14 of the London Borough of Camden Local Development Framework Core Strategy, policies DP2, DP5, DP25 and DP26 of the London Borough of Camden Local Development Framework Development Policies, as well as the London Plan 2016 and the National Planning Policy Framework 2012.

- 2 Your proposals may be subject to control under the Building Regulations and/or the

London Buildings Acts which cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Argyle Street WC1H 8EQ, (tel: 020-7974 6941).

- 3 Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Council's Compliance and Enforcement team [Regulatory Services], Camden Town Hall, Argyle Street, WC1H 8EQ (Tel. No. 020 7974 4444 or on the website <http://www.camden.gov.uk/ccm/content/contacts/council-contacts/environment/contact-the-environmental-health-team.en> or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.
- 4 The Mayor of London introduced a Community Infrastructure Levy (CIL) to help pay for Crossrail on 1st April 2012. Any permission granted after this time which adds more than 100sqm of new floorspace or a new dwelling will need to pay this CIL. It will be collected by Camden on behalf of the Mayor of London. Camden will be sending out liability notices setting out how much CIL will need to be paid if an affected planning application is implemented and who will be liable.

The proposed charge in Camden will be £50 per sqm on all uses except affordable housing, education, healthcare, and development by charities for their charitable purposes. You will be expected to advise us when planning permissions are implemented. Please use the forms at the link below to advise who will be paying the CIL and when the development is to commence. You can also access forms to allow you to provide us with more information which can be taken into account in your CIL calculation and to apply for relief from CIL.

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

We will then issue a CIL demand notice setting out what monies needs to paid when and how to pay. Failure to notify Camden of the commencement of development will result in a surcharge of £2500 or 20% being added to the CIL payment. Other surcharges may also apply for failure to assume liability and late payment. Payments will also be subject to indexation in line with the construction costs index.

Please send CIL related documents or correspondence to [CIL@Camden.gov.uk](mailto:CIL@Camden.gov.uk)

- 5 If a revision to the postal address becomes necessary as a result of this development, application under Part 2 of the London Building Acts (Amendment) Act 1939 should be made to the Camden Contact Centre on Tel: 020 7974 4444 or Environment Department (Street Naming & Numbering) Camden Town Hall, Argyle Street, WC1H 8EQ.
- 6 You are advised that Section 44 of the Deregulation Act 2015 [which amended the



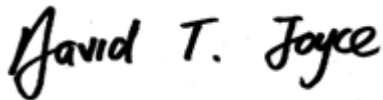
Greater London Council (General Powers) Act 1973)] only permits short term letting of residential premises in London for up to 90 days per calendar year. The person who provides the accommodation must be liable for council tax in respect of the premises, ensuring that the relaxation applies to residential, and not commercial, premises.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

You can find advice about your rights of appeal at:

<http://www.planningportal.gov.uk/planning/appeals/guidance/guidancecontent>

Yours faithfully

A handwritten signature in black ink that reads "David T. Joyce". The signature is written in a cursive, slightly slanted style.

David Joyce  
Executive Director Supporting Communities

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