



Appeal Statement

Ground floor rear extension, rear dormer
roof extension & subdivision of ground floor flat
AT
126 Fordwych Road,
London NW2 3PB

Reference:
126FR-1198

Date:
27 August 2019

1. Introduction

- a. This Appeal Statement has been prepared by Just Planning on behalf of Mr & Mrs M McGovern to support an appeal against the decision of London Borough of Camden to refuse planning permission for extensions to 126 Fordwych Road and the subdivision of a ground floor flat into two new units.
- b. Following a description of the site and surrounding area, the report will review the planning history, set out an overview of relevant planning policy and outline the case for the appellants.
- c. It will be demonstrated that the proposal complies with national and local planning policies and that planning permission should therefore be granted.

2. Background

- a. On 18 December 2018, the appellant submitted an application to London Borough of Camden (reference: 2018/5553/P) for the following development:

Erection of single storey rear extension (following removal of existing); erection of rear dormer roof extension; change of use of 1 x 2 bed ground floor flat into 1 x studio and 1 x 3 bed self-contained flats; external alterations to side and rear facade treatment.

- b. In a Decision Notice dated 29 April 2019, the Local Planning Authority (LPA) advised that the application had been refused, for the following reasons:

- 1. The proposed dormer extension, by reason of its scale, design and siting on an otherwise unimpaired row of properties, would constitute an overly dominant and incongruous form of development which would fail to respect the integrity of the parent building or the local character and content, contrary to policy D1 (Design) of the London Borough of Camden Local Plan 2017 and policy 2 (Design and Character) of the Fortune Green and West Hampstead Neighbourhood Plan 2015.*
- 2. The proposed rear extension, by reason of its scale, detailed design and siting, would constitute an overly dominant and incongruous form of development which would fail to respect the integrity of the parent building and the local character and content contrary to policy D1 (Design) of the London Borough of Camden Local Plan 2017 and policy 2 (Design and Character) of the Fortune Green and West Hampstead Neighbourhood Plan 2015.*
- 3. The proposed alterations to the fenestration, by reason of the proposed material, would not provide a sustainable form of design and construction contrary to policies D1 (Design) and CC2 (Adapting to Climate Change) of the London Borough of Camden Local Plan 2017.*
- 4. The proposed residential unit, by reason of its sub-standard floor area, ceiling height and limited outlook and internal daylight levels, would result in substandard living accommodation to the detriment to future occupiers, contrary to policies A1 (managing the impact of development), H6 (Housing choice and mix) of the Camden Local Plan 2017 and policy 3.5 of the London Plan 2016.*
- 5. Insufficient information has been submitted in relation to the impacts of the proposed rear extension on a large tree located close to the site boundary, to ascertain whether the development would impact on the wellbeing of*

this tree, the loss of which would impact on the character and appearance of the area contrary to policies; A3 (Biodiversity), D1 (Design) of the Camden Local Plan (2017), The Fortune Green and West Hampstead Neighbourhood Plan 2015, Camden Planning Guidance 1 (Design), policies 7.4 (Local character) and 7.21 (Trees and woodlands) of The London Plan (2016) and the National Planning Policy Framework (2019).

- 6. Insufficient details have been submitted to demonstrate that the proposal would be sustainable development. As such, the scheme would fail to be sustainable in its use of resources, contrary to policies CC1 (Climate change mitigation), CC2 (Adapting to climate change), CC3 (Water and flooding) and DM1 (Delivery and monitoring) of the London Borough of Camden Local Plan 2017.*

- 7. The proposed development, in the absence of a legal agreement for car-free housing, would be likely to contribute unacceptably to parking stress and congestion in the surrounding area, contrary to policies T1 (Prioritising walking, cycling and public transport), T2 (Parking and Car Parking) and A1 (Managing the impact of development) and DM1 (Delivery and monitoring) of the London Borough of Camden Local Plan 2017 and Policy 7 (Sustainable Transport) and Policy 8 (Cycling) the Fortune Green and West Hampstead Neighbourhood Plan 2015.*

3. Site Description

- a. The appeal property is a handsome, two-storey detached house located on the western side of Fordwych Road. It is red brick beneath a tiled, hipped roof. It has a distinctive front two-storey bay window projection. It also has an original two-storey rear projection and a single-storey rear extension. A photograph of the front elevation of the property is provided in figure 1, below.



Figure 1: Photograph of the front elevation of the appeal property

- b. The building has off-street parking to the front and an unusually long rear garden. There is an apple tree a short distance behind the existing single-storey rear extension. The house is in use as 4 self-contained flats – a one bedroom unit and a two bedroom unit on the ground floor and 2 two bedroom units on the first floor.
- c. The building is one of a row of 9 similar detached houses on this stretch of Fordwych Road. Although there is strong uniformity to the front, the rear streetscape is more varied, with a mix of ground and first floor extensions as well as rear dormers, as shown in the satellite image in figure 2, below.



Figure 2: Satellite image of the rear streetscape (appeal property identified by red dot)

- d. The property is not locally or nationally listed and not located within a designated conservation area. It is located within the West Hampstead and Fortune Green Neighbourhood Area. The site is located within an established residential area and has a public transport accessibility level (PTAL) of 4, indicating good accessibility by public transport. It is located in a controlled parking zone (CPZ).

4. Planning History

- a. On 14 August 1963, permission was granted for the conversion of the house into four two room flats, two on each floor, with parking on the frontage for two cars (reference: 879).
- b. On 17 June 2008, the council granted full planning permission for the following development (reference: 2008/0251/P):

Erection of a 2 Storey rear extension and reconfiguration of ground floor flats to convert a 1-bedroom unit into a 2-bedroom unit and add a new studio flat unit.

- c. This consent was not implemented. The decision notice, officer's report and approved plans are provided in the appendices.
- d. On 1 October 2018, the council refused planning permission for the following development (reference: 2018/1155/P):

Erection of an enlarged single storey ground floor rear extension (following the demolition of the existing), installation of roof lights at all elevations and erection of wraparound dormer roof extensions with fenestration alterations to the flank elevation associated with conversion of the existing 4 x self-contained units into 6 flats consisting of 1studio flat; 3x1Bed and 2 x 2bed self- contained flats and the installation of roof lights to the front and rear elevations.

- e. The application was refused for the following reasons:
 1. *The proposed dormer extension, by reason of its scale, design and siting on an otherwise unimpaired row of properties, would constitute an overly dominant and incongruous form of development which would fail to respect the integrity of the parent building or the local character and content, contrary to policy D1 (Design) of the London Borough of Camden Local Plan 2017 and policy 2 of the Fortune Green and West Hampstead Neighbourhood Plan.*
 2. *The proposed rear extension, by reason of its depth, scale, detailed design and siting, would constitute an overly dominant and incongruous form of development which would fail to respect the integrity of the parent building and the local character and content contrary to policy D1 (Design) of the London Borough of Camden Local Plan 2017 and policy 2 of the Fortune Green and West Hampstead Neighbourhood Plan.*
 3. *The proposed alterations to the fenestration, by reason of the proposed*

material, would not provide a sustainable form of design and construction contrary to policies D1 (Design) and CC2 (Adapting to Climate Change) of the London Borough of Camden Local Plan 2017.

- 4. The development, by virtue of the proposed mix of units which fails to provide an appropriate mix of large and small units, would fail to contribute to the creation of mixed, inclusive and sustainable communities contrary to Policy H7 (Large and small homes) of the Camden Local Plan 2017 and Policy 1 of the Fortune Green & West Hampstead Neighbourhood Plan 2015.*
 - 5. The proposed development, by reason of the provision of substandard units would be harmful to the amenity of future occupiers, contrary to policy A1 (managing the impact of development) of the London Borough of Camden Local Plan 2017.*
 - 6. The proposed development, in the absence of a legal agreement to secure the necessary affordable housing financial contribution, would fail to make its required contribution towards the provision of affordable housing in the borough, contrary to policy H4 (Maximising the supply of affordable housing) of the Camden Local Plan 2017, policy 3.12 of the London Plan 2016 and Policy 1 of the Fortune Green & West Hampstead Neighbourhood Plan 2015.*
 - 7. The proposed development, in the absence of a legal agreement for car-free housing, would be likely to contribute unacceptably to parking stress and congestion in the surrounding area, contrary to policies T1 (Prioritising walking, cycling and public transport), T2 (Parking and Car Parking) and A1 (Managing the impact of development) and DM1 (Delivery and monitoring) of the London Borough of Camden Local Plan 2017 and Policy 7 of the Fortune Green and West Hampstead Neighbourhood Plan 2015.*
 - 8. The proposed development, in the absence of a legal agreement to secure highway contributions to undertake repair works outside the application site, would fail to restore the pedestrian environment to an acceptable condition, contrary to Policies T1 (Prioritising walking, cycling and public transport) and T3 (Transport Infrastructure) of the Camden Local Plan 2017.*
- f. The current proposal responds to the council's concerns in respect of the previous application by:
- Reducing the number of net additional units from 2 to 1;*
 - Reducing the size and scale of the proposed rear dormer roof extension*

so that it is no longer a 'wraparound' and better matches dormers on neighbouring properties;

- *Reducing the size and scale of the single-storey rear extension; and,*
- *Improving the housing mix by incorporating a three-bedroom family sized unit.*

5. Appeal Proposal

a. The appeal proposal is for:

- *The demolition of the existing single-storey rear extension and its replacement with a larger structure. The new extension is 8.2m wide, 6.1m deep and 2.9m tall, with a flat roof. It is attached to the original outrigger, with courtyards retained between the main house and the new extension. Side access to the rear garden is retained.*
- *The subdivision of the existing two-bedroom ground floor flat to provide a new studio flat at the front of the building and a new 3 bedroom flat at the rear of the building (incorporating the proposed ground floor extension).*
- *A rear dormer roof extension and the conversion of the loft space. The converted loft space provides enlarged living space for the existing two bedroom flat at the front of the first floor. The dormer is 3.5m wide, 3.5m deep and 2.6m tall. It has a pitched roof.*
- *An array of 6 rooflight windows are proposed for the main roof of the building to facilitate the loft conversion. 2 rooflights are proposed for the rear projection. Additional windows are proposed at ground floor level in the southern flank elevation.*

6. Planning Policy

- a. Planning law states that planning decisions must be made in accordance with the statutory development plan unless material considerations indicate otherwise. The development plan for this area comprises the Camden Local Plan 2017, the London Plan 2016 and the Fortune Green and West Hampstead Neighbourhood Plan 2015.
- b. According to the Decision Notice, the proposed development fails to comply with policies A1, A3, D1, H6, CC1, CC2, CC3, DM1, T1 and T2 of the Local Plan, policies 3.5, 7.21 and 7.4 of the London Plan and policies 1, 2, 7 and 8 of the Neighbourhood Plan.
- c. Policy G1 of the Local Plan encourages that developers make *"the most efficient use of land and buildings"* and seeks to resist *"development that makes inefficient use of Camden's limited land"*. It sets a target of 16,800 additional homes over the plan period and directs development to the more accessible areas of the borough.
- d. Policy H1 commits the council to maximising housing supply. It regards self-contained housing as *"the priority land-use of the Local Plan"* and requires that underused sites provide *"the maximum reasonable provision of housing"*. The supporting text sets out clearly the housing supply challenge facing the borough and states that *"all available sites (must) deliver as much additional housing as possible"*.
- e. Policy H6 requires that new homes meet the nationally described space standard and provide *"functional, adaptable and accessible spaces"*. The policy also encourages *"the provision of a range of dwelling sizes"*. Table 1 of policy H7 notes that there is greater need for 2 and 3 bedroom properties than for other sizes, though there is demand for all types of housing.
- f. Policy A1 seeks *"to protect the quality of life of occupiers and neighbours"* and *"to ensure that the amenity of communities, occupiers and neighbours is protected"*, in terms of, among other things, *"visual privacy, outlook ... sunlight, daylight and overshadowing"*.
- g. Policy A3 states that: *"the Council will protect and enhance sites of nature conservation and biodiversity"* and that it will:

"resist the loss of trees and vegetation of significant amenity, historic, cultural or ecological value including proposals which may threaten the continued wellbeing of such trees and vegetation"

- h. Policy D1 requires *"high quality design in development"*. New development should respect *"local context and character"* and incorporate appropriate architectural details and materials. ^[17]_{SEP}
- i. Policy CC1 requires that all development *"minimize the effects of climate change"*. Policy CC2 requires that development *"adopt appropriate climate change adaptation measures"* and policy CC3 requires the incorporation of *"water efficiency measures"* and flood resilience.
- j. Policy T1 commits the council to *"prioritising walking, cycling and public transport"*. Policy T2 states that all new development must be car free and that the council will use legal agreements to remove on-street parking permits.
- k. Policy DM1 relates to delivery and monitoring and notes that planning contributions will be used, where appropriate, to *"support sustainable transport"*.
- l. Policy 1 of the Fortune Green and West Hampstead Neighbourhood Plan encourages the provision of a range of housing types and sizes, where appropriate.
- m. Policy 2 states that:

"All development shall be of a high quality of design, which complements and enhances the distinct local character and identity of Fortune Green and West Hampstead."

- n. Policy 7 promotes *"car-free or car-capped developments"* and policy 8 the provisions of bicycle storage.
- o. Although not referred to in the decision notice, the analysis in the officer's report relies on the Camden Planning Guidance (CPG) on 'Altering and extending your home', adopted in 2019. This provides supplementary guidance only, rather than immutable standards, and should be applied flexibly on a site-specific basis.
- p. The CPG states that extensions should be of high quality and *"secondary in size and form and appearance to the residence being extended"*. It describes rear extensions as *"often the most suitable form of extension to a house or flat"* and advises that single-storey extensions are preferable, that they should not be visible from the street and that they should follow the pattern of surrounding development. The guidance places no numerical limit on the height, width or depth of rear extensions.
- q. It states that dormers should *"not dominate the roof plane"* and that *"the*

overall structure of the existing roof form (should be) maintained". They should be subordinate to the main roof. They should not cut through the ridge and should not breach an unbroken roofscape. Appropriate materials should be used. Figure 3b of the document suggests that dormers should be set away 0.5m from the eaves, ridge and side roof slopes.

- r. The London Plan sets out policies for the development of London as a whole. Policy 3.3 identifies *"a pressing need for more homes in London"* and sets Camden a target of a minimum of 889 net new dwellings a year over the plan period.
- s. Policy 3.4 requires the new development optimises densities to make the best use of development sites.
- t. Policy 3.5 relates to the quality and design of new housing development. It requires all new housing developments to enhance the quality of local places, taking into account physical context, local character, density, tenure and land use mix, and relationships with, and provision of public, communal and open spaces. It also requires LPAs to incorporate minimum space standards that generally conform with table 3.3 of the London Plan and to apply these standards when making planning decisions.
- u. London Plan policy 7.4 (Local Character) requires buildings, streets and spaces to provide a high quality design response which:

"has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass."

- v. In November 2017 and July 2019, the Mayor of London published updated versions of the London Plan for consultation purposes with revised strategic targets for new home deliveries across inner and outer London. The draft London Plan sets a London-wide target of 64,935 new homes per annum and Camden a target of 1,086 new homes per annum, an increase over the current London Plan target of 899 new homes.
- w. It sets a presumption in favour of small housing developments. According to Policy H2 (Small sites):

"Small sites should play a much greater role in housing delivery and boroughs should pro-actively support well-designed new homes on small sites through both planning decisions and plan-making in order to:

- 1. significantly increase the contribution of small sites to meeting London's housing needs*

2. *diversify the sources, locations, type and mix of housing supply*
3. *support small and medium-sized housebuilders*
4. *support those wishing to bring forward custom, self-build and community-led housing."*

x. The policy goes on to say that the boroughs should:

"recognise in their Development Plans and planning decisions that local character evolves over time and will need to change in appropriate locations to accommodate additional housing provision and increases in residential density through small housing developments."

y. Table 4.2 sets Camden a 10 year small sites housing target of 3,760 new homes (an annualised average of 376 homes).

z. The revised National Planning Policy Framework (NPPF, 2019) sets out the government's national planning policies and how these policies should be applied. It identifies a presumption in favour of sustainable development. Development is sustainable when it meets the economic, social and environmental needs of a community.

aa. According to paragraph 38 of the NPPF,

"Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available ... and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible."

bb. Chapter 5 deals with housing supply and sets out the government's objective to boost substantially the supply of homes.

cc. According to paragraph 68:

"Small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly."

dd. Paragraph 73 requires that Councils identify a 5 year supply of housing plus a buffer of 5-20%. Where a Council cannot demonstrate a 5 year supply, the presumption in favour of granting planning permission set out in paragraph 11

of the NPPF, applies.

- ee. Chapter 6 requires local planning authorities to support economic growth. Chapter 11 encourages developers and local planning authorities to make the best use of land and to focus on previously developed land in sustainable locations. According to paragraph 118(d), planning decisions should:

"promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example converting space above shops, and building on or above service yards, car parks, lock-ups and railway infrastructure)"^[L1]_[SEP]

- ff. Paragraph 123 requires that densities be maximised, to *"ensure that developments make optimal use of the potential of each site"*.^[L1]_[SEP]

- gg. Paragraph 124 states that:

"Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."

- hh. According to paragraph 130:

"...where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development."

7. Case for the Appellants

- a. The appeal proposal is for a ground floor extension and a loft conversion with rear dormer. The ground floor extension allows the subdivision of the existing ground floor two bedroom flat, creating a new studio and a three bedroom unit. The loft conversion allows the one of existing first floor two bedroom flats to be enlarged. The extensions are modest in size and scale and the proposal provides a net new three bedroom dwelling.
- b. The Camden Local Plan places a very strong emphasis on the delivery of new homes and requires that developers make the most efficient possible use of existing land. The London Plan supports increased densities and sets Camden ambitious housing targets. The draft new London Plan sets even higher targets, with a specific new target for small-scale developments of the kind proposed here.
- c. The council's first reason for refusal relates to the design and appearance of the proposed dormer roof extension. The second reason for refusal objects to the visual impact of the single-storey rear extension. The NPPF, London Plan policy D1 and policies 7.4 and 7.6 of the London Plan require a high quality of design in all new development. However, the NPPF cautions planning authorities against being overly prescriptive on matters of design and the draft London Plan states that the character and appearance of an area should be allowed to evolve through the addition of new small-scale developments.
- d. The Neighbourhood Plan states that "*loft conversions should fit in with existing rooflines and be in keeping with existing development. Such extensions should be in proportion to the existing*". The CPG on residential extensions recommends that dormers should be 'secondary' to the main roof, appear as subordinate additions, not breach the ridgeline or an unbroken row of roof slopes and should "*usually*" be set 0.5m back from the edges.
- e. The proposed dormer is shown in the image in figure 3, below. It is fully contained within the rear roof slope and is set away from the edges and back from the eaves. It is entirely at the rear and not visible from the street. It has a pitched roof form to match that of the main roof and uses matching materials. It is a subordinate addition and is clearly secondary to the much larger host roof, as recommended in the CPG and the Neighbourhood Plan. In the appellants' view, it has a balanced and symmetrical appearance and is an attractive addition to the roof.



Figure 3: Excerpt from the submitted drawings showing the proposed rear dormer

- f. The appellants acknowledge that the dormer is not set away 0.5m from the roof edges, as recommended in the CPG, but this guidance relates to a different roof form. In the appellants' case, the area of rear roofslope is small because the building is narrow, but deep, with much larger areas of roof to either side. As the rear roofslope is small and the roof is hipped to both sides, it is not practical to provide a dormer set away 0.5m from the edges as indicated in the CPG and any such design would not appear proportionate to the roof itself.
- g. The reason for refusal argues that the roofslopes along this row are currently "unimpaired". However, dormers of the kind proposed are an established feature of the rear streetscene in this area. There is a similar dormer visible on the building next door, number 128, though this is not set down from the ridge of the main roof and is, as such, inferior to the appellants' design. There is also a similar structure on number 132, which is set down from the ridge but has an unsympathetic flat roof. These two dormers are visible in the satellite image in figure 4, below.



Figure 4: Satellite image of the appeal property (red dot) and dormers at numbers 128 and 132

- h. If one stands in the garden of the appeal site and look at the rears of other houses, a very large proportion have rear dormer extensions. Looking to the south-east, there are an array of dormers on houses fronting Minster Road, as shown in the satellite image in figure 5, below. There are also a large number of rear dormers to the south-west on buildings fronting Shoot-Up Hill (see figure 6). There are also some visible on the buildings to the north-west, fronting Manstone Road, such as the example in figure 7. The proposed dormer at the appeal site will integrate comfortably with this pattern of surrounding development.



Figure 5: Satellite image of the appeal property (red dot) and dormers at houses fronting Minster Road (to the right of the image)



Figure 6: Photograph of various dormers on buildings fronting Shoot-Up Hill, to the rear of the appeal site



Figure 7: Photograph of a similar dormer on a property facing Manstone Road, and visible to passers-by from Fordwych Road

- i. The appellants further note that various permissions have been granted for dormers in this immediate area. Permission was granted on appeal for side and rear dormers at number 8 Manstone Road (appeal reference: APP/X5210/C/17/3178475). Side dormers and a rear hip-to-gable roof extension were granted permission by the council at number 5 Manstone Road under reference 2017/0074/P on 3 March 2017. Finally, large side dormers and a large hip-to-gable rear roof extension were granted permission at number 163 Fordwych Road on 23 November 2015 under reference: 2015/6319/P. All of these proposals were greater in scale than the current appeal development. The approved plans and decision notices for these consents are provided in the appendices.
- j. The second reason for refusal objects to the design and appearance of the ground floor rear extension. The CPG supports this form of development as one of the best ways to extend a property and does not recommend specific limits to its size and scale. The officer's report argues that the extension would not be subordinate and would harm the character of the building.
- k. However, it is single-storey only and is only 2.8m tall. The flat roof minimises its visual impact. It is modest in size and scale relative to the very substantial host building and is set away from the main part of the building behind a pair of courtyards. It replaces an existing single-storey extension and, though larger than the structure it replaces, does not have a materially greater visual impact. It is at the rear only, where it is not visible from the street, and occupies a very small proportion of the property's large rear garden.

- I. The appellants note that the proposed extension is much smaller in scale than the extension that was approved at this site in 2008 (under application 2008/0251/P). As the image in figure 8, below, shows, the approved extension involved partial excavation to create a two-storey structure.

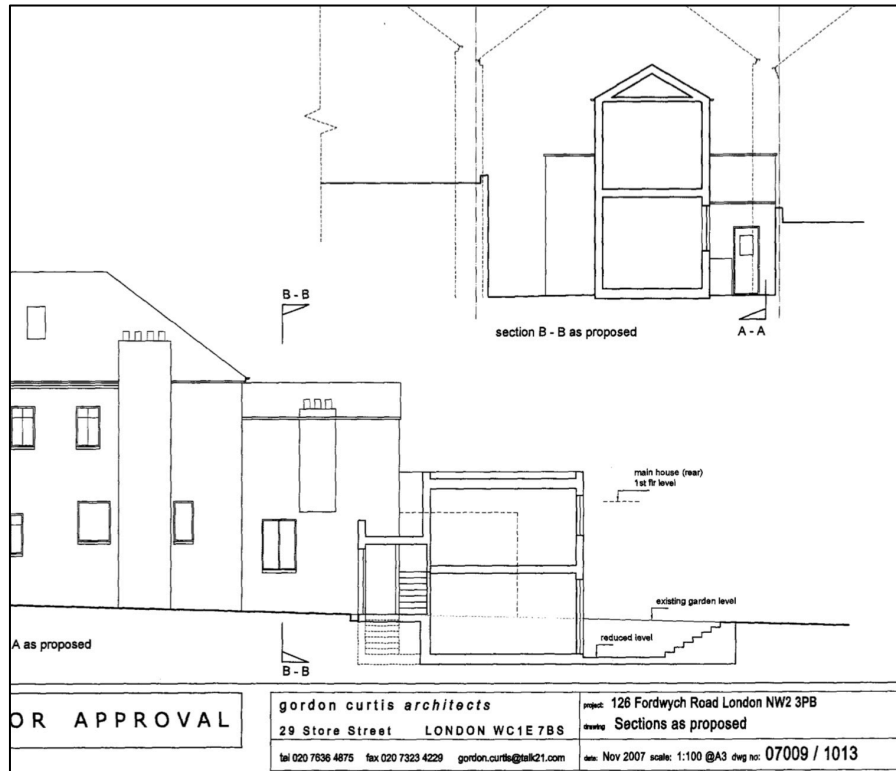


Figure 8: Excerpt from the approved plans for 2008/0251/P showing the previously approved rear extension

- m. The appellants also note that every house on their row has a flat-roofed, single-storey rear extension to varying depths. Although the appeal proposal projects a little deeper than most of those, it nevertheless integrates with the general pattern of development along the rear.
- n. The third reason for refusal objects to the proposed fenestration. The officer's report argues that the rooflights proposed are excessive in size and number and therefore harm the character and appearance of the host property and the wider streetscene. The appeal property is a tall building and the rooflights will be set flush against the roofslope. They will therefore be entirely invisible both from the street and from neighbours' rear gardens. Even if visible, they are an extremely modest and discreet form of development and will not have any material impact on visual amenities. Rooflights are an established feature of the area and visible (in satellite images) on several neighbouring properties.
- o. The officer's report also objects to the minor proposed changes to fenestration at ground floor level. It is not clear to what, specifically, the council is objecting, but it appears to be the loss of timber openings in favour of uPVC

replacements. This is not a conservation area and the building is not listed. There is nothing in local policy or guidance to preclude the use of uPVC as a material. Local policies recommend that the choice of materials should match existing – in this case, most of the windows in the building are uPVC, including all those in the front elevation. The openings to be replaced are not visible from the street and not visible from neighbouring rear gardens. Their loss will cause no meaningful harm to the character of the building.

- p. The third reason for refusal also alleges that the choice of windows is not sustainable in light of the council's objectives of tackling climate change under Local Plan policy CC2. This argument is not substantiated in the officer's report and the appellants note that uPVC windows and doors are generally more energy efficient than timber.
- q. If the inspector is inclined to agree with the council that the use of uPVC is inappropriate, the appellants will accept a planning condition that timber be used for all new openings.
- r. The fourth reason for refusal makes the case that "*the proposed residential unit*" is undersized and has an excessively low ceiling height, as well as "*limited outlook and internal daylight levels*", thereby providing future residents with a poor quality of internal living accommodation.
- s. The officer's report states that one of the flats has a floor area of 29sqm, lower than the minimum gross internal area (GIA) of 37sqm for a one bedroom, one person unit, set out in policy 3.5 of the London Plan. However, this flat is an existing, lawful residential unit (granted permission in 1963) and the application proposes no changes to it. It is unreasonable of the council to raise concerns about a unit that is not affected by the application.
- t. In relation to the proposed new studio flat at the front of the building (Flat 1), the officer's report states that the "*proposed studio (Flat 1) would measure approximately 39sqm*". However, it goes on, a couple of lines later, to say that "*the studio flat would be below the National Space Standard 2016 of 37sqm*". The case officer appears to be confused about the size of this unit. The appellants confirm that the studio labelled Flat 1 is 39.3sqm, as shown on submitted plan ST_NOV 17_126FOR_05 Rev A, and in excess of the minimum GIA of 37sqm for one person dwellings with shower rooms.
- u. The officer's report argues that the ceiling height in the converted loft fails to meet the standard in the relevant guidance that a new residential unit should have a ceiling height of at least 2.3m for 75% of its floor area. The unit is, however, not a new residential unit. This part of the development is the extension of an existing residential unit. There is no minimum ceiling height

standard for loft conversions facilitating the extension of an existing flat.

- v. In any case, the case officer appears to have misapplied the standard. The ceiling height needs to be 2.3m for 75% of the floor area of the whole flat, not of the extended loft area alone. Correctly applied, the extended flat meets the standard. In order to demonstrate this, the appellants have asked their architect to prepare an additional drawing that shows how much of the loft has a ceiling height of at least 2.3m. This drawing, numbered 126FR-1198 001, is submitted with this appeal. It shows that the loft has a floor area of 11.25sqm with a ceiling height of at least 2.3m. As the first floor has an area of 47.83, there is a total floor area of 59.08sqm with a ceiling height of at least 2.3m, which is 79.4% of that flat's total floor area of 74.39sqm, in excess of the 75% guidance minimum.
- w. The officer's report goes on to comment that the proposed bedroom 1 in the ground floor 3 bedroom unit has limited natural light because its window is in the building's flank (i.e. side) elevation. However, the window in the flank elevation is clearly intended to be secondary to the tall, glazed, sliding doors in the rear elevation, which open on to the external courtyard. Bedroom 1 also has two rooflights immediately inside the sliding doors. As a result, it will be a very bright room.
- x. The case officer also argues that bedroom 2 offers poor quality accommodation because it looks onto the rear courtyard. The appellants propose reconfiguring the internal layout of this flat so that the kitchen/living/dining room and bedrooms 2 and 3 are swapped, as shown in revised drawing ST_NOV 17_126FOR_02 Rev B, submitted with this appeal. As the drawing shows minor changes to the internal layout only, and very limited external changes (a new window for bedroom 2), there is no prejudice to third parties and the appellants request that the inspector exercise their discretion to accept the revised plan.
- y. The fifth reason for refusal relates to a possible impact on the apple tree in the rear garden. Local Plan policy A3 protects trees of "*significant amenity, historic, cultural or ecological value*". The tree is not protected by a tree preservation order and, as this is not a conservation area, does not benefit from any blanket protections. As it is not protected, the appellants could lawfully remove it at any time, without needing planning permission. In these circumstances, where the council becomes aware of a possible threat to an unprotected tree through development, it has the power to serve a tree preservation order. That it has not done so in this case suggests that it does not, in fact, believe that the tree has significant amenity value.
- z. It is a short, low-grade fruit tree. It has no particular history or cultural value

and, as it cannot be appreciated from the public realm, has no real public amenity value. In the event the inspector feels that the loss of the tree will cause harm, the appellants will accept a planning condition that requires a scheme of landscaping, including the replanting of a new tree of equal value, be submitted and approved by the LPA prior to development.

- aa. The sixth reason for refusal alleges that the development is not sustainable because the proposal does not meet the requirements of policy CC1 that the development "*demonstrate a 19% CO2 reduction below Part L 2013 Building Regulations demonstrating how the energy hierarchy has been applied to make the fullest contribution to CO2 reduction*". However, the supporting text of policy CC1 applies this to applications for more than 5 new units only. Policy 5.2 of the London Plan requires specific reductions in emissions but these apply for major developments only (i.e. applications for 10 or more residential units).
- bb. The appellants note that this was not a reason for refusal for the earlier, very similar, application at this site (2008/0251/P). It is disproportionate to apply this kind of standard to the subdivision of an existing flat in an existing converted house. In this case, the only building work proposed to create the new residential units are a single-storey rear extension. There are more limited opportunities to reduce carbon emissions than in an entirely new building for example.
- cc. However, if the inspector is minded to conclude that the appellants have not done enough to reduce carbon emissions and the that building regulations do not set sufficiently rigorous standards, they will accept a condition requiring that further details of energy efficiency measures be submitted the LPA for approval prior to the commencement of development.
- dd. The seventh reason for refusal notes that the appellants have not entered into a legal agreement to remove parking permit rights for the new dwelling created by the proposal. The appellants are willing to enter into such an agreement as part of this appeal.

8. Conclusions

- a. The NPPF, London Plan and Local Plan commit Camden to delivering a substantial number of new homes, especially through more intensive and efficient use of existing sites and through the development of small sites.
- b. The council objects to the design and appearance of the proposed rear dormer, but this has been carefully designed to represent a subordinate addition to the rear roofslope and to reflect and respect its overall character and proportions. Dormers are an established feature in this area and a large number are visible from the appellants' garden.
- c. The council also objects to the single-storey rear extension but its concerns are poorly substantiated in the officer's report. The extension is invisible from the public realm and is low in height. It replaces an existing structure, is set away from the main building and is only slightly deeper than the large number of single-storey extensions visible to the rear of the buildings on this row.
- d. The rooflights are very lightweight additions and not readily visible from ground level. They are a common feature of the surrounding area. The replacement of timber windows and doors with uPVC will improve energy efficiency and will match the uPVC windows on the rest of the building.
- e. The council objects to the size of one of the flats, but this is an existing unit and is untouched by the proposal. The 2.3m ceiling height standard does not apply to the extension of existing units, but the appellants have demonstrated, in any case, that the extended flat on the first floor meets the standard. A revised plan shows how the 3 bedroom flat may be reconfigured so that it provides future occupiers with a high standard of internal living accommodation.
- f. The apple tree in the rear garden is not protected and permission is not required to remove it. The requirement that an energy statement be submitted is disproportionate to the scale of the proposed development but, if necessary, details of energy efficiency measures may be secured by condition.
- g. For these reasons, the appellants contend that the appeal proposal represents sustainable development of the kind encouraged by the NPPF and respectfully requests that the appeal be allowed.



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