

TOWN AND COUNTRY PLANNING ACT 1990 SECTION 78 APPEAL

Appeal Statement

Site address: 49 Pratt Street, London, NW1 0BJ

Description: Conversion of single dwellinghouse to 2 self-contained flats (2 x 2 bed) and erection of ground, first and second floor rear extension including re-siting of ground floor rear window.

PLANNING APPLICATION REFERENCE: 2019/1310/P

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1 Introduction

1.1 This Appeal Statement has been prepared on behalf of Mr Motesherai (“the Appellant”), by Alpine Planning Ltd, and is submitted in respect of the refusal of planning permission by the Local Planning Authority, London Borough of Camden (“LPA”). The application sought permission for the conversion of single dwellinghouse to 2 self-contained flats (2 x 2 bed) and erection of ground, first and second floor rear extension including re-siting of ground floor rear window (“the proposal”) at 49 Pratt Street, London NW1 0BJ (“the site”).

1.2 The application was validated by the LPA and designated reference number 219/1310/P. The application was accompanied by the standard detailed plans, application forms and ownership certificates, and Design and Access Statement. Once validated, the normal statutory consultations were carried out by the LPA.

1.3 As set out within the Planning Officers delegated report, no letters of objection were received from neighbouring properties in respect of the application. Equally, there were no objections from consultees.

1.4 The application was Refused by the LPA under Delegated Powers on the 09th July 2019 for the following reasons:

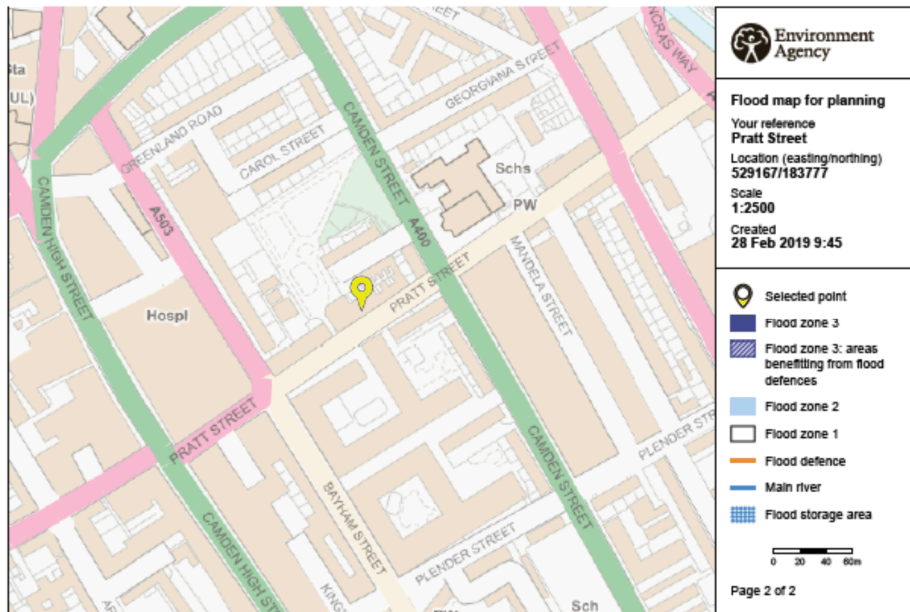
1. *“The proposed extension, by reason of its location , height and bulk would appear as an overbearing and visually intrusive addition, which would fail to preserve or enhance the character and appearance of the host building, the adjoining locally listed terrace, or the context of the adjacent locally listed building groups, contrary to policies D1 and D2 of the London Borough Camden Local Plan 2017.*
2. *The proposed extension, by reason of its location, height, and bulk, would cause unacceptable harm to the amenity of the neighbouring residential occupiers by way of loss of outlook and increased sense of enclosure, contrary to policy A1 of the London Borough of Camden Local Plan 2017.*
3. *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, T2 and A1 and DM1 o the Camden Local Plan 2017.*

2 The Appeal Site and Surrounding Area

2.1 The application site consists of a 3.5 storey mid terrace property on Pratt Street in the London Borough of Camden. The site sits to the north of the highway, and is located in close proximity to Camden High Street – which benefits from a whole array of amenities. With respect to transport connectivity, it has a PTAL rating of 6a – representing excellent access to public transport.

2.2 The building is not Locally Listed, and is not within a designated Conservation Area. It is immediately adjacent to the ‘St Martin’s Garden’ open space . It is also in Risk Zone 2 in terms of impact on a nearby Site of Special Scientific Interest (SSSI) and with the 5km Buffer of the Thames Basin Heath Special Protection Area (SPA).

2.3 It is wholly within low risk Flood Zone 1, as indicated below.



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Image 1 – EA Flood Map (Feb 2019)

3 The Appeal Proposal

3.1 The proposal relates to the erection of a three storey rear extension, so as to provide additional space to enable the property to deliver 2 x 2 bed apartments. It differs from the previous approval (ref “2018/1575/P”) with respect to a slightly larger rear extension that incorporates a large first floor and a second floor element.

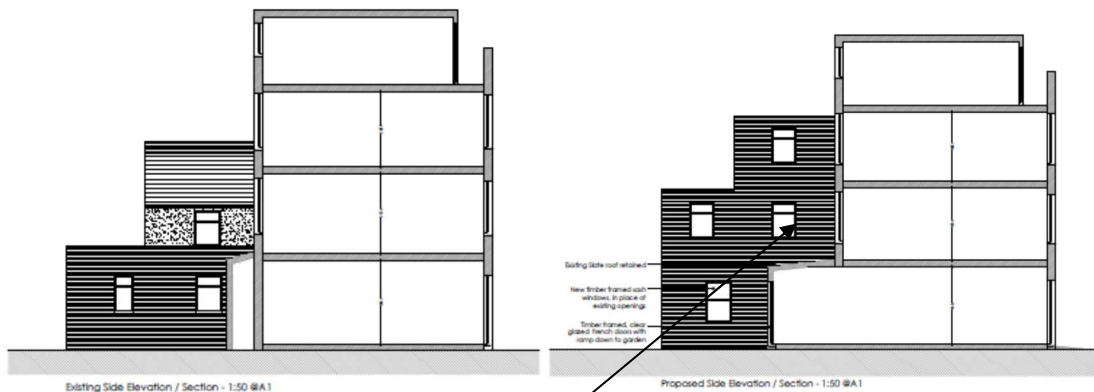
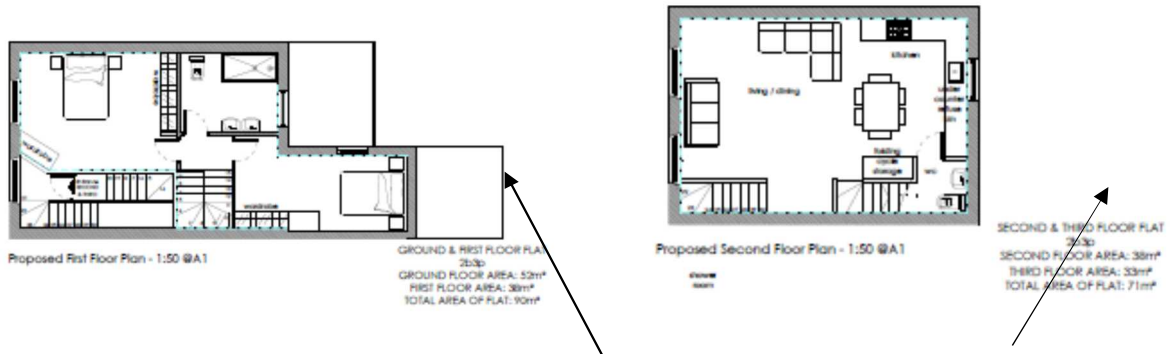


Image 2 – Existing and Proposed Elevational Cross Section

The extension has been designed to reflect the style and proportions of the existing building as much as possible

It will enable a larger internal space at first floor and second floor than that previously approved – benefiting the occupiers in terms of available storage space and living conditions.



The additional space, as shown on the accompanying plans, provides for an en-suite bathroom at first floor for Unit 1, and a family bathroom at second floor for Unit 2. This enables a greater degree of living space for the occupiers of each

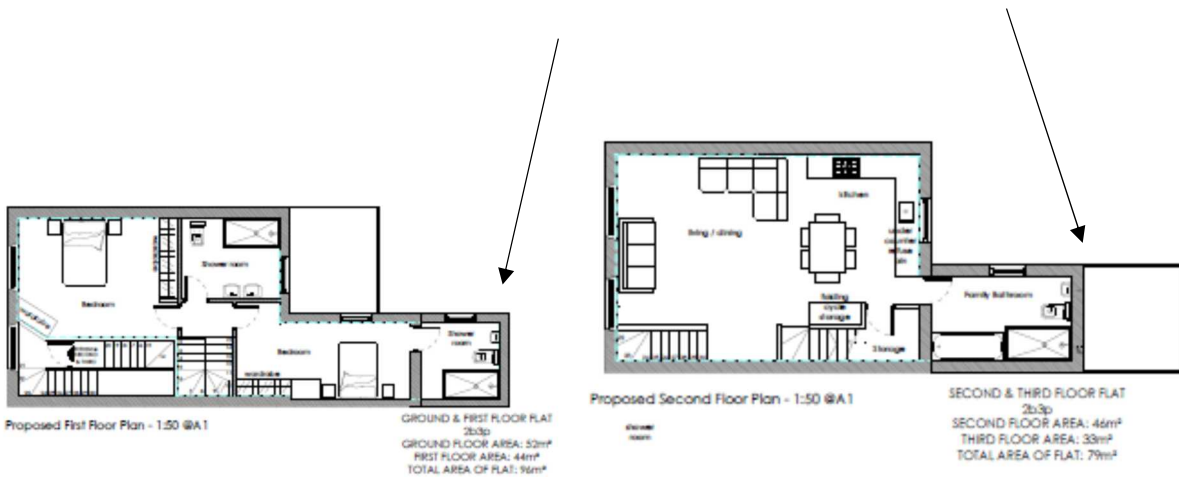


Image 3 – Proposed Side/West Elevation

- 3.2 Significantly, the proposals have been designed such that they would have no impact on the surrounding area in terms of character, or indeed residential amenity. Furthermore, the principle of converting the property into flats has previously been accepted by the Council.
- 3.3 A Location Plan/Existing Plans is attached as **Appendix A**.
- 3.4 The Proposed Elevations are attached as **Appendix B**.
- 3.5 The Proposed Floor Plans are attached as **Appendix C**.
- 3.6 The Design and Access Statement is attached as **Appendix D**.
- 3.7 The Officer's Report is attached as **Appendix E**.
- 3.8 The Decision Notice is attached as **Appendix F**.

3.9 A draft S.106 Agreement (associated with Reason for Refusal No. 3) is attached as **Appendix G**.

4.0 Planning Policy

4.1 Planning applications must be determined in accordance with the development plan, unless material considerations indicate otherwise under Section 38(6) of the 2004 Act. This is reinforced within the National Planning Policy Framework. Therefore consideration has to be given to the adopted development plan and supplementary planning guidance and also to emerging local development plan documents and supplementary planning documents. All relevant documents are set out below in order of national and local levels.

The Development Plan

4.2 The Development Plan in this instance comprises the National Planning Policy Framework (2019), the London Plan (2016), the Local Plan (2017) and a number of Neighbourhood Plans and Supplementary Planning Documents.

4.3 The following table sets out those policies within the Local Plan that are of relevance to this application:

Local Plan	
H1	Maximising housing supply
H3	Protecting existing homes
H6	Housing choice and mix
H7	Large and small homes
CC5	Safety and security
A1	Managing the impact of development
D1	Design
D2	Heritage
T1	Prioritising walking, cycling and public transport
T2	Parking and car-free development
T4	Sustainable movement of goods and materials

4.4 Relevant Supplementary Planning Documents include:

- The Mayor of London’s Housing SPD (2016);
- CPG Design (2019);
- CPG Altering and extending your home (2019);
- CPG Interim Housing (2019);
- CPG Amenity (2019);
- CPG Transport (2019);
- CPG Planning Obligations (2015)
- Camden’s Local List (2015)

National Planning Policy Framework 2019.

4.5 The Government published a revised National Planning Policy Framework (NPPF) in February 2019. As per the previous iterations, this document sets out the Government’s planning policies

for England and how these are expected to be applied. It provides a framework within which local people and local planning authorities can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of their communities. Given the age of the adopted Development Plan documents, where there are discrepancies between it and the new NPPF it is appropriate to consider only the NPPF.

4.6 At the heart of the Framework is a presumption in favour of sustainable development – Local Planning Authorities should approve proposals that accord with an up-to- date Development Plan and, alongside saved local plan policies and to which the relevant Strategic Policies will align, it too seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings, as well as taking account of the character of different areas.

4.7 Section 12 requires development to demonstrate good design and establishes that LPAs, when determining planning applications, should ensure that development:

- Will function well and add to the overall quality of the area;
- Is visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- Is sympathetic to local character and history without discouraging appropriate innovation or change (including increased densities);
- Results in a strong sense of place;
- Optimises the potential of the site;
- Creates places that are safe, inclusive and accessible.

5.0 Relevant Planning History

5.1 The planning history, aside from the application subject to this appeal, for the site is detailed in the table set out below:

Application Ref	Summary	Status
2019/2804/P	Conversion of single dwellinghouse into 3 self-contained flats. Erection of single storey rear extension at ground floor. Replacement of 1 window on Western elevation.	Pending Decision – S106 Negotiations
2018/575/P	Conversion of single dwellinghouse into 2 self-contained flats (2 x 2 bed). Erection of single storey rear extension at ground floor. Replacement of 1 window on Western elevation	Approved subject to s.106
33216/R2	Erection of a roof extension to provide an additional habitable room to the existing dwelling house	Approved

6.0 Case of the Appellant

6.1 This case will demonstrate that the appeal proposal conforms with the NPPF and Development Plan, and that no material planning considerations outweigh that conformity.

6.2 Refusal Reason 1

“The proposed extension, by reason of its location , height and bulk would appear as an overbearing and visually intrusive addition, which would fail to preserve or enhance the character and appearance of the host building, the adjoining locally listed terrace, or the context of the adjacent locally listed building groups, contrary to policies D1 and D2 of the London Borough Camden Local Plan 2017.

6.3 The scale, design and detail of the proposed extension has been worked up to ensure that the submitted details are in keeping with the requirements placed on development by the NPPF and Development Plan. As per the extant permission, the two units would be in full accordance with the Council’s guidance and national space standards. All habitable rooms would comply with the recommended size standards. The dual-aspect nature of both flats ensures that each benefits from a suitable amount of natural daylight and ventilation.

6.4 The extension is modest in scale, and wholly in keeping with a number of similar developments on Pratt Street itself and the wider area. The use of matching materials will ensure that it has a neutral impact from a design and character perspective – particularly considering that views from the public realm will be very limited. Though the Local Listing of the adjoining terrace is noted, this proposal is so minor as to clearly have no adverse impact upon their character. Again, this is particularly true given the lack of views available from the public realm. Therefore, in accordance with Policies D1 and D2 of the Local Plan and Sections 12 and 16 of the NPPF the proposals are acceptable in terms of their design, character and impact on the surrounding area.

6.5 Refusal reason 2 – Residential Amenity

“ The proposed extension, by reason of its location, height, and bulk, would cause unacceptable harm to the amenity of the neighbouring residential occupiers by way of loss of outlook and increased sense of enclosure, contrary to policy A1 of the London Borough of Camden Local Plan 2017.

6.6 As per the submitted Design and Access Statement, the architect has given careful consideration to the form, scale and position of the development together with its orientation and window positions in relation to their potential impact on adjoining properties. There would be no loss of light, loss of privacy or overbearing impact as a result of the proposed extension. The extension proposed is very minor in nature – and it is simply not the case that it would lead to an unacceptable harm to the amenity of occupiers of neighbouring units. This is backed up by the absence of objections to the scheme.

6.7 As such, it is contended that the proposals are therefore in full accordance with the requirements of the NPPF and Development Plan in so far as they have regard to residential amenity and the importance of protecting it.

6.8 Reason for refusal 3 – s106

“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, T2 and A1 and DM1 o the Camden Local Plan 2017.

6.9 The Appellant is prepared to enter into a S.106 Agreement with the LPA, and has attached a draft to this Appeal submission. It would be wholly appropriate to approve the proposals subject to the finalisation of that document.

7.0 Summary and Conclusion

7.1 For the reasons set out above, it is the Appellant's case that the scheme represents a form of development that is entirely appropriate in terms of its design, impact on the character of the area, and relationship with adjoining properties with respect to residential amenity.

7.2 As this is the case, the appellant respectfully asks the decision issued by the IPA to be overturned, and approval granted for the proposed alterations as set out within the application form, documents and supporting plans.