



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



Dear
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30th November 2019

Re: Camden: Nos 41-47 Ingham Road and 108 Fortune Green Road London NW6 1DG

This is a resubmission of planning application **2019/2781/P** that sought consent for *Variation of Condition 3 (Approved Plans) granted under reference 2018/4870/P dated 19/02/19 for Erection of additional storey to Ingham Road elevation of nos. 41-47 and part 1/part 2 storey extension to 108 FG Road, in association with addition of 3 new flats and re-configuration of existing flats. The changes are namely to provide a mansard-style extension at 3rd floor level on Ingham Road, to provide an additional flat and a terrace at third floor level.*

It seeks full consent for one flat in addition to the three already permitted. No fee is payable because the application is of similar character to the previous application.

Finney v Welsh Ministers

The very recent Court of Appeal case **Finney v Welsh Ministers** [2019] EWCA Civ 1868 reversed an earlier High Court judgement and decided that material amendment applications could only apply to amendments consistent with the approved description of the original proposal. In this case, this permitted 3 flats, while the effect of the modification sought would have raised the number of flats to 4.

This was not picked up by the Council or PINS in dealing with the application and subsequent appeal, which has now been withdrawn.



The Application Package

This includes the following plans and reports:

S0 21	Site Survey
AP 306	Permitted floor plans under construction
AP 310	Permitted elevations under construction
AP 403	Proposed third floor (no south window)
AP 406	Proposed floor plans (extra cycle parking)
AP 410	Proposed elevations
	Anstey Horne Daylight and sunlight study
	Unilateral undertaking (to follow)

Although not part of the application, the package also includes the CIL Additional Information form.

The Application

Application 2781 was refused on 25 September 2019 for these reasons:

- 1. The proposed extension and terrace, by reason of their height, bulk, mass and detailed design would compromise the form, architectural character of the host building. The extension and terrace would result in an incongruous and discordant addition that would be detrimental to the character of the building and the area, contrary to Policy D1 (Design) of the Camden Local Plan 2017 and Policy 2 of the Fortune Green and West Hampstead Neighbourhood Plan.*
- 2 The applicant has failed to demonstrate that there would be no impact in terms of loss of light to neighbouring residential properties, contrary to Policy A1 (Managing the impact of development) of the Camden Local Plan 2017.*
- 3 Insufficient cycle parking has been provided for the additional flat, contrary to Policy T1 of the Camden Local Plan 2017 and Policy 8 of the Fortune Green and West Hampstead Neighbourhood Plan.*
- 4 The proposed development, in the absence of a legal agreement securing car-free housing, would be likely to contribute unacceptably to parking stress and congestion in the surrounding area, contrary to Policy T2 of the Camden Local Plan 2017.*
- 5 The proposed development, in the absence of a legal agreement securing a construction management plan and monitoring fee, would be likely to impact on the amenity of local residents, contrary to Policy A1 of the Camden Local Plan 2017.*
- 6 The proposed development, in the absence of a legal agreement securing a contribution towards affordable housing, would fail to provide affordable housing, contrary to Policy H4 of the Camden Local Plan 2017.*



This application responds to reasons 2, 3, 4, 5 and 6 in the following ways:

- 2. a daylight and sunlight study is attached to the application package;
- 3. plan AP406 includes additional cycle parking;
- 4, 5 and 6. a unilateral undertaking is attached to the application package that cover these points (to follow).

Plainly, we disagree with reason 1. The explanation is in the evidence submitted to PINS with the appeal against the Council's decision on 2781 that Finney has now made abortive. This provides a full response to the Council's reason 1 and it is hoped on the basis of this that the Council may reconsider its position and make a further appeal unnecessary.

Housing Need and Brownfield Sites

1. The Delegated Report accurately confirms at para 3.1 that *Residential use is the Council's priority land use and is supported.*
2. This is a brownfield site and **RNPPF para 117** says: *Planning...decisions should promote an effective use of land in meeting the need for homes and other uses... in a way that makes as much use as possible of previously developed or 'brownfield' land.* There is a national and local presumption in favour of using it to meet the need for the Council's priority land use.
3. **RNPPF para 48** says relevant policies in emerging plans can be given weight. The shortly to be adopted **draft London Plan** increases Camden's 10-year housing target by 22% from the current London Plan - from 8,892 to 10,860 dwellings. Of these 3,760 (35%) are targeted on small sites (less than 0.2ha), many of which will be windfalls like this.
4. The way this should be implemented is in **dLP policy H2 Small Sites**. This says: *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...: To deliver the small sites targets Boroughs should apply a presumption in favour of small housing development which provide between one and 25 homes...proposals to increase the density of existing residential homes within PTALs 3-6 or within 800m of a Tube station, rail station or town centre boundary through...a) residential conversions b) residential extensions... 3) the redevelopment...of flats...to provide additional housing*
5. The proposal is on a windfall brownfield small site consistent with the presumption in favour of small housing developments.

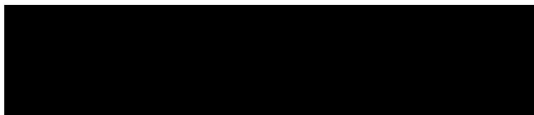


Areas of Agreement

6. The Delegated Report says:
- 3.9 *There are no windows or rear gardens that would be materially affected in terms of overlooking from the proposed terrace, given its location and the location and orientation of neighbouring windows/gardens.*
 - 3.10 *A daylight/sunlight assessment was submitted with the original application, which demonstrated that the proposals would not unacceptably impact on the light received by neighbouring properties.*
 - 3.10 *With regards sense of enclosure, the extension is not considered to be so deep or close to neighbouring properties that it would affect their amenity.*
 - 3.11 *The proposed amendment to create an additional flat is acceptable in Transport terms, so long as it would be car-free. An additional cycle parking space would be secured within the building for the new flat, if practicable. The proposed plans suggest that additional cycle parking facilities would not be provided which is unacceptable.*
7. We agree with and adopt all of these points. Note also that the Delegated Report does not object to proposed materials, which must therefore also be acceptable.

Reasons for Refusal

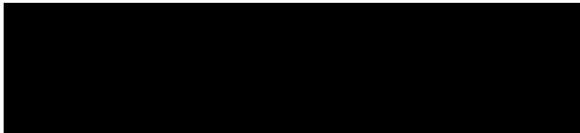
8. **Reason 1: *The proposed extension and terrace, by reason of their height, bulk, mass and detailed design would compromise the form, architectural character of the host building. The extension and terrace would result in an incongruous and discordant addition that would be detrimental to the character of the building and the area, contrary to Policy D1 (Design) of the Camden Local Plan 2017 and Policy 2 of the Fortune Green and West Hampstead Neighbourhood Plan.***
9. The appeal site is not in a conservation area and so the statutory test does not apply. **LP Policy D1 (Design)** states the Council will seek to secure high quality design in development. **FGWH NP Policy 2** states that all development shall be of a high-quality design which complements and enhances the distinct local character and identity of Fortune Green and West Hampstead. Neither policy specifically precludes the appeal proposal - both require design judgement to be exercised. The proposal's effect is assessed against the Delegated Report's analysis below.
10. The Delegated Report has these three paragraphs that explain **reason 1**:
- 3.3 *Whilst the site is not within a conservation area and has no heritage status, the existing building is not without merit on this corner plot largely as a result of its distinct roof form and profile on the Ingham Road frontage.*



3.4...Such extensions would change the roof profile and form of this part of the building to a similar in height, form and massing to the building on the opposite corner of the Ingham Road and Fortune Green Road junction (110 Fortune Green Road). The two-storey terrace on Ingham Road has an additional storey added in a corresponding form. The height form and massing of these previous consents is considered to be the maximum the site can accommodate in townscape terms in relation to the corresponding scale of the immediate neighbours and the prevailing scale on the southernmost side of Fortune Green Road.

3.5 The current proposals seek to add an additional part storey to what was previously approved on the Ingham Road terrace in the form of a shortened third storey. The proposed extension disrupts the clarity and form of the consented schemes and introduces an incongruous element to the roof scape. The proposed terrace would be highly visible and would also appear incongruous and would create clutter at roof level.

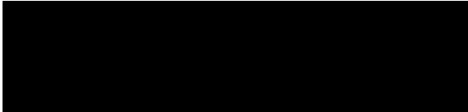
11. The **para 3.3** point fails to recognise that the existing distinct roof form is completely lost as a result of the recent consented scheme. This appeal proposal will not alter the consented roof profile of the corner plot building and will be lower and subservient to it. It must be discounted as an objection to the proposal (if it is intended to be an objection).
12. The proposed flat will not be read as discordant or piecemeal because it has been designed to make an effective transition between the height of the Fortune Green Road element of the permitted scheme and the Ingham road element. As permitted, this storey and a half step is over-abrupt and too blocky (see **para 23**). It does not relate to the way the white corner block opposite turns into Ingham Road.
13. The permitted Ingham Road roofline is not articulated in any way – it is a dull, long horizontal because the Council asked for the appeal flat to be withdrawn from the subsequently consented scheme. The appeal proposal provides articulation by stepping down between the front and rear elements of the permitted scheme to be half a story below the roof of the Fortune Green Road element. The permitted lower element to the east (almost two thirds of the frontage) is unchanged by this proposal and remains appropriately respectful of the Edwardian terrace to the east.
14. The proposal's floor level is at eaves level of the terrace, the top of its roof is below their ridge line and it is slate clad to match the terraces' roof material. Its materials and scale are consistent with Ingham Road's Edwardian terraces, which have accommodation in their roofs.
15. The Delegated Report does not assess the proposal these points or against policy on the development of small sites and the need to make full use of brownfield sites and so the delegated decision did not consider key material considerations.



16. Taking all these points into account, our strong view is that the proposal is consistent with the relevant policy and the character of the local area and the development will look much better if the appeal is allowed.

We look forward to discussing the application with the Case Officer in due course.

Yours faithfully



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Mike Burroughs

Michael Burroughs

