



TOWN AND COUNTRY PLANNING ACT 1990

APPEAL STATEMENT

By Andrew Watts BSc (HONS) DipTP MRTPI
On behalf of Dr H Buehler & Mrs E Clarke

APPEAL AGAINST THE REFUSAL OF HOUSEHOLDER APPLICATION Ref 2019/5357/P FOR CONSTRUCTION OF PART TWO AND SINGLE STOREY REAR EXTENSION, SINGLE STOREY SIDE EXTENSION, ALTERATIONS TO EXISTING PART TWO AND SINGLE STOREY SIDE EXTENSION, ROOF EXTENSION, ADDITION OF ROOF LIGHTS, REPLACEMENT WINDOWS AND GATES AND PART DEMOLITION OF EXISTING REAR EXTENSIONS (AS AMENDED)

SITE AT 15 HOLLY LODGE GARDENS, HIGHGATE, LONDON, N6 6AA

1 INTRODUCTION

- 1.1 This appeal statement is submitted on behalf of Dr Hans Buehler & Mrs Eileen Clarke ('the Appellant'). It relates to an appeal against the decision of Camden Council ('the LPA') to refuse Householder planning application Ref 2019/5357/P for construction of part two and single storey rear extension, single storey side extension, alterations to existing part two and single storey side extension, roof extension, addition of roof lights, replacement windows and gates and part demolition of existing extensions at 15, Holly Lodge Gardens, Highgate, London, N6 6AA ('the Appeal Site').
- 1.2 As a consequence of amended plan submissions the application description has changed since the application was lodged. The refused plans were submitted and thereafter registered on the Council's Public Access site on 3rd February 2020.
- 1.3 The Planning application was refused on 11th March 2020 under the provisions of the Council's delegated procedure for the following reason –
 1. **"The proposed extensions by reason of their design, massing, scale, siting, excessive size and choice of materials would be harmful to the character and appearance of the Arts and Crafts style host building and neither preserve nor enhance the character and appearance of the Holly Lodge Conservation Area, contrary to the policies D1 and D2 of the London Borough of Camden Local Plan (2017) and policies HD2,**

DH3 and DH4 of the Highgate Neighbourhood Development Plan (2017).”

The Delegated Report substantiating the reason for refusal is attached as appendices **WP1**.

- 1.4 Given the content and wording of the Reason for refusal and the appraisal and commentary in the supporting Delegated Report it is therefore noted that the LPA does not object to following details that form part of application proposal –
- the roof extension and alterations to the existing roof form including new roof crown with modest raising of the roof height by some 0.13 metres;
 - the addition of roof lights both to the new flat roof top (crown) and on roof planes;
 - the alteration and re-configuration of the two storey side extension adjacent to No 14 including lowering of the first floor roof to align with the existing retained eaves line and new replacement ground and first floor rear windows to that existing addition;
 - the single storey side extension adjacent to No 16;
 - replacement windows and gates; and
 - that there are no adverse impacts on the amenity of adjacent neighbours.
- 1.5 These (above) proposed alterations are considered to be **‘common ground’** and consequently do not form part of the LPA’s objections to the appeal development or the Appellant’s grounds of appeal.
- 1.6 It must also be noted that Reason for refusal makes no reference to the NPPF, the London Plan, the Holly Lodge Estate Conservation Area Appraisal & Management Strategy and SPG; Altering and Extending Your Home ‘Good Practice Principles’ set out in paragraph 3.1 a. – i. and paragraphs 3.3 and 3.9.
- 1.7 This statement examines the material planning considerations and the Development in detail. It considers national planning policy guidance and adopted Development Plan policies.
- 1.8 The Appeal submission includes –
- Householder application form;
 - Site location plan, existing and proposed floor plans and elevations;
 - Planning and Heritage Statement; and
 - Design and Access Statement.
- 1.9 Regard is had to matters of design and appearance and the impact on the setting and ‘significance’ of the identified Heritage Asset; the Holly Lodge Estate Conservation Area and in particularly the character and appearance of the host property and street scene and the residential amenity of adjacent neighbours. From this evidence I suggest that the proposed Development should be allowed on appeal.

2 SITE PREMISES AND THE APPEAL DEVELOPMENT

- 2.1 The application site premises comprises a detached two storey house of Arts and Crafts style with 2No projecting two storey front bay windows and timber clad gables, red clay tile hipped roof and matching red hanging tile detailing, a central entrance door and white render finish.
- 2.2 The property is situated within the Holly Lodge Estate Conservation Area and sits in a row of similar style houses albeit each one includes individual detailing and is elevated behind a shallow depth mature front garden.



- 2.3 The rear of the property in contrast to the well preserved original frontage detailing has been subject to considerable alterations and extension that provides an architecturally unexceptional appearance including several two and single storey flat roof additions and 'lean to' conservatory.



- 2.4 The proposed appeal development will make minor yet significant visual improvements to original front elevation whilst making considerable and positive structural and aesthetic changes to the rear.

2.5 The premise of the development in relation to the rear elevation is to replace the unsightly additions with a new contemporary extension that reflects and takes reference from the Arts and Crafts style of the host property whilst providing extended floor space bespoke to the Applicant's expanding family needs; to create a life-time home.

2.6 The appeal proposal includes –

- Part two and single storey rear extension including 2No traditional gable details with tiled pitched roof to match existing with central contemporary 2 storey floor-to-ceiling glazing;
- Single storey flat roof side extension (adjacent to No 16);
- Re-configured and re-modelled part two and single storey side extension adjacent to No 14);
- Raising roof height by 0.13 metres and addition of roof-lights to facilitate the sustainable and effective use of loft space;
- All windows to front elevation to be replaced with new hard wood frames of original traditional style with white paint finish;
- New traditional timber panel gates to provide secure car and cycle parking enclosure; and
- All proposed extensions and existing re-configured additions will be white render finished and with small clay tiles to match the original building.

2.7 The 3D scale graphics (below) show the high quality composition and how the scale, mass and design sit comfortably within the immediate context of considerably extended properties either side.



2.8 As a result of the proposed extension and alterations the property will comprise ground floor open plan kitchen-dining-living room with 2 floor atrium, lounge, cinema room, guest bedroom suite, utility, WC, cloaks, garden store and boot room to the first floor 3 bedrooms with ensuites and study, and 2 further bedrooms and house bathroom within the roofspace.



2.9 The proposed extensions and alterations are design-led of an exceptional high architectural quality and in compliance with national planning guidance set out in the National Planning Policy Framework ('NPPF'), adopted Development Plan policies and Supplementary Design Guidance.

3 BACKGROUND TO APPEAL

3.1 A Householder planning application Ref 2019/0585/P submitted by Barns Design proposing a part 2 and single storey flat roof side extensions and 2 storey flat roof rear extension (as shown below) was withdrawn from determination on 25th March 2019 following concerns expressed by the LPA regard scale and overtly dominant design.



- 3.2 Following the application withdrawal a formal Pre-App Enquiry Ref 2019/1435/PRE was submitted proposing an amended scheme for a part 2 and single storey side extension, a 2 storey rear extension, roof extension and formation of self-contained annex/flat. The proposed design was overtly contemporary and followed the existing flat roof form rather than taking reference from the character of the host property.
- 3.3 As a result of further concerns raised by the LPA in their response of 18th June 2019 (**WP2**) regard the design, scale, loss of aspect between properties from the street scene frontage and amenity the Appellant appointed a new scheme architects; Paul Archer Design; to carry out a detailed review of the LPA's advice and to consequently development a new approach to address identified issues of concern.
- 3.4 The planning application (Ref 2019/5357/P) subject to this appeal was submitted and thereafter validated on 23rd October 2019.
- 3.5 The design of the appeal development has had specific regard to those concerns raised with the previous schemes. In particular the revised proposal included the following detailing -
- The principle of the submitted design took architectural reference from the Arts and Crafts style of the host property and Conservation Area character. An issue raised by the Pre-App response which stated – “The appearance of the rear extension lacks visual connection with the existing house. The design of the rear elevation lacks any sense of cohesion.....” (**WP2**)
 - The amended scheme removed previously proposed 2 storey and first floor side additions that impeded existing street scene aspects of mature trees via the gaps between properties from the road frontage. The proposed new two storey element is solely to rear and not visible to the public realm or from other private views due to the seclusion of the rear garden, existing topography and effective screening by mature trees.
 - The context of scale is provided by the grain of existing 2 storey full-width additions to adjacent detached houses and others within the immediate row of properties No's 11 – 18 (as shown by aerial photograph at paragraph 4.2 below).
 - The self-contained annex was removed from the proposal and in relation to the amenity of neighbours as a result of design and with reference to the orientation of adjacent properties the proposal is fully compliant with CPG 'Amenity' 45 and 25 degree rules.
- 3.6 During the consideration of the application the planning case officer provided advice and information on behalf of the LPA, relevant e-mail exchanges are attached at **WP3**.
- 3.7 The following summaries conflicting advice provided by the LPA and in particular changes in officer opinion received through the application process –
- 24th October 2019 – LPA e-mail confirming registration of the application;

- 28th November 2019 – LPA e-mail stating application has been reviewed by a conservation officer and senior colleagues and amendments will be required. The conservation officer to provide formal comments;
- 4th December 2019 – LPA e-mail re design critique and request for amendments including – removal of circular windows from front elevation; the increase in depth of 4m approx to ground floor and first floor on boundary with No 14 needs to be removed with depth no greater than existing; circular window and plank timber to rear façade to be amended officers suggest use of modern timber framing; plan correction request; side extension height increase adj to No 16 likely to block glimpse views and should have pitched roof and not be visible from the street; and the projecting roof light in the flat section of the enlarged roof should be lowered to ensure it is not visible along length of Holly Lodge Gardens;
- 6th December 2019 – Appellant e-mail confirming specific amendments to be submitted and request the LPA confirm –
 1. The principle of the new first floor rear gable and adjoining two storey full glazed extension (subject to the removal of the large porthole and re-modelling of vernacular timber framing) are acceptable?
 2. The modest raising of the roof (subject to review of the roof light within the flat roof part of the roof top) is also acceptable?
- **9th December 2019 – LPA e-mail confirms 1. and 2. are acceptable in principle**, and comments officers would also welcome the use of green roofs for the extensions which can be used alongside roof lights;
- 13th December 2019 – Appellant e-mail confirms attached plans amended in accordance with design requests and acceptance of principles (as LPA e-mails of 4th and 9th December);
- 17th December 2019 **09:59** – LPA e-mail welcome some of the amended details but retain concern regard the appearance of the rear elevation, further suggestions to mitigate concerns are provided;
- 17th December 2019 **3:46pm** – LPA e-mail changes previous advice of 9th December and states - “It is considered that any further extensions or any increase in depth is unacceptable. The current design is unsympathetic and rather improving the appearance of the building it causes further harm. The building may be consolidated and **tidied up** however further extension is not acceptable.” The Appellant is advised to withdraw the application but no further guidance is provided;
- 17th December 2019 16:15 – Appellant e-mail submits further amendments to address concerns regard the rear façade detailing;
- 23rd December 2019 15:19 – LPA e-mail confirms contradiction/change in advice of that stated on 9th December and states –

“I did say below that the two storey fully glazed extension was acceptable in principle. This has now changed, we do not consider that this is acceptable.”

- 23rd December 2019 15:46 – Appellant e-mail questions how the LPA can make significant changes in opinion when conservation officers who appear to be leading the application have never visited the site;
- 23rd December 2019 16:01 – LPA e-mail confirms assessment being made by photos, aerial images and submitted plans.

[The Appellant can confirm that at no time through the Planning Application process have any officers from the LPA (Planning or Conservation) visited the site. The site is secure and property currently vacant and access must be arranged via the Agent or Architect, such a request has not been made at any time. The failure of the LPA to visit the site in order to carry out a full assessment of the impact of the proposal on the character of the host building and ‘significance’ of the Conservation Area is unacceptable and unreasonable behaviour and therefore subject to the Appellant’s application for an award of Costs.]

- 31st January 2020 – Appellant e-mail confirms the proposed changes to address issues of concern and attaches a complete set of amended plans. The amended plans propose details as listed at paragraph 2.6 above and shown by 3D graphic at paragraphs 2.7 and 2.8.
- 4th February 2020 – LPA e-mail states the amended scheme is still not subordinate, is excessive in scale and incongruous, with excessive bulk and unacceptable glazing. It is suggested to withdraw the application and submit a Pre-App Enquiry that includes a basement.

It is not understood why the LPA could not allow the live application (already substantially beyond the 8 week determination period) as a tool for negotiation given the Appellant on several occasions requested a meeting with the conservation officer that appeared to be leading the planning section unfortunately such discussions were denied. It is also unclear why or how basement accommodation providing a movie room, reading room, music room and storage would be in keeping with an Arts and Crafts property where such would necessitate a lowered ground floor and/or light-wells to provide natural light.

- Following public re-consultation the amended application was refused on 11th March 2020.

3.8 No neighbours objected to the application proposal as originally submitted or to the appeal development as re-consulted from 31st January to 7th March 2020.

3.9 The Highgate Neighbourhood Forum did not comment on the proposal.

3.10 The Holly Lodge Conservation Area Advisory Committee raised issues of concern in relation to the original submitted application scheme on 24th October 2019. Those issues were subsequently addressed by the revised design that is now subject of this appeal and no further objections or concerns were raised during the last re-consultation period.

- It is noted within the Delegated Report (**WP1**) that the HLCAC considered that the original scheme complied with the guidelines within the Holly Lodge Estate Conservation Area Appraisal & Management Strategy page 46.

- 3.11 Conservation Area Consent Ref 2019/4649/T was approved on 4th October 2019 for the removal of a tree from rear garden adjoining No 16 due to the adverse impact of over-hanging branches and roots on both the existing building and neighbouring property.

4 PLANNING HISTORY OF DEVELOPMENTS WITHIN THE IMMEDIATE CONSERVATION AREA CONTEXT

- 4.1 See paragraphs 2.7 – 2.10 of the Planning Policy and Heritage Statement submitted as back ground papers as part of this appeal.
- 4.2 The rear elevations of the detached houses No's 10 – 11 and 13 – 18 have all been subject to substantial 2 storey flat roof extensions of considerable differing form and appearance that relate little to the principal character of each host property (as evidenced by the aerial photograph below).



- 4.3 These existing extensions comprise an integral part of the context within which the appeal development is viewed. However as will be evidenced during the appointed Inspector's site visit few of these substantial rear extensions are visible within the context of the conservation area street scene.

5 APPEAL SITE AND 'SIGNIFICANCE' OF THE CONSERVATION AREA

- 5.1 See paragraphs 3.1 - 3.12 of the Planning Policy and Heritage Statement submitted with the Householder application and as back ground papers as part of this appeal.

6 GROUNDS OF APPEAL - THE APPELLANT'S CASE

COMPLIANCE WITH THE NATIONAL PLANNING POLICY FRAMEWORK

- 6.1 The NPPF introduced in March 2012 and more recently amended in July 2018 and February 2019 is a material planning consideration in the determination of planning applications and introduced a presumption in favour of *sustainable development*, as referred to at paragraph 11.
- 6.2 Whilst the LPA do not reference the NPPF within the Reason for refusal the Appellant contends full compliance with the objectives of relevant paragraphs of the Framework including 38, 117, 127 and 192 as set out at paragraphs 5.1 – 5.6 of the Planning Policy and Heritage Statement.
- 6.3 The appeal development does not conflict with paragraph 196 where the proposal does not result in harm to identified 'significance' and where the replacement of architecturally unexceptional extensions with a high quality addition that has specific regard to the principle character and form of the host building will positively enhance the host building and ensure the continued preservation of the conservation area.

COMPLIANCE WITH THE DEVELOPMENT PLAN

- 6.4 The Development Plan comprises the London Plan, Camden Local Plan, Highgate Neighbourhood Plan and adopted SPG.

LONDON PLAN

- 6.5 The LPA do not reference the London Plan in the Reason for refusal. However the Appellant contends the Appeal development is compliant with Policy 7.4A and B a – e 'Local Character'.

CAMDEN LOCAL PLAN

- 6.6 The Appeal development (as amended on 31st January 2020) is fully compliant with Camden Local Plan policies D1, D2 and A1.
- 6.7 In accordance with criteria set out in policy D1 'Design' the proposed extensions and alterations –
- a. respects local context and character;
 - b. preserves and enhances the historic environment and the identified Heritage Asset; the Holly Lodge Estate CA (as compliant with policy D2 'Heritage');
 - c. represents a sustainable form of development including green credentials and sustainability objectives of means of construction compliant with latest Building Regulations;
 - d. the proposed work is both sustainable and durable and can be adaptable to change;
 - e. proposed materials including tiled roof and render finished walls will match those used on the host building whilst seamlessly assimilating within the local context;

- f. proposed alterations will integrate within the street scene setting and make positive visual enhancements;
- g. the design and layout is bespoke to the Applicant's family needs whilst remaining appropriate to context;
- h. the extensions include sustainable design and gym facilities that encourage and perpetuate healthy living;
- i. the proposed extensions and alterations are compliant with secure by design objectives;
- j. the proposed design retains and preserves the existing high quality garden landscape setting;
- k. new landscaping and planting will be provided as part of the site redevelopment to positively contribute to the design and Garden City style of the setting;
- l. effective and useable outdoor amenity space will be retained and enhanced;
- m. all existing gap views between the host property and adjacent houses are retained. No part of the proposed extension will restricted existing aspects;
- n. the design and detailing provide exceptionally high standard of accommodation; and
- o. all existing services connections will continue to be used, without any adverse impact or alterations.

6.8 In accordance with the requirements of policy D2 'Heritage' the proposed extensions and alterations will preserve and positively enhance both the character and appearance of the host property and the Conservation Area setting. The proposed development will also ensure the existing spatial setting and layout of the site is maintained.

6.9 The proposed extensions and alterations are compliant with the objectives of policy A1 'Managing the Impact of Development' where due to good design and layout considerations and as a result of the orientation of adjacent properties there will be no adverse impacts on privacy, outlook, loss of sunlight or daylight or over-shadowing.

HIGHGATE NEIGHBOURHOOD PLAN

6.10 The proposed development is compliant with Highgate NP policies DH2, DH3, and DH4.

6.11 "Extensions and alterations to buildings should preserve or enhance the character or appearance of Highgate's conservation areas, respect the setting of its listed buildings and other heritage assets."

- 6.12 The design, scale, form, layout, appearance and use of materials are compliant with the objectives of Policy DH3 where it requires rear extensions to be subordinate in scale to the original dwelling, complement character in terms of design, proportion, materials and detail and should not harm the amenity of adjacent properties and retain sufficient garden space proportionate to neighbouring properties. The application proposal also ensures existing architectural features (such as projecting bays, decorative balconies, and materials) that contribute to the local character are preserved and enhanced and in particular with new replacement hard wood window frames of traditional vernacular style.
- 6.13 In compliance with policy DH4 replacement and re-configuration of existing side extensions remain of single storey scale and as such will retain existing views between properties. The amendment proposed to the existing part 2 and single storey extension adjacent to No 14 will reduce the height of that first floor addition to that of the prevailing eaves line. This detail will positively enhance the visual separation between properties, high level landscape views and the composition of the scheme.
- 6.14 It should be noted that there is no reference to policy DH5 ('roofs and roofscapes'), the roof form or height in the refusal reason hence the Appellant suggests the proposed roof alterations including new 0.13 metre raised roof and new crown are supported and comprise 'common ground' as referenced at paragraph 1.4 above.

SPG: ALTERING AND EXTENDING YOUR HOME

- 6.15 As referenced above and as a result of high quality architecture the design, form, scale, appearance, detailing and use of materials ensure the rear extensions and alterations replacing that existing will positively enhance the character and setting of the host property. The development will remain subordinate and sympathetic to the setting and amenity of neighbours. The proposed development is therefore compliant with SPG 'Good Practice Principles' set out in paragraph 3.1 a. – i. and paragraphs 3.3 and 3.9.

HOLY LODGE ESTATE CONSERVATION AREA APPRAISAL AND MANAGEMENT STRATEGY

- 6.16 The appeal development is compliant with guidance for rear extensions as set out in the HLECA Appraisal and Management Strategy where it is acknowledged that rear extensions over single storey in scale are appropriate where they are "unobtrusive" and do not adversely affect the character of the building or conservation area. It is noted that 2 storey rear extensions may be permissive where there are no adverse impacts on neighbouring properties, views from the public realm and the relationship to the historic pattern of development (**WP4**).
- 6.17 The proposed rear extensions and alterations respect and take reference from the original 'form' and character of the building and sit comfortably within the historic pattern of extensions evident within the adjoining group of properties.
- 6.18 The guidance notes, acceptance of "larger" extensions depends on the particular site and circumstances.

REASON FOR REFUSAL AND REASON TO THE DELEGATED REPORT

REASON 1

- 6.19 The Reason for refusal alleges the as a result of design, massing, scale, siting, excessive size and choice of materials that the proposed extensions would be harmful to the character of the host building and would not preserve or enhance the character and appearance of the Conservation Area (contrary to the policies referenced above).
- 6.20 Whilst the reason for refusal is very generic further explanation is set out in the Delegation Report (**WP1**). The following is the Appellant's response to issues raised in that Report –

- Paragraphs 4.1, 4.2, 4.3 and 4.4 make reference to Camden LP policies D1 and D2 and Highgate NP policies DH2, DH3, DH4 and DH5 but fails to state explicitly how the proposed extensions and alterations fail to comply with those policies.
- Paragraph 4.5 quotes HLE CA Appraisal & Management Strategy page 4.6 – 4.7 regard rear extensions (**WP4**) but fails to state how the proposal does not comply with this guidance.

The Appellant considers the high quality design that takes reference from the traditional form and materials of the host building with contemporary detailing as a replacement for the existing architecturally unexceptional rear additions will positively enhance both the character and appearance of the host property and the setting. It is unclear how the LPA consider the replacement extension will prejudice the 'significance' of the conservation area where it cannot be seen from the public realm and where glimpsed private views are of a striking and high quality design.

- Paragraph 4.6 quotes extracts of general commentary of Camden Planning Guidance but fails to reference the impact or presence of the existing substantial additions.
- Paragraph 4.7 considers the extension would propose a considerable increase in depth and as such would create an unacceptable increase in bulk and mass that would protrude out of the building line dominating the appearance of the host building.

However, it must be appreciated that the proposed rear gable is an integral part of the form and appearance of the proposed extension and importantly replicates the form of the Arts and Crafts design evident on the front elevation without pastiche. In addition it must be noted the larger of the two rear gables only projects 1.5 metres from the existing rear two storey extension and is set 4.38 metres from the north west boundary and 10.6 metres from the south east boundary.

The LPA fail to assess the proposal in relation to the scale mass and footprint of the existing additions. The LPA suggest the scale of the proposed scheme is "incompatible" with the host and surrounding properties. However, without the officer's viewing the site to rear within the immediate context they cannot substantiate this comment. Without a site visit there is an obvious lack of appreciation of context and setting.

The LPA's invented "building line" does not evidentially or spatially form part of the identified 'significance' of either the conservation area or the character of the host building.

- Paragraph 4.7 summarises to say the range of heights and roof forms would appear convoluted yet such commentary ignores the existing form and the variety of existing additions and of more significance this is concern contradicts advice set out in the LPA e-mail dated 23rd December requiring some "setbacks to provide differentiation" and goes against commentary at para 4.9 which appears to suggest that the number of setbacks of the existing rear extension reduces the appearance of bulk and mass.
- Paragraph 4.8 references the CPG and suggests that in order for the rear extension to appear subordinate the proposed height and depth should respect existing common pattern of rear extensions. It will be evidenced during the Inspector's site visit that the proposed extension will sit comfortably between the substantial additions of both adjoining properties.
- Paragraph 4.8 the Report again makes reference to a "building line" however such is immaterial and not an integral part of the conservation area setting. Importantly such 'building line' is of further irrelevance given the adjoining properties No's 14 and 16 do not sit in a line but both face away from the appeal site at oblique angles.

The LPA's reference to the 3 metre projection of the larger gable makes a contrived analysis, that is both factually incorrect and disingenuous given the gable detail only projects 1.5 metres from the existing rear elevation.

- Paragraph 4.9 states that the existing rear extension is less overbearing to the host building. However such comment fails to appreciate that there are no existing aspects of the original rear façade of the host property except for a small part of the roof top. The proposed extension with the contemporary glazed atrium will reveal more of the original host building.
- Notwithstanding the LPA's comments in paragraph 4.7 and 4.8 regard breaching an alleged building line it is stated at paragraph 4.9 –

"Officers would not object to an increase in the depth of the existing rear building line in principle, subject to appropriate height, depth, articulation and sympathetic design."

Therefore there is no policy presumption against the depth of the proposed rear extension.

- Paragraph 4.12 the proposed high quality design-led scheme that takes reference from the form of construction does no adversely affect the architectural integrity of the building and particularly where the appeal development will replace existing additions that are very much of their time with no design relevance to the Arts and Craft style.
- Paragraph 4.12 and the Reason for refusal states the proposed use of materials are not complementary to the character of the existing building. However the extensions will be render finished of matching colour and texture and roof tiles of identical colour and finish.

- Paragraph 4.12 the LPA raise concern regard the use of large glazing areas between the gable forms but fail to understand that this contemporary architectural detail will positively reveal aspects of the original property and compliment the layout and integrity of the host building.
- Paragraph 4.13 provides principle support for a contemporary rear addition where it states –

“Officers have not raised an ‘in principle’ objection to a contemporary design approach which provides a sensitive interpretation of the Arts and Crafts style.”

- Paragraph 4.13 states the design of the appeal extension is not in harmony with the original form and character and would erode the character of the building and surrounding area. However the LPA fail to explain how the form of the building would erode the character of the building where it specifically references the original form. No commentary is provided to explain how a rear extension invisible to the public realm can harm the character of the surrounding area.

The LPA acknowledge that the existing series of rear and side additions do not make a strong contribution to the character of the building but consider the mix of door and window styles of variety of size and materials constitute “traditional apertures” and the adhoc means of construction not following the ‘building line’ advocated for the appeal extension also to be ‘less harmful’. It will be evidenced during the Inspector’s site visit that the window and door openings within the existing rear additions do not replicate the traditional Arts and Crafts style of the original building (the conservation officer could have viewed such but chose not to)

- Paragraph 4.14 the LPA consider the proposed rear gable detailing dominates the roof form and elevation and as such detracts from the integrity of the original architecture. The gable detail comprises an integral part of the contemporary interpretation of the Arts and Crafts form evident on the front elevation.

It has been incredibly difficult for the scheme architect to follow changing and contradictor advice provided by the LPA, as led by a conservation officer that has not visited the site. From the responses to the above paragraphs of the Delegated Report the LPA state that –

- Depth development beyond a perceived building line is acceptable (4.9);
- Contemporary design is acceptable (4.13);
- Materials must match existing (4.12);
- Neither Planning Policies nor SPG are prescriptive regard specific dimensions of rear extension depths, width, height or mass in relation to original buildings (4.1 – 4.6).

Yet contemporary proposed design that specifically references the evidential original form of the building, of a scale compatible to context and constructed and finished in matching render and tiles is considered unacceptable.

- Paragraph 4.16 the LPA consider the appeal development contrary to para 196 of the NPPF where despite concluding that the appeal development would have less than significant harm, there are considered to be no over-riding public benefit to outweigh identified harm because the proposal is for a private extension. As referenced above the proposed extension of high quality architecture as a replacement extension will positively enhance that character and appearance of the host building and consequently there is no harm to the identified 'significance' of the heritage asset; the conservation area.
- Paragraphs 5.1 – 5.2 the LPA in accordance with the reason for refusal consider the proposed development will not adversely impact on the amenity of adjoining neighbours or those in the surrounding area.
- Paragraph 5.3 the Appellant raises no objection to the imposition of an appropriate worded Condition(s) to provide a screen to the first floor balcony or obscure glazing to first floor side windows to prevent overlooking.
- Paragraph 5.4 reference is made to the roof space bedrooms only being served by rooflights. The provision of rooms within roof spaces is common practice and with regard to sustainability are actively encouraged as a means of ensuring a more efficient and effective use of a building. Rooflights within conservation areas are generally bespoke to a particular property and can be installed flush with a roof plane or crown to ensure there are no intrusive projections. Rooms within roof spaces can readily meet Building Regulations and means of escape requirements. The proposed rooflights provide more than adequate natural light sources for secondary bedrooms. No LPA raised no amenity objections in the reason for refusal.

For the purpose of clarity and avoidance of doubt as part of this appeal submission Plan Ref 800.212c has been amended to remove the 2 windows shown within the front gables serving bedrooms 3 and 4 as attached at **WP5** as plan Ref 800.212d. These windows were removed from the front elevations at the request of the LPA and the Appellant had no objections to their removal.

7 CONCLUSION

7.1 I have examined the material considerations relating to the Reason for refusal given in the Decision Notice and consider that:

- The design, scale and appearance of the proposed extensions and alterations are acceptable in this location and well related to the mass, form and character of the host building and local context;
- There are no adverse impacts on the identified 'significance' and setting of the Holly Lodge Estate Conservation Area;
- The LPA state there are no principle objections to either depth development beyond the existing extension nor to contemporary design;

- There are no prescriptive guidelines regard 'building lines' or dimensions of proposed extensions set out in adopted Development Plan policy or SPG;
- There is no conflict with either national planning policy guidance, relevant Development Plan policy or guidance documents and hence the Appellant cites the support of Section 38 of the PCPA 2004.

I therefore invite the Inspector to allow the appeal and award costs against the Council.

8 APPLICATION FOR AN AWARD OF COSTS AGAINST CAMDEN COUNCIL TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND THE LOCAL GOVERNMENT ACT 1972 SECTION 250(5)

- 8.1 The Appellant respectfully seeks to recover the Costs of the Appeal due to the unsubstantiated decision in the absence of a site visit constituting unreasonable behaviour.
- 8.2 The Appellant does not accept that a detailed and considered decision either could or should have been made where assessing the impact of the proposed rear extension set within an enclosed and secure private rear garden without carrying out a site visit to review and assess all relevant material considerations.
- 8.3 Whilst there is not a legal requirement to carry out a site visit it is best practice and particularly where all issues relating to the refusal reason pertain to the alleged harm arising from a development that cannot be seen from the public realm. Therefore the Appellant contends the Reason for refusal and comments provided by the Conservation Officer are not impartial and cannot therefore be substantiated by objective consideration of all relevant material considerations.
- 8.4 Given the proposal seeks the replacement of a series of architecturally unexceptional existing extensions, an assessment against how the existing setting by comparison to that proposed within the context of the scale, appearance of the neighbouring buildings is essential to properly inform the decision maker.
- 8.5 Whilst the LPA state in their e-mail of 23rd December 2019 that an assessment has been made using photographs, aerial images and the plans, such 'virtual' assessment denies consideration of the actual setting, as viewed from a human ground level perspective and how such relates to the site, surroundings and importantly the conservation area context.

9 SUGGESTED CONDITIONS

1. Development hereby approved shall commence within 3 years of the date of the permission.
2. Samples of all materials of construction and finishes including window and door frames and roof lights shall be submitted to and approved in writing by the LPA prior to the commencement of site works.

3. Prior to the rear first floor balcony being first brought into use details of a balustrade screen shall be submitted to and approved in writing by the LPA.
4. The construction of the development hereby approved including demolition shall take place only between the hours of 08:00 and 18:00 Monday to Friday and between 08:00 and 13:00 on Saturdays and not at any time on Sundays or Bank Holidays unless otherwise agreed in writing with the LPA.