

Second floor flat, 32 Parliament Hill, London NW3 2TN

Grounds of Appeal and Statement of Case

Introduction

1. This Statement provides the combined Grounds of Appeal and Statement of Case for the appeal lodged following a refusal of planning permission for two external terraces at the Second floor flat, 32 Parliament Hill.
2. The planning application was submitted following pre-application discussions with Officers at the LPA. A larger terrace was proposed at pre-application stage, created by combining the two Second floor dormer windows. In response to Officer feedback, the size of the terrace was reduced considerably. The existing separate dormers were retained and a small balcony proposed above each one.
3. The submitted scheme sought to address Officer concerns. The planning application and supporting information justified the proposal. The LPA could have taken a positive and creative approach and approved the application in accordance with NPPF para 38.
4. It is understood Officers did not visit the appeal property during the pre-application stage nor once the planning application was submitted. The statutory consultation period for the planning application expired 6 weeks before Covid-19 formal Lock Down. There was ample opportunity for a site visit.

Grounds and Statement

5. The London Plan 2016 provides strategic planning policy for the appeal property. The scale and nature of the proposals do not raise issues of strategic importance. This Statement, therefore, refers to the local policy context; in any event, the adopted Camden Local Plan is in conformity with the London Plan.
6. In addition to policies cited in the reasons for refusal, Policy A2 (Open Space) of the Camden Local Plan 2017 and its supporting text are relevant.
7. The table below and following commentary considers statements in the reasons for refusal and explains why, in the appellant's opinion, the LPA's concerns are unfounded, and the proposed development can be supported as being in accordance with the development plan.

Statements in reasons for refusal	Appellant's response
The balconies are an incongruous feature and fail to preserve the legibility of the dormers.	<ol style="list-style-type: none">1. External balconies and terraces are commonplace on residential buildings; of different designs and ages; and across multi-levels in buildings comprising flats. As a design feature they are not unusual, are recognisable, extremely familiar and widely accepted.2. Rear balconies/ terraces already exist at the host

	<p>building and elsewhere in the Conservation Area, including the adjacent dwellings either side of the appeal site (No 30 and No 34). This is illustrated in the photographs on pages 5 and 10 of the DAS and the Existing Image jpg.</p> <ol style="list-style-type: none"> 3. The appeal property is not seen in the important historic and significant views designated in planning policy. Neither is it seen in the key important local views identified in the Hampstead Neighbourhood Plan (Map 4). 4. Views of the existing Second floor dormers from public vantage points are extremely limited; an incidental glimpse when heading west along a small section of Nassington Road. This view is partially screened when trees are in foliage. From this position the proposal would be seen in conjunction with existing balconies/terraces. The railings are similar to those protecting the terrace at No 34, and help to unite the properties as a pair of villas in this view. 5. In this respect the balconies would be in harmony and not out of keeping. The proposal will not be incongruous. 6. The Second floor dormers will continue to be subordinate additions to the overall roof form, clearly read and legible, as illustrated in the Proposed Image jpg.
<p>The balconies are overbearing and erode the original character and form of the building.</p>	<ol style="list-style-type: none"> 1. The size of the balcony was specifically reduced in response to officer pre-application advice. 2. Each balcony is extremely modest in size (circa 4 sqm). They are smaller than the terraces on the lower levels of the host building, and smaller than the Third floor terraces on neighbouring buildings. 3. Indeed, current standards would expect considerably more outside amenity space for a new build 3-bedroom flat (132 sqm). In this respect, the proportions are not out of kilter or overbearing. 4. The original character and form of the rear of the host building has altered over time. The Third floor was a roof extension approved in 2016. The consented scheme included two dormer windows at Third floor, subsequently replaced with the existing full width dormer, picture window and Juliette balcony (planning permissions 2014/2605P and 2016/1514P). In approving the picture window the LPA Officer stated "Almost every

	<p>property in the row features either rear dormer windows or sliding doors with terraces at upper levels. The design of these roof additions vary along the road, however generally there is uniformity in design across pairs of semi-detached properties” (delegated Officer report for 2016/1514P para 2.5, copy appended).</p> <p>5. This proposal is a further evolution in the design of the building, adapting the appeal property to improve amenity and quality.</p>
<p>The proposal would harm the character and appearance of the conservation area.</p>	<ol style="list-style-type: none"> 1. The Character Area summary in the Neighbourhood Plan describes terraced housing as a typical feature of Parliament Hill and specifically refers to properties having a direct relationship to the street. It states there are varying building styles but with a common palette of brick and stucco and rooflines that rise and fall with topography (Map 2 and Character Area C in Appendix 2). 2. There is no change to the front of the appeal property. The front elevation is the most striking aspect of the building and its positive contribution to the significance of South Hill Park Conservation Area. It is described in the CA Statement as an attractive example of the 9th Century Gothic Revival style, comprising front gables, ground floor bays, gabled front dormers and stucco surrounds. The direct relationship of the host building to the street will be unchanged. 3. The proposal will preserve the integrity of Parliament Hill. 4. The roofline of the host building remains intact. 5. The Conservation Area (CA) is punctuated with balconies/ terraces on the rear elevations of buildings, particularly those in residential use, as illustrated on page 8 of the DAS. This is part of the wider character and appearance of the CA. 6. There will be no loss or substantial harm to the CA as a designated heritage asset. There will be no harm that is less than substantial to the significance of the CA. 7. Notwithstanding, should the Inspector conclude the development does give rise to some harm, the benefits of the proposal – direct access to private amenity space for a family sized dwelling, improved wellbeing for residents, more sustainable design (consistent with the principles at NPPF para 127f) – would outweigh the harm. The balancing exercise at NPPF para 196

	supports the grant of planning permission.
The balconies would result in harmful overlooking and loss of privacy to 34 Parliament Hill.	<ol style="list-style-type: none"> 1. The proposed balconies are slightly lower than the terrace at No 34, by approximately 0.7 m. The potential to overlook the accommodation at Third floor of No 34 is restricted by this height differential and the set back glazing line, as illustrated on page 10 of the DAS and the Proposed Image jpg. 2. These neighbour relationships and proximities will not be harmful. 3. No neighbour objections were received at planning stage.
Other considerations	<ol style="list-style-type: none"> 1. The proposal provides private amenity space for a family sized dwelling and residents who at present have no access to outside space. The Local Plan recognises private amenity space is important for quality of life and “greatly valued and can be especially important for families” and encourages exploration of all options to provide new private outdoor amenity space (para 6.49, 7.23). 2. Local Plan Policy A2o ensures development seeks opportunities for providing private amenity space. 3. This is considered good planning, important to health and wellbeing and would be a pre-requisite for a new building (Policy D1i). 4. The balconies will improve natural ventilation and help reduce overheating, adapting the flat to enhance energy performance and achieve a more sustainable design solution (Policy D1c).

8. With regards to specific requirements of policies cited in the reasons for refusal:

Camden Local Plan 2017

D1 Design

- Local context and character are respected (part a).
- The CA as a heritage asset is protected (part b).
- The proposal improves the sustainability of the appeal property (part c).
- Introducing outside space increases useability of the appeal property (part d).
- The proposed railings are in keeping with local context (part e).
- Access to private amenity space can promote health benefits (part h).
- Outdoor amenity space is provided (part l).
- Strategic and local views will be preserved (part m).
- The balconies improve the existing standard of accommodation (part n).
- Parts f, g, i, j, k, o are not directly applicable.

D2 Heritage

- There will be no loss or substantial harm to the CA.
- There will be no harm that is less than substantial to the significance of CA.
- The proposal will preserve the character and appearance of the CA (part e).
- Parts f, g, h are not directly applicable.

Hampstead Neighbourhood Plan 2013

DH1 Design

- The proposal is a positive response to the distinctiveness of the area (part 1).
- Local character and context is respected (part 2c).
- Neighbouring amenity is protected (part 2d).
- Parts 2a, b, e are not directly applicable.
- Design analysis was provided as part of the planning application (part 3).
- The proposal respects the character of the area and enhances the way it functions (part 4).

DH2 Conservation areas and listed buildings

- The CA guidelines were considered as part of the application submission (part 1).
- The relationship of the Second floor dormers with the Third floor extension is not part of the original building (part 3).
- The appeal property will continue to make a positive contribution to the CA (part 4).

Conclusions

9. The appellant engaged in the pre-application process in accordance with the NPPF (para 39, 40).
10. The proposal accords with the development plan, there is no conflict; the presumption in favour of sustainable development should be upheld.
11. It is respectfully requested that planning permission is granted.

Appendix

LPA delegated Officer report for planning application 2016/1514P