



APPEAL STATEMENT OF CASE



13c Gardnor Road, NW3

Boyer

January 2021

Report Control

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1. INTRODUCTION

1.1 This Appeal Statement has been prepared on behalf of our client, Mr and Mrs Klein-Wassink, in support of an appeal via the Written Representations procedure, against the London Borough of Camden's (LBC, the Council) refusal of householder planning application ref: 2019/6281/P on 3 November 2020.

1.2 The appeal site comprises the residential dwelling house at 13C Gardnor Road, London NW3; a two-storey terraced house. The building is located in the Hampstead Conservation Area and is not listed. A full description of the site and surroundings is provided in Section 2 of the originally submitted Planning Statement which accompanies the appeal.

1.3 The planning application was validated on 18 December 2019. The application was amended during its processing and the eventually refused description of development is:

Erection of roof extension to increase roof ridge height; erection of rear dormer windows; installation of rooflights to front and rear roofslopes; erection of first floor rear addition with installation of obscure glazed windows to first floor side and rear elevations.

1.4 The proposed extensions and alterations to the house are intended to create two additional bedrooms. The roof ridge is being raised by 421mm to match the ridge height of the adjoining property, and the ceiling height of the floor below is being lowered by 382mm so that the loft space is no more than is necessary to enable a person to stand up.

1.5 The application was refused under delegated authority for three reasons as sated on the Council's notice dated 3 November 2020, but repeated for ease here:

1. *The proposed roof extension with raised ridge line, dormers and rooflights, by reason of their siting, scale, height and design, would harm the appearance and architectural integrity of the property, would harm the setting and symmetry of the three houses at nos. 13A, B&C, and would harm the character and appearance of the streetscene and Hampstead Conservation Area. As such the proposal is contrary to policies D1 (Design) and D2 (Heritage) of the London Borough of Camden Local Plan 2017 and policies DH1 (Design) and DH2 (Conservation areas and listed buildings) of the Hampstead Neighbourhood Plan 2018.*
2. *The proposed raised roof ridge and formation of dormers, by reason of their siting, scale and proximity to neighbouring windows, would result in a loss of outlook and increased sense of enclosure to no. 56 Flask Walk. As such the proposal is contrary to policy A1 (Managing the impact of development) of the London Borough of Camden Local Plan 2017.*

3. *In the absence of information to demonstrate otherwise, it is considered that the proposed raised roof ridge and formation of dormers, by reason of their siting, scale and proximity to neighbouring windows, would be likely to result in a harmful loss of daylight and sunlight and increased levels of light overspill to no.56 Flask Walk. As such the proposal is contrary to policy A1 (Managing the impact of development) of the London Borough of Camden Local Plan 2017.*

1.6 This Statement of Case does not seek to rehearse the contents of the documents and reports which were submitted to accompany the planning application. As such, this Statement should be read alongside the originally submitted reports, in particular:

- Existing and proposed drawings by Robert Dye Architects (RDA)
- Planning Statement by Boyer;
- Planning Statement (Rooflight Precedents) by Boyer

1.7 This Statement of Case sets out the Appellant's grounds of appeal. The Appeal Statement is structured as follows:

- Section 2 – provides an overview of the relevant planning policy and guidance;
- Section 3 – outlines the grounds of appeal;
- Section 4 – provides a summary and conclusion.

2. PLANNING POLICY CONTEXT

- 2.1 Applications for planning permission should be determined in accordance with the development plan unless material considerations indicate otherwise, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004.
- 2.2 The statutory development plan comprises the London Borough of Camden Local Plan (2017), the Hampstead Neighbourhood Plan (2018) and the London Plan (as amended 2016).
- 2.3 Other policy documents that are material considerations in the determination of planning applications include the National Planning Policy Framework (NPPF) (2019), National Planning Policy Guidance (NPPG), the London Plan Supplementary Planning Guidance (SPG) and LBC's Supplementary Planning Documents (SPDs).
- 2.4 In the Council's refusal of the original application, the Council determined that the proposals did not comply with the following policies:

LBC Local Plan (2017)

- 2.5 Policy D1 (Design) is the borough's over-arching design policy which applies to all development in the borough. It is accordingly typical of such development plan policies and is of the sort that the Government's White Paper planning reforms seek to standardise.
- 2.6 The Policy it seeks design of 'high quality' that 'respects local character and context and 'preserves or enhances the historic environment and heritage assets' in accordance with heritage policy. It seeks that development 'comprises details and materials that are of high quality and complement the local character'. The policy says nothing specific about householder extensions and the great majority of the policy's sub-topics are not readily applicable to householder extensions.
- 2.7 The borough does not have a specific policy for householder extensions or extensions and alterations to dwellings.
- 2.8 Whilst the importance of the borough's heritage to Camden is very clear their Policy D2 (Heritage) is, as above, a fairly typical development plan policy recognising that all such policies are constrained by the specific requirements of s66 and s72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the National Planning Policy Framework obligations relating to heritage. Basically under H2 where harm to a heritage asset is found it must be outweighed by public benefit (in accordance with the relevant paragraphs of the NPPF).

- 2.9 Policy A1 (Managing the impact of development) is the borough's overarching policy that ensures that impacts arising from development (including transport impacts) are not unsustainable. It is also fairly standard and typical and covers the whole range of potential amenity impacts visual privacy, outlook, sunlight, daylight and overshadowing, artificial lighting levels, impacts of the construction phase, noise and vibration levels, odour, fumes and dust, microclimate, contaminated land, impact upon water and wastewater infrastructure. It is unremarkable despite once again the importance of residents' amenity to Camden being made clear in the supporting text. Some elements of the policy are repeated in other policies in the Transport, Community, health and wellbeing and Sustainability and climate change chapters and in policies A4 and A5 relating specifically to noise and vibration and basement developments. There is no specific policy relating to amenity impacts from householder development.

Hampstead Local Plan (2018)

- 2.10 Policy DH1 (Design) states development proposals should demonstrate how they respond and contribute positively to the distinctiveness and history of their character area through their design (and landscaping). Development proposals should demonstrate how they respect and enhance the character and local context of the relevant character area by: a. Ensuring that design is sympathetic to established building lines and arrangements of front gardens, walls, railings or hedges. b. Incorporating and enhancing permeability in and around new developments to secure safe and convenient access for pedestrians and cyclists, and avoiding lockable gates and fencing that restricts through access. c. Responding positively and sympathetically to the existing rhythm, proportion, height, scale, massing, materials and storey heights of surrounding buildings. d. Protecting the amenity and privacy of neighbouring properties. Development proposals that fail to respect and enhance the character of the area and the way it functions will not be supported.
- 2.11 Policy DH2 (Conservation Areas and Listed Buildings) states that planning applications within a Conservation Area must have regard to the guidelines in the relevant Conservation Area Appraisal(s) and Management Strategies but is otherwise in line with typical heritage policy.

Supplementary Planning Guidance

- 2.12 The Supplementary Planning Document (SPD) considered to be relevant in this case is Camden Planning Guidance Altering and Extending Your Home and Camden's Draft Home Improvements CPG (July 2020).

3. GROUNDS OF APPEAL

- 3.1 We do not repeat the Council's reasons for refusal here, but instead address the Council's concerns as catalogued in their officers' report that informs the reasons for refusal.

Reasons 1 and 2 – roof extensions and alterations

- 3.2 Whilst the officers' report only engages with the parts of the CPG Altering and extending your home (2019 – hereafter referred to as the CPG) which state that roof alterations and additions are likely to be unacceptable, the CPG also states that rooflights, additional storeys, dormers, mansards, terraces, balconies and other roof alterations are likely to be acceptable in certain cases, for example where alterations are architecturally sympathetic to the age and character of the building and retain the overall integrity of the roof form, and where there are a variety of additions or alterations to roofs which create an established pattern and where further development of a similar form would not cause additional harm.

Roof ridge

- 3.3 Camden considers raising the height of the roof ridge would be harmful to the host property and the conservation area because the houses in the group of three are of such interest that the change to the roofslope would affect their architectural and historic interest. The Council considers the stepped roof form of these properties forms an important part of the character which is publically visible from the street.
- 3.4 Officers consider the three houses are built on an incline and their rooflines currently step down elegantly and consistently from 13A to B to C, and that the proposal would not be sympathetic to established building lines and would not respect the character area in which the houses are situated; harm therefore arises. Officers go on to say the proposal would distort the rhythm of the terrace, removing the natural drop in the level of the roof lines which run with the drop in the street.
- 3.5 They don't stop there; officers consider the "historic" step would be lost and the ridge position would be out of alignment with its neighbour (being set back). Officers therefore conclude that for these reasons, the proposed alteration to the ridge is considered to be unsympathetic, uncharacteristic and would result in harm to the character and appearance of the property (as a positive contributor), its group value as part of this terrace, and the character and appearance of the surrounding Hampstead Conservation Area.
- 3.6 This is a rich and colourful description of a perceived design flaw that greatly exaggerates the level of impact. The reality is that the proposed increased in roof ridge height would be of a limited scale intended to provide no more internal head height than is necessary to stand up in, and done in a very sensitive manner, to a building to which no great weight has been afforded to its roof form in the Hampstead Conservation Area Statement (CAS).

- 3.7 The CAS notes nos. 13A, B and C. It recognises their key character features including arched front doors, and the fact they sit hard on the pavement. They are noted as positive contributors, being built in 1882. It is acknowledged that their front elevations in particular appear largely unaltered. No mention is made in the CAS of their roof form despite it being of such supposed importance.
- 3.8 Officers acknowledge that the roof extension would be formed by continuing the front roofslope at the same angle until it reaches the same height as the ridge at no.13B. The eaves and brickwork detail, and side party parapet would all remain unchanged. The existing slates would be removed, and where possible retained and reused on the front of the property. Similarly the finial detail would be retained and reused. In these regards the ridge-raising is being done in the most sensitive manner possible.
- 3.9 Officers' nonetheless conclude that this sensitive and modest alteration to the roof would cause harm to the Hampstead Conservation Area. We disagree and state in our judgment the impact to the building and the group of buildings would be so modest as to be imperceptible to most apart from those deliberately seeking it out; the change would be barely visible from street level and only from a limited number of private views from which it would not in any case be harmful. .
- 3.10 The slope of the street is not – as officers portray – an “elegant” feature of the conservation area that this roof deliberately mimics. It is a modest slope down which buildings along the street variously follow with some jutting abruptly against the general slope; the building immediately downhill is a full storey higher and the buildings on the opposite side have roof additions that ‘break’ the roof ridge considerably.
- 3.11 The slope of the street would in any event ‘absorb’ the increase in the roof ridge being raised whereas such a change on a flat street with a consistent ridge line would result in the affected house standing out from its neighbours. In this regard the proposed design sensitively responds to its context by taking advantage of the slope of the street.
- 3.12 Officers' reference to the impact on building lines is simply incorrect as the development would not alter the building line at all.
- 3.13 It must also be recognised that Gardnor Road is not a prominent street; it is a quiet cul-de-sac for local access only and is not frequented by large numbers of the public. Any impact caused by alterations in the street is commensurately modest.
- 3.14 In summary, no harm would be caused to the conservation area. The development would accord with the CPG aspiration of development being architecturally sympathetic to the age and character of the building and retaining the overall integrity of the roof form.

Dormers

- 3.15 The CPG discusses dormers specifically. It states that dormers should not be considered appropriate unless the pitch of the existing roof is sufficient to allow adequate habitable space without the creation of disproportionately large dormers or the raising of the roof ridge. It states that dormers should not be introduced to shallow-pitched roofs. Where dormers are proposed the CPG suggests “usually” a 500mm gap between the dormer and the ridge, party wall and eaves in order to maintain an adequate visual separation from these elements.
- 3.16 The design of the proposed dormers has been amended since the submission of the application to address initial officer comments.
- 3.17 However officers still consider the dormers would have an excessive projection which is uncharacteristic of traditional dormers. Part of the Council’s objection to the dormers is they require (in the Council’s view) fundamental alterations to the roof form). This matter is addressed above. Nonetheless the Council considers the dormers detract from the character and appearance of the host building within the Hampstead Conservation Area.
- 3.18 In actual fact the proposed dormers accord with CPG and are acceptable. They are a pair of dormers (rather than a single wide dormer) at an even spacing. Individually they are modest width and retain a 500mm gap on all sides. That they require the roof ridge to be raised to accommodate them is irrelevant; that matter is addressed above. Materials and fenestration have been chosen to reflect the architectural character and to address potential overlooking. The dormers therefore accord with CPG and are therefore be considered acceptable.

Rooflights

- 3.19 CPG states that roof lights can have an adverse impact upon the character and appearance of buildings and streetscapes, particularly where they are an incompatible introduction into an otherwise un-cluttered roofscape. The CPG does not state that here is an in-principle presumption against rooflights.
- 3.20 Officers are concerned that the proposed front-facing roof lights would be “immediately” visible in views of the host property. Officers reiterate that the front elevations of these three cottages (viewed as a group) are largely unaltered from their original form, they therefore conclude that the insertion of roof lights would serve to “significantly detract” from this. The roof lights would serve to unbalance the row of cottages, where the application site is viewed as part of the group of three cottages at 13 A, B and C Gardnor Road. Therefore, officers say, harm arises.
- 3.21 As above this interpretation of the impact caused by the flush, conservation-style rooflights proposed greatly exaggerates their potential impact. They would be barely visible from the street and designed to be completely flush with the roof level so as not to project. In any event, even if visible, given they would not project it is plainly an over-statement to conclude they would be harmful to the balance of the composition of the three cottages or to the house itself or to the conservation area. The position the Council has taken here is that rooflights are by definition harmful features that, if visible in any manifestation at all, must cause harm. This approach is not borne out in their own CPG or in adopted policy or the NPPF.

- 3.22 Without prejudice to the view above, we have also demonstrated via a supplementary Planning Statement Rooflight Precedents a great number of instances in the local area where similar (or indeed less well-designed) rooflights have been granted planning permission or exist in any event. We invite the Inspector to consider these precedents as material considerations that indicate that planning permission should be granted given their proliferation in the area.

Balance

- 3.23 Whilst officers find various harms arising from the matters discussed above, there are none. The proposed development has been designed extremely carefully and successfully to address potential impacts on the character and appearance of the building and the conservation area. No harm is caused to the Hampstead Conservation Area, the character and appearance of which is preserved, and Local Plan policies D1 and D2 are complied with.
- 3.24 As no harm is caused paragraph 196 of the NPPF (2019) is not engaged and no public benefit needs to be demonstrated. In any event, and should the Inspector be minded to agree there is harm, some public benefit does result, which officers acknowledge. These benefits include the increase in house size to form a 'family sized dwelling' (increasing from a two bedroom house to a four bedroom house). The property is also single aspect at present, with the proposal making it dual aspect (with resultant ventilation benefits).
- 3.25 Officers consider the amount of benefit to be limited, but it is nonetheless outweighs whatever harm might be found to the conservation area from this very modest and sensitively designed development.

Reason 3 - Impact on neighbouring amenity

- 3.26 Officers consider the proposed roof alterations and extensions would result in harm to the occupiers of no.56 Flask Walk at the rear due to loss of outlook, increased sense of enclosure and loss of daylight. A reasons for refusal is therefore included due to conflict with Policy A1.

Outlook and sense of enclosure

- 3.27 There are no objectives measures for impacts on outlook and sense of enclosure. Each case must be assessed on its merits and a judgment reached taking into account the existing urban grain and character and level of amenity, and the scale and nature of the impact on it.
- 3.28 In this case the Appeal property and its neighbours lie in a tightly-grained part of inner London where the historic street pattern and pattern of development is commensurately tightly-drawn. There are ample examples in the vicinity where adjacencies between properties result in rather close-quarters living arrangements, where buildings follow this historic street pattern; it is not a regular grid on which separation distances have been carefully planned. It's a street plan laid out in response to navigating Hampstead's hill by foot or horse and cart from as far back as the 1700s.

- 3.29 The area's history including its winding street pattern is also why it is so highly sought-after and cherished. And whilst any occupant will wish for a high standard of outlook and limited sense of enclosure, these are not the reasons that residents typically gravitate toward Hampstead. They seek the history and all its concomitant quirks which can include, in some cases, close adjacencies to neighbours.
- 3.30 The appeal site is such a case, where the properties to the rear on Flask Walk do not enjoy an open suburban outlook but instead a very urban but historic outlook to the rear elevation of properties a few metres away. But the occupants chose to live there despite this outlook being less than they might have enjoyed in a more suburban location.
- 3.31 The level of impact caused to the existing arrangement by the proposed dormer and sloping roof ridge would be minimal. The dormers are split and evenly spaced, and meet Camden guidelines in terms of dimension. Whilst the roof ridge would be raised it does so at a raking pitch rather than a vertical increase that would cause great impact. The overall quantum of additional mass and its distance, orientation and design in relation to neighbouring windows is such that no significant adverse impact would be caused. And recognising again that a tight urban grain is characteristic of this part of Hampstead where Flask Walk and Gardner Road converge at such an acute angle, the level of adjacency is not out of the ordinary nor the impact beyond what an occupant might legitimately expect. Indeed the affected building at Flask Walk itself might be considered the example where harm has been caused to the local pattern of development.
- 3.32 Overall the impact on outlook and enclosure is not considered significant or out of the ordinary and does not represent a conflict with A1.

Daylight

- 3.33 The Appellant did not produce a BRE daylight and sunlight impact assessment simply because none is warranted in this case. The scale, mass and orientation of the proposed extensions is such that no significant adverse impact would be caused.

4. CONCLUSION

- 4.1 Contrary to the reason for refusal, this Statement demonstrates that the proposals are in accordance with Local Plan Policies D1, D2 and A1. The proposed development has been sensitively designed to minimise impact on the house, its group, and the conservation area and accordingly causes no harm. The proposals therefore preserve the character and appearance of the Hampstead Conservation Area.
- 4.2 It is also considered that given the limited scale and mass of the roof additions that no significant adverse impact on amenity would be caused and the proposed development therefore complies with Policy A1.
- 4.3 The proposed development therefore complies with the Development Plan and permission should therefore be granted