

Report Control

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Client:	Omar Soomro and Shehlina Soomro
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1. INTRODUCTION

- 1.1 This Appeal Statement has been prepared on behalf of our clients, Omar and Shehlina Soomro, in support of the appeal, via the written representations procedure, against the London Borough of Camden (LB Camden, the Council)'s refusal of application ref: 2020/3717/P on 2nd December 2020. This application relates to proposals at 50 Belsize Park Gardens, London, NW3 4ND with the following description of development:

Erection of side dormer extension and fenestration alterations on existing side dormer.

- 1.2 The application was refused under delegated powers with a single reason for refusal cited. A copy of the decision notice is provided at [Appendix 1](#) and the reason for refusal reads:

The proposal, by reason of its location, design, size and bulk, would harm the character and appearance of the host property, its semi-detached pair, the streetscene and wider conservation area, contrary to policies D1 (design) and D2 (heritage) of the Camden Local Plan 2017.

- 1.3 This Appeal Statement provides the primary basis of the Appellant's grounds of appeal and is structured as follows:

- Section 2 – describes the site and surrounding context;
- Section 3 – sets out the planning history of the site and nearby properties;
- Section 4 – provides an overview of the planning policy and guidance relevant to the appeal scheme;
- Section 5 – outlines the grounds of appeal;
- Section 6 – provides a summary and conclusion.

2. THE SITE AND SURROUNDING AREA

- 2.1 The appeal site is located on the north side of Belsize Park Gardens, opposite the junction with Lambolle Place. It comprises a four storey semi-detached property with additional habitable accommodation provided within the roodspace. The property is divided into five flats.
- 2.2 The appeal relates to the top floor flat which comprises a living room, bedroom and a bathroom which is housed within an existing side dormer. There is also a smaller dormer located to the rear and several roof lights. To the front of the roofslope is a third dormer which accommodates a set of double doors which lead out to a small balcony. Various applications have recently been approved on the site involving the enlargement of the rear dormer, the replacement of the windows to the side dormer, new roof lights and the replacement of the metal balustrade surrounding the balcony with a glass balustrade. These applications are detailed in Section 3.
- 2.3 The building on site is not listed but is located within the Belsize Conservation Area. The Belsize Conservation Area Statement lists the property as being a positive contributor to the character of the conservation area (as are all properties within this stretch of the Belsize Conservation Area).
- 2.4 The surrounding area is predominantly residential, characterised by large semi-detached properties on tree lined streets. Many of the properties in the immediate surroundings have been altered and extended over the years. In particular, a the majority of surrounding properties have dormer windows on the front and side roof slopes which are visible from the street. Whilst these dormers are not original, they appear on so many of the surrounding properties that they now form part of the character of the area. The variety at roof level is confirmed by a recent appeal decision relating to 19 Belsize Park Gardens (Appeal Ref: APP/X5210/W/3168906). In allowing an appeal for a side dormer (Appendix 2) at the property the Inspector confirmed:

“(Belsize Park Gardens is defined by)... imposing Italianate villas built in the mid-19th century with a considerable degree of architectural uniformity and detailing. This is described in the Conservation Statement that was adopted by the Council in 2002. Belsize Park Gardens reflects these attributes but whilst there is a degree of uniformity in appearance of these buildings up to eaves level, there is much variation above this. Additions of dormer windows of different forms and sizes are common on both side elevations and front and rear elevations, often in combination with balconies” (Boyer emphasis).

3. PLANNING HISTORY

History of the Site

3.1 The planning applications relevant to the property are presented in below:

Reference	Description	Decision
2020/1614/P	Erection of new enlarged rear dormer extension following the demolition of existing, replacement existing windows of the side dormer roof extension and installation of new skylights to the flank elevation	Approved 03/07/2020
2020/3448/P	Replacement of metal balustrade with new clear glass balustrade around the existing balcony on the front roofslope	Approved 13/10/2020
2020/2874/P	Alteration to the fenestration treatment to the rear and side elevation at lower ground floor level.	Approved 21/10/2020

Relevant Local Planning History

3.2 Dormers are a common feature of properties in the immediate vicinity and many of these are located on prominent side and front roof slopes which are visible from the street. Whilst some of the dormers are historic, many are recent additions which have been approved under the Council's extant Local Plan policies. Below are several recent side dormer applications on Belsize Park Gardens.

Address	Reference	Description	Decision
29 Belsize Park Gardens	2017/7041/P	Proposed enlargement of existing front and rear dormers including terraces and the construction of a <u>side dormer window</u> and chimney	Approved 24/04/2018
53 Belsize Park Gardens	2017/3668/P	Installation of a <u>side dormer</u> to an existing loft conversion.	Approved 18/09/2017
22 Belsize Park Gardens	2017/3502/P	Creation of a <u>Dormer window roof extension to the side elevation</u> of the property to serve top floor flat (class C3).	Approved 06/09/2017
19 Belsize Park Gardens	2016/5209/P	Erection of a <u>side dormer</u> to an existing loft conversion.	Refused 15/11/2016 Appeal allowed 08/06/2017
75 Belsize Park Gardens	2015/4758/P	Change in unit mix of property containing 5 flats from (1x 1 bed, 1 x 2 bed, 3 x 3 bed) to (1 x 2 bed, 4 x 3 bed) plus erection of new front	Approved 09/09/2015

		<p>entrance portico, rear extensions at lower ground and upper ground floors, both with roof terraces above, and enlargement of <u>side and rear dormers</u> with new rear roof terrace and associated external alterations.</p>	
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3.3 The appeal decision at No. 19 is particularly relevant, as it had a very similar reason for refusal relating to the scale, bulk, siting and design of the dormer which were considered by the Council to be detrimental to the character and appearance of the host building and the conservation area. However, the Inspector disagreed with this and allowed the appeal. Paragraph 4 of the Inspector’s Report (Appendix 2) refers to the existing dormers within the conservation area and confirms that, regardless of when they were approved, they now contribute to the character of the conservation area:

“I note the Council’s comments on these developments regarding when they were likely to have been carried out relative to their ability to enforce, the status of the development plan and other guidance referred to. Many of these roof additions appear to have been constructed prior to 2002 although they were not noted as a negative feature within this particular part of the conservation area. Policy DP24 of the Camden Development Policies 2010- 2025 require high quality design and its supporting text indicates that past alterations and extensions should not necessarily be regarded as a precedent for subsequent proposals. Similar advice is provided in the council’s Planning Guidance on design adopted in 2015. However, from the information provided by the appellant, roof extensions have continued to be granted permission by the council within the context of the existing development plan policy. Regardless of how these developments came into existence I consider that they do now contribute to the character and appearance of the BCA.”

4. PLANNING POLICY CONTEXT

- 4.1 Applications for planning permission must 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.
- 4.2 The statutory development plan comprises the Camden Local Plan (2017) and the London Plan (2016).
- 4.3 Other policy documents that are material considerations in the determination of planning applications include the National Planning Policy Framework (NPPF), National Planning Policy Guidance (NPPG), the London Plan Supplementary Planning Guidance (SPG) and the Camden Supplementary Planning Documents (SPDs).
- 4.4 In the Council's refusal of the original application, the Council determined that the proposals did not comply with the following policies:

Camden Local Plan (2017)

- 4.5 Policy D1 (Design) seeks to ensure that development is of a high quality design. Relevant criteria of the policy are that development should respect local context and character, preserve or enhance the historic environment, be sustainable in design and construction, comprise details and materials that are of high quality and complement the local character, integrate well with the surrounding streets and open spaces, preserve strategic and local views and provide a high standard of accommodation.
- 4.6 Policy D2 (Heritage) requires development to preserve and, where appropriate, enhance Camden's rich and diverse heritage assets and their settings, including conservation areas. For designated heritage assets, the policy specifies that the Council will not permit development that results in less than substantial harm to the significance of a designated heritage asset unless the public benefits of the proposal convincingly outweigh that harm. Referring to conservation areas specifically, the policy specifies that development should preserve or, where possible, enhance the character or appearance of the area.

SPDs

- 4.7 The Supplementary Planning Document (SPD) considered to be relevant in this case is:
 - Belsize Conservation Area Statement (2003)
 - Altering and Extending Your Home Camden Planning Guidance

5. GROUNDS OF APPEAL

5.1 This section provides the Appellant's grounds of appeal.

Reason for Refusal

5.2 The reason for refusal sets out that the location, design, size and bulk of the proposed dormer would harm the character and appearance of the host property, the semi-detached pair, the streetscene and wider conservation area. Each of these points are discussed below.

Location

5.3 The proposed dormer is situated to the side roof slope of the property, immediately adjacent to the existing dormer. The Delegated Report suggests that the Council's concern with the location surrounds the fact that it will be closer to the road than the existing dormer. Paragraph 3.7 which states *"The existing dormer is set back from the front elevation of the property, whereas the proposed extension would be closer to the street and more visible even behind the small chimney."*

5.4 Whilst it is true that the proposed dormer will be located slightly closer to the street than the existing dormer, it will still be set back approximately 5 metres from the front façade of the building. This generous setback will ensure that the extended dormer will not be significantly more visible than the current side dormer window. The visibility is further minimised by the fact that the dormer will be partly obscured from view by the existing chimney. Furthermore, the location of the extension of the dormer towards the road will ensure that it sits central to the roofslope, which will enhance the symmetry of this façade.

5.5 As previously mentioned there have been numerous dormer additions to the majority of properties, to the extent that side facing dormers themselves are now an intrinsic feature of the character of the area. This has previously been confirmed by the Council. In approving a recent application (2017/3668P) for a side facing dormer, the officer's delegated report (Appendix 3) states at 3.3:

*"Similar proposal have been approved within the surrounding area, and following a recent appeal allowed at 19 Belsize Park Gardens (ref: 2016/5209/P), the inspector concurs that the development of roof extensions in existence within the area **now** contribute to the character and appearance of the Belsize Conservation Area".*

5.6 At 3.5 the Council confirmed that:

"....and in the context of other comparable development in the vicinity, it is considered that the proposal would preserve the character and appearance of the Belsize Conservation Area".

- 5.7 In approving a new side facing dormer window at 75 Belsize Park Gardens (2015/4758/P), the Council's delegated report (Appendix 4) confirms at 4.5.6:
- 5.8 *"It is considered that the principle of dormers in particular is well established along Belsize Park Gardens; there is a strong precedent of side dormers already set here, as evidenced in the Relevant History section of this report, several of which have been determined within the LDF timescale. The two neighbouring properties at 73 and 77 Belsize Park Gardens both have substantial side dormers."*
- 5.9 Given that the Council have previously confirmed that side facing dormers are characteristic within the area, it is entirely unclear why Officers have changed their mind in this instance. There are numerous examples of permissions for side dormers along the street. The Belsize Conservation Area Statement contains an inventory of negative features which are considered to detract from the character and appearance of the conservation area. The historic installation of side dormers within Belsize Park Gardens (of which there were many at the time of publication) is not listed as a negative feature within the conservation area.

Design

- 5.10 The extension to the dormer would involve the same materials as existing, and the new opening would have a timber sash window which would match the design of windows elsewhere in the property and the wider conservation area. With regards to the detailed design of the dormer, the Delegated Report provides limited detail, but Paragraph 3.8 states that *"the proposed scale of the fenestration does not relate to the existing rear elevation below or follow a hierarchy up the building and thus appears out of proportion."*
- 5.11 It is acknowledged that the proposed window does not match the alignment of any of the windows below. However, the side façade is characterised by an irregular pattern of windows, with limited alignment and inconsistent shapes and sizes. The proposed window within the dormer extension will match the height of the other existing windows in the dormer and will be a similar proportion (although slightly slimmer). Given the varied shapes and sizes already present within this façade, it is not considered that the proposed window will appear out of proportion.
- 5.12 Overall the detailed design of the dormer is considered to be high quality design and will respect local context and character in accordance with Policy D1 of Camden's Local Plan.

Size and Bulk

- 5.13 Referring specifically to the overall massing and size of the extension, Paragraphs 3.7 and 3.8 of the Delegated Report states: *“The proposal would result in a cumulative dominant and prominent addition on the roofslope...The proposed dormer, in conjunction with the existing one, therefore subsumes the character of the roof and appears as an incongruous bulky addition which fails to be subordinate in relation to the roofslope.”* Paragraph 5.1 also notes that the dormer *“would appear as visually obtrusive and bulky and would dominate the side elevation of the property.”*
- 5.14 It is evident that the Council’s concern is the overall combined size of the dormer. The height of the extension would be less than the existing dormer, as it would be set up from the edge of the roof to minimise its massing and ensure that it does not dominate the roofslope. The depth would also be less than the existing dormer due to the position of the existing chimney. The total width of the dormer would be roughly 5.5m wide which is considered to be a comparable size to others within the conservation area. Within the immediate vicinity, the property directly opposite the site (no. 79) has a very visible full width dormer. To the immediate west of the site, the property (Atina Court, 2 Belsize Grove) has a full width front dormer and a large rear dormer. Beyond the immediate surrounding properties, there are many other large visible dormer windows which are of a comparable size to that proposed at the appeal site (referred to on the following page).
- 5.15 Given the other dormers present within the immediate vicinity, the overall scale and bulk of the dormer is considered to be an appropriate size and will respect local context and character, in accordance with Policy D1 of Camden’s Local Plan.

Impact on the Semi-Detached Pair

- 5.16 Paragraph 5.1 of the Delegated Report states that the proposals *“would unbalance this pair of semidetached properties and erode their symmetry.”* It is important to note that when standing in front of the property, it is nearly impossible to see both of the side roof slopes of Nos. 50 and 52. This means any difference in sizes will never be perceptible as there is no position in which both dormers can be seen to appreciate their size. Given this limited visibility, it is considered that the impact on the appearance of the semi-detached properties is acceptable.

Impact on the Conservation Area

- 5.17 The Delegated Report states that the proposals will cause harm to the Belsize Conservation Area. It is implied that much of this harm arises from the fact that the site is more visible than other properties in the conservation area given the fact it is at the end of a row of properties, so can be seen in long and short views from the street.

- 5.18 It is important to note that properties in this part of the Conservation Area have had numerous dormer extensions, so much so that they have become part of the character of the area. Whilst some of these are historic, visible dormers to the front and side roofslopes continue to be allowed by the Council, as evidenced in Section 3 of this Appeal Statement. This was noted by the Inspector in the appeal for the side dormer at No. 19, who confirmed that they now form part of the character of the Belsize Conservation Area.
- 5.19 The 'Altering and Extending Your Home' CPG specifies at 4.1 that roof alterations including dormers "*are likely to be acceptable 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*".
- 5.20 This clause of the CPG is referenced in the Delegated Report, but Officers appear to have failed to take into account the numerous other dormers along Belsize Park Gardens, particularly the immediate surroundings. Many of the dormers on surrounding properties are located on the front of properties, which are far more prominent and visible than that is proposed at the appeal site.
- 5.21 With regards to the visibility of the proposed dormer from long views within the conservation area, it is acknowledged that the side elevation of the property is visible when travelling east along Belsize Park Gardens. However, the dormer would be set back from the front façade of the building, meaning that it would be largely hidden from view by 2 Belsize Grove when viewed from the west of the site. The dormer would only start to become visible when viewed from opposite the junction with Belsize Grove. When viewed from here, the site would be viewed in the context of its surroundings, including the highly visible large front and side dormers at 2 Belsize Grove. Therefore, the proposed dormer is not considered to be particularly dominant or visible in relation to the surrounding context. The visibility would be further minimised by the fact that there is an existing mature tree to the immediate west of the site which would help to screen the dormer in the summer months.
- 5.22 There are numerous examples of prominent side facing dormers which are visible in long views along Belsize Park Gardens. Several of the more prominent examples are highlighted below. It should be noted that the proposed dormer which is the subject of the appeal is smaller than those evidenced within the following photographs.



View of Atina Court, 2 Belsize Grove (opposite appeal site) from junction of Belsize Park Gardens and Lambolle Place



View of 79 Belsize Park Gardens from the east



View of 62 Belsize Park Gardens. Side facing dormer visible in long views from the west.



View of 1 Belsize Park Gardens. Side facing dormer visible in long views from the west.



View of Avenue House, 2 Belsize Park Gardens. Large roof extension (rather than dormer) visible in long views from the west.

- 5.23 The Council's delegated report suggests that where the Council has approved side facing dormers, these have largely been to properties which are screened, thereby ensuring the side dormers do not become prominent. However, the views provided above clearly demonstrate that the majority of properties on Belsize Park Gardens which have flank elevations which are visible in long and short range views from the street have side facing dormers or large roofscape alterations. Consequently, visible side dormers are a clear characteristic of the local built form, and the proposed addition at the appeal site will not be an anomalous addition.
- 5.24 It is considered that given the surrounding context, the proposed dormer is entirely in character with this part of the Belsize Conservation Area and will therefore preserve the character or appearance of the area, in accordance with Policies D1 and D2 of Camden's Local Plan.

6. CONCLUSION

- 6.1 This Appeal Statement has demonstrated that dormers on prominent roofslopes are common along Belsize Park Gardens, so much so that they have become characteristic of the area. This has been confirmed by a Planning Inspector within a recent appeal Inspector and by the Council, in their assessment of a previous application for a side dormer. It is unclear why Officers have now changed their stance, given that the proposed dormer is very similar to a number of examples within the streetscene; many of which are highly visible.
- 6.2 The proposals involve the extension of the existing side dormer which is considered to be a high quality design, and which is an appropriate size in relation to the host property and the surrounding context.
- 6.3 The proposals comply with, and are indeed strongly supported, by planning policy at all levels. We therefore respectfully ask that planning permission be granted through the upholding of this appeal.