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Your Ref: APP/X5210/W/21/3271950
Our Ref: 2020/3115/P

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Dear Liam Collins,

Flat 3, 15 New End, London, NW3 1JD

Appeal on behalf of Mr David Katz for the refusal of planning permission

The Council refused planning permission under delegated powers on 11/03/2020 under Ref. 2020/3115/P.

The description of development was as follows:

Erection of a bi-sloped combination roof with a crown top, dormer window, 2x rooflights and installation of chimney stack to side elevation.

The reason for refusal are as follows:

- 1. The proposed roof extension and chimney by reason of their massing, scale, location and design would be visually prominent and incongruous additions, harming the form and architectural composition of the host building and wider terrace. The development would be detrimental to the character and appearance of the host building, the terrace of which it forms part and the wider Hampstead conservation area 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.*

1. Site Description

- 1.1. The application site is a top floor flat of a 3-storey Victorian building that has been split into 2 self-contained flats. The property is positioned on the prominent corner of New End where it meets and access way leading to Elm Row. It is located within the Hampstead Conservation Area, and the building is identified as making a positive contribution to the Conservation Area. The building is not statutorily listed, and there are no listed buildings within the immediate vicinity of the site.

2. Status of the Development Plan

Development Plan

For the purposes of s38(3) of the PCPA (Planning and Compulsory Purchase Act 2004), the development plan applying to the application sites comprises the London Plan 2021, the Camden Local Plan 2017 and the Hampstead Neighbourhood Plan 2018.

NPPF 2019

With reference to the National Planning Policy Framework 2019, policies and guidance contained within Camden's Plan 2017 are recent and up to date in accordance with paragraph 31-33 and 213.

There are no material differences between the NPPF and Camden Local Plan in relation to this appeal. Therefore Camden's policies should be given substantial weight in the decision of this appeal.

The London Plan 2021

The Camden Local Plan was adopted in July 2017. The relevant policies in the Camden Local Plan 2017 are:

- Policy A1 (Managing the impact of development)
- Policy D1 (Design)
- Policy D2 (Heritage)
- Policy T2 (Car free development)
- Policy T1 (Prioritising walking, cycling and public transport)

The Hampstead Neighbourhood Plan 2018. The relevant policies in the Camden Local Plan 2017 are:

- DH1 (Design)
- DH2 (Conservation areas and listed buildings)

Camden Planning Guidance (CPG)

[Home improvements](#) - January 2021

[Design](#) - January 2021

The Hampstead Conservation Area Statement (October 2001)

3. COMMENTS ON APPELLANT'S GROUNDS OF APPEAL

- 3.1. The appeal statement covers the significance of the heritage asset and a review of reasons for refusal. The most pertinent points made in appeal statement are summarised below in italics and addressed beneath.
- 3.2. *Contrary to the statement in the Officer Report (pl. refer to site description and elsewhere throughout the Report), no. 15 is not identified as a positive contributor on its own, instead it forms part of the contributor group nos. 1-25 (23-35 being the PH and 1-21 the 3 residential terraces, 1-7, 9-15 and 17-21), pl. refer to paragraph 1.4 above. This is significant as the proposed should be then assessed on its effect on nos. 1-21 (and not on no. 15), which is the position adopted by the appellant in the formulation of the appeal proposals.*
- 3.3. Officer Response: It is accepted that the terrace nos.1-25 can be considered to make a positive contribution to the conservation area through its collective group value, however each building is identified a positive contributor. It is not the terrace as a whole which is a positive contributor but rather each individual building. The word 'contributor' is singular and refers to an individual building that makes a positive contribution to the character and appearance of the conservation area. In any case, the assessment of harm should take into account the effect on the individual building, the wider terrace and the conservation area.
- 3.4. *In any case, were we to consider the contribution of no. 15 on the CA character we would find it severely compromised through the loss of the original slate coverings; the end chimney stack above eaves; loss of the original corner shopfront. The extent and adverse impact of this irreversible loss, its replacement in an arbitrary manner with the reinforced concrete bressumers and lintels and the painting of the original brickwork of the facades so as to reduce the visual effect of these alterations, can only be appreciated by comparison to historic examples which survive intact as the ones identified in Appendices I (location) and II (images) two of which, nos. 17 Flask Walk and 49 Gayton Rd, are located in the same sub-area of the CA as the appeal site*

- 3.5. *Not only the erosion of the historic form and value of no. 15 is clearly evident, it is also clear that it does not stop there but extends to the whole of the group nos. 1- 21. So what is then the positive contribution (if any) which nos. 1-21 make to the character and / or appearance of the CA? In conclusion, no. 15 New End forms part of nos. 1-21 New End which is a group identified in the CA Appraisal as a positive contributor; the group's original appearance and configuration are however severely and irreversibly compromised and therefore the group's positive contribution to the CA character and /or appearance in this location is (if any) only by its scale.*
- 3.6. Officer Response: The appellant suggests that the appeal building and terrace nos. 1- 25 makes a limited '(if any)' contribution to the character and appearance of the conservation area. The appellant lists a series of historic alterations which have involved the removal of original features and then makes reference to other buildings where these features have been retained. The appellant seems to suggest that the building and terrace holds little to no historic or architectural interest. The building makes a positive contribution to the Hampstead Conservation Area, as stated in the CA Statement. Whilst there have been unsympathetic alterations (such as the render) that have caused harm, this is not a justification for further harm. Whilst, there will clearly be other properties within conservation areas that retain more original features, this does not mean that the appeal building is of no significance.
- 3.7. The historic alterations which are listed by the appellant are not considered to be a justification for a roof extension which would have a fundamental and adverse impact on the scale, unity and overall character of the building and terrace. The appellant recognises that the 'scale' of the building is integral to its character as a cottage and thus its contribution to the conservation area. The additional storey would change the scale of the building which would not sit comfortably context of three storey cottage buildings.
- 3.8. *'The previous guidance presented a hard line approach of restricting development at roof level on any unbroken roofline. Under this guidance, a more flexible approach is proposed, to give more weight to existing older extensions and to those allowed under permitted development, in the immediate context of the building being proposed for extension, within and outside Conservation Areas.*
- 3.9. Officer Response: The reference to 'unbroken roofline' in the CPG Home Improvements 2021 intends to take a more flexible approach to roof extensions where there would not be a fundamental harm to the proportions and composition of the building. This guidance is

particularly aimed at terraced properties with valley roofs, rather than cottages i.e. the appeal site. An example of such an approach is 25 Leighton Grove Ref. 2021/0042/P, decision notice attached in Appendix 1. The mansard extension at this property does not unbalance the composition of the building. It is a regular and typical form of roof extension, unlike that proposed at the appeal site.



Figure 1. Roofline relatively unimpaired by roof extensions



Figure 2. Roofline is relatively unimpaired by roof extensions

- 3.10. *The group under consideration here in nos. 1- 25 (1-21 being the residential terrace properties): it does not have an unbroken roofline and more to the point it has not been identified in the CA Appraisal as being significant due to an unbroken roofline. In any case the design of the appeal proposals is such that the consistency of the roofs of sub-group nos. 9-15 along the front would remain unchanged for now and in the future. The proposals do not interfere*

with the front slope and hip and they would not create a precedent for more roof extensions in the group nos. 9-15 as they leave the roof of the adjoining property at no. 11 and the party wall parapet completely unaffected.

- 3.11. *The proposed mansard roof and dormer will mainly be visible from uphill, will continue the tradition of the existing mansard roofs at nos. 17-21 and will remove the unsightly prominence of the end wall between nos. 15 and 17 while restoring the prominence of the end chimney stack of no. 15. The proposed mansard roof will leave the consistent roofscape of nos. 9-15 as viewed from downhill (Heath Street) completely intact as it rises behind the existing ridge.*
- 3.12. **Officer Response:** The appeal building is a modestly proportioned cottage with a hipped roof. The buildings scale and roof form means that it is highly sensitive to alteration at roof level. The building is not experienced in singular views, but rather in a kinetic experience. The building marks a clear transition point between the lower cottage buildings with pitched roofs on New End and those with mansard roof going up the alley to Elm Row. The appellant wishes to continue the height of the buildings on Elm row, whilst maintaining the three storey scale on New End. This is not achievable as the building is read as a three storey cottage in the views from New End. The scale of the building would change awkwardly along New End and this irregular transition would be experienced kinetically from the street level. This can be assumed when referencing Figure 3. (Proposed elevations) with Figure 4. and 5. (Photos of site from New End). However it is noted that the elevations do not illustrate the awkward transition in height which would be visible from the street.



Figure 3. Proposed elevations



Figure 4. View of appeal site from New End



Figure 5. View of appeal site from New End

- 3.13. The transition in scale from four storeys to three storeys within the roof of a small scale cottage is highly irregular and would appear incongruous within the terrace and conservation area.

4. Conditions

- 4.1. The Council consider that the appeal proposal is unacceptable for the reasons set out above. There are no conditions or legal agreement requirements that could be attached to any permission to help mitigate the impact in planning terms.

5. Conclusion

- 5.1. The main reasons for refusal are set out in the Officer Report, however as discussed above, the Council maintains that the development would be harmful to the character and appearance of the streetscene and the wider Hampstead Conservation Area, 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.
- 5.2. Based on the above the Council respectfully request the Inspector to dismiss this appeal.

Yours sincerely,

Josh Lawlor
Planning Officer