

Planning and Regeneration
Culture & Environment
Directorate
London Borough of Camden
2nd Floor, 5 Pancras Square
London
N1C 4AG

Date: 30/12/2020
PINS Refs: APP/X5210/W/20/3261121
Our Ref: 2020/0851/P
Contact: Patrick Marfleet
Direct Line: 020 7974 1222
Patrick.Marfleet@camden.gov.uk

Tel: 020 7974 1222
www.camden.gov.uk/planning

The Planning Inspectorate
Room 3/19 Eagle
Temple Quay House
2 The Square
Bristol, BS1 6PN

APPEAL SITE

Flat C, 18 England's Lane
London
NW3 4TG

APPELLANT

Mr A Stavrou

Please find attached the officer's delegated report for the recommended refusal of planning application 2020/0851/P. The report, which is appended to this cover letter, forms the Council's main response to the appeal against non-determination submitted by the Appellant (ref APP/X5210/W/20/3261121).

This Appeal Statement relates solely to the main reason for refusal of the application (if it had been determined) regarding its unacceptable design impact (reason for refusal 1).

Reason for refusal

1. The size, scale and location of the proposed roof terrace and associated railings would represent incongruous additions that would cause harm to the original character and setting of the host building, adjoining terrace and wider conservation area. Contrary to Policies D1 (Design) and D2 (Heritage) of the Camden Local Plan 2017 and BE29 of the Belsize Conservation Area Appraisal and Management Strategy 2003.

CONCLUSION

Without prejudice to the Council's submissions and if the Inspector is minded to grant planning permission, it is requested that the conditions attached to this letter (Appendix A) be imposed. The justification is set out beneath each condition.

On the basis of the information available and having regard to the entirety of the Council's submissions, including the content of the attached report, the Inspector is respectfully requested to dismiss the appeal.

Yours sincerely,

Patrick Marfleet

Senior Planning Officer
Culture and Environment

Appendix A

- 1 The development hereby permitted must be begun not later than the end of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall be carried out in accordance with the following approved plans: E02-01-A3 P1; E02-00-A3 P1; E03-00-A3 P1; E04-00-A3-P1; 1772- P02-00 P1; P03-00-P1; P03-01-P1.

Reason: For the avoidance of doubt and in the interest of proper planning.

- 3 All new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the existing building, unless otherwise specified in the approved application.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy D1 and D2 of the London Borough of Camden Local Plan 2017.

Appendix B – officer report

Delegated Report		Analysis sheet	Expiry Date:	16/04/2020	
		N/A	Consultation Expiry Date:	31/05/2020	
Officer			Application Number(s)		
Patrick Marfleet			2020/0851/P		
Application Address			Drawing Numbers		
Flat C, 18 England's Lane London NW3 4TG			Please refer to draft decision notice		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal(s)					
Erection of single storey mansard roof extension with terrace areas to the front and at roof level with associated railings.					
Recommendation(s):		Had an appeal not been submitted against non-determination, planning permission would have been refused.			
Application Type:		Full Planning Permission			
Conditions or Reasons for Refusal:		Refer to Draft Decision Notice			
Informatives:					
Consultations					
Adjoining Occupiers:		No. of responses	00	No. of objections	00
Summary of consultation responses:		Site notice: displayed from 01/05/2020 – 25/05/2020 Press notice: displayed from 07/05/2020 – 31/05/2020 No objections received.			
Local Groups		No objections received.			
Site Description					
The application site relates to the third floor flat of a four storey mid-terrace building located on the northern side of England's Lane. The properties along this side of the street are characterised by commercial units at ground floor level with residential accommodation provided on the floors above. The application building is not listed but is identified as making a positive contribution to the character of the Belsize Conservation Area.					
Relevant History					

Application site

2019/1010/P - Erection of mansard style roof extension; formation of roof terrace to fourth floor front elevation. **Approved 19/06/2019.**

Neighbouring site – 24 England's Lane

2007/2778/P - Installation of metal railings on the roof of the residential building to facilitate use of the roof as a terrace. **Refused 11/09/2007 – appeal ref: APP/X5210/A/08/2068998 dismissed 19/09/2007.**

Relevant policies

National Planning Policy Framework 2019

The London Plan March 2016

Draft New London Plan Intend to Publish Version 2019

Camden Local Plan 2017

A1 Managing the impact of development

D1 Design

D2 Heritage

Camden Planning Guidance 2018/2019

CPG Design

CPG Amenity

CPG Altering and extending your home

Belsize Conservation Area Appraisal and Management Strategy 2003

Assessment

1 PROPOSAL

1.1 Planning permission is sought for the erection of a single storey mansard roof extension to provide additional living space for the existing third floor flat at the site. Permission is also sought for a small terrace area to the front of the building at fourth floor level as well as a terrace area on the flat roof of the proposed mansard extension with associated railings.

Revisions

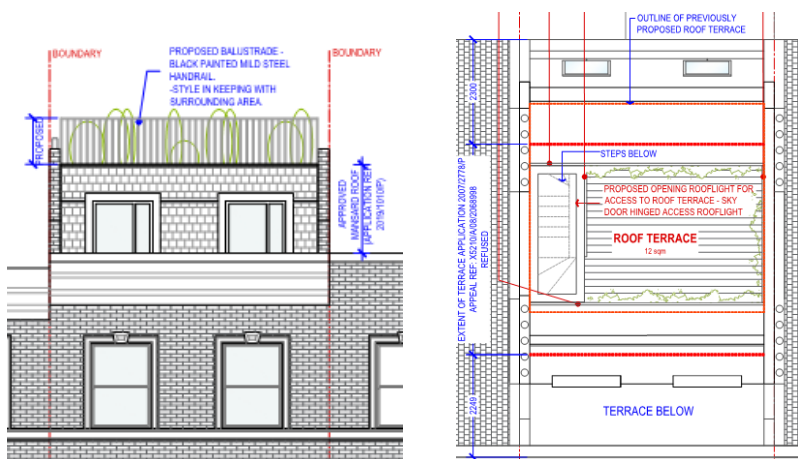
1.3 No revisions have been sought in this instance.

2 ASSESSMENT

2.1 The material considerations for this application are as follows:

- Design and Conservation;
- Amenity of neighbouring residential occupants

2.2 Officers note that the plans submitted as part of the current application include the single storey mansard roof extension approved under 2019/1010/P, which the applicant has confirmed is now being built. The following assessment therefore relates only to the design and amenity impact of the roof terrace and railings the applicant now seeks permission for on the flat roof of the approved mansard extension (see images below).



2.3 Design and conservation

2.3.1 Local Plan Policies D1 (Design) and D2 (Heritage) are aimed at achieving the highest standard of design in all developments. Policy D1 requires development to be of the highest architectural and urban design quality, which improves the function, appearance and character of the area; and Policy D2 states that the Council will preserve, and where appropriate, enhance Camden's rich and diverse heritage assets and their settings, including conservation areas and listed buildings.

2.3.2 Paragraph 4 of the Council's supplementary planning guidance document, *Altering and Extending Your Home*, states that roof alterations 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.

2.3.3 Furthermore, with regard to roof gardens/terrace areas paragraph BE29 of the Belsize Conservation Area Appraisal and Management Strategy states that roof gardens should not be

located on mansard roofs due to their visibility and the detrimental impact they have on the architecture of the host building and surrounding street-scene.

2.3.4 Officers note that there are several examples of mansard roof extensions to neighbouring properties within the immediate terrace of properties adjoining the application site along England's Lane. There are also several mansard roof extensions to the properties located to the rear of the site on Elizabeth Mews. As such, single storey roof extensions are considered to form an established characteristic of the area and no objection is raised to the erection of mansard roof extension at the site as is demonstrated by the 2019 approval.

2.3.5 However, whilst mansard extensions are common, terrace areas and railings/balustrades projecting above the mansard roofs are not. As such, the proposed terrace and railings, by reason of their size and location, would appear as incongruous features that would increase the prominence of the approved mansard within the street and would cause unacceptable harm to the original character and proportions of the host property, which is identified as making a positive contribution to the character of the conservation area. Similarly, the proposed railings, despite their set back, would be clearly visible in long ranges views along England's Lane, as well as in shorter views from Primrose Gardens and Elizabeth Mews to the rear, which the applicant has demonstrated in the photographs submitted with their Design and Access and Appeal Statements, and would cause unacceptable harm to the character and setting of the conservation area as a result.

2.3.6 Furthermore, of the 12 properties in this particular terrace, only one has an amenity terrace on the roof of the mansard with associated metal railings, which appears to have been granted in 2005 under permission reference 2005/5044/P. However, this decision significantly pre-dates the Council's current design and heritage policies as well as our current design guidance documents which were adopted in 2019. Therefore, the existing terrace and railings at No.14, which the current proposals largely seek to replicate, are considered to demonstrate the harmful impact such alterations have on the original character of a property and wider conservation area and should not be used a justification for further development of this nature.

2.3. Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area under s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013. The size, design and location of the proposed roof terrace and railings would create an incongruous feature within the street-scene and would cause harm to the character of the surrounding conservation area as a result. The resulting harm to the wider conservation is considered to be less than substantial, however there are no public benefits resulting from the proposal which mitigate this harm.

2.4 Amenity of neighbouring residential occupants

2.4.1 Policy A1 seeks to protect the amenity of Camden's residents by ensuring the impact of development is fully considered. It seeks to ensure that development protects the quality of life of occupiers and neighbours by only granting permission for development that would not harm the amenity of neighbouring residents. This includes privacy, overlooking, outlook and implications on daylight and sunlight. CPG (Amenity) provides specific guidance with regards to privacy, overlooking and outlook.

2.4.2 To the front, the proposed roof terrace would share the same outlook as the approved roof terrace area at fourth floor level and would not exacerbate current levels of overlooking to the properties directly opposite. Similarly, the location of the terrace, above the approved mansard, and its set in from the rear elevation of the host building, would ensure no harmful overlooking of the neighbouring properties to the rear would occur as a result of the development. The proposals would not harm neighbouring amenity in terms of loss of light and outlook.

2.5 Conclusion

2.5.1 The size, scale and location of the proposed roof terrace and associated railings are considered

to represent incongruous additions that would cause harm to the original character and setting of the host building, adjoining terrace and wider conservation area. Contrary to Policies D1 (Design) and D2 (Heritage) of the Camden Local Plan 2017 and BE29 of the Belsize Conservation Area Appraisal and Management Strategy 2003.

2.6 Appeal against non-determination (APP/X5210/W/20/3261121)

2.6.1 The applicant has submitted an appeal against non- determination and therefore the Council cannot determine the application. However, the Council seeks to advise the Planning Inspectorate what the Council's decision would have been if the application had been determined.

2.6.2 The submitted appeal statement raises no new issues and does not provide any additional evidence which would change the Council's stance on the proposals. Notwithstanding this, officers have provided a brief response to the main points raised in the statement.

2.6.3 In Paragraph 5.3 of their statement the Appellant states that there are many examples in the conservation area of railings and of railings in the roof scape. However, apart from the existing railings at No.14 which are discussed above, the only example the Appellant references to support this assertion is an application for the same development at No.24 England's Lane (see site history section) which was refused in 2007 and subsequently dismissed by the planning inspector at appeal. In their decision the inspector concluded that:

The proposed development would be an uncharacteristic and intrusive feature which would dominate the roof of the property and this part of the terrace. It would be prominent in views from street level in Primrose Gardens and the upper floors of nearby properties. It would adversely affect the character and appearance of the building and the terrace within which it sits and would not therefore preserve or enhance the character or appearance of the conservation area.

2.6.4 It is for the these same reasons officers now consider the proposals at No.18 to be unacceptable. As mentioned above and demonstrated in the Appellants photographic submissions, the rear elevation of the application site is clearly visible in long and short views from Primrose Gardens, as are the existing mansard roof extensions to adjoining properties in the terrace. Therefore, the proposed terrace and railings would be clearly visible given their location on top of the approved mansard roof and would introduce an alien feature at main roof level that would cause harm to the character of the host building and surrounding conservation area.



2.6.5 Officers note the comparison images provided by the Appellant demonstrating the difference between the size and position of the dismissed terrace at No.24 and the current terrace proposed at No.18 which is set further in from front and rear edges of the mansard extension. However, despite this set in from the edges, the proposed terrace/railings would still appear as a prominent feature in the street particularly in views from Primrose Gardens and Elizabeth Mews to the side/rear.

2.6.6 Paragraph 5.10 of the submitted appeal statement also makes reference to the importance of providing outdoor amenity space for residents and how the current proposals would help to achieve

this. However, officers note that it is not always possible to provide outdoor space in a densely developed environment such as this, and the approved scheme at the site already includes a roof terrace area to the front of the site at fourth floor level which would provide private outdoor amenity space for the occupants of the flat. Therefore, whilst the proposed terrace on the mansard roof would provide a larger area of outdoor amenity space at the site, this provision is not considered to outweigh the harm that would be caused to the character and appearance of the host property and surrounding conservation area.

3 Recommendation

3.1 Planning permission would have been refused