

Appeal Statement

Site: 23-27 King's Terrace London NW1 0JP

Proposal: Erection of a mansard roof extension to provide two 1-bedroom flats.

Reasons for refusal:

"1. The proposed roof extension, by reason of its, design, height, scale, bulk and materials would be detrimental to the character and appearance of the host building and surrounding area. The proposal would neither preserve nor enhance the Camden Town Conservation Area and would therefore be contrary to policies D1 and D2 of Camden Council's Local Plan 2017 and Design CPG and to the National Planning Policy Framework 2019, the London Plan 2016 and The Publication London Plan 2020.

2. The proposed roof extension, due to its size, siting, height and scale, would have a detrimental impact on the amenity of occupiers at Nos.40 and 44 Camden High Street in regard to loss of daylight, poor outlook and privacy impacts. The proposal is therefore contrary to Policies A1 and D1 of the London Borough of Camden Local Plan 2017 and to the National Planning Policy Framework 2019, the London Plan 2016 and The Publication London Plan 2020.

3. The proposal development, in the absence of a legal agreement securing car-free housing, would be likely to contribute unacceptably to parking stress and congestion in the surrounding area, contrary to Policies T1, T2 and T3 of the Camden Local Plan, 2017.

4. The proposed development, in the absence of a legal agreement securing a Construction Management Plan and CMP Bond, would be likely to contribute unacceptably to traffic disruption and be detrimental to general highway and pedestrian safety, contrary to Policies A1 (Managing the impact of development) and T4 (Sustainable movement of goods and materials) of the London Borough of Camden Local Plan 2017.

5 The proposed development, without the provision of an affordable housing contribution, would fail to maximise the contribution to the supply of affordable housing in the borough, contrary to policy H4 (Maximising the supply of affordable housing) of the London Borough of Camden Local Plan 2017."

1.0 Application Site and Location

1.1 The appeal site is a three-storey building in office use. The surrounding area is a mix of building sizes and design form and heights ranging from two storey to five storey.

1.2 The location of the proposed development is identified in the image below outlined in red.



1.3 The site is located within the Camden Town Conservation Area and the Camden Town Centre.

1.4 The site is located within an area where controlled parking measures are in place.

1.5 The site is within an area with a Public Transport Accessibility Rating (PTAL) of 6(b) which is the highest PTAL rating.

1.6 The site is located in a low flood risk zone.

2.0 Planning Proposal

2.1 The planning proposal seeks to provide a contemporary style mansard roof extension (with galvanised aluminium cladding) to provide two 1-bedroom dwellings.

2.2 The proposed flats both provide 51sqm of floor space meeting the London Plan minimum gross internal area (GIA) space requirements for residential units.

2.3 Storage for 1 cycle in each dwelling will be provided internally.

2.4 Refuse and recycling storage will be the same as existing.

3.0 Relevant Planning History.

3.1 In respect of Nos. 90-93 Plender Street, planning permission was granted 13th September 2018 (ref: 2018/2309/P) for: *“Erection of mansard roof extension to provide 1 x 1 bedroom dwelling.”* The development has been implemented and has been outlined in yellow in the image below (the appeal site is outlined in red).



3.2 Also in respect of Nos. 90-93 Plender Street, planning permission was granted (ref: 2006/3982/P) 5th February 2006 for: *“Retention of a three-storey building to provide a ground floor retail unit (Class A1) and 2 x three-bedroom residential flats (Class C3).”*

4.0 Relevant Planning Policies

4.1 Paragraph 10 of the National Planning Policy Framework Document (NPPF) (2019) states; *“So sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11).”*

4.2 Paragraph 11 of the NPPF states; *“Plans and decisions should apply a presumption in favour of sustainable development.”*

4.3 Paragraph 109 states: *“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”*

4.4 Paragraph 130 of the NPPF (2019) states: *“Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development...”*

4.5 Sections 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (“the Listed Buildings Act”) requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area when considering applications relating to land or buildings within that Area. The effect of this sections of the Conservation Area Act is that there is a statutory presumption in favour of the preservation of the character and appearance of Conservation Areas. A proposal which would cause harm should only be permitted where there are strong countervailing planning considerations which sufficiently outweigh the harm caused.

4.6 The London Plan was adopted March 2021. The relevant policies for this appeal include:

GG2 - Making the best use of land. Part c of the policy states: *“Proactively explore the potential to intensify the use of land to support additional homes and workspaces, promoting higher density development, particularly in locations that are well-connected to jobs, services, infrastructure and amenities by public transport, walking and cycling.”*

GG4 - Delivering the homes Londoners need. This policy reinforces the need to delivery more homes because the delivery of more homes is a strategic priority.

Policy SD6 - Town centres and high streets. This policy seeks to strengthen the viability and function of town centres. The policy promotes housing growth in such areas to help strengthen the viability and function of town centres.

Policy D3 - Optimising site capacity through the design-led approach. This policy seeks design led higher density development in sustainable locations.

Policy D4 - Delivering good design.

Policy D6 - Housing quality and standards

Policy H1 - Increasing housing supply. This policy sets new housing delivery targets for all London Boroughs. The annualised target for housing completions in Camden has been increased to 1,380.

Policy - H2 Small sites. This policy states that small site housing developments (25 dwellings or less) will be the strategic priority to deliver housing. Part A of the policy states that *“small sites should play a much greater role in housing delivery...”* Part B, 1, recognises that planning decisions should accept that local character evolves over time and will need to change in appropriate locations to accommodate additional housing provision and increases in residential density through small housing developments. The policy also includes a new housing delivery target solely for the number of dwellings approved for applications of 25 dwellings or less. The annualised target for housing completions set for Camden is 328 dwellings per annum.

The London Plan Housing SPG (2016) is also a material consideration.

4.7 Camden's Local Plan was adopted 2017. The **relevant policies within Camden Councils adopted Local Plan include:**

A1 – Managing the impact of development

D1 – Design

D2 – Heritage

G1 – Delivery and location of growth

H1 – Maximising housing supply

H4 – Maximising the supply of affordable housing

H6 – Housing choice and mix

H7 – Large and small homes

T1 – Prioritising walking, cycling and public transport

T2 – Car-free development and limiting the availability of parking.

Camden Council have also adopted the following planning guidance:

- Design (2019)
- Amenity (2019)
- Housing (2019)
- Transport (2019)
- Camden Town Conservation Area Appraisal and Management Strategy

5.0 Planning Assessment

5.1 The main issues for consideration in this case are:

- Principle of providing additional residential accommodation
- Impact the proposal would have on the character and appearance of the conservation area.
- Impact on the amenities of neighbouring and surrounding occupiers
- The standard of accommodation provided.
- Highway matters and provision of a construction management plan
- Affordable housing
- Other material considerations

6.0 Principle of providing additional residential accommodation.

6.1 Self-contained housing is the priority land-use of the London Plan and Camden's Local Plan. In particular, policy H1 of the Local Plan aims to secure a sufficient supply of homes to meet the needs of existing and future households by maximising the supply of housing.

6.2 The London Plan has set annualised targets for housing completions on small sites, and it is understood that Camden annualised housing completions are not meeting this target.

6.3 The proposed development would provide to 1-bedroom 2-person dwellings in a highly sustainable location (the site is located within the highest PTAL rating).

6.4 Therefore, the delivery of two additional dwellings in a highly sustainable location is a significant material consideration.

7.0 Impact the proposal would have on the character and appearance of the Conservation Area.

7.1 The Council's first reason for refusal states the proposed development; *"would be detrimental to the character and appearance of the host building and surrounding area. The proposal would neither preserve nor enhance the Camden Town Conservation Area ..."*

7.2 The Council's design policies are aimed at achieving the highest standard of design in all developments.

7.3 Policy D2 (Heritage) of the Local Plan states that in order to maintain the character of Camden's conservation areas, the Council will not permit development within conservation area that fails to preserve or enhance the character and appearance of that conservation area.

7.4 The appeal site is located within the Camden Town Conservation Area which is characterised by a number of building types.

7.5 The appeal site is at the entrance of Kings Terrace and is attached to Nos.90-93 Plender Street, which is a 4-storey building recently granted planning permission (refer to relevant planning history section). Immediately opposite the site is an imposing building called the New Camden Chapel. This is shown in the pictures below.



7.6 Kings Terrace is a mews with buildings of varying design form and materials. This is shown by the pictures below.



7.7 The proposed design has, in part, been informed by the development at Bayham Place which is shown below. Details of this development are shown in the following link: <https://www.ambigramarchitects.com/bayham-place-phase2>

7.8 The photograph below has been taken from the existing flat roof of the application property.



7.9 It is noteworthy that the Council approved this development for two additional floors (galvanised metal cladding) on the building seen at the end of the terrace (which lies within the Camden Town Conservation Area).

7.10 None of the buildings along Kings Terrace have any significant architectural merit therefore, changes to buildings along this terrace is possible so long as development preserves or enhances the character and appearance of the conservation area.

7.11 The proposal involves erecting an additional storey to the existing building creating an innovative double mansard roof containing two new flats.

7.12 Illustrations of the proposal are shown on the next page.



1 PROPOSED
2024-2025
2024-2025



2 PROPOSED
2024-2025
2024-2025



7.13 The proposed additional floor would be no higher than the neighbouring attached building at Nos.90-93 Plender Street and would be lower than height of the church building opposite. The proposal is higher than the attached building at No.21 Kings Terrace, but the proposal can be seen as a transition in heights.

7.14 The Council have criticised the structure as being “*unusual*” in their delegated planning report (appendix 1). The Council’s planning report also criticises the use of modern material (galvanised aluminium cladding) and the large window openings which would be different to the existing mansard roof. The Councils planning report takes issue with the proposal because the proposal “*creates an entirely different element on top of the existing mansard roof.*”

7.15 However, being unusual and different can be the same as being innovative, and planning polices promote higher density development in sustainable locations where development is innovative and well designed.

7.16 It is the appellants case that the proposal is a high-quality innovative design that would provide significant visual interest in a mews which lacks architectural interest. It is therefore the appellant’s case that the proposal enhances the character and appearance of this part of the Camden Town Conservation Area.

8.0 Impact on the amenities of neighbouring and surrounding occupiers

8.1 The Councils second reason for refusal states the proposal; “*would have a detrimental impact on the amenity of occupiers at Nos.40 and 44 Camden High Street in regards to loss of daylight, poor outlook and privacy impacts...*”

8.2 Policy A1 of the Camden Local Plan seeks to ensure that development does not cause adverse amenity impacts upon neighbours. This is with regards to sunlight, daylight, privacy and outlook.

8.3 The Council’s planning report (appendix 1) accepts the proposal would have an acceptable impact on all neighbouring residential windows, except for one obscure glazed window to a habitable room at the rear of No.44 Camden High Street and maybe to windows at the rear of No.40 Camden High Street.

8.4 The Council’s planning report questions whether the windows of the proposal facing the rear windows of properties in Camden High Street could be opened and the adjoining flat roofs used. The planning officer dealing with the case did not seek clarification on this point from the applicant (the application was registered May 2020, and a decision was not made until February 2021). The Councils report though acknowledges that this issue could be resolved by a suitably worded planning condition.

8.5 The rear elevation facing the rear of properties in Camden High Street is shown below.



8.6 The area of the windows shaded in blue are designed to be fixed shut and obscure glazed to ensure no overlooking into neighbouring windows.

8.7 The Council's planning report claims that one of the rear windows at second floor level to No.44 Camden High Street is obscured glazed but serves a bedroom. The Council's planning report accepts that because the window is obscured glazed, outlook or privacy will not be impacted but consider the impact on daylight could be significantly impacted. The Council's report refers to the absence of a daylight and sunlight report, but the Council did not request any additional reports through the application process (the application was registered May 2020, and a decision was not made until February 2021). Therefore, it is considered unreasonable behaviour for the Council to now state they require a daylight and sunlight report to assess the impact of light to one obscure glazed window at the rear of No.44 Camden High Street, which serves a bedroom.

8.8 No.44 Camden High Street is identified by the yellow dot. No.42 by the green dot and No.40 by the purple dot – the appeal site is outlined in red.



8.9 The second-floor window to the bedroom of No.44 Camden High Street is shown below.



8.10 The windows at the rear of No.40 Camden High Street are shown below.



8.11 The rear windows of No.40 Camden High Street (the windows on the right on the photographs above) serve communal stairways/landings and the windows to the left serve small kitchens (below 13.5sqm), which are not classed as habitable rooms.

8.12 The rear windows of properties on Camden High Street face in a north easterly direction therefore, these windows would receive low levels of sunlight therefore, any change as a consequence of the development would not be noticeable.

8.13 The BRE guidelines only indicate where a change in sunlight and daylight amenity is likely to be noticeable to the occupants of an affected room. It states that if a window or a room should lose more than 20% of its existing daylight and/or sunlight amenity and fall below the below listed BRE minimum recommended VSC & APSH values as a result of the construction of a proposed development, then the occupants of that room are likely to notice that change.

- Minimum BRE recommended VSC value 27%
- Minimum BRE recommended winter APSH value 5%
- Minimum BRE recommended annual APSH value 25%

8.14 The BRE Guidelines state in the Introduction on Page 1 that: *“The guide is intended for building designers and their clients, consultants and planning officials. The advice given here is not mandatory and the guide should not be seen as an instrument of planning policy. Its aim is to help rather than constrain the designer. Although it gives numerical guidelines these should be interpreted flexibly since natural lighting is only one of many factors of site layout design. In special circumstances the developer or planning authority may wish to use different target values. For example, in an historic City Centre or in an area with modern high-rise buildings a higher degree of obstruction may be unavoidable if new developments are to match the heights and proportions of existing buildings.”*

8.15 Additionally, on Page 7 at 2.23 and again at Page 62 in Section F1, the BRE guidance states that the numerical values are: *“...purely advisory”*.

8.16 The BRE Guidelines state *“Adverse effects occur when there is a significant decrease in the amount of skylight and sunlight reaching an existing building where it is required, or in the amount of sunlight reaching an open space... The assessment of effect will depend on a combination of factors, and there is no simple rule of thumb that can be applied.”*

8.17 The definition of any beyond 'noticeable' assessment effects is summarised in Table below.

Scale of Effect	Criteria Description
Negligible Unnoticeable changes in daylight/sunlight amenity or good daylighting/sunlighting standards retained	Daylight - No changes greater than 20% of baseline VSC or NSL or VSC remains above 27% and NSL remains above 80% Sunlight - No changes greater than 20% of baseline APSH or APSH remains above 25% in total with 5% in the winter months
Minor Small changes beyond BRE guidance or reasonable in context levels of daylight/sunlight retained	Daylight - Any VSC and/or NSL alteration is no greater than 30% of the baseline value; or, despite any VSC and/or NSL alterations, all windows serving the room retain at least 18% VSC and the room which they serve retains at least 53.4% NSL. Sunlight - Any APSH alteration is no greater than 30% of the baseline value, which should be viewed in context.
Moderate Moderate/material changes in daylight/sunlight amenity which may be noticeable	Daylight & Sunlight - Moderate infringements (30.1-40%) of the numerical values suggested in the BRE Guidelines, which should be viewed in context.
Material Larger and noticeable changes in daylight/sunlight amenity	Daylight & Sunlight - Material infringements (40%+) of the numerical values suggested within the BRE Guidelines, which should be viewed in context.

8.18 It is the appellants case that any reduction in the level of light to the obscure glaze window of the bedroom at No.44 Camden High Street, resultant of the development, would not be noticeable. It should also be noted that the obscure glazing already partially restricts the amount of light the bedroom receives - obscure glazing allows for less light into a room than clear glass (light is refracted through obscure glass). Moreover, bedrooms are designed for sleeping purposes meaning it is less important to protect light to bedroom windows than living room windows.

9.0 The standard of accommodation provided and amenities of future occupiers of the proposed units.

9.1 The Council accept the proposed units provide a good standard of accommodation.

9.2 The proposed units meet minimum space standards, are dual aspect and are located within a quieter part of Camden Town Centre.

9.3 The proposal does not provide any external amenity space. The LPA's delegated report for the previously approved scheme (Ref: 2006/3982/P) at the neighbouring site at 90-93 Plender Street justified the non-provision of amenity space by stating the following: *"Neither of the new units have outdoor amenity space. The location of the site and the need for high density development severely limits the ability to provide outdoor amenity space. Provision of garden space would be considered inefficient under London Plan policy 4B.3 and officers consider it would not be reasonable to refuse permission on the grounds of lack of amenity space. It must also be recognised that the previous permission accepted the units with no outdoor space. There is public open space (Camden Street Playground) within 200m along Plender Street."*

10.0 Highway Matters

10.1 The site lies within the Camden Town Centre and has an excellent PTAL level of 6B (best).

10.2 The Councils policies require the development to be car free.

10.3 The proposal is car free, and the appellant is willing to allow the restriction of car permits to the occupiers of the proposed dwellings. This can be controlled by a suitably worded planning condition. The Council have stated that a legal agreement is required to restrict car parking permits. However, Government guidance states that legal agreements should only be sought if a planning condition cannot be imposed to control the same. It is the appellants case that a planning condition could be imposed prohibiting access to car parking permits, it is then the duty of the Council to ensure car parking permits are not issued to the new residential units – a legal agreement signed by the appellant is not required to restrict car parking permits. It is also possible to require a legal agreement via a planning condition. An example of a planning condition recently imposed by the London Borough of Barnet (a neighbouring borough to Camden) states the following: *"Before any part of the development hereby permitted is first occupied arrangements shall be agreed with the local planning authority and*

set out in writing by way of a legal agreement or a Unilateral Undertaking and be put in place to ensure that, with the exception of disabled persons/Blue badge holders, no resident of the development shall obtain a resident's parking permit (including visitors' permits) within any controlled parking zone which may be in force in the area at any time."

10.4 There is no space to provide cycle provision externally. The appellant is though agreeable to the imposition of a planning condition requiring details of how two cycles in each dwelling would be stored.

10.5 The Council have also sought a legal agreement for a construction management plan (CMP). CMP's are common requirements for larger scaled development however, they are usually required as a pre-commencement condition. It is the appellants case that a suitably worded planning condition could be imposed requiring a CMP. An example condition imposed by the London Borough of Barnet is as follows: *"No development or site works shall take place on site until a 'Demolition and Construction Management and Logistics Plan' has been submitted to and approved in writing by the Local Planning Authority. The Demolition and Construction Management and Logistics Plan submitted shall include, but not be limited to, the following: i. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures; ii. site preparation and construction stages of the development; iii. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials; iv. details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage to mud and dirt onto the adjoining highway; v. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works; vi. a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance; vii. noise mitigation measures for all plant and processors; viii. details of contractors compound and car parking arrangements; ix. details of interim car parking management arrangements for the duration of construction; x. details of a community liaison contact for the duration of all works associated with the development. The development shall thereafter be implemented in accordance with the measures detailed within the statement."*

10.6 The Council have also sought a construction impact bond of £7,500. There are no planning policies which require a construction impact bond, and such a requirement is not relevant to Planning. In the event the development causes damage to Council Highway assets then the Council have the power to take legal action.

11.0 Affordable Housing

11.1. Policy H4 of the Local Plan expects a contribution to affordable housing from all developments that provide one or more additional homes and involve a total addition to the residential floor space of 100sqm or more.

11.2 The Local Plan was adopted in 2017, but since then the NPPF (2019) has revised advice on when affordable housing contributions should be sought. Paragraph 63 of the NPPF states: *“Provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer)..”*

11.3 It is therefore the appellants case that the advice contained within the updated NPPF (2019), should override the need for affordable housing contributions as set out in Policy H4 of the Local Plan.

11.4 Weight should also be given to the fact the proposed development only triggers the affordable housing requirement set out by Policy H4 because the proposal provides 2sqm of floorspace above the 100sqm threshold.

12.0 Accessibility and sustainability

12.1 The appeal proposal is required by the London Plan to meet Building Regulation requirement M4(2). The proposed dwellings would meet the accessibility requirements set out in Part M4(2) of the Building Regulations, except for the incorporation of a lift which is not possible to provide.

12.2 The proposed new dwellings will be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 10% in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target 5 omission Rate requirements of the 2010 Building Regulations.

12.3 In terms of water consumption, the proposal would be constructed with water saving and efficiency measures to ensure a maximum of 105 litres of water is consumed per person per day, to ensure the proposal accords with Policy 5.15 of the London Plan (2016 Minor Alterations).

13.0 Other Matters

13.1 The site is located in a town centre and the newly adopted London Plan promotes high density development in and close to town centres. The adopted London Plan (published March 2021) is an additional material planning consideration.

13.2 Policy H1 of the London Plan sets new housing delivery targets for Camden. The annualised target for housing completions in Camden has been increased to 1,380. It is understood that Camden is not meeting this target. To deliver this substantial increase in housing completions the London Plan recognises that a presumption in favour of housing development is required.

13.2 Policy H2 of the London Plan states that small site housing developments (25 dwellings or less) will be the strategic priority (paragraph 4.2.1). to deliver housing. Part A of the policy states that “small sites should play a much greater role in housing delivery...” Part B, 1,

recognises that planning decisions should accept that local character evolves over time and will need to change in appropriate locations to accommodate additional housing provision and increases in residential density through small housing developments. The policy also includes a new housing delivery target solely for the number of dwellings approved for applications of 25 dwellings or less. The annualised target for housing completions set for Camden is 328 dwellings per annum. It is understood that Camden is not meeting this target.

13.3 Therefore, the provision of two additional dwellings in a town centre location should be afforded significant weight.

14.0 Conclusion

14.1 The proposal represents an opportunity to put the site to its best and most efficient use in a highly sustainable location.

14.2 The proposal takes the opportunity to significantly improve the character and appearance of the existing building and this part of the Camden Town Conservation Area.

14.3 The proposal would not demonstrably impact on any neighbouring residential amenity.

14.4 The proposal would provide a good standard of much needed housing in a highly sustainable location (the site has excellent access to public transport and town centre amenities).

14.5 The proposal would not have a detrimental impact on highway safety, being highly unlikely to lead to conditions contrary to paragraph 109 of the NPPF.

14.6 The provision of additional dwellings would contribute to much needed housing.

14.7 The Inspector is therefore respectfully requested to allow this appeal.