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Your ref: **APP/X5210/W/22/3292254**
Our ref: **2020/3381/P; 2020/3904/L**
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Dear Sir/Madam,

**Town and Country Planning Acts 1990 (as amended)
Planning Appeal Statement (Authority)
Appellant: Mr Karl Baumgarten
Site: 43 Georgiana Street, London, NW1 0EB**

I write in connection with the above appeal against the Council's refusal to grant planning permission and listed building consent for the following:

“Erection of mansard roof extension to provide additional accommodation for upper floors maisonette.”

The Council's case is set out primarily in the delegated officer's report (ref: 2020/3381/P; 2020/3904/L) that has already been sent with the questionnaire and is to be relied on as the principal Statement of Case. Copies of the relevant Camden Local Plan policies and accompanying guidance were also sent with the appeal questionnaire.

In addition, Council would be grateful if the Inspector would consider the contents of this letter which includes confirmation of the status of policy and guidance, comments on the Appellant's grounds of appeal and further matters that the Council respectfully requests be considered without prejudice if the Inspector is minded to grant permission.

1.0 Summary of the Case

1.1 The building is a mid-terrace property and has three storey, divided into two flats. The proposal relates to the maisonette at the upper floors. The application property does not lie within a conservation area but it forms part of a long and unified terrace of 22 Grade II listed stock brick early 19th Century properties with incised stucco at ground floor. The roofscape of this terrace appears to be unaltered.

1.2 Planning permission and listed building consent were refused for the proposed mansard roof extension on 26th November 2021 on the following grounds:

2020/3381/P

- The proposed roof extension, by reason of its bulk, scale and siting within an unimpaired roofline, would result in harm to the character and appearance of the host building, the terraced group of buildings of which it is part, and the surrounding streetscene, contrary to policies D1 (Design) and D2 (Heritage) of the London.

2020/3904/L

- The proposed roof extension, by reason of its bulk, scale and siting within an unimpaired roofline, would result in 'less than substantial' harm to the Grade II listed building and the terraced group of listed buildings of which it is part, contrary to policy D2 (Heritage) of the London Borough of Camden Local Plan 2017.

2.0 Relevant History

Relevant planning records at the application site:

J12/3/16/15552 - Conversion into two self-contained maisonettes. – Granted 03/04/1973

Relevant planning records at neighbouring sites:

9200702 (9270135) - 28 Georgiana Street - Erection of a mansard roof extension – Refused 18/03/1993

9003289 (9070458) - 40 Georgiana Street - Erection of a mansard roof extension and conversion of a one-bedroom flat into a two bedroom maisonette – Granted 08/08/1990

8602351 (8670421) - 27 Georgiana Street - Erection of a roof extension at third-floor level to provide two additional bedrooms and the erection of an extension at basement-level to provide a bathroom – Granted 13/05/1987

3.0 Status of Policies and Guidance

3.1 On the 3rd July 2017, the Camden Local Plan 2017 was formally adopted. The Council's policies are recent and up to date. The policy requirements of the now superseded Local Development Framework have been upheld by the Local Plan. They do not differ from the NPPF policies in relation to this appeal.

3.2 The following policies from the Camden Local Plan 2017 are relevant to this appeal:

- Policy D1 (Design)
- Policy D2 (Heritage)

3.3 With regard to supporting documentation in Camden Planning Guidance, the specific clauses most relevant to the proposal are as follows:

- CPG Design
- CPG Home Improvements
- CPG Amenity

4.0 Comments on the appellant's grounds of appeal

4.1 Appellant's Grounds of Appeal are summarised in italics and addressed subsequently as follows:

(i) *In terms of principle of development, the appellant argues that the existing roof is grossly underutilised and seek to erect a mansard roof extension to provide additional accommodation; the proposed development would optimise the potential of the property plus ensure the land is put into effective use as encouraged by Paragraphs 119, 120, 124, 125 of NPPF 2021 which urge LPAs to support such developments.*

4.2 The appealed building has a traditional butterfly roof, with strong front and V shaped parapets, features characteristic of the buildings within the Grade II listed terraced group, and neighbouring area, which contribute to their uniformity and significance as a group. The Council disagrees with the appellant and considers that the existing roof serves its purpose as historically was intended. The property along with the other terraces within the group have been built for residential purposes and the existing building continues to be used as residential, which is the viable and effective use of land. The use of the building as residential would continue without a mansard extension on its roof and would continue to provide its effective use as residential.

4.3 The proposed mansard extension is not acceptable in principle, because it harms the significance of the host building and group of buildings, which is driven by their uniformity.

(ii) *The appellant argues that in relation to the impact on the character and appearance of the host building and the terraced group of buildings the site is part of, the proposal would positively respond to the local distinctiveness character through layout, orientation, scale, appearance and shape, with due regard to building types, forms and proportions; the design of the proposal would mimic and replicate the valued features and characteristics that are consistent and unique to the built form prevalent in the area.*

4.4 The Council disagrees with the appellant as it does not consider there is a local distinctiveness to be addressed by future development in this instance, but rather the opposite. The significance of the terraced group the application site is part of, relies on its uniformity in terms of built form, pattern of development, architectural detailing, character and appearance. The terrace row has a clear and clean roofline, visible from public open space of St Martin's Gardens on Camden Street to the west, and from Lyme Street to north-east, where the rhythm of the rear valley roofs is particularly pleasing and characterful. The proposed extension, regardless of the elements it mimics from the host building, it would undermine its prevailing sense of uniformity and result in harm the host building and groups' significance.

(iii) *The appellant argues that the proposed mansard roof extension is of good design which aligns with Paragraph 126 of NPPF which highlights that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development,*

creates better places in which to live and work and helps make development acceptable to communities. Furthermore, paragraph 134 states that in determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

4.5 The Council disagrees as the proposed mansard roof extension would not fit with the overall form and layout of its surroundings, as it would interrupt an unimpaired roofline, significant for its uniformity, which is imperative in addressing the points raised by paragraph 134 of the NPPF and creating good sustainable design. The proposal would not respect the local context and character and would not preserve nor enhance the historic environment and heritage assets, as it would rather cause harm to the uniformity of the host building and its significance.

(iv) *In terms of impact on the character of the surrounding area, the proposal would be moderate, appropriate, not dominant nor disruptive, and that it respects the character and appearance of the area. The design and form reflects and match that of the host property and would appear entirely sympathetic. The materials, in so far as possible, match that of the surrounding properties and would appear congruent within the context of the site. The proposal is considered to be well thought-out, creative and appropriate design solution, specific to this particular site's shape, size and location with a suitable scale, massing and height.*

4.6 The Council disagrees. The proposed mansard extension would require an increase in height of the existing party walls and chimney stacks. In addition to the structure in itself, this alteration would be particularly prominent and disruptive to the roofline of the host building and terrace row. The size, form and design of the mansard has been designed sympathetically in itself, however the discrepancy with the roofs of the other properties in the terrace row would further exacerbate this disharmony.

(v) *Furthermore, in terms of impact on the character of the surrounding area, the appellant argues that the character to the local area constitutes of buildings with mansard roofs of various, size and scale that have historically been approved by LPA and which contribute to the character of the area. It is considered that these similar developments have set a precedent in the immediate locality and the Council has acted with due disregard, through failing to acknowledge whether these developments are detrimental to the character of the surrounding area or not.*

4.7 The Council disagrees. Along Georgiana Street, Camden Road, Greenland Road, Carol Street, there are rows of terraced buildings with butterfly roofs, most of them designated as Grade II listed or acknowledged by the Council as being significant and therefore being Locally Listed. There is striking consistency across the area in relation to the original roof form of the buildings, except for two or three examples which have been built without consent or been historically granted, probably prior to the listing. As such, the Council considers as precedent in this instance is the uniformity of the buildings within the area with untouched and clear rooflines which have been preserved and therefore make a significant contribution to the character and appearance of the area.

- (vi) *In terms of impact on the character of the streetscene and visual amenity, the appellant argues the mansard roof extension is set back and would lessen the impact on the front cornice line and therefore would not be highly visible from the street scene. Furthermore, the appellant argues strongly that although the subject property is listed, the site is not in a conservation area and therefore the proposal would not significantly detract from the visual amenity of the streetscene, as the streetscene is characterised by properties with mansard roofs that are highly visible from the streetscene.*

4.8 The Council disagrees. Sections 16(2) and 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 require that local authorities shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. As discussed above, the special architectural interest of the application building is its uniformity within the terraced group, and its contribution this has to the area as such. The setback proposed within the design of the mansard follows the principles of a traditional mansard, and whilst this would lessen the visual intrusion of the structure, as discussed at para 4.6 the additional elements required for its construction would be prominent and harmful.

- (vii) *The appellant included photos of similar mansard roof extensions which are visible from the surrounding streets, as examples which constitute a common feature and character of the area. (no. annotation to know which streets are those).*

4.9 *It is unclear where the properties shown in the photos are located. The photos included are not annotated with their location and why they are relevant for the current submission.*

- (viii) *In terms of impact on the character and appearance of the listed building, the appellant argues that the proposed development in terms of design, scale, bulk and siting would appear congruent and sympathetic to the listed building and the terraced group of buildings and therefore the proposal would respect the symmetrical appearance of the roofline and the neighbouring properties within the surrounding area. As supported by paragraph 199 of NPPF, the appellant argues that due consideration has been paid to the conservation of the historic value of the listed building. This argues that the proposed development would be sited on the roof which would neither be fully visible from the streetscene nor the surrounding neighbouring residents and therefore the proposal would not detract from the character of the listed building.*

4.10 The Council disagrees. Paragraph 199 of NPPF states that 'great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be)'. No information has been provided in relation to the historic fabric of the building's roof, and given that no other alteration took place here, it is likely that the valley roof holds some original fabric, and therefore the proposed mansard would result in loss of historic fabric. As such, significant weight is given to the asset's conservation and in this instance, the proposal would result in 'less than substantial harm' to the asset's conservation.

(ix) *The appellant argues that there are similar mansard roof extensions that planning permission has been granted in the immediate and surrounding area and provides a list of these as Example A, B, C, D, E, F, G, H.*

4.11 The examples provided by the appellant are largely in relation to non-listed buildings and represent developments which have been granted consent for mansard roof extensions within terrace rows which have been previously extended with similar extensions. The principle of such extension has already been established within the terrace rows these examples are for (exception A&B), and therefore an additional mansard extension was considered to fit in with that existing character. CPG Home Improvements clearly states “if you live in a terrace building and your neighbours have already extended their roofs with a traditional mansard, then it is likely that a similar extension would be an acceptable development”. As such, the examples provided (exception A&B), are of mansard extensions which unified the terrace row, as the majority of buildings within it already extended at roof level.

4.12 Example A, B: 40 Georgiana Street, development granted in 1990, in line with different development plan policies and weight given to the conservation of heritage assets. Development not built.

4.13 Example C: 3 Edis Street (not listed), development granted in 2021, and would infill a gap within a terrace row of buildings which have been previously extended with a mansard roof extension.

4.14 Example D: 21 Rousden Street (not listed), development granted in 2021, and would infill a gap within a terrace row of buildings which have been previously extended with a mansard roof extension.

4.15 Example E: 79 Jamestown Road and 81 Jamestown Road, development granted in 2021, and would infill a gap within a terrace row of buildings which have been previously extended with a mansard roof extension.

4.16 Example F: 138 Arlington Road, development granted in 2021, and would infill a gap within a terrace row of buildings which have been previously extended with a mansard roof extension.

4.17 Example H: 55 Princess Road, development granted in 2020, and would infill a gap within a terrace row of buildings which have been previously extended with a mansard roof extension.

1.0 Conclusions

5.1 Based on the information set out above, and having taken account of all the additional evidence and arguments made, it is considered that the proposed roof extension, by reason of its resulting bulk, scale and sitting within an unimpaired roofline, would have a detrimental impact on the character and appearance of the host building, the group of buildings of which it forms a part and the surrounding streetscene. As such, the proposed roof extension by reason of its bulk, scale and sitting within an unimpaired roofline, would result in ‘less than substantial’ harm to the Grade II listed building and the terraced group of listed buildings of which it is part of, contrary to policies D1 (Design) and D2 (Heritage).

5.2 The information submitted by the appellant in support of the appeal does not overcome or address the Council's concerns. For these reasons the proposals fail to meet the requirements of policy and therefore the Inspector is respectfully requested to dismiss the appeal.

6.0 Conditions: should the inspector be minded to allow the appeal

6.1 If the inspector were mindful to overrule the Council's determination, it is requested that the following conditions are applied in order to limit visual impact in terms of design and conservation:

- No development shall take place until a detailed heritage statement has been submitted and approved by the local planning authority in writing, which demonstrates that historic fabric would be preserved where possible, subject to the development proposed.

Reason: In order to safeguard the special architectural and historic interest of the building in accordance with the requirements of policy D2 of the Camden Local Plan 2017.

- Before the relevant part of the work is begun, Manufacturer's specification details of all facing materials and photos of samples of those materials, as appropriate, shall be submitted to and approved in writing by the local planning authority.

The relevant part of the works shall be carried out in accordance with the details thus approved and all approved samples shall be retained on site during the course of the works.

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

If any further clarification or submissions are required, please do not hesitate to contact Nora-Andreea Constantinescu by the direct dial telephone number or email address quoted in this letter.

Yours faithfully,

Nora-Andreea Constantinescu
Planning Officer
Supporting Communities Directorate