
Statement of Case

125 Albert Street, London, NW1 7NB

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1. Introduction

1.1. This Statement of Case has been prepared by Savills on behalf of our Client in support of a planning appeal against the refusal of planning permission and listed building consent at 125 Albert Street, London for the following development:

“Erection of mansard roof extension with terrace to the rear, erection of a full width rear extension following the demolition of the existing ground floor outrigger extension and two outbuildings, together with the change of use of the property to a single family dwellinghouse”.

1.2. The planning and listed building consent application was submitted on the 8th September 2021 and the Council issued their decision on the 15th March 2022 (references: 2021/4358/P and 2021/5222/L) under delegated powers. In refusing the application, the Council cited two reasons for refusal on the planning application, and a single reason for refusal on the listed building consent application. The reason for refusal included in the listed building consent is carried over from the first reason for refusal on the planning application. The two reasons for refusal are listed as follows.

1. *The proposed roof extension, by reason of its bulk, design and resultant loss of the original roof form and fabric would detract from the overall integrity of the building’s special architectural and historic interest and also cause harm to the character and appearance of the Camden Town Conservation Area contrary to policies D1 (Design) and D2 (Heritage) of the London Borough of Camden Local Plan 2017.*
2. *The proposed development, in the absence of a legal agreement securing a contribution to affordable housing, would fail to meet the needs of households unable to access market housing, contrary to Policies H4 (Maximising the supply of affordable housing) and DM1 (Delivery and monitoring) of the London Borough of Camden Local Plan 2017.*

1.3. It should be noted that the applications to which this appeal relates is near identical to that which has been approved by the local planning authority under references 2021/4360/P and 2021/5254/L. The only difference between the appeal scheme and that which has been approved is the inclusion of a mansard roof extension. Two applications were submitted to the Council following pre-application advice in which the Council advised that they would be unlikely to support a roof extension. Notwithstanding this, the appellant and their professional team has always considered that a well-designed, traditional roof extension in mansard form would not cause harm to the listed building or the conservation area for the reasons set out in the application submissions and this statement of case.

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- 1.4. As part of the approved scheme, the appellant has signed a legal agreement securing a contribution to affordable housing and is committed to doing the same as part of this appeal. This can be secured by Unilateral Undertaking and is discussed in detail later in this statement. As a result, the only matter to consider is whether the proposed mansard roof extension will result in a harmful impact detrimental to the listed building and the wider conservation area. The appellant's case is that this would not be the case, particularly given the surrounding and neighbouring context, within which there are a number of existing mansard roof extensions. Ultimately, it is the appellant's aim to undertake repair and restoration to this listed building that has been neglected over the years by previous owners and fallen into disrepair. They have bought the property and are committed to doing this and so will ensure that the long term future of this heritage asset.
- 1.5. This Statement of Case has been prepared following an examination of the site and surroundings and a review of planning policy relevant to the appeal. The Statement provides background information on the site and outlines the appellant's case in relation to planning policy and other material considerations, set out under the following sections:
- **Section 2** describes the site and its context within the surrounding area;
 - **Section 3** provides an overview of the site's planning history;
 - **Section 4** details the agreed matters between the appellant and the local planning authority;
 - **Section 5** sets out the disputed matters and policy relevant to the appeal;
 - **Section 6** details the appellant's case against the reasons for refusal;
 - **Section 7** summarises the appellant's case.
- 1.6. This Statement should be read in conjunction with the original submitted drawings and documents, listed as follows:
- Site Location Plan;
 - Existing and proposed plans, elevations and sections, prepared by Mors + Harte Architects;
 - Design and Access Statement, prepared by Mors + Harte Architects;
 - Planning Statement, prepared by Savills;
 - Heritage Statement, prepared by HCUK Group; and
 - Cost Document, prepared by GSB Building.
- 1.7. This Statement concludes that the development contrary to the Council's determination, is in full conformity with the development plan, as well as other relevant material considerations, including the National Planning Policy Framework (NPPF), concluding that the proposed development will deliver sustainable development in accordance with the NPPF.

2. Site and Surroundings

- 2.1. The appeal site is located within the London Borough of Camden and specifically within the Camden Town and Primrose Hill ward. The site is located on the south-western side of Albert Road, which runs north-west to south-east from Parkway to Delancey Street.



Figure 1 – Aerial view of the site from the west

- 2.2. The site comprises of an early Victorian 3-storey mid-terrace property, constructed from brick and stucco. It has a butterfly roof and later additions to the rear including ground floor outrigger extension and two outbuildings. There have been a number of alterations to the property, including rebuilding of partial front and rear elevations and internal reconfiguration to ground and second floor. Albeit the original plan form to the main building has predominantly been retained. The majority of windows are non-original.



Figure 2- Site frontage

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2.3. The property forms part of a run of 9 similar terrace houses, comprising number 123-139, forming the south-west side of Albert Street. The properties cumulatively were Grade II listed on 14th May 1974, with the listing description for the property is as follows:

“Terrace of 9 houses. C1845. Multi-coloured and yellow stock brick, (No.125, painted), No.137, grey stock brick. Rusticated stucco ground floors. No.127, slate mansard roof with attic dormers. Nos 135-139, slightly recessed. 3 storeys and basements. 2 windows each. No.129 incorporate in No.131 with 3 windows. Round-arched doorways with pilaster-jambs carting cornice-heads; fanlights (Nos 133-137, radial) and panelled doors. No.131, square-headed doorway with C20 door. Gauged brick flat arches to recessed sashed (except No.125 2nd floor, C20 metal-framed casements); 1st floors with cast-iron balconies, Nos 123-127 with stucco facing. INTERIORS: not inspected. SUBSIDIARY FEATURES: attached cast-iron railings with spearhead finials.”

2.4. The building is in a very poor state of repair and is currently uninhabitable. It has been unoccupied for a number of years. The brick to the front is pitted. There are substantial cracks to the stucco and apparent movement affecting the door arch, threshold, window lintels and cills. The roof has felt burnt onto slate with failing lead and felt upstands and gutters, The building requires substantial refurbishment to bring it up to a habitable standard and secure its long term viability.



Figure 3- Photograph showing the condition of the existing front entrance (left) and rear outrigger and outbuilding (right)

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- 2.5. The site located within the Camden Conservation Area. The immediate surrounding context of Albert Street is residential, however the Camden Town centre designation boundary is located to the north of the site, and indeed this area is commercial in character. The Jewish Museum London is located north of the site at 129-131 Albert Street.
- 2.6. The site is located approximately 0.2 mile south-west of Camden Town London Underground Station, whilst the site is well served by a number of local bus services operating in the vicinity of the site, accessed most locally on Parkway to the north, and Delancey Street to the south. Consequently, the site benefits from a Public Transport Access Level (PTAL) of 6a, indicating excellent public transport access.
- 2.7. At pre-application stage the building was identified as a House in Multiple Occupation (HMO) (Use Class C4), laid out as 4no. bedsits. Following the pre-application stage, further investigation has been carried out in terms of the building's lawful planning use. There is no evidence that the House in Multiple Occupation (HMO) (Use Class C4) is lawful in planning terms, and indeed the Council's pre-application response confirmed that the *"Councils Environmental Health Officers (Private Sector Housing) was consulted and has confirmed that the property is not licensed as a House in Multiple Occupation (Class C4). Moreover, the property has no visible fire doors or automatic fire alarm system which would meet licensing standards and consequently would provide substandard facilities."* It is noted that several applications submitted to the Council in 2019 were "householder" applications. As a result, the original application was submitted as a householder planning application. Notwithstanding this, the Council challenged this at application stage and maintained a position that the building's lawful planning use was as a HMO. The description of the existing land use was therefore changed during the determination period to a HMO and was determined as such. It should be noted that the Council raised no objection to the change of use of the property to a single dwellinghouse, as discussed later in this Statement.

3. Planning History

Application Site

- 3.1. The Council's online planning register indicates that there is a limited planning history for the site, much of which dates back significant periods of time and is of little relevance to the current proposals.
- 3.2. The site was subject to two concurrent planning and listed building consent applications (4 applications in total) during 2019. The first of these proposals was for the demolition of existing ground floor extensions including existing outbuildings and construction of new single storey extensions (2019/1219/P and 2019/1748/L). The second set of these applications was for internal and external alterations and the erection of a mansard roof extension with dormer extensions as well as the installation of a rear Juliet balcony (reference 2019/1215/P and 2019/1720/L). Both applications were withdrawn by the applicant.
- 3.3. The site has been subject to a concurrent planning and listed building consent application for an identical scheme to that which is subject to this appeal, less of the mansard roof element. Planning and listed building consent for this development was granted on 4th May 2022 under references 2021/4360/P and 2021/5254/L.

Relevant Surrounding Planning History

- 3.4. A number of neighbouring properties display existing mansard roof extensions, and indeed the western side of Albert Street is now characterised by such roof forms, with the application property and the neighbouring 123 the only properties not including a mansard roof extension.
- 3.5. Details of those most relevant and local to the application property are listed below. These permissions were granted after the group of properties were listed in 1974.
 - Planning permission and listed building consent was granted at the neighbouring 127 Albert Street in 1986 (reference 8502180) for the erection of a roof extension, comprising of the mansard roof visible on the property today.
 - Planning permission and listed building consent for the erection of a roof extension and a rear extension on three floors at number 129-131 Albert Street was initially granted in 1989 (reference 8970448) and was subsequently revised in 1990 (reference 9003128).
 - Planning permission and listed building consent for the erection of a mansard roof with dormer windows at 133 Albert Street, in conjunction with a rear extension, was granted in 1993 (reference 9301363).
 - Planning permission and listed building consent was granted for the erection of a roof extension at 135 Albert Street, in conjunction with the change of use and conversion of the building to a single-family dwelling in January 2002.
 - Planning permission and listed building consent was granted for the erection of a mansard roof extension at 137 Albert Street in 2004 (reference 2004/3027/P and 2004/3030/L).
 - Planning permission and listed building consent was granted for the erection of a mansard roof extension with dormer windows at 139 Albert Street in 2007 (reference 2007/3530/P and 2007/3528/L).

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- 3.6. As can be seen above, there are a number of cases along the street of mansards being approved since the listing of the terrace. Whilst details are limited on a number of these cases on the Council's website, the officer delegated report relating to 139 Albert Street is available online. This report notes that "*the principle of mansard roof extensions and consequent loss of original roof fabric caused by the extension has been long established in Albert Street*", going on to reference other permissions, including those listed above. The report goes on to state that "*the loss of the original roof fabric is regrettable but as discussed above the principle of mansard extensions and their consequent loss of roof fabric has been established in the terrace as acceptable*". A copy of this officer delegated report is provided at appendix 1 to this Statement of Case.
- 3.7. Clearly the conclusion drawn in the case of 125 Albert Street is in contradiction to the conclusion drawn by the Council in the case of 139 Albert Street, and it is unclear why this alternative conclusion has been reached.
- 3.8. In addition to these cases within the terrace of properties which the appeal site forms part, there Council have also recently granted planning approval for mansard extensions at numbers 72 (2020/1654/P & 2020/2323/L) and 90 (2019/5937/P & 2019/6209/L) Albert Street. In addition, similar extensions have been granted on the neighbouring Delancey Street, most recently at numbers 60 (2019/4670/P & 2019/5087/L) and 76 (2018/2936/P & 2018/3960/L). Unfortunately, the officer delegated reports are not available for these cases on the Council's website, however given that approval was given, it can be assumed that in none of these applications did the Council raise concern that this would cause harm to the significance of the listed building, nor to the character and appearance of the conservation area.

4. Agreed Matters

4.1. The following matters are considered to be agreed between the appellant and the Council, as has been confirmed within the Council's officer delegated report.

- The building's current lawful use is as a House in Multiple Occupation. The change of use of the property from a HMO to a single residential dwellinghouse is acceptable.
- That the resultant dwellinghouse would be an acceptable size and layout and would ensure a good standard of accommodation.
- That the proposed rear extension would be a sympathetic addition to the host building and the proposals is not considered to cause harm to the character and setting of the adjoining properties in the terrace and officers consider that this would preserve the building character.
- That the proposed replacement C20th windows with more appropriate single glazed sashes is supported.
- That the internal alterations to the listed building are acceptable. The removal of all modern partitions, including the fitted kitchen units, the existing bathroom fixtures and sanitaryware to restore the original plan form and function of each room as far as possible is welcomed. Overall, the internal alterations would result in an enhancement of the building's significance.
- Securing the building as car-free is unjustified in this instance.
- The limited nature of the proposed works would not generate the need for a Construction Management Plan (CMP) given that construction vehicles can load and unload within the resident permit bays near the site.
- That the proposal would not result in a harmful impact in respect of overlooking, loss of light or outlook to/from neighbouring properties.

4.2. As is shown above, the development was considered acceptable on the majority of issues, and this is further shown within the approval of the development under references 2021/4360/P and 2021/5254/L. Whilst one of the refusal reasons relates to the lack of affordable housing contribution, had the development otherwise been considered acceptable, this agreement would have been secured, as was the case under references 2021/4360/P and 2021/5254/L. This is discussed further in the following sections.

5. Disputed Matters and Relevant Policy

5.1. As noted above, the development was refused on two grounds, one of which, relating to an affordable housing contribution, would have been agreed had the development otherwise been considered acceptable. This is addressed further in the following section of this statement. Notwithstanding this, the disputed matters to which this planning appeal relate, as listed within the Council's decision notice, are as follows:

1. *Whether the proposed roof extension, by reason of its bulk, design and resultant loss of the original roof form and fabric, would detract from the overall integrity of the building's special architectural and historic interest and harm to the character and appearance of the Camden Town Conservation Area;*
2. *Whether the proposed development would make a contribution to affordable housing in the Borough.*

5.2. The listed building consent application was refused solely by virtue of the first reason for refusal listed within the planning refusal.

5.3. In relation to these reasons for refusal, the Council allege conflict with the following policies within the Camden Local Plan (2017)

Policy D1 Design- seeks to secure high-quality design in development, requiring development to, inter alia, respect local context and character, is of sustainable design, and comprises details and materials that are of high quality and complement the local character.

Policy D2 Heritage- seeks to preserve, and where appropriate, enhance, Camden's rich and diverse heritage assets and their settings, including conservation areas and listed buildings. The Council will not permit the loss or substantial harm to a designated heritage asset.

Policy H4 Maximising the supply of affordable housing- states that the Council will expect a contribution to affordable housing from all developments that provide one or more additional homes and involve a total addition to residential floorspace of 100sqm GIA or more.

Policy DM1 Delivery and monitoring- outlines the Council's strategy to deliver the vision, objectives and policies of the Local Plan.

5.4. Each of these policies are referenced where appropriate in relation to the appellant's case in the following section of this report.

6. The Appellant's Case

6.1. The following section outlines the appellant's case against each of the reasons for refusal is detailed as follows.

Reason for refusal 1- Roof extension

6.2. The Council's first reason for refusal relates to the proposed mansard roof extension, which the Council have considered "*by reason of its bulk, design and resultant loss of the original roof form and fabric, would detract from the overall integrity of the building's special architectural and historic interest and also cause harm to the character and appearance of the Camden Town Conservation Area*".

6.3. In explaining this reasoning for refusal within the officer delegated report, the Council have considered that "*the roof form is an important element of the building's significance as well as a substantial contributor to the significance and character of the conservation area*", which is "*one of the last of its type in the terraced row and is of high significance*".

6.4. The Council have considered that this element of the proposal would result in "*less than substantial harm to the significance of a designated heritage asset*" which should be weighed against the public benefits of the proposal. The Council have concluded that the public benefits of the proposal do not outweigh the less than substantial harm that they have identified.

6.5. The proposed mansard roof extension seeks to remove the existing roof and construct a new mansard extension of an identical design, form and materiality to that seen on the neighbouring properties along the terrace.

6.6. As noted within the Council's officer delegated report, the appeal property is one of just two properties along the terrace which have a hipped butterfly roof, with all other properties now displaying mansard roof extensions. Mansard roof extensions are therefore the predominant roof form along the terrace and within this the appeal property is out of place. The proposed mansard extension will therefore contribute towards completing the visual appearance of the terrace, which is currently broken. The gap is arguably now a discordant feature and partially infilling it with this mansard roof extension is considered to help provide more consistency and unifying the terrace appearance.

6.7. In respect of harm to heritage assets, the Council have considered that the mansard would cause harm to the significance and character of the conservation area, and would result in less than substantial harm to the significance of a designated heritage asset. The application was supported by a Heritage Statement which assessed the heritage impact of the development in full. This assessment concludes that the development would, contrary to the Council's officer delegated report, suitably preserve the appearance of the building and its significance, as well as that of the surrounding conservation area.

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- 6.8. Within the setting of the existing surrounding extensions at neighbouring properties, which now form the predominant roof form on Albert Street, as well as the neighbouring Delancey Street, it is not clear how the development of a mansard roof form at the appeal property can be considered in any way harmful to the character and appearance of the conservation area. The proposed mansard roof is, as noted above, of an identical design to that visible on neighbouring properties and respects and conserves the character and appearance of the existing building below, with slate tiles and lead clad dormer fitted with 3 over 3 timber sash glazed windows. This design been challenged by the Council within their officer delegated report, rather the Council focus on the principle of the mansard extension being unacceptable in their view.
- 6.9. In respect of harm to the significance of the listed building, the proposal will preserve the listed building, its setting and features of special interest, and the Heritage Statement has assessed that there would be no harm to the building's significance, contrary to the Council's own assessment. Indeed, the Council has consistently allowed mansard roof extensions at neighbouring and surrounding listed buildings which previously had similar roofs to that which is existing at the appeal property, as have been referenced in section 3 of this report. In approving these schemes, the Council have at no point raised concern that the development would cause harm to the significance of these listed buildings. The mansard roof extension will allow for the overall enhancement of the property and will allow for the roof to be improved, with it currently in a poor state with felt burnt onto the slate covering.
- 6.10. Most recently, the Council have granted planning approval for mansard extensions at numbers 72 (2020/1654/P & 2020/2323/L) and 90 (2019/5937/P & 2019/6209/L) Albert Street. In addition, similar extensions have been granted on the neighbouring Delancey Street, most recently at numbers 60 (2019/4670/P & 2019/5087/L) and 76 (2018/2936/P & 2018/3960/L). Unfortunately, the officer delegated reports are not available for these cases on the Council's website, however given that approval was given, it can be assumed that in none of these applications did the Council raise concern that this would cause harm to the significance of the listed building, nor to the character and appearance of the conservation area.
- 6.11. In light of the above, it is not clear how the Council can reach a different consideration in this case, which is identical in design to those approved within the above applications and on the neighbouring properties.
- 6.12. It should be noted that the Camden Conservation Area Advisory Committee noted within their representation on the application that "*a mansard addition to this house is acceptable in principle, in view of its context, namely that all the other houses on this side of Albert Street already have mansards added*". In addition, since the refusal of the application, the appellant has received a number of letters of support for the proposals and expressing their disapproval of the Council's decision making in this case. These letters of support are submitted for reference as part of this planning appeal at Appendix 2. In addition, we understand that the Chair of Albert Street North Residents Association has also been in contact with the Council directly to discuss the application outcome.
- 6.13. There is a clear support from local residents for the development, not just for the overall refurbishment of the site, but particularly for the mansard roof which would assist in completing the terrace.

- 6.14. The proposed mansard extension is of a sensitive and appropriate design, taking account of the site's context, whilst ensuring an overall enhancement of the building's contribution to the conservation area through a more coherent design approach with its neighbours. The proposals mirror the design and composition of the other existing mansards within the street and will be in-keeping with its design, with slate tiles and lead clad dormers fitted with 3 over 3 timber glazed windows. Whilst the Council cite that the mansard will be bulky, it is unclear how this can be the case given that it matches the design of existing mansards which have been considered acceptable at neighbouring properties.
- 6.15. The proposed extension which contribute to completing the terrace, which will significantly improve its contribution to the conservation area, given that it currently appears disjointed.
- 6.16. In light of the above, it is considered that, contrary to the Council's assessment, the mansard extension will act as an improvement to the existing building and to the character and appearance of the wider conservation area. The extension is considered to be in full compliance with policies D1 and D2 of the Camden Local Plan and represents high-quality design that will preserve and enhance the significance of the listed building.

Reason for refusal 2- Affordable Housing

- 6.17. The Council's second reason for refusal relates to the absence of a legal agreement to secure a contribution to affordable housing. Notwithstanding this, it is noted within an informative that "*without prejudice to any future application or appeal, the applicant is advised that reason for refusal no 2 could be overcome by entering into a Section 106 Legal Agreement for a scheme that was in all other respects acceptable*".
- 6.18. A legal agreement to secure a contribution to affordable housing has been secured as part of the approval for a similar application at the site (less of the mansard) and as noted a similar agreement could be secured to overcome this reason for refusal. Accordingly, a Unilateral Undertaking will be submitted as part of this appeal.

7. Conclusions

- 7.1. This Planning Appeal Statement of Case has been prepared by Savills on behalf of our Client to support a planning appeal against the London Borough of Camden's refusal of planning and listed building consent at 125 Albert Street, London, NW1 7NB. The Council's reasoning for refusal was on two grounds, namely relating to the construction of a mansard roof and the lack of a legal agreement to secure an affordable housing contribution. The reasoning for refusal of the listed building consent application relates solely to the provision of a mansard roof.
- 7.2. As the Council have noted within their decision notice, the reason for refusal relating to contributions towards affordable housing is a matter which can be dealt with by a legal agreement. Had the application otherwise been considered acceptable, this would have been agreed. This can be addressed through a Unilateral Undertaking as part of this planning appeal.
- 7.3. Noting the above, it is considered that the only disputed matter to which this appeal relates is the acceptability of the mansard extension. This has been designed to mirror the design and form of existing mansard extensions which are a common feature along the terrace. The extension will contribute towards re-unifying the terrace which currently appears disjointed given the property is one of only 2 remaining properties without a mansard roof. The Council has granted planning permission and listed building consent for roof extensions involving loss of original fabric to nearly all of the properties in this group listing, all after the listing took place. As the officer's report for the most recent roof extension at no. 139 in 2007 states "*the principle of mansard roof extensions and the consequent loss of original roof fabric caused by the extension has been long established in Albert Street*" going on to note that "*there is an established pattern of roof extensions in the street and indeed in the immediate vicinity of the application building*". The officer report goes on to state that "*the principle to allow a mansard roof extension specifically relates in this instance to the location of the building and established pattern of roof extensions on Albert Street along with the recent history of mansards close to the application site*" before stating that whilst "*the loss of the original roof fabric is regrettable*", "*the principle of mansard extensions and their consequent loss of roof fabric has been established in the terrace as acceptable by recent decisions*". The appellant therefore feels aggrieved that a different conclusion was reached on their proposal in the same group listing.
- 7.4. The extension will, contrary to the Council's determination, not result in harm to the significance of the listed building and will instead allow for the roof of the building, which is currently in a poor state of repair to be improved and upgraded. The extension is considered to be appropriately designed and will suitably preserve the character and appearance of the conservation area.
- 7.5. In light of the above, the proposal is considered to be in full compliance with policies D1 and D2 of the Camden Local Plan and represent sustainable development in line with the NPPF. Ultimately the development will ensure the long-term sustainability of the heritage asset in its optimum, original use (as a single dwellinghouse), whilst providing a high-quality family home. It is therefore respectfully requested that this planning appeal is allowed and planning permission and listed building consent granted.

