



J & L PLANNING SERVICES

Town & Country Planning Acts

Appeal by Mr Robert Hume against the decision by the London Borough of Camden to refuse planning permission for a single storey rear extension, together with the creation of a rear terrace at 32 Hartland Road, London NW1 8DD

Local Planning Authority Reference: 2021/6205/P

Appellants Reference: JL10122

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1. INTRODUCTION

1.1 This statement has been prepared in support of an appeal against a refusal of planning permission.

2. THE APPEAL

2.1 The appeal concerns a refusal of planning permission for a single storey rear extension and the creation of a roof terrace. The Council's reasons for refusal are as follows:

1 The proposed single storey extension, due to its bulk, scale, siting, design, would result in an incongruous addition to the building, which would detract from the form, style and character of the original building, the terrace row and the wider built environment, which reduces the garden amenity space, contrary to policy D1 (Design) of the Camden Local Plan 2017.

2 The proposed single storey rear extension, due to its bulk, scale and rear projection, would result in an overbearing development with unacceptable sense of enclosure, detrimental to the amenity of neighbouring occupiers at no. 30 Hartland Road in terms of loss of light and outlook, contrary to policy A1 (Managing the impact of development) of the Camden Local Plan 2017.

3 The proposed terrace on the roof of the main dwelling, due to its location and lack of secure balustrading and detailed design, would result in an unsafe and inaccessible terrace at high level, contrary to policy D1 (Design) of the Camden Local Plan 2017.

3. SITE AND SURROUNDINGS

3.1 The appeal site comprises an end of terrace dwelling located on the south side of Hartland Road, some 60 metres southwest of the junction with Clarence Way.

Immediately adjoining the eastern boundary of the appeal site is an elevated main railway line serving London's Underground railway, linking Camden Town Station to the south with Gospel Oak Station to the north. The surrounding area comprises a mix of residential, open space and recreational uses.

4 **PLANNING CONSIDERATIONS**

4.1 The National Planning Policy Framework (NPPF) which came into force in July 2021, outlines the Government's requirements for the planning system and established how these will be addressed. The most relevant paragraphs are stated below:

Paragraph 7 states that: "The purpose of the planning system is to contribute to the achievement of sustainable development." Paragraph 8 goes on to explain that "that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

a) **an economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

b) **a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect

current and future needs and support communities' health, social and cultural well-being; and

c) **an environmental objective** – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.”

4.2 These roles should not be undertaken in isolation, because they are mutually dependent. Economic growth can secure higher, social, and environmental standards, and well-designed buildings and places can improve the lives of people and communities. Therefore, to achieve sustainable development, economic, social, and environmental gains should be sought jointly and simultaneously through the planning system. The planning system should play an active role in guiding development to sustainable solutions.

4.3 Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural, and historic environment, as well as people's quality of life, including (but not limited to):

1. Making it easier for jobs to be created in cities, towns, and villages.
2. Moving from a net loss of biodiversity to achieving net gains for nature.
3. Replacing poor design with better design.
4. Improving the conditions in which people live, work, travel and take leisure; and
5. Widening the choice of high-quality homes.

- 4.4 The National Planning Policy Framework advocates that the statutory status of the development plan is the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts would be refused unless other material considerations indicate otherwise. It is highly desirable that local planning authorities should have an up-to-date plan in place.
- 4.5 At the heart of the planning system is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan making and decision making. Local planning authorities should approve development proposals that accord with statutory plans without delay, and grant permission where the plan is absent, silent, in determination or where relevant policies are out of date. All these policies should apply unless the adverse impact of allowing development would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework, taken as a whole.
- 4.6 The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Although visual appearance and the architecture of individual buildings are particularly important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural built and historic environment. Furthermore, 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.

4.7 Applicants will be expected to work closely with those directly affected by their proposals to evolve designs that take account of the views of the community. Proposals that can demonstrate this in developing the design of the new development should be looked on more favourably.

4.8 The Borough Council have provided three reasons for refusal which has raised four primary issues, these are:

- (i) form, style and character of the original building.
- (ii) garden amenity space provision.
- (iii) amenities of the occupiers of no.30 Hartland Road; and
- (iv) safety and accessibility of the terrace.

4.9 In support of these concerns, the Council have referred to provisions within the Camden Local Plan 2017. Within this context, the merits of the appeal will be assessed.

Form, style and character of the original building

D1

4.10 The following factors collectively ensure that the requirements of the policy are satisfied:

- (i) The local context and character of the area is hugely influenced by the street scene and the elevated railway line. The siting and position of the appeal would not visually influence these contextual elements.

- (ii) The host building, together with neighbouring built forms and the wider area are not designated heritage assets.

- (iii) The external appearance of the appeal proposal, together with the proposed joinery details, are intended to match the host building.

- (iv) The rearward siting of the appeal proposal, together with the prevailing pattern of development ensures that the street scene would remain undisturbed.

- (v) The proposal incorporates high quality landscape provision which, in turn, would serve to enhance the visual presence of the host building and its setting; and

- (vi) Local views of the appeal site can be obtained by passengers using the trains travelling along the adjacent railway line. The inclusion of a green roof, together with soft landscaping measures, would have an undoubted and assured enhancement to the visual presence of the appeal site.

Garden amenity space

D1

- 4.11 The starting point is the existing site characteristics and the availability of garden space to serve the host dwelling. The existing outdoor space associated with the host dwelling is an expanse of hardstanding. This hardstanding area is associated with the previous commercial use of the appeal site.
- 4.12 The aim and purpose of the appeal proposal is to introduce green open amenity space. The concept of the proposal is to achieve two levels of access to green open space. The first is at ground level. It is intended to replace the hardstanding area with green soft landscape features. The second upper level is to create a terrace and a green roof comprised of wildflowers.
- 4.13 The net gain is to introduce green open space. In essence, the appeal proposal would result in a positive enhancement of green open space presence within the appeal site and not a loss of garden amenity space.
- 4.14 The appeal proposal would unmistakably result in a visual enrichment of the local context and character of the area. The introduction of a green roof and roof terrace, together with the replacement of hardstanding with soft landscape features, would collectively achieve a high quality of design which, in turn, would make a positive contribution to local character.
- 4.15 Elevated views of the appeal site are achieved by passengers on the trains adjacent to the appeal. An integral element of the appeal proposal will be the presence of soft landscape measures. The creation of such features would have an undoubtable and certain positive influence over local views and vistas.

- 4.16 Lastly, the creation of green open amenity space would benefit existing and future occupiers of the residential accommodation. In turn, this would constitute a significant enhancement in the standard of residential accommodation.

Amenities of the occupiers of no.30 Hartland Road

A1

- 4.17 Criterion a of the policy is relevant and material. Furthermore, factors e, f and k are also applicable. The appeal proposal meets the requirements of the policy for the following reasons:

- (i) Visual privacy and outlook would be maintained due to the single storey nature of the proposed structure, the proposed roof profile and the separating distance, together with the angles of outlook from windows serving habitable rooms within no.30 Hartland Road.
- (ii) In relation to sunlight, daylight and overshadowing, no. 30 Hartland Road is positioned due south of the host dwelling and, therefore, passage of natural light would not be impeded; and
- (iii) The appeal proposal is incidental to the primary residential use of the appeal site. Therefore, the appeal proposal would not result in noise, vibration, odour, fumes or dust levels, which would harm residential amenity.

Safety and accessibility of the terrace

D1

- 4.18 The importance of achieving a high quality of design is acknowledged. Achieving a high quality of design is also linked to health and safety. The Council's concern relates specifically to the elevated location which, due to a:

".... lack of secure balustrading and detailed design, would result in an unsafe and inaccessible terrace at high level"

- 4.19 The proposed terrace would be accessible via a proposed staircase, which forms part of the drawings, the subject of the refusal.
- 4.20 The lack of balustrading and design detail can be the subject of pre-commencement conditions. Such conditions would ensure an oversight, control and approval of details and measures which would ensure safety and accessibility.
- 4.21 The imposition of such conditions is considered necessary, relevant to planning, relevant to the development proposed and enforceable.

5. CONCLUSIONS

- 5.1 The appeal proposal would enhance provision and access to garden amenity space. Furthermore, the siting, design and external appearance of the appeal proposal would not harm the prevailing character and appearance of the locality.

- 5.2 In addition, the locational characteristics of the appeal site, in relation to its neighbour at no. 30 Hartland Road, would not harm the residential amenities of occupiers of that property.
- 5.3 The imposition of conditions would provide an assurance that details for measures to ensure safety and access could be protected.
- 5.4 In conclusion, the appeal proposal represents an opportunity to substantially enhance the standard of residential accommodation for existing and future occupiers of the host dwelling. In conclusion, the appellant respectfully requests that the Inspector upholds the appeal.