

**MADDOX PLANNING**

**FULL  
STATEMENT  
OF CASE**

**LONDON & MANCHESTER**

**0345 121 1706**

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## FULL STATEMENT OF CASE

106 Torriano Avenue  
August 2022

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## **Description of development**

Erection of a single storey first floor rear extension with side door to the existing terrace and enlargement of the existing roof extension to accommodate a staircase.

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## **Type of application**

Full Planning Application

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## **Type of appeal**

Written Representations

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## **Appellant**

Mr Sheikh

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## **Local planning authority**

London Borough of Camden

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## **Contents of this statement**

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## Introduction

This statement provides the appellant's statement of case against a refusal of an application for planning permission pursuant to Section 78 (1)(a) of the Town and Country Planning Act 1990. This statement has been prepared in accordance with Annex J of the Procedural Guide: Planning Appeals (England).

### **Appellant, local planning authority, the site, and description of development**

This statement of case relates to the planning appeal submitted on behalf of Mr Sheikh ('the Appellant') against the London Borough of Camden's ('the LPA') decision to refuse planning permission at 106 Torriano Avenue, London, NW5 2SD ('the Site'), for the following development:

*'Erection of a single storey first floor rear extension with side door to the existing terrace and enlargement of the existing roof extension to accommodate a staircase.'*

The appeal site is located on the eastern side of Torriano Avenue. It is a mid-terrace three storey Victorian residential property plus roof extension that was constructed in 2006. The property comprises two flats, and the one that is the subject of this appeal is the upper floor flat which occupies the first, second and third floor levels of the building.

The host terrace (104-114 Torriano Avenue) was locally listed by the LPA in January 2015. The local list description is as follows:

*"Terrace of 6 mid 19<sup>th</sup> century houses, visually linked into pairs with pediments above central bays and slight recesses to entrance door bays, sitting behind shallow front gardens. Chimney stacks with pots visible on party wall. Fine detailing includes timber sliding sash windows, iron balconies at first floor level. Well preserved and high quality group contributes to the local townscape."*

The property is not situated in a conservation area.



Above: The eastern side of Torriano Avenue with the appeal site broadly outlined in red.

The surrounding area has a varied roofscape including butterfly roofs, flat roof, pitched roofs, mansards and modern roof forms.

### **The proposed development**

Planning permission has been granted for the first floor rear extension with a side door to the existing terrace under LPA reference 2021/6182/P (decision dated 24<sup>th</sup> March 2022). The first floor rear extension was shown on the application drawings for completeness, but as it has already been consented, it is not discussed further in this appeal statement.

The disputed matter in this appeal is the enlargement of the existing roof extension. The enlargement is modest and is confined to the rear part of the roof only meaning it is not visible from the public realm. Whilst the enlarged part of the roof will be visible in private views, overall, the resultant roof will not be substantially different to the existing roof form.

In our view, the modest enlargement does not adversely impact the character and appearance of the host property or the locally listed terrace. It has been appropriately sited and designed by continuing the roof pitch and by using a matching roof material.

The proposed roof enlargement is to allow for a new compliant stair to lead from the second floor to the third floor of the property. The current stair is a non-compliant, steep paddle stair which is difficult to use and is unsafe.

The additional roof space accommodates the required head height for a compliant stair. The existing bathroom at the second floor half-level would also be removed to make way for the new stair, with the bathroom being replaced at third floor level. The removal of the existing bathroom also allows the existing stair case from first to second floor to have a compliant head height.

The proposed development will therefore improve the standard of accommodation for the appellant family and for future occupants.

### **Reason for refusal**

The LPA refused to grant planning permission for the following reason:

- 1. The proposed roof extension, by virtue of its location, design, bulk and massing, would result in an incongruous and dominant addition to the existing building, which would cause harm to the character and appearance of the locally listed building, local roofscape and streetscene, contrary to policies D1 (Design) and D2 (Heritage) of the London Borough of Camden Local Plan 2017 and Policies D3 and D4 of the Kentish Town Neighbourhood Plan 2016.*

The planning merits and a rebuttal of the Council's reason for refusal are provided in this statement of case.



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## **Legislation, policy and other material considerations**

### **Acts of Parliament**

To the extent that development plan policies are material to an application for planning permission, the decision must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004). These provisions also apply to appeals.

The National Planning Policy Framework (NPPF) (July 2021) is a material consideration.

### **Development plan**

The development plan for the site comprises the Camden Local Plan (2017), the Kentish Town Neighbourhood Plan 2016 and the London Plan (2021).

The Local Plan is supported by a number of Supporting Planning Documents (SPDs), with the most relevant in this case being the Design SPD (2021).

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## The appellant's case

### Reason for refusal

In the reason for refusal the Council allege that the proposed roof extension, by virtue of its location, design, bulk and massing, would result in an incongruous and dominant addition to the existing building, which would cause harm to the character and appearance of the locally listed building, local roofscape and streetscene, contrary to policies D1 (Design) and D2 (Heritage) of the London Borough of Camden Local Plan 2017 and Policies D3 and D4 of the Kentish Town Neighbourhood Plan (KTNP) 2016.

The intent and purpose of the policies which the Council allege the development to conflict with are detailed below.

#### Relevant policy

Local Plan policy D1 states that the Council will seek to secure high quality design in development which respects and preserves local context and character.

Local Plan policy D2 states that the effect of a proposal on the significance of a non-designated heritage asset will be weighed against the public benefits of the proposal, balancing the scale of any harm or loss and the significance of the heritage asset.

Policy D3 of the KTNP requires development, including extensions, to respond appropriately to its context and to enhance local character. The policy supports appropriate innovation, promotes high quality and sustainable materials and requires development to enhance accessibility in buildings.

Policy D4 of the KTNP identifies 8 buildings which are omitted from the Council's Local List, which the KTNP identifies as non-designated heritage assets. This policy is therefore not relevant to the appeal proposals and there is no conflict.

#### Assessment

The appeal site has an existing roof extension and is the only property to have been extended at roof level on the locally listed terrace, although the terrace adjoins a larger building with a prominent modern roof. Torriano Avenue and the local context has a varied roofscape, as shown below.





The host terrace was locally listed in January 2015. This is some 9 years after the existing roof extension at the appeal property was constructed. Therefore, the Council considered the terrace to be of local heritage significance with the roof extension in situ. The modest enlargement of the roof extension is at the rear of the building only and it continues the existing roof pitch, thereby being a minimal height and mass. The proposed development cannot reasonably be described as a dominant addition to the existing building.

The proposed enlargement will also not be readily visible from the public realm in short or long views. It will only be readily visible in private views, whereas parts the existing roof addition is visible from the public realm.

We therefore disagree with the Council's allegation that the proposed modest enlargement of the existing roof form will adversely impact the character and appearance of the locally listed building and streetscene. From the public realm there will be no change, and in private views it will not substantially change the appearance of the existing roof or building. Furthermore, change does not automatically mean harm. The extension is modest and appropriately sited and designed, and where it is visible it will largely be seen in the wider context of a varied roofscape and heavily altered secondary rear elevations.

In view of the above, we are of the opinion that modest enlargement of the existing roof form causes no harm to the locally listed building or to the streetscene. The terrace will continue to be well preserved and form a high quality group that contributes to the local townscape, as concluded by the Council when locally listing the terrace in 2015 with the existing roof extension in situ.

The proposed development therefore complies with Local Plan policies D2 and D3, and Policy D3 of the KTNP.

It is also common ground that the proposed development will have no adverse impact on the living conditions at neighbouring properties.

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## **Conclusion**

This statement demonstrates that the proposal is in accordance with the material policies in the development plan. The proposed development will preserve the character and appearance of the host property, the locally listed terrace and the streetscape. The proposed roof enlargement will also facilitate improvements to the standard of accommodation within the appeal property, and the development will have no adverse impact on the living conditions at neighbouring properties.

The Inspector is therefore respectfully requested to allow the appeal and grant planning permission.