

20 September 2022

The Savills logo consists of the word "savills" in a lowercase, sans-serif font, colored red, set against a solid yellow rectangular background.

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Dear Mrs Stanmore-Richards,

**125 ALBERT STREET, LONDON, NW1 7NB
APPEAL REFERENCE APP/X5210/W/22/3299220
APPELLANT RESPONSE TO LOCAL PLANNING AUTHORITY AND THIRD PARTY REPRESENTATIONS**

I write on behalf of the appellant in response to the Council's case and third party representations associated with the above appeal. The third party representations were received in line with the appeal timescales on the 13th September 2022. The Local Planning Authority failed to submit their Statement of Case in line with these timescales, however the late submission of the Statement of Case was allowed by the Planning Inspectorate. This was received on 15th September 2022.

This letter outlines the appellant's response to the representations made on the appeal by the relevant parties in turn below, first making comments on the Council's Statement of Case before turning to the representations made by third parties.

Comments on the LPA Statement of Case

The Council have submitted a Statement of Case outlining the background to the site, its designations before outlining the decision made by the Local Planning Authority. The Council note at paragraph 1.5 that "*the Council's case is set out in detail in the attached Officer's Delegated Report and it will be relied on as the principal Statement of Case*". Notwithstanding this, the Council have provided a response to the appellant's Statement of Case. The appellant's comments and responses to each of these points are outlined on a point-by-point basis below. These comments follow the layout of the appellant's Statement of Case, as set out below.

Design and Conservation

The Council first refer to the Heritage Statement which states that "*the original roof is one of the last of its type in the terrace row*", going on to state at paragraph 3.3 that the appellant's case that the development would not bring harm to the significance of the listed building "*directly contradicts the statement that is now made by the appellant*" as "*it is clear that the Heritage Statement confirmed that the proposed mansard roof extension would be harmful*". It should be noted however that the Heritage Statement in fact noted that the roof is in a poor state of repair with a "defective roof covering and possibly rotted roof timbers". Some scale of alteration to this roof is therefore required in any case to preserve the building. The Heritage Statement goes on to note that the heritage benefits of the proposals would significantly outweigh any low level of harm that the development may be considered to result in. Indeed, the Council note that any harm should be weighed against the public benefits of the proposal, including, where appropriate, securing its optimum viable use. The Council however have not made a consideration of the number of public benefits that the development will deliver within their original decision, nor within their Statement of Case.

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Overall, the development has been considered to preserve the listed building, its setting and any features of special interest and notes that there would be no harm to the buildings significance, as noted at paragraph 6.3 of the Heritage Statement of Case. The Statement made within the appellant's Statement of Case is therefore correct. Regardless, the significant public benefits of the proposal, which will see the building preserved in the long-term and converted back to its original use, the contribution of a new residential unit to the Authority's housing supply, the streetscape improvement by infilling the gap at roof level and the overall sensitive refurbishment and restoration are considered to vastly outweigh any harm, which can only be considered to be at the very low-end of less than substantial, if any harm is identified at all.

Examples of mansard roof extension

The Council note the references made within the appellant's Statement of Case to the number of other examples of mansard roof extension along the terrace before going on to state that "*it is clear that the appellant believe that the 2007 planning and listed building consent decision should be used as precedent*". Whilst the Council refer to the "2007 decision" which is presumably referencing the decision at 139 Albert Street (reference 2007/3530/P and 2007/3528/L), the Council fail to take account of the number of other examples of similar development proposals detailed within the appellant's Statement of Case within none of which the Council considered harm to the significance of the listed buildings in the same way that they have in the decision made at 125 Albert Street.

The Council go on to state "that all applications are determined on a case by case basis" and of course this is not contested. The decision however must be made on a case by case basis, taking into account the development plan and all other material considerations, of which one is the presence of neighbouring mansard roof extensions and that the overwhelming majority of properties along the terrace benefit from a mansard roof extension. Indeed, the Council note that the roof "*is one of the last of its type in the terrace row*" and *considers it to be of high significance*" and "*contains the historic fabric*". As noted above, regardless of whether development be permitted or not, the roof would need to be restored given its current poor state of repair.

The Council then turn to contesting the relevance of the examples of mansard extensions which are visible on properties in the surrounding streets, stating that the context of these are not comparable. The Heritage Statement's for these applications and associated delegated officer reports are not available on the Council's website for these applications and it appears for reasons unbeknown to the appellant that these have been removed.

Regardless, paragraph 4.9 of the Council's Statement of Case has considered that the harm of the proposals "would be less than substantial" and it has been noted that any harm must be weighed against the public benefits of the development. The Council go on to suggest that "*the application supporting information has confused the manner in which harm is balanced*". As noted by the appellant within the original submission documents, as well as within the appellant's Statement of Case, the development is considered to bring with it significant public benefit, including, but not limited to, the restoration of the property (which is currently in a poor state of disrepair), the conversion of the property to its original use, as well as the reintegration of the property with its neighbours alongside which it is listed, many of which already have existing mansard extensions. It is considered that the Council have failed to take full account of these public benefits within their decision on the application.

Affordable Housing

The Council have stated that they would "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 Gross Internal Area (GIA) or more" and state that a payment in lieu of £14,000 towards affordable housing would be required. The need for this contribution is noted and as noted by the Council "*a draft S106 Legal Agreement is in circulation with the appellant and the Council is seeking for a final version to be issued in line with final comments*". The appellant has raised the point with the Council that this contribution was also included in the S106 accompanying the planning application granted for the erection of a full width rear extension following the demolition of the existing ground floor outrigger extension and two outbuildings associated with

the use of the property as a single family dwelling on 4th May 2022 and whether it would be transferable to this scheme if the application was implemented and payment made due to a desire to start works on site. The first permission is the same scheme as this appeal scheme apart from the mansard roof extension. It would seem unreasonable for the applicant to have to pay the contribution twice.

We are aiming to get the legal agreement completed and signed as soon as possible.

This contribution is considered to be a public benefit of the proposal, which should be weighed in favour of development.

Conditions

At section 9 of the Council's Statement of Case, the Council have outlined a series of 4 planning conditions in the event that the Inspector allows the appeal. These conditions have been reviewed and are considered acceptable to the appellant.

Third Party Representations

One third party representation has been submitted on the appeal which has made "*a strong please for this appeal to be granted*". The representation has noted that the existing building is in a poor state of disrepair and notes the significant benefit of the restoration of the building.

These comments are noted and clearly show the significant public support for the proposals which have been expressed by neighbouring residents. Indeed, a number of letters of support were also sent to the appellant following the refusal of planning permission which have been provided as appendices to the appellant's original Statement of Case.

Conclusions

This letter has been prepared by Savills on behalf of the appellant and provides a detailed response to the Council's Statement of Case in respect of a planning appeal relating to 125 Albert Street, London, NW1 7NB.

As noted within the appellant's Statement of Case, the proposed mansard 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.

The appellant has received significant support for the proposals by neighbouring residents, and indeed letters of support have been submitted to the Inspectorate. The proposals will clearly deliver significant public benefits which, notwithstanding the above, significantly outweigh any less than substantial harm that the Council consider will be caused by the proposals.

The proposed development is considered to be in full compliance with the development plan, and all other material considerations and represents 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 which will add to the Authority's housing stock. The development will also deliver additional public benefits through contributions to affordable housing delivery, as well as streetscape improvements through the infilling of the gap within the listed terrace at roof level. It is therefore respectfully requested that this planning appeal is allowed and planning permission and listed building consent granted.

Yours sincerely,



A handwritten signature in black ink, appearing to read "Joe Oakden". The signature is fluid and cursive, with a large initial 'J'.

Joe Oakden MPLAN MRTPI
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