



**LOGIC
PLANNING**


Appeal Statement

Flat C, 66 Priory Road, London, NW6 3RE

Written Representations Appeal

Section 78 of the Town and Country Planning Act 1990

Mr Steve Hooper

Approved for issue		
Lorenzo Pandolfi		07/10/2022

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APPENDIX A - CORRESPONDENCE BETWEEN COUNCIL AND APPLICANT IN RELATION TO APPLICATION REF. 2021/5344/P

1 INTRODUCTION AND EXECUTIVE SUMMARY

1.1 This Appeal Statement has been prepared on behalf of Mr Steve Hooper ('the Appellant') in support of his appeal against the refusal by the London Borough of Camden of a full planning application for the extension of Flat C, 66 Priory Road, London, NW6 3RE.

1.2 The application (LPA Ref. 2022/1323/P) was validated on 3 May 2022, and requested permission for the following development:

"Erection of first floor side/rear mansard roof extension."

1.3 The application was refused by the Council on 17 June 2022 for a single reason:

1. *The proposed mansard roof extension, by virtue of its location, design, bulk and materiality, would result in an incongruous and awkward addition to the existing building. This addition would cause harm to the character and appearance of the host building, the local roofscape and the South Hampstead Conservation Area, contrary to Policies D1 (Design) and D2 (Heritage) of the London Borough of Camden Local Plan 2017.*

1.4 This Appeal Statement analyses the planning policy context relevant for the proposal as set out in the NPPF, the local development plan and supplementary planning guidance, and demonstrates that the reason for the refusal of the application is not well founded.

1.5 The appeal site is within the South Hampstead Conservation Area, as a consequence of which the Inspector must discharge the duty under section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Structure of Appeal Statement

1.6 This Statement includes the following sections:

- Section 2 describes the Site and its surrounding area;
- Section 3 summarises the planning history of the Site and of other sites of relevance;
- Section 4 provides an overview of the development proposal;
- Section 5 sets out the planning policy framework and material considerations of relevance for the Site;
- Section 6 assesses the proposal against detailed policy considerations; and
- Section 7 sets out the conclusions;

Appeal Documents

- 1.7 This Statement of Case should be read in conjunction with the following documents which formed part of the original application:
- Existing and proposed drawings (prepared by Tierney Architects); and
 - Heritage Statement (prepared by Tierney Architects).

Issues that can be resolved with appropriate planning conditions

- 1.8 In the delegated report refusing the application the case officer considered that the proposed zinc cladding of the extension would appear at odds with the building's material palette at the first floor level. If the Inspector will reach the conclusion that the proposed massing and design of the extension is acceptable in principle but the proposed zinc cladding is not, the Appellant is prepared to comply with a planning condition requiring the submission of details of alternative facing materials for the proposed extension before the commencement of building works.

Scope of this statement

- 1.9 For the reasons set out in this statement, we submit that the proposed extension will comply in full with the current planning policies of Camden's development plan relating to design quality and the protection of heritage assets and that, as a consequence, the appeal should be allowed.
- 1.10 In relation to heritage matters, this statement explains why this is a "no harm to significance" case. In these circumstances, paragraphs 201, 202 and 203 of the National Planning Policy Framework (relating to harm to the significance of designated and non-designated heritage assets) are not engaged. Consequently, it is our view that there is no harm to place into the balancing exercise.
- 1.11 The only matters in dispute in this appeal are whether or not the massing, design and appearance of the proposed extension will preserve the character of the host building, the local roofscape and the South Hampstead Conservation Area.
- 1.12 The Appellant contends that the proposed extension will be subservient to the host building and will not have any negative effect on the character and significance of the surrounding townscape or the South Hampstead Conservation Area.
- 1.13 The material planning considerations of relevance for the case are as follows:
- a)** The property is flanked by two identical buildings with rear extensions at different levels that have created a heterogeneous pattern of development at different levels. The proposed addition will have a size comparable to that of the pitched extension at the rear of 68 Priory Road and will not disrupt any established building line, roofscape or visual pattern.
 - b)** The appeal proposal took into account the advice provided by the Council during the determination of an earlier application for a square three-storey extension, where the officer noted that the existing extension at 68 Priory Road is not full-width and has a pitched element and was therefore less intrusive than the one initially

proposed at No.66. The appeal proposal has a pitched flank wall and a reduced width on top to make it subservient to the main house and to progressively reduce volumes at the highest point of the new structure.

- c)** The proposed extension will sit within the footprint of the extension approved for the floors below and avoid any visual or physical encroachment of the rear garden.

- d)** There will not be any impact on public views to, from and through the South Hampstead Conservation, the regular façades of the buildings on the eastern side of Priory Road, or the green spaces at the rear which contribute the most to the significance of the conservation area.

1.14 In summary, we submit that the compliance of the proposal with the policies of the local plan will justify the approval of the appeal.

2 SITE DESCRIPTION AND STATEMENT OF SIGNIFICANCE

- 2.1 The appeal property is a three-storey plus basement late Victorian detached house located on the eastern side of Priory Road, within the South Hampstead Conservation Area. The house is surrounded by residential properties, and the wider area also has a strong residential character.
- 2.2 The property is not listed but, according to the South Hampstead Conservation Area Character Appraisal and Management Strategy, it makes a positive contribution to the character and appearance of the conservation area.
- 2.3 The site does not have any specific planning policy designation.
- 2.4 The site has a Public Transport Accessibility Level (PTAL) of 4 (Good). The site has direct and easy access to the shops and services of Kilburn High Road, located some 700 metres to the south.
- 2.5 The site is in Flood Risk Zone 1 (Low probability of flooding).
- 2.6 The Heritage Statement supporting the application contains additional details of the historical evolution of the area and of the characteristics of the application site.

Statement of Significance

66 Priory Road

- 2.7 The appeal property is a generous late Victorian detached house now converted into flats. It is located on the eastern side of Priory Road, the central north-south spine road of the South Hampstead Conservation Area.
- 2.8 As noted in the South Hampstead Character Appraisal and Management Strategy, development in the area commenced in 1874 and *"by 1875 plots were for sale in Priory Road, and between 1877 and 1882 51 mostly detached houses were constructed there"*.
- 2.9 The site is not identified in Camden's Local List of non-designated heritage assets, but it is considered to make a positive contribution to the South Hampstead Conservation Area.

Group value

- 2.10 The main element of heritage significance of the property is its location within the wider locally group of Victorian buildings on the eastern side of the road and the group value of their façades, which create a consistent frontage of three-storey plus basement detached houses with evenly-spaced separations. This pattern is juxtaposed to the more modest two-storey plus houses on the western side of the road.
- 2.11 The South Hampstead Character Appraisal and Management Strategy identifies that the "Central Wedge" where Priory Road is located has some of the most ornate and attractive properties in the area, *"with lively roofscapes, timber and ironwork porches, typically late 19th century multi-paned sashes and gaps between houses contributing to character"*. No specific mention is made of the appeal property.

Townscape value

- 2.12 The heritage value of the property is compounded by the presence of a wider group of buildings along Priory Road that are positive contributors to the character of the conservation area. Together, these relatively tall buildings create a strong frontage on the thoroughfare and a distinct group of residential properties with deep rear gardens that join the rear gardens of the properties on Greencroft Gardens and Aberdare Gardens to the east, creating east-west green wedges in the central part of the South Hampstead Conservation Area.
- 2.13 The regular and simply ornate façades of the detached houses on Priory Road are typical of large middle-class houses built in the Victorian period. The urban pattern of the road testifies the progressive outward expansion of residential suburbs, which continued uninterrupted throughout the 19th Century.
- 2.14 Conversely, the rear elevations of the houses along Priory Road contribute much less to their urban significance and show a good degree of variety in volumetric alterations in the form of single and double storey extensions.

Architectural interest - Exteriors

- 2.15 66 Priory Road, on its own and as part of the group of buildings along Priory Road considered "positive contributors" to the conservation area, is a building of special architectural interest as an element of mid-19th century residential architectural design and form.
- 2.16 The detached houses including Nos. 64, 66 and 68 Priory Road are constructed from yellow stock brick, combined with white stucco ornamentation in an Italianate style. The upper ground floor has a projecting bay on the right hand side and the front door is accessed via a projecting stuccoed porch on Tuscan order columns. No.64 has lost the original porch, now replaced by a triangular glazed canopy covering the main access stair.
- 2.17 The generally good preservation of the fenestration with stuccoed details of the houses, and the visual rhythm created by the regular layering of floors are the main contributors to the architectural significance of the detached houses including 66 Priory Road.
- 2.18 The lower ground and ground floor levels of the properties along Priory Road have been altered at the rear with extensions of varying size and materiality. Whilst the rear extensions of the group have a degree of variety, their cumulative impact on the character of the buildings is neutral thanks to the location on the lower floors, the absence of intervisibility between the rear elevations and public vantage points, and the preservation of the original fenestration in the main projecting wings at the rear
- 2.19 The rear elevations of the properties including 64-68 Priory Road are subordinate and secondary to their façades, and contribute to a very minor degree to the architectural interest of the group.

Historic Interest

- 2.20 The building and the wider groups of buildings are of historic interest as a well-preserved example of mid-19th century suburban development with no known damage from WWII bombing and a regular façade.
- 2.21 There are no known associations of historical figures with 66 Priory Road.

Artistic Interest

- 2.22 66 Priory Road does not have any intrinsic artistic interest.

Archaeological Interest

- 2.23 66 Priory Road is not in a designated archaeological area and has no site-specific archaeological designations.

Setting

- 2.24 The significance of the appeal property relies mainly of the presence of a consistent pattern of buildings of the similar age and style on both sides of Priory Road, and by its large garden which, together with the rear gardens of the other properties to the east, create a green setting at the rear of the buildings which contributes significantly to the character of the South Hampstead Conservation Area (see below).

South Hampstead Conservation Area

- 2.25 In 2011 Camden Council published the South Hampstead Conservation Area Character Appraisal and Management Strategy, in which the special interest of the area was summarised as follows:

“South Hampstead is a well preserved example of a leafy Victorian suburb, almost exclusively residential in nature, and largely homogenous in scale and character. The area is characterised by large, semi-detached and terraced late-Victorian properties, in red or gault (white / cream) brick, with a particularly distinctive and attractive roofscape including turrets, gables, and tall chimneys. Houses are made special by a variety of decorative treatments including terracotta panels and brickwork ornamentation, tiled and patterned footpaths, delicate ironwork, and elaborate timber doors and windows, including some original stained and leaded glass.

One of the most prominent features of the area is vegetation – both to the front and rear of properties. Green front gardens demarcated by low or ornate garden walls topped with hedges contribute strongly to the area’s character. Building lines of the residential streets are generally set-back from the pavement which, with the boundary landscape treatment and many mature specimen trees, are essential in giving the streetscape its attractive and serene quality.

The open green spaces of the private rear gardens and the communal gardens between terraces of houses remain undeveloped and are a very important amenity for local residents – both for those who look onto the spaces and those who have access to them. In some cases they are managed as natural wildlife spaces, in others as more formal parkland. These copses and gardens are a haven for wildlife with areas set aside as natural habitats, as well as picturesque herbaceous borders, flowering shrubs, fruit trees, communal vegetable plots and a number of mature trees. These private spaces, along with the green front gardens, are vital in providing wildlife corridors, enhancing biodiversity and reducing flood risk as well as in preserving the attractive, tranquil character of the conservation area.”

- 2.26 It is self-evident that the conservation area is of special architectural and historic interest, and of at least regional significance.

Contribution 66 Priory Road makes to the character and appearance of the South Hampstead Conservation Area

- 2.27 The detached houses at 64-68 Priory Road make a positive contribution to the character and appearance of South Hampstead Conservation Area. This is mainly due to the architectural interest and quality of the front elevations, the visual and formal relationship with the other Victorian buildings on both sides of the street, and the contribution of their rear gardens to the creation of a verdant setting in the central part of the conservation area.
- 2.28 The building at No.66 employs typical proportions and features found throughout this area and makes use of the well-established palette of materials of the conservation area.
- 2.29 The rear elevations of the buildings, including No. 66, make a modest contribution to the character and appearance of the conservation area.

Statement of Significance

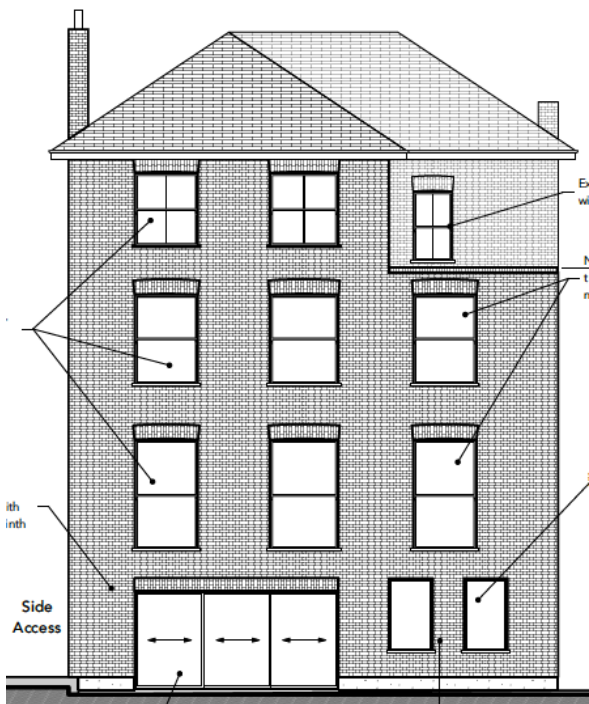
- 2.30 Built in the 1870's as part of the suburban expansion to the north of Kilburn, the appeal property and the surrounding buildings are a well-preserved example of Victorian urban residential developments. Their heritage significance is strongest in the façades, the group value of the buildings and the size of their rear gardens.

3 PLANNING HISTORY

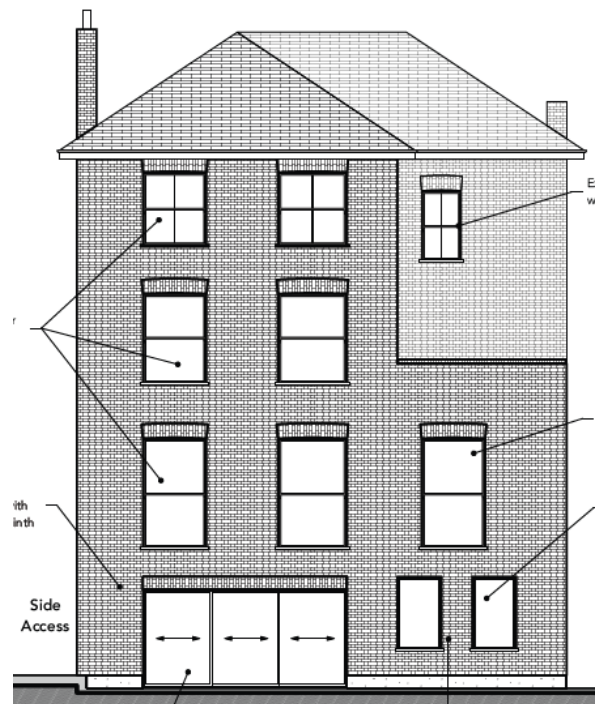
Application Site - 66 Priory Road

- 2021/5344/P - Two storey side and rear infill extension, changes to and creation of new windows and doors, enlargement of garden terrace. - Approved
- 2021/4694/P - Combination of existing French doors to the rear and changing of rear window to door. - Approved

3.1 Application ref. 2021/5344/P originally proposed a three storey rear extension to 66 Priory Road, but the case officers advised that it would not have been accepted and the applicant removed a full storey from the proposal to gain approval. The comparison between the extension as originally proposed and the approved one is reproduced in the drawings below.



2021/5344/P - Proposed rear elevation (as submitted)



2021/5344/P - Proposed rear elevation (as approved)

3.2 During the determination period of application ref. 2021/5344/P, the case officer noted that the precedent at 68 Priory Road was not directly applicable to the three storey extension as originally submitted, as the existing first floor element of No.68 (see below) was not "as harmful as your proposal as the upper level of the infill is not full width at the highest point and has a pitched element" (See email correspondence at **Appendix A** of this statement).

Other sites of relevance - 68 Priory Road

- 8702823 - Change of use and works of conversion to five self- contained flats including erection of side and rear extensions. - Approved
- 2019/1218/P - Erection of single storey side extension to existing lower ground floor flat. - Approved
- 2021/2533/P - Single storey side extension at lower ground floor level. - Approved

3.3 The 1987 application included the erection of a side/rear extension with a sloping side at first floor level, which can be seen in the drawing and the picture reproduced below.



68 Priory Road - Existing rear elevation



68 Priory Road - Aerial view of first floor rear extension

4 APPEAL PROPOSAL

- 4.1 As noted in Section 1 of this Statement, the proposal is for the erection of first floor side/rear mansard roof extension, above the two-storey extension approved under application ref. 2021/5344/P.

The appellant

- 4.2 Mr Hooper is a local resident who lived in West Hampstead for over twenty years. The proposed development will allow the enlargement of the kitchen/living area of Flat C, resulting in a better and more comfortable domestic environment for the occupants of the flat.

The project architect

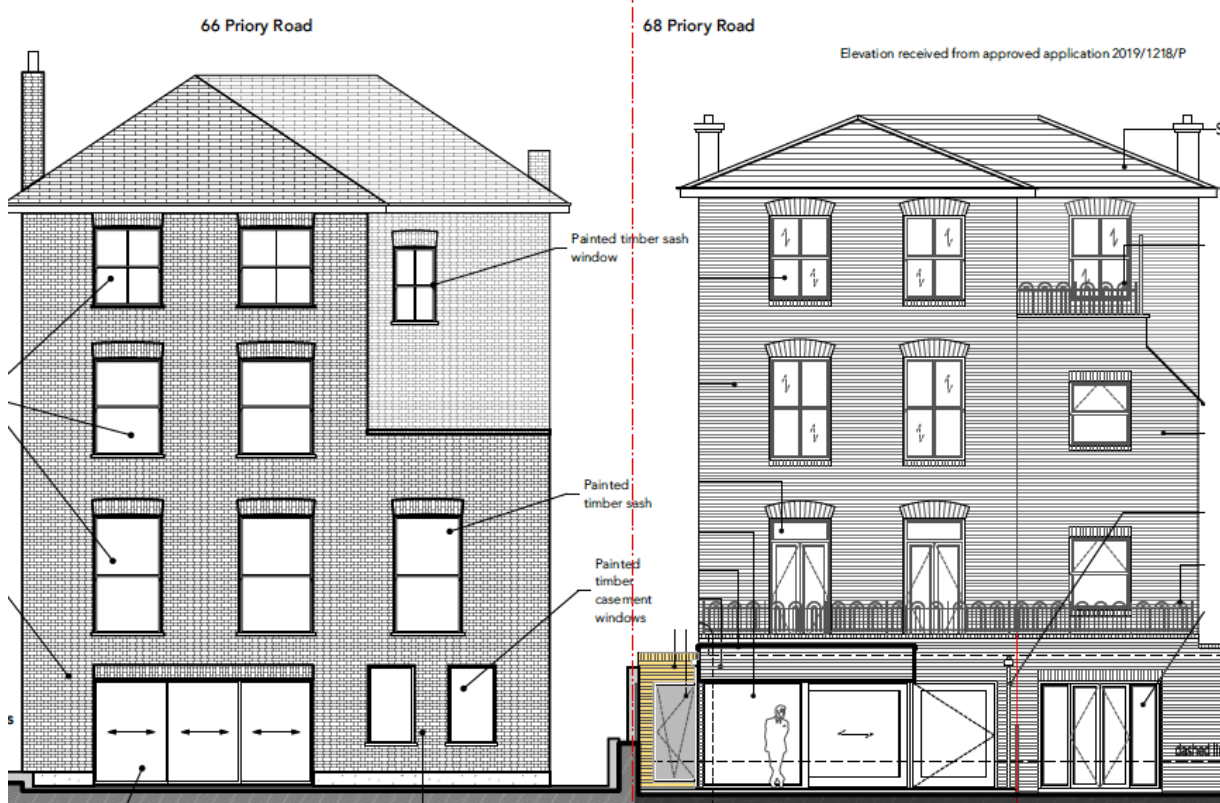
- 4.3 Tierney Architects is a small architectural firm specialising in residential extensions and developments in conservation areas within Central London. The practice has extensive experience in Camden and has a deep understanding of materiality and forms in Victorian family houses and flat conversions.

Details of the proposed development

- 4.4 The proposed extension will be erected above the two-storey extension approved under application ref. 2021/5344/P. It would essentially be a revised version of the three-storey extension originally proposed under ref. 2021/5344/P, with the difference that the proposed mansard extension would not occupy the full width of the infill space to the north of the existing rear projection and would have a sloping side wall.
- 4.5 As noted above, the extension will accommodate the enlarged kitchen/living area of Flat C. The number of bedrooms of the flat would not change.

Architecture and urban design

- 4.6 The proposed extension will have a trapezoidal shape, with a sloping wall on the northern side and a flat roof joining the original rear projection of the building. The roof and side wall will be clad with zinc, and the rear-facing window will have a powder-coated aluminium frame.
- 4.7 Whilst the Council assessed the proposal as a roof extension, its location at the rear of the building and well below the main roof and its eaves would suggest that it should be considered as a rear infill extension at first floor level. As shown in the appeal's drawings, the proposed structure will be lower than the similar first floor rear/side extension at 68 Priory Road to the north, and would not have a terrace on top with metal railings.
- 4.8 The drawings reproduced below show the rear elevations of 66 and 68 Priory Road with the two-storey rear extension at No.66 approved under application ref. 2021/5344/P (i.e. the baseline condition) and the rear elevations with the addition of the first floor rear extension proposed by the application subject of this appeal.



66 and 68 Priory Road - Proposed rear elevation of 66 Priory Road - As approved by application 2021/5344/P



66 and 68 Priory Road - Proposed rear elevation of 66 Priory Road - Appeal proposal

5 PLANNING POLICY FRAMEWORK

- 5.1 In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, planning applications should be determined in accordance with the development plan, unless other material considerations indicate otherwise.

Development Plan

- 5.2 The statutory development plan for the Site includes the following documents:

- London Plan 2021(**LP**); and
- The Camden Local Plan 2017(**CLP**);

London Plan 2021

- 5.3 The key policies of the London Plan that are relevant for the appeal are:

- Policy D3 - Optimising site capacity through the design-led approach
- Policy D4 - Delivering good design

Camden Local Plan 2017

- 5.4 The key policies of the CLP that are relevant for the appeal are:

- Policy D1 Design
- Policy D2 Heritage
- Policy A1 Managing the impact of development

Supplementary Planning Documents and guidance - London Borough of Camden

- 5.5 The following local supplementary planning documents are material planning considerations for the determination of the appeal:

- South Hampstead Conservation Area (Formerly known as Swiss Cottage Conservation Area) Character Appraisal and Management Strategy (2011);
- CPG Home Improvements (January 2021)

Heritage Legislation and Guidance

- 5.6 The Inspector is required by section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area when exercising planning functions relating to development within that area. The Inspector must give considerable importance and weight to the desirability of preserving the significance of the conservation area, and there is a strong presumption against the grant of permission for development that would harm its heritage significance.

- 5.7 For the purposes of this statement, preservation equates to an absence of harm. Harm is defined in paragraph 84 of Historic England's Conservation Principles as change which erodes the significance of a heritage asset.

- 5.8 The significance of a heritage asset is defined in the National Planning Policy Framework (NPPF) as being made up of four main constituents: architectural interest, historical interest, archaeological interest and artistic interest. The assessments of heritage significance and impact are normally made with primary reference to the four main elements of significance identified in the NPPF. The setting of a heritage asset can contribute to its significance.
- 5.9 The NPPF requires the impact on the significance of the designated heritage asset to be considered in terms of either “substantial harm” or “less than substantial harm” as described within paragraphs 201 and 202 of that document. National Planning Practice Guidance (NPPG) makes it clear that substantial harm is a high test, and case law describes substantial harm in terms of an effect that would vitiate or drain away much of the significance of a heritage asset.
- 5.10 Paragraphs 201 and 202 of the NPPF refer to two different balancing exercises in which harm to significance, if any, is to be balanced with public benefit. Paragraph 18a-020-20190723 of National Planning Practice Guidance (NPPG) online makes it clear that some heritage-specific benefits can be public benefits. Paragraph 18a-018-20190723 of the same NPPG makes it clear that it is important to be explicit about the category of harm (that is, whether paragraph 201 or 202 of the NPPF applies, if at all), and the extent of harm, when dealing with decisions affecting designated heritage assets, as follows:
- “Within each category of harm (which category applies should be explicitly identified), the extent of the harm may vary and should be clearly articulated.”*
- 5.11 Paragraphs 199 and 200 of the NPPF state that great weight should be given to the conservation of a designated heritage asset when considering applications that affect its significance, irrespective of how substantial or otherwise that harm might be.
- 5.12 Non-designated heritage assets, including locally listed buildings, are addressed by Paragraph 203 of the NPPF which states that *“the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset”*.

6 STATEMENT OF CASE AND HERITAGE IMPACT ASSESSMENT

Reason for Refusal – Impact of the proposed extension on the existing building and the local roofscape

- 6.1 Paragraph 130 of the NPPF sets out six specific requirements to achieve the objective of creating well-designed places. These include the need for developments to function well and add to the overall quality of the area over the lifetime of the development and to be visually attractive.
- 6.2 At paragraph (c) it is stated that developments need to be sympathetic to local character and history, including the surrounding built environment, and that appropriate innovation and change (including increased densities) should not be discouraged or prevented where appropriate.
- 6.3 Paragraph 130 (e) emphasises the need for decision-makers to ensure that developments “*optimise the potential of the site to accommodate an appropriate amount and mix of development*”.
- 6.4 Sub-paragraph D1 of **Policy D3 of the London Plan** underlines that development proposals should enhance local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance and shape, with due regard to existing and emerging street hierarchy, building types, forms and proportions.
- 6.5 Sub-paragraphs D11 and D12 of Policy D3 state that development should
- *respond to the existing character of a place by identifying the special and valued features and characteristics that are unique to the locality and respect, enhance and utilise the heritage assets and architectural features that contribute towards the local character; and*
 - *be of high quality, with architecture that pays attention to detail, and gives thorough consideration to the practicality of use, flexibility, safety and building lifespan through appropriate construction methods and the use of attractive, robust materials which weather and mature well.*
- 6.6 **Policy D1 of the Camden Local Plan 2017** states that the Council will require that development, among other things, respects local context and character and preserves or enhances the historic environment and heritage assets in accordance with Policy D2 of the same plan.
- 6.7 Paragraph (d) of Policy D1 states that the Council will require the use of details and materials that are of high quality and complement the local character.
- 6.8 Paragraph (m) of the same policy requires new developments to preserve strategic and local views.
- 6.9 **Paragraph 2.1.1 of the Home Improvements Camden Planning Guidance** is dedicated specifically to rear extensions. It states that rear extensions should:
- *Be subordinate to the building being extended, in relation to its location, form, footprint, scale, proportions, dimensions and detailing;*
 - *Be built from materials that are sympathetic to the existing building wherever possible;*

- *Respect and preserve the original design and proportions of the building, including its architectural period and style;*
- *Respect and preserve existing architectural features, such as projecting bays, decorative balconies, cornices and chimney stacks;*
- *Be carefully scaled in terms of its height, width and depth;*
- *Allow for the retention of a reasonably sized garden;*

6.10 **Paragraph 2.2 of the Home Improvements Camden Planning Guidance** is dedicated specifically to roof extensions. It states that in the preparation of a proposal for a roof extension applicants should consider:

- *The existing roof form and any previous extensions to it;*
- *The roof visibility and prominence in relation to gardens, streetscene and wider area, considering land topography;*
- *The pattern of development of neighbouring buildings to include historic extensions and new types of development;*
- *Other roof extensions present at the neighbouring buildings which obtained permission through planning application or permitted development.*

6.11 Paragraph 2.2 of the Home Improvements CPG states that *“a successful roof extension would consider the overall roof form of the existing building, adjoining buildings and impact in key views (when relevant) and be proportionate to the roof slope being extended”*.

6.12 It also clarifies that *“under this guidance, a more flexible approach is proposed, to give more weight to existing older extensions and to those allowed under permitted development, in the immediate context of the building being proposed for extension, within and outside Conservation Areas”*.

Assessment

6.13 The proposed extension will be a minor and proportionate addition to the existing first floor flat and will represent gentle intensification of the existing residential use. The new structure will be sympathetic to the host building thanks to the use of a simple and legible design and robust materials. It will be located well below the main roof and will be lower than the existing first floor infill element of 68 Priory Road. The design will be contemporary but respectful of the plain and elegant pattern of the rear elevations of Nos. 64–68 Priory Road. This will, in our opinion, meet the requirements of Paragraph 130 of the NPPF.

6.14 The existing visual hierarchy of the building or of the wider surrounding townscape will remain intact. There will not be any encroachment of the existing rear garden. There will not be any impact on the regular roofscape of the group of detached houses on the eastern side of Priory Road. The sloping side wall of the extension will reduce the volume in the highest and more visible part of the building and ensure that the addition is absorbed in the existing vertical composition. This will comply with Policy D3 of the London Plan.

6.15 In relation to materials, we consider that the choice of a minimalistic contemporary language and a palette made of elegant zinc cladding and glazing at the rear will facilitate the connection of the new structure with the Victorian character and language of the main building. There will not be the risk of creating a pastiche effect, nor jarring and punchy contemporary additions draining attention away from the group value of the buildings. No protected views will be affected, and the private views to and from the site at the rear would still be dominated by the large rear gardens of

the area, against a backdrop of tall Victorian houses. We submit that this will align with the requirements of Policy D3 of the London Plan and Policy D1 of the Camden Local Plan 2017.

6.16 As noted in paragraph 1.8 of this statement, if the Inspector finds that the proposed materials palette can be improved, the Appellant is prepared to comply with a planning condition requiring the Council's approval of materials before the start of works on site.

6.17 The proposal will comply with the requirements set out in the six bullet points of Paragraph 2.1.1 of the Home Improvements Camden Planning Guidance relating to rear extension. More specifically:

- It will be subordinated to the host building and be set fully within the footprint of the previously approved application;
- It will be built with simple and robust materials that will preserve the appearance of the main building;
- The proportions, style and original design of the Victorian building will be preserved and enhanced with a small contemporary addition;
- The architectural features of the existing building, concentrated on the front elevation, will be respected and preserved;
- The height, width and depth of the extension will be proportionate to the size and visual weight of the main building;
- The existing garden, and all the gardens in the adjoining area, will be fully retained and preserved, with no net loss of area.

6.18 If the proposal is assessed against the CPG's guidance on roof extension, it will be seen that all the quality parameters suggested by the supplementary planning guidance are met. In particular:

- The existing form of the main roof of the house will not change;
- The visibility of the main roof in relation to gardens, streetscene and the wider area will not change. The intervisibility of the rear elevation and the gardens at the back will be preserved as the footprint of the new structure will be contained and comparable to that of 68 Priory Road;
- The extension will respect and blend with the pattern of development of neighbouring buildings;
- The extension will be smaller and will have a better design than the existing extension at 68 Priory Road.

6.19 For these reasons, we submit that the proposed size, design and appearance of the extension will be proportionate to the existing building and will not have any impact on the character and appearance of the local townscape and roofscape.

6.20 As advocated by the Home Improvements CPG (see paragraph 6.12 above), a flexible approach is necessary when there are older extensions in the immediate vicinity, and due weight should be given to these precedents when assessing proposals for new additions. In this case, the presence of a comparable extension at 68 Priory Road, and the fact that both the existing extension at No.68 and the extension proposed at No.66 are subservient to the host building, weigh in favour of the approval of the appeal. We would invite the Inspector to decide the appeal on this basis.

Response to Council's objections

- 6.21 At paragraph 3.1.4 of the delegated report, the case officer of the application noted that *"the buildings on Priory Road, whilst altered at the back provide a positive contribution to the Conservation Area. The large properties, which have mostly been converted into flats, have a distinct design feature to the rear with the rear projection set in from the side, creating a space. Whilst development has infilled this along the street, the subordinate nature of the proposals that have come forward have meant this has still been maintained which is demonstrated in application reference 2014/4950/P. The proposed mansard roof extension appears significantly bulky within the context of the host building and fails to match up with the existing roof extensions to the rear"*.
- 6.22 We agree that several properties along the street have been infilled with subordinate additions that have maintained the openness of the rear gardens and the vertical hierarchy of forms of the rear elevations. However, the case officer failed to acknowledge that the proposed extension will in fact be smaller and have a simpler design than one of the extensions deemed to be proportionate and appropriate (namely the one erected at 68 Priory Road). Having identified the precedents in the area, the officer should have noted that the proposal is comparable with them and compatible to the character of both the building and the wider area.
- 6.23 We disagree with the officer's assertion that the roof design of the proposed extension is *"significantly incongruous within the context of the site and area"*. In our opinion it is a contemporary addition with a simple and elegant design that will blend with the building and the wider area. It will not be visually invasive and will be comparable in terms of design quality to the extension at 68 Priory Road to the north.

Reason for refusal - Impact of the proposed extension on the significance of the South Hampstead Conservation Area

- 6.24 Paragraph 193 of the NPPF states that *"when considering the impact of a proposed development on the significance of a designated heritage asset", including conservation areas, "great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance"*.
- 6.25 Paragraph 196 stipulates that *"where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use"*.
- 6.26 Paragraph 197 of the NPPF notes that *"the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset"*.
- 6.27 Paragraph C of Policy HC1 of the London Plan requires development that affect heritage assets and their settings to conserve their significance, by being sympathetic to the assets' significance and appreciation within their surroundings. The policy also states that the cumulative impacts of incremental change from development on heritage assets and their settings should also be actively managed. Development proposals should avoid harm and identify enhancement opportunities by integrating heritage considerations early on in the design process.

6.28 **Policy D2 of the Camden Local Plan 2017** states that the Council will not permit development that results in harm that is less than substantial to the significance of a designated heritage asset unless the public benefits of the proposal convincingly outweigh that harm. It also states that the Council will require that development within conservation areas preserves or, where possible, enhances the character or appearance of the area.

6.29 In relation to non-designated heritage assets, 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”*.

6.30 **Paragraph 7.16 of the South Hampstead Conservation Area Character Appraisal and Management Strategy** reads as follows (our emphasis):

“In recent years, as above largely due to the increased intensity of residential use and resulting trend for residential conversion, there have been a number of planning applications to alter roofscapes and insert new dormer windows to the front and rear of buildings in the conservation area. These can be damaging to the character of the area if what is proposed does not take into account the careful design of the original building – its front elevation and traditional roof form – and the pattern of neighbouring buildings as a whole. The variety of roof forms in the area means that each proposal must be carefully judged on its design merits; alterations should not result in increased visual bulk to the roof, nor should they draw more attention than existing to the roofslope.”

6.31 In relation to the impact of rear extensions and the loss of rear gardens to hard landscaping, **paragraphs 12.15–12.17 of the South Hampstead Conservation Area CAMS** note the following:

“There are many attractive, historic rear elevations in the conservation area, visible both from neighbouring gardens and often in long views (e.g. across the private amenity spaces). As such, alterations and extensions to the rear elevations of buildings in the conservation area should respect the historic pattern of development, and preserve the character and historic features of existing buildings. A large number of rear elevations are visible from the communal amenity spaces to the rear and the impact of development on these will be carefully considered.

Long, undeveloped rear gardens and private open spaces are central to the character and appearance of South Hampstead conservation area, and their preservation is of paramount importance.

In recent years however, largely due to the increased intensity of residential use and resulting trend for residential conversion, there have been a significant number of planning applications for large rear extensions and significant loss of rear gardens to hard landscaping. This results in a loss of amenity of residents and erosion of the leafy, open character of the conservation area. Applications are always assessed in line with Camden Planning Guidance, but particular care should be taken to ensure that the attractive garden setting of the host building, neighbouring gardens and any private open spaces is not compromised by overly large extensions and areas of hard landscaping. Development proposals which do not respect these characteristics will be resisted. Residents are encouraged to maintain as much soft landscaping as possible in rear gardens.”

- 6.32 Paragraph 13.36 of the South Hampstead Conservation Area CAMS states that *“proposals which alter existing roof profiles will generally be resisted unless to replace unsightly later additions with less visually disruptive alternatives. Uncharacteristic roof forms will be unacceptable”*.

Heritage Impact Assessment

- 6.33 In this section of the statement we review the heritage impacts of the proposal that have been criticised by the Council, and we demonstrate why the reasoning that led to the refusal of the application is not sound from a heritage perspective.
- 6.34 It is important, in understanding the significance of the building and of the other buildings considered to be positive contributors to the South Hampstead Conservation Area, not to start from a “minus” position. It is important to remember that this is a new application, and that the building must be assessed on its own merits, as it is. It should not be assumed that harm (i.e. a detraction from significance) is already present in the group of buildings.
- 6.35 The appeal proposal will not alter the main roof at the top, thus ensuring that the most visible parts of the rear extension maintain a traditional appearance matching the character of the wider group of properties.
- 6.36 In our opinion, the proposed extension could be accommodated in the fabric of the existing house without any negative impact on its façade, or any cumulative effect on the adjoining group of “positive contributors” buildings. There will be a change in the character and proportions of the rear elevation, but this will not erode or affect the significance of the non-designated heritage asset and of the wider townscape. The extension will be read as an elegant addition to a rear pattern of elevations that has been altered in the past, and will not diminish the overall contribution of the group to the South Hampstead Conservation Area.
- 6.37 In our opinion, the proposal will preserve and enhance the character and appearance of the South Hampstead Conservation Area and will not have any impact on its significance. The Council failed to consider the specific circumstances of this property against the guidance of the South Hampstead Conservation Area Character Appraisal and Management Strategy.
- 6.38 The proposed development will have no impact on the urban grain of the street, will not create terracing effects, will not close or reduce important visual gaps and will not have any impact on the size and verdant character of the rear gardens of the site and of the surrounding area. In short, it will have no impacts on some of the key elements that are identified as important features of the conservation area.
- 6.39 The extension will also have a neutral impact on the façade of the building and the character of the adjoining buildings. The consistency of building style, and the materials, features and design of the positive contributors, which contribute to the significance of the conservation area, will be fully preserved.
- 6.40 The verdant character of the area at the rear of the site will similarly be unaffected, as the new volume would not protrude any further to the east than the previously approved extension on the floors below. For this reason, another key feature of South Hampstead Conservation Area will be fully preserved.
- 6.41 The proposed extension will indeed take into account the careful design of the original building, its front elevation and traditional roof form, and the pattern of neighbouring buildings as a whole, as required by Paragraph 7.16 of the South Hampstead Conservation Area CAMS. Similarly, the

existing roof profile of the main roof will be fully preserved, in accordance with Paragraph 13.36 of the South Hampstead Conservation Area CAMS

- 6.42 In summary, we submit that the enlargement proposed at Flat C, 66 Priory Road should not be resisted in principle, but rather analysed in the context of the altered rear elevations of the surrounding buildings and assessed against Camden's policies and guidance read as a whole. The extension will not affect or erode any of the elements that contribute to the significance of the conservation area identified in the South Hampstead CAMS, and as such it will result in no harm to this designated heritage asset.

Response to Council's objections

- 6.43 At paragraph 3.1.5 of the delegated report, the case officer noted that *"the SHCACAMS specifically warns that roof extensions, due to intensified residential use, can be damaging to the character of the area where they do not consider the design of the original building including the traditional roof form. This advice is also reflected in the Home Improvements CPG which lists considerations that can provide a successful roof extension as overall roof form of existing building and adjoining building and the pattern of development"*.
- 6.44 Leaving aside the debate on whether the proposal is in fact a rear extension and not a roof extension, we consider that the criticism of the Council is misplaced. The traditional roof form of the building and of all the other positive contributors to the conservation area nearby would be fully preserved. There will not be any break of established roof lines, or visual encroachment of the front elevation and front roof slopes. The overall roof form of the building would be preserved, and the extension will follow the local pattern of development exemplified by the extension of 68 Priory Road.
- 6.45 For these reasons, we submit that the proposal would in fact comply with both the South Hampstead Conservation Area CAMS and the Home Improvements CPG, and should be supported.

7 CONCLUSIONS

- 7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.
- 7.2 The proposed development will make the best use of the site by accommodating the domestic needs of the Appellant in a manner that is respectful of the design of the building and of its site-specific heritage designations.
- 7.3 The proposed extension will be proportionate and subservient to the host building and will not have any impact on the significance of the host building or the conservation area, in line with the London Plan and the Council's policies and guidance on architectural quality, urban design and heritage preservation, including Policies D1, D3 and HC1 of the London Plan, Policies D1 and D2 of the Camden Local Plan 2017, and the guidance contained in the South Hampstead Conservation Area Character Appraisal and Management Strategy and the Home Improvements Camden Planning Guidance.
- 7.4 Our assessment concludes that the proposal will result in no harm to the significance of the building or the South Hampstead Conservation Area.
- 7.5 It is therefore submitted that the proposal would comply with the statutory requirements of Section 72 (1) of the Planning (Listed Building and Conservation Areas) Act 1990, Paragraphs 8, 11, 202 of the NPPF and the planning policies of Camden's development plan.
- 7.6 For the reasons set out above and more in detail in Chapter 6 of this report, we submit that the proposal would be a sustainable form of development. As such, we respectfully request that the appeal be allowed, and full planning permission granted.

APPENDIX A - CORRESPONDENCE BETWEEN COUNCIL AND APPLICANT IN RELATION TO APPLICATION REF. 2021/5344/P

From: Jonathan McClue _____
Date: 15 February 2022 at 21:28:44 GMT
To: Paul Tierney _____
Cc: Nathaniel Young _____
Subject: RE: 2021/5344/P - 66 Priory Road

Hi Paul

Thank you for sending over the packs, this has made it easier for me to review. I have a good look at the proposals and the planning history of the properties at no. 64 and 68 in particular. What you are proposing to do would be unacceptable and result in a refusal. Would you please be able to amend the infill extension so that it is two storeys rather than 3 storeys in height?

Looking at the planning permission at no. 64 under ref. 2014/4950/P, which was subject to pre-application advice and negotiation through this process and the formal submission, this represents the maximum achievable. They managed to get three storeys (in total) but using lower floor to ceiling heights (so a lower height overall). This is an option for you, or you could remove a storey from your proposal.

No. 68 has no planning history for its infill rear/side extension. It was presumably built without permission (or is at least benefits from a historic permission that I cannot find) so is not justification for a similar proposal. In any event what exists there is not as harmful as your proposal as the upper level of the infill is not full width at the highest point and has a pitched element.

Nathan and I went over this today and we both concur that your proposal is unacceptable and needs to either lose a storey or emulate what 64 Priory Road gained approval for under 2014/4950/P. You basically need to set the extension at least full storey under the eaves.

If you can amend the plans right away, I would be willing to write this up for approval ASAP; however, if you do not amend (and stick with the current proposal) then we'll refuse it so there will be some delay to you receiving a final decision.

From what you've said to Nathan and I, it sounds your client intends on potentially starting works without permission. I would strongly urge your client to not do any unlawful works, or we will take formal enforcement action. It is never advisable to book/pay for building works before a submission is granted, and the best way to go

through the planning process is to go through the pre-application route (which you have not done) from the outset. Again apologies for the delays to in receiving the feedback, at Camden all officers have unprecedented caseloads and we have a significant backlog at the moment. We are doing our best to work through this but it is challenging as we are understaffed and under resourced.

Kind regards

Jonathan McClue
Deputy Team Leader

Regeneration and Planning
Pronouns: He/Him/His