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**Date:** November 2022  
**Our reference:** LEPL#2

## Appeal Statement of Case

**Site address:**

16 Leighton Place  
Kentish town  
London  
NW5 2QL

**The Appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) In Accordance with the Town & Country Planning (Written Representations Procedure) (England) Rules 2009**

The Appellant's Grounds of Appeal ("grounds") has been prepared by J Clark ("Agent") against the decision of the London Borough of Camden's refusal of "Erection of front dormer; alterations to fenestration and materials of rear dormer and rear elevation".

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## **1.0 Introduction:**

- 1.1 The Planning Application (“Application”) was submitted by Mr James Clark C/O Mr Edouard Dumas on the 14<sup>th</sup> of March 2022 and formally validated (Registered) by Camden Council on the 19<sup>th</sup> March 2022. The Application was provided with reference number 2022/1006/P.
- 1.2 The applicant was open to discussions with planning officers to resolve all material planning issues. The planning officer accepted revised proposed plans (uploaded on the 12<sup>th</sup> of October 2022) but considered the revised plans to be unacceptable. The revised plans received by the LPA were used to determine the planning application and included in the decision notice.
- 1.3 The Decision Notice, dated 20<sup>th</sup> October 2022, cites the following single reason for refusal:
  1. The front dormer, by reason of its location, scale and design would appear as an obtrusive and harmful addition to the host property and wider streetscene contrary to policies D1 (Design) of the Camden Local Plan 2017 and policy D3 (design principles) of the Kentish Town Neighbourhood Plan 2016
- 1.4 A robust Design and Access Statement was submitted to accompany the planning application and is included in the relevant documents for consideration by the Planning inspectorate as part of the appeal.

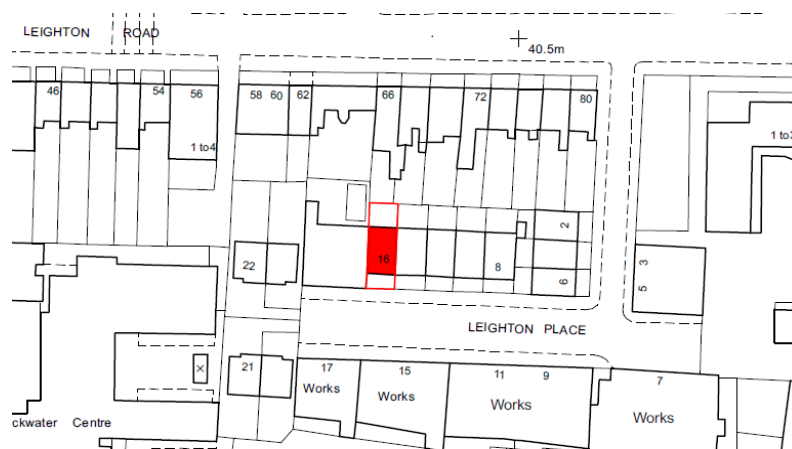
## **2.0 The site and surroundings:**

- 2.1 The appeal property forms the “book end” of a two storey terrace of five (5) properties located on the northern side of Leighton Place constructed during the inter-war years. The appeal site is the last building on the western side of the terrace with its respective western flank wall adjoining No 18 Leighton Place, an imposing

three storey building with accommodation in the roof facilitated by a side facing dormer apparent from streeviews.

- 2.2 The immediate built typologies in the location are varied with substantial mixed roof designs and other non-original design features added and adapted over time. The location is prominently residential with no land constraints or restrictions preventing the principle of residential extensions. The Kentish Town Conservation Area is located to the north of the site on Leighton Road and No's 66, 68 and 70 Leighton Road are Grade II listed building under reference 1379293

*Figure 1 – Location Plan*



### 3.0 Site planning history:

- 3.1 Reference - 2007/2613/P  
 Development description - Erection of a rear dormer window and two rooflights to the front of the dwellinghouse.  
 Decision – Granted 20/07/2007
- 3.2 Reference - 2005/0035/P  
 Development description - The erection of a full width dormer extension and a 2-storey rear extension  
 Decision – Refused 03/03/2005

#### Pertinent development

- 3.3 Address – Flat B, 17 Leighton Place  
 Reference – 2011/0707/P  
 Description - Erection of dormer extension to east and west roof slopes including creation of roof terrace with new sliding doors to west elevation of existing upper floor maisonette (Class C3)  
 Decision – Granted 14/04/2011

- 3.4 Address – 21 Leighton Place  
 Reference – 2010/0962/P  
 Description - Erection of front and rear dormer window including a hip-to-gable roof extension to single family dwellinghouse (Class C3).  
 04/05/2010
- 3.5 Address – 19 Leighton Place  
 Reference - P9601467  
 Development description - Loft conversion including dormer-type windows at the front, side and rear, as shown on drawing nos. 302/001 - 006 consecutively, 008B, 009B, 010B(B) and one unnumbered drawing.  
 Decision date – 26/07/1996

#### **4.0 Proposal:**

- 4.1 The planning application form was submitted with the following description of development,

“Erection of front dormer, alterations to materials on the rear dormer, rear elevation alterations and modest non-material internal alterations”.

- 4.2 The development description was partial altered by the LPA to the following,

“Erection of front dormer; alterations to fenestration and materials of rear dormer and rear elevation”.

#### **5.0 Appeal considerations:**

- 5.1 For avoidance of the doubt the matter of new residential floor space on site is NOT in dispute. The officer’s delegated report provides commentary to support the reason for refusal. The LPAs single reason for refusal was the perceived harm of the front dormer by way of its location, scale and design to the host property and wider streetscene.

##### Policy context

- 5.2 Policy justification within the wording of the refusal reason is provided by two policies, Policy D1 (Design) of the Camden Local Plan 2017 and Policy D3 (design principles) of the Kentish Town Neighbourhood Plan 2016. In addition to the policies in the refusal wording, the delegated report relies on and incorporates guidance from the CPG Home Improvements (2021) SPD, primarily paragraph 2.2.1 relating to dormers. The wording of the policies is provided below in full,

### **Policy D1 Design (Camden Local Plan 2017)**

- 5.3 The Council will seek to secure high quality design in development. The Council will require that development:
- a. respects local context and character;
  - b. preserves or enhances the historic environment and heritage assets in accordance with Policy D2 Heritage;
  - c. is sustainable in design and construction, incorporating best practice in resource management and climate change mitigation and adaptation;
  - d. is of sustainable and durable construction and adaptable to different activities and land uses;
  - e. comprises details and materials that are of high quality and complement the local character;
  - f. integrates well with the surrounding streets and open spaces, improving movement through the site and wider area with direct, accessible and easily recognisable routes and contributes positively to the street frontage;
  - g. is inclusive and accessible for all;
  - h. promotes health;
  - i. is secure and designed to minimise crime and antisocial behaviour;
  - j. responds to natural features and preserves gardens and other open space;
  - k. incorporates high quality landscape design (including public art, where appropriate) and maximises opportunities for greening for example through planting of trees and other soft landscaping,
  - l. incorporates outdoor amenity space;
  - m. preserves strategic and local views;
  - n. for housing, provides a high standard of accommodation; and
  - o. carefully integrates building services equipment.

The Council will resist 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.

### **Policy D3 Design Principles (Kentish Town Neighbourhood Plan 2016)**

- 5.4 Applications for the development of new and the redevelopment of existing buildings (which may include demolition, alteration, extension or refurbishment) will be supported where they meet the following criteria:
- a) Proposals must be based on a comprehensive understanding of the site and its context
  - b) Proposals must be well integrated into their surroundings and reinforce and enhance local character, in line with paragraph 64 of the NPPF
  - c) Proposals must identify and draw upon key aspects of character, or design cues from the surrounding area. Appropriate design cues include grain, building form

(shape), scale, height and massing, alignment, modulation, architectural detailing, materials, public realm and boundary treatments

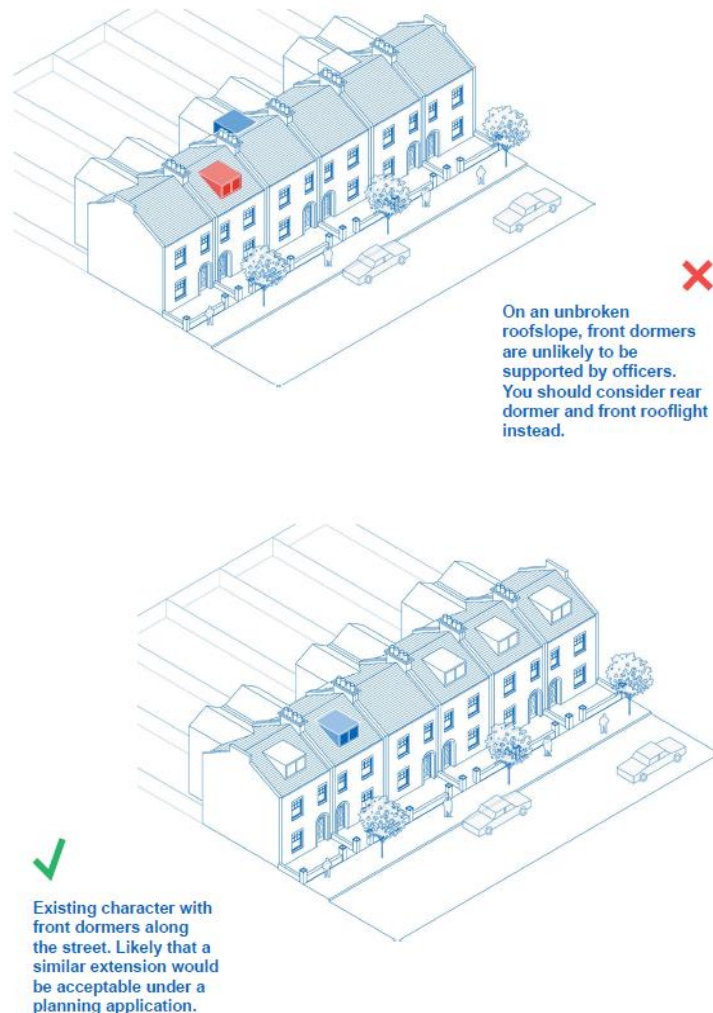
- d) Design innovation will be encouraged and supported where appropriate
- e) Design proposals must be of the highest quality and sustainable, using materials that complement the existing palette of materials in the surrounding buildings
- f) Proposals must enhance accessibility in buildings by taking into account barriers experienced by different user groups.

Reasoned Justification Policy D3 supports opportunities for high quality innovative design unless this will be harmful to areas of homogeneous architectural style. NPPF paragraph 63 identifies the value of outstanding or innovative designs in raising the standard of design more generally in an area

### **CPG Home Improvements 2021 (SPD)**

- 5.5 The CPG outlines “certain considerations that should be taken into account when designing a dormer window to ensure it is sensitively and appropriately designed for its context”. The aspect of particular pertinence to the appeal site include,
- Consider whether there are other existing extensions in proximity, even if they are older or constructed under permitted development.
  - On front roof slopes dormers could be a harmful addition due to its visual impact on the streetscene, especially in an unbroken roofscape. If your neighbouring properties do not have front dormers, then it is likely that this type of development would not be supported at application stage.
  - Dormer materials should complement the main building and wider townscape. Given the existing building stock, the use of traditional materials (timber, lead, hanging tiles) is encouraged;
- 5.6 The CPG guidance gives visual illustrations of the expected form of development in regard to front dormers and the context of where further front dormers can be introduced.

Figure 2 – Home improvements CPG - dormer guidance



### Principle of roofline development

- 5.7 The appeal site location is characterised by its design variance opposed to any strict or prevailing building typology. The street can be divided into three segments, formed of a run of imposing three/four storey solid brick ex-commercial buildings on the southern side of Leighton Place, a five (5) property inter-war year terrace with gable fronts (inclusive of the appeal site) and four (4) properties, two of which have front dormers located to the extreme west of Leighton Place.
- 5.8 Based on aerial and streetscene assessment, seven (7) of the buildings have visible front or prominent side dormers. Based on a total of fifteen (15) buildings on Leighton Place, dormers are represented on 45% of all properties and thereby a significant character feature on Leighton Place.

- 5.9 A significant area of dispute with the LPA is the principle and determination of whether the terrace has an unbroken or broken roof line. For the avoidance of doubt, No 14 Leighton Place has an existing front roof dormer which has been situ over 10 years. The conclusion of the appellant is the run of five (5) property terrace has a broken roof on account of the front dormer at No 14 Leighton Place. The officer delegated report refutes such a position and clarifies the LPAs position in para 2.4 of the report below,

“The application site reads as the end property of a group of five terraced houses built in a similar architectural style. Although neighbouring no. 14 has a front dormer, planning permission was never granted and this development has only become lawful through passage of time as it was constructed more than four years ago. There is therefore no planning precedent for front dormers on Leighton Place and the front dormer at no. 14 does not justify a front dormer at no. 16. The rest of this group of five properties have an unimpaired roofscape. The front dormer would therefore be a harmful addition to a largely unbroken roofline and would be highly visible from the public realm and thus harm the streetscene”.

- 5.10 The LPAs view on the definition of the roof is considered both unreasonable and not supported in policy terms. It cannot be argued that No 14 Leighton Place does not have a front dormer, this is an unequivocal fact. The nature and manner of the dormer coming in to being, be it unauthorised or otherwise, does not change the fact the roofline is now broken. The adopted home improvements CPG guidance, policies D1 (Camden Local plan) and D3 (Kentish Town Neighbourhood Plan) do not make distinctions between unauthorised and authorised front dormers in regard to the conclusion of what constitutes an unbroken or broken roof line.
- 5.11 The appellant considers the principle position adopted by the LPA to be fundamentally flawed and without either precedent nor policy support. The CPG is SPD guidance and therefore must be weighed against the adopted Local plan policies, clearly the guidance is applied by officers to support overarching policy in the adopted Local Plan (2017).

#### Impact on streetscene and host property

- 5.12 The submitted Design and Access Statement to support the planning application addressed the impact of the proposed front dormer within the context of the streetscene. The appeal property is not visually prominent within the street and is hemmed in by the substantive three storey ex-commercial building to its western flank. The adjacent property No 14 Leighton Place has a flat roof front dormer almost identical to that refused at the appeal site . The character of the street is absent of a strong vernacular and is typified by the fact that no strong prevailing character form is evident. The footfall long the Leighton Place is minimal on account of the road being a dead end and does not support throw access. When the appeal property is viewed from east to west along Leighton Place the site is largely



unapparent, both screened by the street tree and within the backdrop of the flank brick elevation at No 18 Leighton Place (see figure 1 below).

*Figure 3 - Westward vista of the property, dormer located at No 18 and dormer at No 14 Leighton Place*



*Figure 4 - Eastward view along Leighton Place illustrating the variance of built form*



5.13 The proposed front dormer extension would have a neutral visual effect on the street, located in a visually unapparent and somewhat obscured position within the streetscene. The appeal property is largely absorbed by the adjacent imposing three storey building when viewed along the street. As outlined in Para 7.1 of the Camden Local Plan, extensions are subject and assessed based on the “the impact on existing rhythms, symmetries and uniformities in the Townscape”.

5.14 Leighton Place has no prevailing pattern, density and scale of development but has witnessed similar dormer roof development as evidence in Figures 3-5, adding visual

interest to the location. The terrace properties are neutral in design and character terms but could not be described as distinguished or of high calibre worthy of extreme protection from continued development. Leighton Place was not considered worthy of inclusion in the boundaries of the Kentish Town Conservation Area and there is a strong argument for permitting evolving front dormer development in the location. The proposed front dormer would not be at odds or out of keeping with the wider street which displays high numbers of dormers and would follow the natural development of the street in this regard.

*Figure 5 - No 19 (P9601467) and No 21 (2010/0962/P) and No 14 Leighton Place*

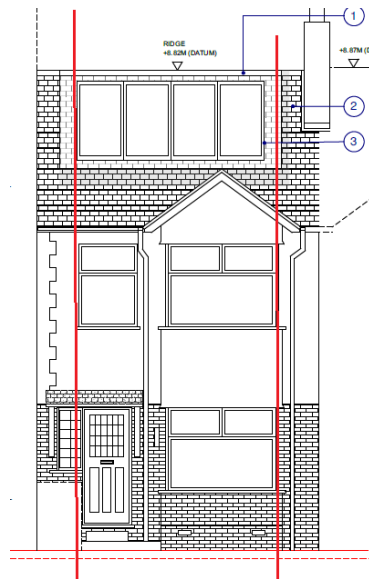


### Detailed design

- 5.15 The officer delegated report addresses concerns at the fenestration and insets within the roof form, stating in para 2.4,

“the dormer would not maintain even distances from the roof margins and would not be located centrally within the roof slope and would have no relief from the roof ridge. The dormer would not read as being subordinate to the roof slope and would appear as being a boxy and incongruous addition that would significantly alter the appearance of the front roof slope. The vertical appearance of the proposed windows would not align with the hierarchy of the windows at lower floors and would conflict with the existing fenestration and the use of aluminium frames would be out of keeping with materials of front windows in the surrounding area”.

Figure 6 (proposed front elevation)



5.16 The dormer fenestration pattern sits within the alignment of the lower windows (see figure 4) and appropriately reflects the pattern below, albeit not to its exact rhythm but a suitable relationship. The objection by the LPA to the use of aluminium frames is not justified on strong policy grounds. A pragmatic and balanced approach must be undertaken to detailed design opposed to the somewhat default refusal by the LPA. The inspector is requested to take a positive and favourable planning judgement when assessing the details against the existing built context.

## 6.0 Conclusion:

- 6.1 This appeal statement sets out the planning reasons why the proposed erection of a front dormer; alterations to fenestration and materials of rear dormer are considered acceptable and ultimately should be allowed.
- 6.2 The merits and changed design circumstances of Leighton Place result in approaching 50% of all properties inclusive of a front or side dormer, clearly reflecting a significant design and character feature to the street scene. The position of the LPA in regards determining what constitutes an unbroken or broken roofline is fundamentally flawed and is not supported nor justified by adopted planning policy. The proposed front dormer extension does not result in design harm to the host dwelling nor wider terrace when viewed holistically.
- 6.3 Planning balance has not been appropriately applied in favour of granting the front dormer. The application accords and is compliant with National Planning Policy Framework (NPPF) and the relevant policies contained within the LB Camden adopted Local Plan (2017). For the reasons noted in this statement the inspector is respectfully requested to allow the appeal and to grant planning permission.