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Roxanne Gold
The Planning Inspectorate
3C Eagle Wing
Temple Quay House
2 The Square
Bristol
BS1 6PN

Dear Ms Gold,

**Appeal site: 106 Torriano Avenue
London
NW5 2SD**

Appeal by: Mr Sheikh

Proposal: 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

I refer to the above appeal against the Council's refusal to grant planning permission. The Council's case is set out in the Officer's delegated report. The report details the application site and surroundings, the site history and an assessment of the proposal. A copy of the report was sent with the questionnaire.

In addition to the information sent with the questionnaire, I would be pleased if the Inspector could take into account the following information and comments before deciding the appeal.

1. Summary

- 1.1. The site on Torriano Avenue is a four storey town house in close proximity to Charlton King's Road to the north and Leighton Road to the south. This part of Torriano Avenue contains properties of similar architectural styles and age with alterations at ground and first floor levels. The area also has a number of ground floor commercial uses.
- 1.2. The site is identified in Camden's Local list as being a non-designated heritage asset. The description states that the row of terrace properties have architectural and townscape significance:
- 1.3. "Terrace of 6 mid19th 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".
- 1.4. The planning application which is the subject of this appeal was refused for the following reasons:
 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.*
- 1.5. The reason for refusal are fully addressed in the delegated report and are not repeated here. However, reason for refusal 4 is amplified below. The appellants grounds of appeal are also addressed.

2. Status of policies and guidance

- 2.1. In determining the abovementioned application, the London Borough of Camden had regard to the relevant legislation, government guidance, statutory development plans and the particular circumstances of the case.
- 2.2. The London Borough of Camden Local Plan 2017 (the Local Plan) was formally adopted on 3rd July 2017. The following policies in the Local Plan are considered to be relevant to the determination of the appeal:
 - Policy G1 Delivery and location of growth

- Policy D1 Design
- Policy D2 Heritage
- Policy A1 Managing the impact of development
- Policy A3 Biodiversity
- Policy CC1 Climate Change Mitigation
- Policy CC2 Adapting to Climate Change
- Policy CC3 Water and flooding

Kentish Town Neighbourhood Plan 2016

- D3: Design Principles Policy
- D4: Non Designated Heritage Assets Policy
- CC1: Pre-application Consultation Policy
- G03: Biodiverse Habitats

2.3 The Council also refers to supporting guidance in Camden Planning Guidance (CPG) documents. The CPG documents most relevant to the proposal are as follows: Home Improvements, Trees and Amenity. The Camden Planning Guidance documents were subject to public consultation and were approved by the Council on 15 March 2019 and 26 March 2018.

- [CPG Home Improvements \(2019\)](#)
- [CPG Trees \(2021\)](#)
- [CPG Amenity \(2021\)](#)

2.4 The National Planning Policy Framework was published in April 2012 and revised in March 2021. It states that proposed development should be refused if it conflicts with the local plan unless other material considerations indicate otherwise. There are no material differences between the Council's adopted policies and the NPPF in relation to this appeal. The full text of the relevant adopted policies was sent with the questionnaire documents.

2.5 The Council's adopted policies are recent and up to date and should be accorded full weight in accordance with paragraphs 31 – 33 and 213 of the NPPF.

2.6 There are no material differences between the NPPF and the Council's adopted policies in relation to this appeal.

3. Comments on appellant's grounds of appeal

3.1 The appellant has put forward a single ground of appeal, which will be responded to:

3.2 (a) The enlargement of the existing roof extension

Ground A: The enlargement of the existing roof extension

- 3.3 The appellant refers to the Council's assertion that the proposed enlargement of the existing roof extension is modest and confined to the rear part of the roof only meaning it is not visible from public realm. Therefore the enlargement is claimed not to adversely impact on the character and appearance of the host property.
- 3.4 Reasons for why the application was made for the proposed development have also been provided including type of stair and safety of existing staircase. Whilst there isn't any evidence put forward to demonstrate why the existing staircase is unsafe these reasons cannot be considered as part of the assessment or should be considered as justifications for the proposed development.
- 3.5 The reasons why this part of the proposal is unacceptable are fully explained within the officer report. However the Council contends that the existing arrangement with an incongruous metal clad roof extension is detrimental to the character of the area and site itself. This development appears piecemeal and fails to preserve or enhance the character of the non-designated heritage asset. In fact, the proposal compounds the issues which already exist as a consequence of the existing roof extension.
- 3.6 A point is made about listing and how this was after the extension was built. Whilst this may be true, the listing specifically mentions the 'terrace' and their contribution as a group of properties. By compounding harmful additions this will ultimately weaken this important facet of the listing.
- 3.7 The next point relates to views and how the development cannot be seen for public views. This is untrue and the development will be very visible to the rear as shown in the screenshot below:



Image 1: Views from Charlton King's Road

- 3.8 This was mentioned in the report but reiterated above for the purposes of the appeal.
- 3.9 It is also important to point out, as laid out in the report, that because the site is non-designated heritage asset, any harm would need to be balanced out against public benefit. Considering this a residential roof extension there is no public benefit to offset the harm caused.
- 3.10 Finally, having also reviewed the proposed plans as part of the approved scheme (2005/3308/P), the floor plans demonstrate the roof extension has not been built in accordance with the approved plans (see Appendix 1). The previous scheme was stepped and had a smaller glazing element, whereas what has been built is a complete infill significantly increasing the scale and bulk to the roof. Furthermore there is no annotation on the approved drawings that the roof area would be used as a roof terrace which now it seems, from the pictures in the design and access statement, to be used as.

Conditions

- 3.11 It is not considered that conditions would mitigate the impact of the development as set out above and the suggested conditions below would secure compliance with the proposal.

4. Conclusion

- 4.1 Based on the information set out above, and having taken account of all the appellant's arguments and additional information submitted, the Council maintains that the proposal is considered to be 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.

- 4.2 The information submitted by the appellant in support of the appeal does not overcome or address the Council's concerns. The proposal would conflict with policies D1 and D2 of the Local Plan and Policies D3 and D4 of the Kentish Town Neighbourhood Plan 2016. These policies seek to ensure that all development respects local context and character, preserves heritage assets and that public benefits convincingly outweigh any less than substantial harm when the special interest of a non-designated heritage asset cannot be preserved. Indeed, the proposal is not considered to present any public benefits that would outweigh the harm identified.
- 4.3 For these reasons the Inspector is respectfully requested to dismiss the appeal. However, should the Inspector be minded to approve the appeal, suggested conditions are included in Appendix A.
- 4.4 If any further clarification of the appeal submission is required please do not hesitate to contact Ewan Campbell on the above direct dial number or email address.

Yours sincerely,

Ewan Campbell
Planning Officer
Regeneration and Planning
Supporting Communities

APPENDIX A – Suggested conditions

Conditions

1	<p>The development hereby permitted must be begun not later than the end of three years from the date of this permission.</p> <p>Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).</p>
2	<p>All new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the existing building, unless otherwise specified in the approved application.</p> <p>Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy policies D1 (Design) and D2 (Heritage) of the London Borough of Camden Local Plan 2017.</p>
3	<p>The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <p>1086 000 (PL1), 1086 001 (PL1), 1086 010 (PL1), 1086 011 (PL1), 1086 012 (PL1), 1086 013 (PL1), 1086 020 (PL1), 1086 021 (PL1), 1086 030 (PL1), 1086 031, 1086 100 (PL1), 1086 101 (PL1), 1086 102 (PL1), 1086 103 (PL1), 1086 200 (PL1), 1086 201 (PL1), 1086 301 (PL1), Design and Access Statement (December 2021)</p> <p>Reason: For the avoidance of doubt and in the interest of proper planning.</p>

Informatives

1	<p>This approval does not authorise the use of the public highway. Any requirement to use the public highway, such as for hoardings, temporary road closures and suspension of parking bays, will be subject to approval of relevant licence from the Council's Streetworks Authorisations & Compliance Team London Borough of Camden 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No 020 7974 4444) . Licences and authorisations need to be sought in advance of proposed works. Where development is subject to a Construction Management Plan (through a requirement in a S106 agreement), no licence or authorisation will be granted until the Construction Management Plan is approved by the Council.</p>
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2	<p>All works should be conducted in accordance with the Camden Minimum Requirements - a copy is available on the Council's website at https://beta.camden.gov.uk/documents/20142/1269042/Camden+Minimum+Requirements+%281%29.pdf/bb2cd0a2-88b1-aa6d-61f9-525ca0f71319 or contact the Council's Noise and Licensing Enforcement Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No. 020 7974 4444)</p> <p>Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You must secure the approval of the Council's Noise and Licensing Enforcement Team prior to undertaking such activities outside these hours.</p>
3	<p>Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts that cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (tel: 020-7974 6941).</p>

