

05 January 2023

My Ref: 1011/12/2022
LPA Ref: 2022/3523/P
PINS Ref:

197 Prince of Wales Road London NW5 3QB
Appeal on behalf of Mrs V Thangavelu

Statement of Case V6

Summary

The site is number 197 Prince Wales Rd, London NW5 3QB. This is a single dwelling.

The proposal is for extensions and alterations including a roof extension in the form of a mansard.

The building is not listed nor is it in a conservation area. It is locally listed by Camden Borough and is considered to be non-designated heritage asset (NDA).

There are other non-designated built heritage assets in the area but it is considered that there will be no impact on significance of any asset attendant on the proposed development.

There is no in principle objection to the development proposed.

The proposed design would be proportionate and appropriate: the resultant extensions would be subordinate in scale and appearance and complimentary in terms of materiality.

Detailed investigation of cases in the vicinity and the wider area has revealed that the LPA has been less than consistent in the application of policy as it relates to alterations and the upward extension of properties of similar age and character as the proposal.

A presumption in favour of development should be the starting point in consideration of this proposal.

The property benefits from permitted development allowances; the fact of the NDA status does not in itself preclude change, all of which is with the control of the LPA.

Neighbour Amenity – the LPA confirm, the officers report, that amenity issues such as overlooking, privacy, sunlight and daylight etc. are not relevant to this case.

Mansard roofs are common as a way of maximising available space; it is also relatively cheap in terms of the use of materials and impact of the inherent structure of the host building. It is a common

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traditional way to extend a roof; a mansard is virtually invisible from ground level by virtue of the parapet.

The NPPF para 203 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'*.

The terrace was added to the local list for its townscape significance, primarily. It retains its significance despite many and various changes through time. It should be noted that the NDA process was initially intended to afford the level of protection to anticipated but unexcavated archaeological assets. It is and was never intended to be a substitute for or lesser form of listing.

There is no duty to enhance the character and appearance of the area.

A well-considered traditional form of extension of the roof will preserve the character of the terrace by virtue of non-intrusion while enhancing the appearance of the NDA via setting an example for future developments and reducing the visual impact of the extent structure next door.

There would be an opportunity to reinstate loss details such as cornices, et cetera, and the extension would reinforce the view that the two dwellings at the west end of the terrace, being at a higher level than the adjacent units, forms and end stop.

Rear Extension – this element of the proposal was not raised under the previous submission and it has only been brought to the Appellant's notice that there was an issue via the Officer's report.

It should be noted that at no time did the case officer seek to engage in discussion about any part application proposal.

The LPA agree that there is not a material impact on a neighbour amenity; the rear of the property is only visible, tangentially, from other residential properties, many of which have similar extensions. The assertion that there will be an impact on visual amenity is rebutted.

The single dwelling expansion is required so that the Appellant's family can move into the home to provide ongoing care into the future.

On a balanced judgement, it is considered that the proposal is acceptable in terms of national and local heritage and planning policy. It is respectfully requested that planning permission be granted subject to conditions.

Introduction

My name is Mark Strawbridge MRTPI IHBC FRSA.

I hold the RTPI First Professional Exam, Post-graduate Diplomas in Town Planning and Landscape Architecture. I have an Honours Degree and Doctorate in an unrelated field.

I am a Member of the RTPI, a founder Member of the IHBC, an Affiliate of CiFA and a Fellow of RSA.

I have extensive experience of planning, heritage, urban design and landscape architecture in consultancy and in local authority employ.

Policy

In the preparation of the planning application (2022/3523/P) to which this appeal relates, consideration has been given to the following policy and guidance:

(The site is neither a listed building nor within a conservation area and therefore the full considerations of Town & Country Planning (Listed Building and Conservation Areas) Act 1990 as amended do not apply.)

The Town and Country Planning Act 1990 (as amended) (referred to as 'The Act')

National Planning Policy Framework (2021)

Local Policy

- London Plan (2021)
- Camden's Local Plan (2017)
- Policy G1 Delivery and location of growth
- Policy A1 Managing the impact of development
- Policy D1 Design

Supplementary Guidance:

- CPG Design (January 2021)
- CPG Amenity (January 2021)
- CPG Home Improvements (January 2021)

Matters of principle have been identified and it is clear that this type of development can be concurrent with national and local policy and advice.

Heritage Assessment Summary

The heritage assessment commissioned on behalf of the appellants, which accompanied the planning application had the following conclusions:

There are no designated assets on the site. The nearest designated built heritage assets are the ZABLUDOWICZ COLLECTION (Grade II, List UID: 1139077) and Nos 131-149, PRINCE OF WALES ROAD (Grade II, List UID: 1139076 (Grade II)), both some distance away to the east. These are scoped out of consideration by virtue of relative disposition, intervening urban and sub-urban forms, lack of

intervisibility and absence of causal links. It is considered that there will be no impact on significance of these or any other listed asset.

The site is not within a Conservation Area; there is no duty to preserve nor enhance the character/appearance of this area.

The site is part of a terrace included on the LPA's local list, reference 640; the property is considered to be a Non-designated Asset. (NDA). It was added to the list in local list in 2012. The roof extension next door to the appeal site was in place at the time.

There are other non-designated built heritage assets (NDAs) in the area, including Nos 169-179 Prince of Wales Road (reference 639), to the east. The development is nominally in the setting of this terrace on account of proximity but, by virtue of relative disposition, intervening urban and sub-urban forms, lack of meaningful intervisibility and absence of causal links it is considered that there will be no impact on significance of any asset attendant on the proposed development.

Scheme Development

In the development of the scheme the designers concluded the following:

On the basis of research into approved schemes and consideration of the design guidance available it must be concluded that there is no objection to the development of the space above the roof, in principle. Similarly, there can be no objection in principle to the extension of upper stories, roof terraces and balconies in principle, as long as neighbour amenity is not affected. In this case the LPA agrees that such amenity will not be prejudiced in any way.

The single dwelling expansion is required so that the Appellant's family can move into the home to provide ongoing care into the future. The Appellant feels she has been denied the opportunity to voice an opinion due to the LPA's unwillingness to engage during the process.

The parapet disguises the existing roof shape; by itself the roof form cannot be said to be a decisive factor in the building's positive contribution to the local townscape. Although the terrace benefits from being locally listed, it is not statutorily listed and therefore the Appellant feels there should not be an automatic presumption to maintain the original roof form at all costs. Post-extension, the strong horizontal line of the parapeted eaves will continue to be a dominant defining feature in the street scene.

The designers concluded that the proposed design is proportionate and appropriate. The resultant extension will be subordinate in scale and appearance and complimentary in terms of materiality. It will contribute in the positive to the street-scene, overall.

The justification for seeking to extend the property is that there exists a real and sustained pressure for development of additional living space in the roof areas of properties in the area and further afield; a responsible, well-designed development would set the precedent for good design and represent the best use of resources.

The space above existing drawings/buildings and the latent unused structural capacity of buildings like the appeal site represent a resource which can be capitalised upon without impact on other diminishing resources.

The Appellant, if successful, will require the design to be above standard in terms of environmental performance. It is considered that the design and development is capable of being fully sustainable, with attention to detail which could be assured by condition.

At no time during the process did the case officer attempt to engage nor offer the opportunity for the Appellant to seek to redesign the proposal to attempt to overcome objection.

Precedent and Example

A detailed investigation of recent cases in the vicinity and wider area revealed the following:

Consents include:

195 Prince Of Wales Road London NW5 3QB (2021/3929/P) Includes roof terraces
193B Prince of Wales Road London NW5 3QB (2014/0919/P) Roof terrace
183 Prince of Wales Road London NW5 3QB (2014/1035/P) Balcony
40A Shoot-up Hill London NW2 3QB (2017/0501/P) Mansard
32B Chetwynd Road London NW5 1BY (2009/5957/P) Roof lights – attic conversion
19 Leighton Crescent London NW5 2QY (2010/2479/P) ditto
96 Chetwynd Road LONDON NW5 1DH (2010/2488/P) Side dormer look
19 Willes Road London NW5 3DT (2010/2668/P) side dormer
18B Grafton Terrace London NW5 4JJ (2010/2727/P) additional storey
Flat A 43 Prince of Wales Road London NW5 3LJ (2021/2194/P) Mansard Roof
39 Queen's Crescent London NW5 3QD (2021/6212/P) Loft conversion with erection of mansard roof and two dormer windows to the front elevation.
139-141 Queen's Crescent London NW5 4ED (2015/1801/P) Erection of mansard roof extension and creation of two 1-bed residential units
66 Queen's Crescent London NW5 4EE (2021/0473P)erection of a mansard roof extension with front and rear dormers to facilitate the creation of two residential units at first floor and second/third floor level.
62-64 Queen's Crescent London NW5 4EE (2020/2730/P) Erection of mansard roof extension and part single part two storey rear extension at first floor level with terraces ...

Refusals include:

40 A Shoot-up Hill London NW2 3QB (2016/0748/P) Roof extension
91 Torriano Avenue London NW5 2RX (2013/6719/P) roof extension with 2 rear balconies and 3 rooflights, to create an additional one-bedroom flat
16 Wolsey Mews London NW5 (2016/0230/P) Addition of mansard style roof with two front dormers to create a new storey, replacement doors and windows at ground/first floor and addition of balcony to front elevation at first floor level.
17 Wolsey Mews London NW5 (2016/0232/P) Addition of mansard style roof with two front dormers to create a new storey, replacement doors and windows at ground/first floor and addition of balcony to front elevation at first floor level.
8 Spencer Rise London NW5 1AP (2010/2031/P) Erection of mansard roof to front and rear elevation of existing house
177 Leighton Road London NW5 2RD (2010/2787/P) Erection of a glazed dormer to the front roof slope of the dwelling house.

By Ward; recent:

Flat B 155 Prince Of Wales Road London NW5 3PY (2021/5168/P) Details of green roof as required by condition 4 of planning permission ref 2021/0455/P dated 06/07/2021 for Erection of single storey rear extension with green roof and rooflight.

Flat 2nd Floor 34 Upper Park Road London NW3 2UT (2021/4224/P) Construction of a rear dormer extension with an inset terrace to the rear roof slope and the installation of 2 x rooflights to the side roof-slope. Approved.

It is noted that the properties listed above are in a variety of policy environments including local listing and conservation area status. Indeed, it should be argued that appropriate changes are a component of the character of the terraces and the wider area.

Whereas it is not possible to claim a precedent in heritage cases, in either direction either to support or to resist development, the system should be able to show consistency of decision-making. Clearly, from the assessment of the above list, without going to detail in every case, shows that firstly there is no objection in principle to works to the roofs of properties in the vicinity; in appropriate circumstances roof terraces and accessible spaces are acceptable, rear extensions at height are allowed and that the character of the area is robust enough to sustain change in form and detail.

Other Cases

The appeal decision re: Flat B, No.177 Prince of Wales Road (PINS reference: a APP/X5210/W/15/3103305). This relates to development of the roof to flat which did not have the benefit of permitted development rights. The appeal site is a single family dwelling and is considered to benefit from all available permitted development rights as per any other property.

2 no. cases are worth detailed investigation. Neither are in a conservation area nor are they listed buildings.

- 39 Queen's Crescent London NW5 3QD (2021/6212/P):

The Decision Notice states: The application site is a mid-terrace period property which is not located within a conservation area nor is it listed. The property reads as a group of four within the terrace and the adjacent property no.41 has a mansard roof extension granted on 8/02/1990 under ref.8802614. There are a number of mansard roofs along Queens Crescent and the roofline is therefore not unimpaired. The proposal would be in keeping with the character of the surrounding area.

- 62-64 Queen's Crescent London NW5 4EE (2020/2730/P):

There are a number of existing roof additions on this terrace and further development of a similar form is not considered to cause harm to the character of the building or wider area. It is also noted that a mansard roof extension was granted at no. 66, ref. 2016/3344/P dated 17/02/2016. The proposed mansard roof extension would be architecturally sympathetic to the age and character of the parent building. The height of the flat-topped mansard would be the same height as the adjacent mansard at No. 60 Queens Crescent, with an internal floor to ceiling height of 2.4m. The dormer windows for the proposed mansard would respect the size, style and positioning of the existing windows on lower floors. The materials would be traditional timber and tile to match the character of the building.

Scheme presented

The application was accompanied by Drawing Nos: PWR-010;PWR-100: PWR-101; PWR-102; PWR103; PWR-200; PWR-201; PWR-300; PWR-301; PWR-302; PWR-303; 1011.P.0901 and Heritage Design & Access Statement ref: 1011/08/2022

Reason for Refusal

Decision Ref: 2022/3523/P dated 9th November 2022:

RR1 The proposed mansard roof extension, by reason of its location, height, bulk and design, would result in an incongruous addition that would harm the largely unimpaired roof line of this terrace of buildings, resulting in significant harm to the non-designated heritage asset and so would be detrimental to the character and appearance of the host building, the terrace and the streetscene, contrary to policy D1 (Design) of the London Borough of Camden Local Plan 2017.

Statement of Case

The appellant's case is presented under a number of points, as follows:

- Principle – as discussed above, there is no in principle objection to roof extensions and other works to property in the Borough. Development management is necessarily a balance between various sometimes opposing aims; if there is no 'in principle' objection then the balance is heavily in favour of the development from the outset. A presumption in favour of development should be the starting point.
- The appeal site is a family dwelling and as such, unlike flatted property elsewhere, it benefits from a range of permitted development rights including alterations to the roof, alterations to the windows; considerable leeway for works to the interior; use of the garden if there is one and the placing of ancillary buildings, etc. The fact of the NDA status does not in itself preclude change, all of which is with the control of the LPA.
- Neighbour Amenity – the LPA confirm, the officers report, that amenity issues such as overlooking, privacy, sunlight and daylight etc. are not relevant to this case.
- Mansard and impact on the street-scene - A 'Mansard Roof' is named after the noted 17th-century French architect Francois Mansart. It was a most functional device to increase the usefulness of the attic storey with better light and headroom. On top of the steeply pitched lower surface is a low hip, frequently looking flat. It was a feature of the '2nd Empire' style, the heyday of which was the second half of the C19th. (McNamara S. undated). It is a tried and tested formula of extension which by its nature seeks to minimise the impact both on the roofline and the characteristics of the front elevation/public elevation. The form is very common in retrofitting as a way of maximising available space; it is also relatively cheap in terms of the use of materials and impact of the inherent structure of the host building. It is a very common traditional way to extend a roof; in many cases a mansard is virtually invisible from ground level by virtue of the parapet.
- The property as a NDA - NPPF para 203 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'.
- The LPA present a set of criteria for the determination of whether a property should be on the local list. This particular NDA is not rare, nor does it display innovation. The terrace as a whole is much altered through time. The building is not 'historic' in that it is not apparently associated with persons or events of a historical nature. Similarly, there appears to be no tangible community significance. It is deduced, therefore, that the terrace was added to the local list for its townscape significance, primarily. It retains its significance despite many and various changes through time.
- Although there is no duty to enhance the character and appearance of the area, it is considered that a well-considered traditional form of extension of the roof will preserve the character of the terrace by virtue of non-intrusion while enhancing the appearance of the NDA via setting an

example for future developments and to a certain extent reducing the visual impact of the extent structure next door. There would be an opportunity to reinstate loss details such as cornices, et cetera, and the extension would reinforce the view that the two dwellings at the west end of the terrace, being at a higher level than the adjacent units, forms and end stop, punctuating the townscape in the traditional manner.

- It should be noted that the roof extension next door to the appeal site was in place at the time of adding to the Local List – it's presence apparently did not detract from the significance of the NDA.
- It should be noted that a NDA status does not in itself provide an form of additional protection nor affect PD rights. The existing roof could be altered and extended without reference to the LPA.
- Rear Extension – consideration of this element of the proposal was not raised under the previous submission and it has only been brought to the appellant's notice that there was an issue via the medium of the reason for refusal/Officer's report. There are any number of similar rear extensions in the vicinity and incidentally consented as per the list above. It should be noted that at no time did the case officer seek to engage all with the design of any part application proposal.
- The LPA conclude that there is not a material impact on a neighbour amenity; the rear of the property is only visible, tangentially, from other residential properties, many of which have similar extensions. The assertion that there will be an impact on visual amenity is strongly rebutted.
- The single dwelling expansion is required so that the Appellant's family can move into the home to provide ongoing care into the future. The Appellant feels she has been denied the opportunity to voice an opinion due to the LPA's unwillingness to engage during the process.

Conclusions

1. The site is number 197 Prince Wales Rd, London NW5 3QB. This is a single dwelling.
2. The proposal is for extensions and alterations including a roof extension in the form of a mansard.
3. The building is not listed nor is it in a conservation area. It is locally listed by Camden Borough and is considered to be very non-designated heritage asset (NDA).
4. There are other non-designated built heritage assets in the area but it is considered that there will be no impact on significance of any asset attendant on the proposed development.
5. There is no in principle objection to the development proposed.
6. The proposed design would be proportionate and appropriate result extensions would be subordinated scale and appearance complimentary in terms of materiality.
7. Detailed investigation of similar cases in the vicinity and the wider area revealed that the LPA has been less than consistent in the application of policy as it relates to alterations and the upward extension of properties of similar age and character as the proposal.
8. A presumption in favour of development should be the starting point in consideration of this proposal.
9. The property benefits from permitted development allowances; the fact of the NDA status does not in itself preclude change, all of which is with the control of the LPA.

10. Neighbour Amenity – the LPA confirm, the officers report, that amenity issues such as overlooking, privacy, sunlight and daylight etc. are not relevant to this case.
11. Mansard roofs very common in as a way of maximising available space; it is also relatively cheap in terms of the use of materials and impact of the inherent structure of the host building. It is a common traditional way to extend a roof; a mansard is virtually invisible from ground level by virtue of the parapet.
12. The NPPF para 203 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’.
13. The terrace was added to the local list for its townscape significance, primarily. It retains its significance despite many and various changes through time.
14. There is no duty to enhance the character and appearance of the area.
15. A well-considered traditional form of extension of the roof will preserve the character of the terrace by virtue of non-intrusion while enhancing the appearance of the NDA via setting an example for future developments and reducing the visual impact of the extent structure next door.
16. There would be an opportunity to reinstate loss details such as cornices, et cetera, and the extension would reinforce the view that the two dwellings at the west end of the terrace, being at a higher level than the adjacent units, forms an end stop.
17. Rear Extension – this element of the proposal was not raised under the previous submission and it has only been brought to the Appellant’s notice that there was an issue via the Officer’s report. There are any number of similar rear extensions in the vicinity and incidentally consented as per the list above.
18. It should be noted that at no time did the case officer seek to engage in discussion about any part application proposal.
19. The LPA agree that there is not a material impact on a neighbour amenity; the rear of the property is only visible, tangentially, from other residential properties, many of which have similar extensions. The assertion that there will be an impact on visual amenity is rebutted.
20. The single dwelling expansion is required so that the Appellant’s family can move into the home to provide ongoing care into the future.
21. On a balanced judgement, it is considered that the proposal is acceptable in terms of national and local heritage and planning policy. It is respectfully requested that planning permission be granted subject to conditions.

Appendix 1 Conditions

Three-year commencement (standard condition)
Materials – sustainability

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Appendix 2 Pictures of Examples

A handwritten signature in black ink that reads "Mark Strawbridge". The signature is written in a cursive style with a large, prominent 'M' and 'S'.

Mark Strawbridge MRTPI IHBC FRSA