

Other Documents

Please Index As

File Number

Part 1

Part 10

Part 2

Part 11

Part 3

Part 12

Part 4

Part 13

Part 5

Part 14

Part 6

Part 15

Part 7

Part 16

Part 8

Part 17

Part 9

Part 18

**Town and Country Planning (General Development Procedure) Order
1995**

NOTICE UNDER ARTICLES 6 AND 9(1) OF APPEAL

(to be published in a newspaper or to be served on an owner or a tenant**)*

Proposed development at (a) **24 Campden Hill Gardens, London W8 7AZ**

I give notice that (b) **MR RON NEUMUNZ**

Having applied to (c) **the Royal Borough of Kensington & Chelsea
on 16 March 2001**

For planning permission to (d) **Construct a mansard roof extension**

is appealing to the Secretary of State for Transport, Local Government and the Regions against the decision of the Council.

Any owner* of the land or tenant** who wishes to make representations about this application should write to the Secretary of State for Transport, Local Government and the Regions at the Planning Inspectorate, Customer Support Section, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN, by (e) **8 December 2001**

* "owner" means a person having a freehold interest or a leasehold interest the unexpired term of which is not less than seven years, or, in the case of development consisting of the winning or working of minerals, a person entitled to an interest in a mineral in the land (other than oil, gas, coal, gold or silver).

** "tenant" means a tenant of an agricultural holding any part of which is comprised in the land.

Signed



Reading & West Architects

On behalf of Mr Ron Neumunz

Date **16** November 2001

Statement of owners' rights

The grant of planning permission does not affect owners' rights to retain or dispose of their property, unless there is some provision to the contrary in an agreement or in a lease.

Statement of agricultural tenants' rights

The grant of planning permission for non-agricultural development may affect agricultural tenants' security of tenure.

Insert:

- (a) address or location of the proposed development
- (b) applicant's name
- (c) name of Council
- (d) description of the proposed development
- (e) date giving a period of 21 days beginning with the date of service, or 14 days beginning with the date of publication, of the notice (as the case may be)

reading+west

Good Consultancy Ltd
Clench Lodge
Wootton Rivers
Malborough
Wiltshire SN8 4NT

ABM Good Esq.
November 14 2001

Page 1 of 1
9554/04 -02

Dear Sirs,

24 Campden Hill Gardens, London W8 7AZ

In accordance with the Town and Country planning (General Development Procedure) Order 1995 please find the enclosed notice that our client, Ron Neumunz of 24 Campden Hill Gardens, is appealing to the Secretary of State for Transport, Local Government and the Regions against the decision of the Council with respect to the planning application dated 16 March 2001 for construction of a mansard roof extension.

Yours faithfully,

Ian West
Reading + West Architects.
enc.

cc + enc. R. Neumunz.

cc + enc. Planning Department. RBK&C

cc + enc. The Planning Inspectorate

EX DIR	HDC	TP	CAG	AD	CLU	AO AK
RB KJC	15 NOV 2001			PLANNING		
N	C	SW	SE	APP	IO	REC
			ARB	FPLN	DES	FEES

READING + WEST ARCHITECTS

Royal Borough of Kensington and Chelsea
Planning and Conservation
The Town Hall
Hornton Street
London W8 7NX

March 19 2001

Dear Sirs,

24 Campden Hill Gardens, London W8.

Please find enclosed the following application for planning consent:

- a) Four copies of drawing no's 9554 / P.01 - 16 inclusive indicating the proposed works to the property.
- b) Four copies of Application form TP1 duly completed and signed.
- c) A cheque made payable to the Royal Borough of Kensington and Chelsea for £95.00.
- d) Statement and photographs in support of the application.

We trust the above is satisfactory but please do not hesitate to contact this office if you have any queries.

Yours faithfully,

Ian West
Reading + West Architects.
enc.

EX DIR	HDC	TP	CAC	AD	CLU	AO AK
RB KJC		15 NOV 2001			PLANNING	
N	C	SW	SE	APP	IO	REC
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reading+west

The Planning Inspectorate
Customer Support Section
Temple Quay House
2 The Square
Temple Quay
Bristol
BS1 6PN

Page 1 of 1
9554

November 14 2001

Dear Sirs,

24 Campden Hill Gardens, London W8 7AZ

Please find enclosed planning appeal form and supporting documents and drawings. We confirm that we have also sent a copy of the enclosed documents to the planning department at The Royal Borough of Kensington & Chelsea.

Yours faithfully,

Ian West
Reading + West Architects.
enc.

cc + enc. Planning Department. RBK&C. }
cc + enc. R. Neumunz.

EX DIR	HDC	TP	CAC	AD	GLU	AO AK
RB KJC		15 NOV 2001			PLANNING	
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READING + WEST ARCHITECTS

24 Campden Hill Gardens, London W8.

Statement and photographs in support of planning application.

EX DIR	HDC	TP	CAC	AD	CLU	AO AK
RB KJC	15 NOV 2001			PLANNING		
N	C	SW	SE	APP	IO	REC
			ARB	FPLN	DES	FEES

Prepared for Ron Neumunz.

READING + WEST ARCHITECTS
16-19 POWIS MEWS LONDON W11 1JN
t: 020 7229 3630 f: 020 7229 3607
reading.west@btinternet.com

Gary Reading RIBA Ian West RIBA

Application for a mansard extension at 24 Campden Hill Gardens.

Introduction.

24 Campden Hill Gardens is located in the Kensington Conservation Area and is part of the Campden Hill development located in the area designated as the northern corridor. 24 Campden Hill is part of a terrace of 3 brick and stucco Victorian houses that extend over 5 levels between basement and third floors. All of the buildings in this terrace are divided into flats and maisonettes.

In the RBK&C conservation area policy statement for this area these buildings are noted as category 1. It should be noted however that the building is not listed.

The application.

The application includes the alteration and rebuilding of the existing roof to provide a mansard extension providing a new fourth floor level. The new mansard roof has been designed in accordance with RBK&C policy CD38 and CD39 which sets out the preferred design criteria for additional storeys using the flat topped mansard model. The proposal will be constructed in the highest quality materials including Blue- Black Welsh slate to the first pitch of the mansard and traditional dormer windows with lead cheeks and traditional detailing. All of the windows will be timber sliding box frame sash windows with a painted finish. All of the existing chimney stacks will be raised to suit in brickwork to match existing. All of the original detailing and chimney pots will be re-instated. To the rear the extension has been designed so that the 'v' profile to the rear elevation is retained. The windows have been designed to align with the windows below as in policy CD38 & 39 figure 2.7.

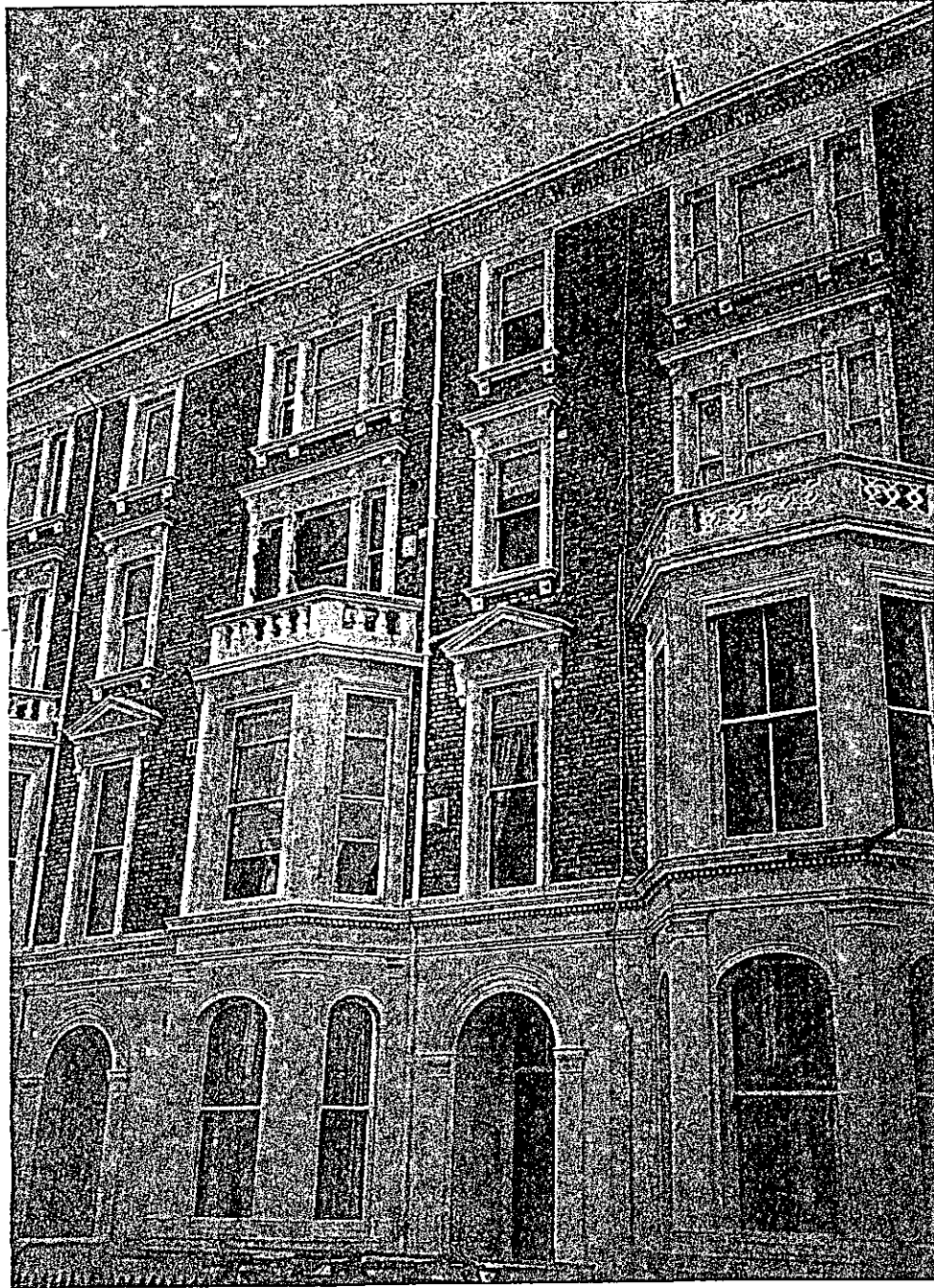
The environs.

Many of the buildings around 24 Campden Hill Gardens have had mansard/ roof extension work carried out. The enclosed plan of the vicinity shows the extent of roof extensions in and around Campden Hill. The new mansard roof will not be visible from the street to the front and is entirely concealed from view at the rear by St Georges Church. The proposed section drawing Ref. 9554/P15 shows the line of sight from the other side of Campden Hill Road. It cannot therefore be argued that the proposals 'harm' the appearance of the conservation area.



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General view of Campden Hill Gardens.



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Front elevation of 24 Campden Hill Gardens.



Rear elevation of 24 Campden Hill Gardens.

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RB KJC		15 NOV 2001			PLANNING	
N	C	SW	SE	APP	IO	REC
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**APPEAL BY READING AND WEST ARCHITECTS ON BEHALF OF RON NEUMUNZ
AGAINST THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA'S DECISION
DATED 17TH MAY 2001 TO REFUSE PLANNING PERMISSION FOR THE ERECTION
OF A MANSARD ROOF ADDITION AT 24 CAMPDEN HILL GARDENS, LONDON, W8.**

R.B.K. C. Reference: DPS/DCN/SW/PP/01/00607

Planning Inspectorate Reference: APP/K5600/A/01/1077702

STATEMENT

- 1.0 THE SITE AND ITS LOCATION
- 2.0 PROPOSAL
- 3.0 ISSUES
- 4.0 LOCAL POLICIES
- 5.0 CENTRAL GOVERNMENT POLICY AND LEGISLATION
- 6.0 AMPLIFICATION OF REASON FOR REFUSAL OF PLANNING PERMISSION
- 7.0 OBSERVATIONS UPON THE GROUNDS OF APPEAL
- 8.0 CONCLUSION

APPENDICES

1.0 THE SITE AND ITS LOCATION

- 1.1 No.24 is located on the southern side of the western cul-de-sac "arm" of Campden Hill Gardens, backing onto St. George's Church. (APPENDIX 2 - Location Map).
- 1.2 The building is a terrace house of basement and four storeys, divided into flats. It is at the centre of a terrace of three substantial Victorian buildings of uniform design, built in the 1870s. The terrace is of Victorian neo-classical design with front elevation of gault bricks richly decorated with stucco elements including an elaborate corniced parapet which conceals the buildings' valley rooflines from views from the street.
- 1.3 At the rear, the buildings are of much simpler design, faced in London stock bricks with sash windows set beneath shallow brick arches. The characteristic valley roofline is evident as a series of sloping brick walls, punctuated by chimney stacks with decorative corbelled brickwork and square pots at the party walls and flank walls. None of the three houses has an additional storey. (APPENDIX 3 - photographs)
- 1.4 The premises are located in the Kensington Conservation Area, designated in 1970 and extended in 1976 to include Campden Hill Gardens. The Kensington Conservation Area Proposals Statement includes a townscape analysis (APPENDIX 4, p.11-31) which places Campden Hill Gardens in "the Northern Corridor" (pp30-31) and describes Campden Hill Gardens as amongst the quieter residential streets where traditional buildings predominate.
- 1.5 The adjoining St. George's Church is Grade II listed.

2.0 PROPOSAL

- 2.1 It is proposed to remove the "valley" roof and to erect an additional storey of mansard design to provide an additional two bedrooms and two bathrooms to the existing second and third floor maisonette.
- 2.2 The roof addition would have two dormers to front and rear. The V-shaped profile of the rear brickwork to the roofline would be retained, with the new mansard set behind and projecting above it. The new roofline would rise 1.7m above the existing front roof parapet. The raised chimney stacks and pots would be 1.3m higher than existing.

3.0 ISSUES

- 3.1 The issues in this case are considered to be the effect of the proposed additional storey upon the appearance of the building itself, upon the terrace of which it forms part i.e. No. 22-26 Campden Hill Gardens, and upon the character and appearance of the Kensington Conservation Area.
- 3.2 The Council considers that the proposed development is unacceptable for the following reason, as stated in the decision letter dated 17th May 2001:-

"The proposed mansard roof addition, by reason of its location surmounting the unaltered roofline of the uniform terrace formed by No. 22-26 Campden Hill Gardens, would detract from the appearance of the building and terrace to the detriment of the character and appearance of the Kensington Conservation Area. Therefore, it is contrary to Council policy as set out in the Unitary Development Plan, in particular Chapter 4, Policies CD25, CD38, CD52 and CD53 and the recommendation of the Kensington Conservation Area Proposals Statement, in particular p.39 and p.53." (APPENDIX D)

4.0 LOCAL POLICIES

4.1 The Unitary Development Plan

4.2 The Council's policies relevant to the issues identified in Paragraph 3.1 above are stated in its Unitary Development Plan. This Plan was adopted on 28th August 1995. It is the Development Plan for the Royal Borough for the purpose of Section 54A of the Town and Country Planning Act 1990 (APPENDIX 5).

4.3 The Royal Borough is primarily a residential area. In order to ensure that it continues to provide a high quality residential environment for local people and London as a whole, the Council has adopted the following Overall Aim in the Unitary Development Plan (UDP).

"TO MAINTAIN AND ENHANCE THE CHARACTER AND FUNCTION OF THE ROYAL BOROUGH AS A RESIDENTIAL AREA AND TO ENSURE ITS CONTINUING ROLE WITHIN THE METROPOLITAN AREA AS AN ATTRACTIVE PLACE IN WHICH TO LIVE AND WORK." (APPENDIX 5: Unitary Development Plan Chapter 2 p.14 Paragraph 1.15)

The Plan's policies are to be viewed in terms of their contribution to the Overall Aim. (APPENDIX 5: Unitary Development Plan Chapter 2 p. 16 Paragraph 4.1)

4.4 With reference to the residential environment, Chapter 2 Paragraph 4.3 states:-

"The need to protect and enhance the residential character of the Borough means that any further intensification of development will be resisted if it is likely to affect adversely the Borough's residential quality, as the high quality of the residential environment is Kensington and Chelsea's main contribution to the region. RPG3 outlines the importance of protecting the character of residential areas (Paragraph 53). To this end, the Council will require all new development to support or enhance the residential character of the Borough." (APPENDIX 5: p.16)

4.5 Accordingly, amongst the four Strategic Policies which are identified as Principal Strategic Policies is:

"STRAT 1

TO GIVE PRIORITY TO THE PROTECTION AND ENHANCEMENT OF THE RESIDENTIAL CHARACTER AND AMENITY OF THE ROYAL BOROUGH."

4.6 Amongst the Strategic Policies is:

"STRAT 5

TO SEEK TO ENSURE THAT ALL DEVELOPMENT PRESERVES OR

ENHANCES THE RESIDENTIAL CHARACTER OF THE ROYAL BOROUGH."

4.7 Amongst the U.D.P.'s Strategic Policies are

"STRAT 5

TO SEEK TO ENSURE THAT ALL DEVELOPMENT PRESERVES OR ENHANCES THE RESIDENTIAL CHARACTER OF THE ROYAL BOROUGH."

and

"STRAT 6

TO PROTECT LISTED BUILDINGS AND TO PRESERVE OR ENHANCE THE CHARACTER OR APPEARANCE OF CONSERVATION AREAS, AREAS OF METROPOLITAN IMPORTANCE, AREAS OF LOCAL CHARACTER, AND OTHER BUILDINGS OR PLACES OF INTEREST."

and

"STRAT 7

TO PROMOTE HIGH ENVIRONMENTAL AND ARCHITECTURAL DESIGN STANDARDS IN NEW DEVELOPMENTS AND ALTERATIONS AND IN ADDITIONS TO EXISTING BUILDINGS."

(APPENDIX 5 p.21)

4.8 Chapter 4 contains the policies relating to conservation and development. It identifies four overall objectives in this respect. The second and third of these are:-

"(B) To ensure that all development respects local character, is of a high standard of design, takes into account people with special mobility needs and does not adversely affect residential amenity.

"(C) To preserve or enhance the Borough's Conservation Areas and Listed buildings."

4.9 The Council is concerned that the quality of architectural design of development in all areas of the Borough should be high. The relevant policy is:-

"CD25

TO SEEK THAT ALL DEVELOPMENT IN ANY PART OF THE BOROUGH IS TO A HIGH STANDARD OF DESIGN AND IS SENSITIVE TO AND COMPATIBLE WITH THE SCALE, HEIGHT, BULK AND CHARACTER OF

THE SURROUNDINGS."

4.10 The Council's policies on additional storeys and roof level alterations are generally restrictive. Policy CD38 indicates those circumstances where planning permission will be refused. Policy CD39 gives the limited circumstances in which permission may be granted. The two policies should be read as a pair:-

"CD38

NORMALLY TO RESIST ADDITIONAL STOREYS AND ROOF LEVEL ALTERATIONS ON:

- (a) **COMPLETE TERRACES OR GROUPS OF BUILDINGS WHERE THE EXISTING ROOF LINE IS UNIMPAIRED BY EXTENSIONS, EVEN WHEN A PROPOSAL INVOLVES ADDING TO THE WHOLE TERRACE OR GROUP AS A CO-ORDINATED DESIGN;**
- (b) **BUILDINGS OR TERRACES THAT ALREADY HAVE AN ADDITIONAL STOREY OR MANSARD;**
- (c) **BUILDINGS THAT INCLUDE A ROOF STRUCTURE OR FORM OF HISTORIC OR ARCHITECTURAL INTEREST;**
- (d) **BUILDINGS WHICH ARE HIGHER THAN SURROUNDING NEIGHBOURS;**
- (e) **BUILDINGS OR TERRACES WHERE THE ROOFLINE OR PARTY WALLS ARE EXPOSED TO LONG VIEWS FROM PUBLIC OPEN SPACES, AND WHERE THEY WOULD HAVE AN INTRUSIVE IMPACT ON THAT VIEW OR WOULD IMPEDE THE VIEW OF AN IMPORTANT BUILDING OR OPEN SPACE BEYOND;**
- (f) **BUILDINGS WHICH, BY THE NATURE OF THE ROOF CONSTRUCTION AND ARCHITECTURAL STYLE ARE UNSUITABLE FOR ROOF ADDITIONS, E.G. PITCHED ROOFS WITH EAVES;**
- (g) **MANSION BLOCKS OF FLATS WHERE AN ADDITIONAL STOREY WOULD ADD SIGNIFICANTLY TO THE BULK OR UNBALANCE THE ARCHITECTURAL COMPOSITION;**
- (h) **TERRACES WHICH ARE ALREADY BROKEN ONLY BY ISOLATED ROOF ADDITIONS."**

"CD39

NORMALLY TO PERMIT ADDITIONAL STOREYS AND ROOF LEVEL ALTERATIONS IN THE FOLLOWING CIRCUMSTANCES:

- (a) **WHERE THE CHARACTER OF A TERRACE OR GROUP OF PROPERTIES HAS BEEN SEVERELY COMPROMISED BY A VARIETY OF ROOF EXTENSIONS AND WHERE INFILLING BETWEEN THEM WOULD HELP TO RE-UNITE THE GROUP; AND**
- (b) **THE ALTERATIONS ARE ARCHITECTURALLY SYMPATHETIC TO THE AGE AND CHARACTER OF THE BUILDING."**

(APPENDIX 5 p.52-53)

4.11 Supporting text at paragraph 4.3 (APPENDIX 4 p.53) explains that terraces that change their architectural style, character or height but are joined are considered as separate terraces. Roof extensions on one are not regarded as precedents for the adjoining terrace.

4.12 Design principles for roof additions are illustrated in figures 2.6 and 2.7 of the Planning Standards Chapter (APPENDIX 5 p.53 para. 4.5 and pp. 232-233) These depict additional storeys of traditional mansard design with modest scaled dormer windows aligned with windows on the floor below. Policy CD37 is

"TO HAVE REGARD TO THE STANDARDS SET OUT IN THE PLANNING STANDARDS CHAPTER IN DETERMINING APPLICATIONS FOR DEVELOPMENT."

(APPENDIX 4 p.51)

4.13 The following policies address development in Conservation Areas:-

"CD52

TO ENSURE THAT ANY DEVELOPMENT IN A CONSERVATION AREA PRESERVES OR ENHANCES THE CHARACTER OR APPEARANCE OF THE AREA."

"CD53

TO ENSURE THAT ALL DEVELOPMENT IN CONSERVATION AREAS IS TO A HIGH STANDARD OF DESIGN AND IS COMPATIBLE WITH:

- (a) **CHARACTER, SCALE AND PATTERN;**
- (b) **BULK AND HEIGHT;**
- (c) **PROPORTION AND RHYTHM;**
- (d) **ROOFSCAPE;**
- (e) **MATERIALS;**

**(f) LANDSCAPING AND BOUNDARY TREATMENT;
OF SURROUNDING DEVELOPMENT."**

4.14 In applying the policies of the Conservation and Development chapter, the U.D.P. states:-

"... the Council will consider not only the street scene, but views at the rear from other buildings and gardens, as these are also important to residents' amenities."
(APPENDIX 5. p.60, para 5.12)

4.15 Proposed Alterations to the Unitary Development Plan

4.16 The Council has reviewed its Development Plan and proposed a set of Alterations to the Unitary Development Plan to keep it up to date and relevant in line with Government policy. The Unitary Development Plan Alterations were approved for consultation by the Council in April 1999. They have been the subject of consultation with statutory bodies in line with Government Guidance set out in PPG12. This consultation took place between 30 April and 11 June 1999. The Unitary Development Plan Alterations were deposited for public consultation from 6 August to 1 October 1999 and revisions in response to objections were placed on deposit from 28 January to 10 March 2000. A public inquiry to hear outstanding objections made during the deposit period took place in January - February 2001. The Inspector's Report (APPENDIX 7) was published in July 2001 and is under consideration.

4.17 The U.D.P. Proposed Alterations propose only minor changes to policies relevant to this appeal (APPENDIX 6). Policy CD25 is expanded to include a reference to "materials" (APPENDIX 6 p. 44). Criterion (b) of Policy CD39 is extended to include "and would not harm its appearance" (APPENDIX 6 p.56). Paragraph 5.9 of Chapter 4 is expanded to include and enlarge upon the reference in the U.D.P. Chapter 4 paragraph 5.12 to the importance of views from private areas.

"The Borough contains some of the best examples of Victorian and Edwardian townscape in London. Overall, the residential environment is of the highest quality. This environmental quality is evident not only in the public realm but also at the rear and sides of properties, particularly around areas of private gardens. Residents' appreciation and enjoyment of the special character and appearance of conservation areas derives from both public viewpoints and views from within their dwellings. In applying these policies, the Council will consider not only the street scene, but views from other buildings and gardens, as these are also important to residents' amenities..."
(APPENDIX 6 p.65)

4.18 The Inspector's Report includes the following recommendations concerning relevant policies:-

4.18.1 amendment of Policy CD25 from "To seek" to "To ensure"; (APPENDIX 7 p.24)

4.18.2 omission of "Normally" from policies in general (APPENDIX 7 p.2).

4.19 The Kensington Conservation Area Proposals Statement

4.20 This document was adopted by the Planning and Conservation Committee on 9th January 1995. Policies relating to the control of physical change in the Conservation Area are stated in Chapter 5. The policy concerning works to roofs is set down at pages 38-39 and illustrated on the Proposals Map at page 53. It states that determination of applications for additional storeys will have regard to U.D.P. policy and the four categories contained in the C.A.P.S. The terrace formed by No. 22-26 Campden Hill Gardens falls within "Category 1" for which the policy is:-

"CATEGORY 1 No additional storeys: improvements only to existing roof profiles."

"Buildings in this category possess rooflines, generally original, which are an important element in the character and appearance of the Conservation Area and which therefore require to be protected from alteration. This does not rule out appropriate minor improvements, such as the restoration of original features (for example, the original pattern of glazing bars in dormer windows or the original roof covering) or the rationalisation of incidental elements such as pipework and water tanks".

5.0 CENTRAL GOVERNMENT POLICY AND LEGISLATION

5.1 Town and Country Planning Act 1990 (as amended)

Section 70 (2) states that in dealing with an application for planning permission, the local planning authority "shall have regard to the provisions of the development plan, so far as material to the application and to any other material considerations."

5.2 Section 54(A) states:

"Where, in making any determination under the Planning Acts regard is to be had to the Development Plan, the determination shall be made in accordance with the Plan unless material considerations indicate otherwise."

5.3 Planning Listed Buildings and Conservation Areas Act 1990

5.4 Section 72 requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of a conservation area in the exercise of planning functions.

5.5 Section 71 places a duty on local planning authorities to formulate and publish proposals for such preservation or enhancement.

5.6 Planning Policy Guidance Note 1 (PPG1) 'General Policy and Principles' (February 1997)

This reiterates the emphasis placed upon the development plan. Paragraph 40 states:

"The Government is committed to a plan-led system of development control. This is given statutory force by Section 54A of the 1990 Act. Where an adopted or approved development plan contains relevant policies, Section 54A requires that an application for planning permission or an appeal shall be determined in accordance with the plan, unless material considerations indicate otherwise. Conversely, applications which are not in accordance with relevant policies in the plan should not be allowed unless material considerations justify granting a planning permission. Those deciding such planning applications or appeals should always take into account whether the proposed development would cause demonstrable harm to interests of acknowledged importance. In all cases where the development plan is relevant, it will be necessary to decide whether the proposal is in accordance with the plan and then to take into account other material considerations".

5.7 Paragraph 48 states:

"However, account can also be taken of policies in emerging development plans which are going through the statutory procedures towards adoption (or approval).

The weight to be attached to such policies depends upon the stage of plan preparation or review, increasing as successive stages are reached."

5.8 Paragraph 54 goes on to say:

"Where there are other material considerations, the development plan should be the starting point and the other material considerations weighed in reaching a decision. One such consideration will be whether the plan policies are relevant and up-to-date (the age of the plan is not in itself material). The plan may, for example, have been superseded by more recent planning policy guidance issued by the Government".

5.9 PPG 1 identifies design as one of the themes underpinning the Government's approach to the planning system (paragraph 3). It emphasises the importance of good design:-

"Good design should be the aim of all those involved in the development process and should be encouraged everywhere." (Paragraph 15)

"16. Applicants for planning permission should be able to demonstrate how they have taken account of the need for good design in their development proposals and that they have had regard to relevant development plan policies and supplementary design guidance. This should be done in a manner appropriate to the nature and scale of the proposals."

"17. Local planning authorities should reject poor designs, particularly where their decisions are supported by clear plan policies or supplementary design guidance which has been subject to public consultation and adopted by the local planning authority. Poor designs may include those inappropriate to their context, for example those clearly out of scale or incompatible with their surroundings."

5.10 Paragraph 18 supports the promotion or reinforcement of local distinctiveness and states that particular weight should be given to impact upon areas such as Conservation Areas.

5.11 Paragraph 32 refers to Government policy for environmental stewardship.

"Those aspect of our past which have been identified as being of historic importance are to be valued and protected for their own sake, as a central part of our cultural heritage. Their presence adds to the quality of our lives, by enhancing the familiar cherished local scene and sustaining the sense of local distinctiveness which is so important an aspect of the character and appearance of our towns, villages and countryside..."

5.12 Planning Policy Guidance: Planning and the Historic Environment (PPG15)

5.13 This restates PPG1 paragraph 32 at paragraphs 1.1 and elaborates upon this theme at

paragraphs 1.6 and 1.7.

5.14 Concerning conservation areas, paragraph 4.19 states:

"The Courts have recently confirmed that planning decisions in respect of development proposed to be carried out in a conservation area must give a high priority to the objective of preserving or enhancing the character or appearance of the area. If any proposed development would conflict with that objective, there will be a strong presumption against the grant of planning permission, though in exceptional cases the presumption may be overridden in favour of development which is desirable on the ground of some other public interest."

6.0 AMPLIFICATION OF REASONS FOR REFUSAL OF PLANNING PERMISSION

- 6.1 No. 24 is central to a short terrace which forms an attractive group of buildings, whose original roofline survives intact, contributing positively to the character of the Kensington Conservation Area. The group can be viewed from the street in Campden Hill Gardens, the windows of neighbouring buildings in Campden Hill Gardens (front and rear), St. George's Church and the houses and gardens in Hillsleigh Road. A view of the back of the terrace can also be obtained from the street in Hillsleigh Road across the garden of 17 Hillsleigh Road.
- 6.2 The proposed mansard roof addition would form an isolated feature projecting well above the existing unaltered roofline of the terrace. It would obtrude upon the terrace's skyline which is currently formed by the strong visual elements of a consistent, unbroken front roof parapet and a series of V-shaped brickwork at the rear, interspersed by decorative chimney stacks and pots. The existing surviving uniformity of the skyline would be lost, detracting from the appearance of the terrace.
- 6.3 The officer report (APPENDIX 7) commented that the additional storey would not be readily seen from the street. However, further examination indicates much wider visibility than first thought. The submitted section drawing No. 9554/P15 indicates that the raised chimney stacks and party walls would be visible from the pavement opposite. The existing chimney pots are visible from the street in the view from outside No. 13 Campden Hill Gardens. The proposed development would raise these by 1.4m, making the projection on the skyline readily visible in the view into the cul-de-sac. The additional storey would be widely visible from the windows of surrounding properties and from the church yard. It would also be easily seen from Hillsleigh Road, while the western end of the terrace would be seen from Campden Hill Square. The vertical rises proposed to the rear party wall parapets, flush to the rear elevation of the building would make it particularly prominent in the views from Hillsleigh Road.
- 6.4 The provision of the roof addition on a "complete terrace ... where the existing roofline is unimpaired by extensions" conflicts with U.D.P. Policy CD38(a). Permission would not accord with Policy CD39(a) because the character of the terrace has not been "severely compromised" and a mansard at No. 24 would not serve to reunite the skyline.
- 6.5 The proposed development would be contrary to the Kensington C.A.P.S. additional storeys policy which designates No. 24 as "Category 1 - No additional storeys".
- 6.6 Overall, the scheme is not considered "sensitive to and compatible with the scale, height, bulk and character of the surroundings" - namely the terrace in which it is located. Therefore, it is considered to conflict with Policy CD25.
- 6.7 The additional storey would not preserve or enhance the character or appearance of the Kensington Conservation Area, so is considered contrary to Policy CD52. It would also conflict with Policy CD53(d) since the new roofscape created would not be visually compatible with the surviving roofscape of the rest of the terrace.

- 6.8 The primary objection to the development is raised in principle. The detailed design would be considered generally acceptable if such an extension could be accepted on the terrace. However, it is considered that the attempt to preserve the building's original character at the rear by retaining the V-shaped brickwork looks very "uncomfortable", forming an odd combination with a mansard roof and is not successful. Therefore it is also considered contrary to Policy CD39(b).

7.0 OBSERVATIONS UPON THE GROUNDS OF APPEAL

- 7.1 Comments are made using the Appellant's numbering.
- 7.2 (1), (2) As explained in part 6 of this Statement, No. 24 is part of a complete terrace of unimpaired roofline. The Council's roof additions policy is applied on a terrace-by-terrace basis (see paragraph 4.11 above). Roof additions on one terrace are not treated as precedents for separate terraces. No. 12-18 Campden Hill Gardens are of similar but not identical design to No. 22-26 and are a separate terrace on the opposite side of the road. Therefore additional storeys at No. 12-18 do not set a precedent for an additional storey at No. 24.
- 7.3 (3), (4) The Council does not object to the detailed design in itself except as explained in paragraph 6.7 above.
- 7.4 (5) The proposed additional storey would be seen from the street in Campden Hill Gardens and Hillsleigh Road (see paragraph 6.3 above). Further, views from other properties are also important (see paragraphs 4.14 and 4.17 above).
- 7.5 (6), (7), (8) The additional storey would be harmful to visual amenity and is considered contrary to Council policy.
- 7.7 (9) The appellant does not explain how this part of the Conservation Area has changed significantly since publication of the Kensington C.A.P.S. and why alleged changes should result in very little weight being attached to the C.A.P.S. policy. The Kensington C.A.P.S. is supplementary planning guidance published in accordance with Section 71 of the Planning Listed Buildings and Conservation Areas Act 1990. The Council is not aware of any reason why the C.A.P.S., published in 1995, should be given little weight. The additional storeys on the terrace opposite were not approved since adoption of the U.D.P. or the C.A.P.S. (Planning records indicate only one permission for an extra storey, at No. 16 in 1980) and do not undermine the Council's stance in this case.

8.0 CONCLUSION

- 8.1 The Council considers that the development is contrary to the Unitary Development Plan policies and the Proposed Alterations thereto. It is also considered to conflict with Government guidance.
- 8.2 The development would cause demonstrable harm to interests of acknowledged importance, namely visual amenity and the character and appearance of the Kensington Conservation Area.
- 8.3 The Council considers that the development should be refused for the reasons stated in the planning refusal dated 17th May 2001. Accordingly, the Council respectfully requests that the appeal be dismissed.

APPENDICES

1. Planning Refusal dated 17.5.2001
2. Location Map
3. Photographs
4. Kensington Conservation Area Proposals Statement p.11, pp30-31, pp 38-39 and p 53
5. RBKC Unitary Development Plan Chapters 1 - 4 and 13
6. U.D.P. Proposed Alterations Extracts from Chapters 1-4 and 13
7. U.D.P. Proposed Alterations Inspector's Report - extracts
8. Officer report upon application PP/01/00607
9. List of suggested conditions

**CONSTRUCTION OF A MANSARD ROOF EXTENSION,
24 CAMPDEN HILL GARDENS, LONDON, W8**

HEARING INTO PLANNING APPEAL

Agenda for Discussion

1. **The policy framework:**
 - Unitary Development Plan (UDP)
 - UDP Proposed Alterations, their status and weight
 - Kensington Conservation Area Proposals Statement, its status and weight
 - National planning guidance

2. **Issue** – The effect of the proposed development on the character and appearance of the Kensington Conservation Area, including:
 - (a) Existing character and appearance
 - cul-de-sac and wider area
 - extent of any group of terraces
 - other roof extensions in area
 - effect of Aubrey Walk development

 - (b) The harm, if any, that would result from the proposal
 - the design itself
 - extent of visibility of the proposed development
 - appearance in public/private views and effect of this
 - whether precedent

3. **Other matters** concerning the appeal, including:
 - effect on residents' living conditions

4. **Conditions** – subject to the appeal being allowed

5. **Concluding** comments



View from Campden Hill Gardens



Views from Campden Hill Gardens showing visibility of chimney pots





Views from Hillsleigh Road





View from Hillsleigh Road



View from Hillsleigh Road

READING + WEST ARCHITECTS

TOWN AND COUNTRY PLANNING APPEALS
(HEARINGS PROCEDURE) (ENGLAND) RULES 2000

RESPONSE TO THE COUNCIL'S STATEMENT OF CASE UNDER RULE 6

BY IAN CARL WEST

IN SUPPORT OF AN APPEAL BY MR RONALD NEUMUNZ

Against a decision of the Royal Borough of Kensington and Chelsea
dated 17 May 2001
to refuse to grant planning permission for a mansard roof
extension at 24 Campden Hill Gardens, London W8

Planning Inspectorate Reference APP/K5600/A/01/1077702
Royal Borough of Kensington & Chelsea Reference PP/01/00607

EX DIR	HDC	TP	CAC	AD	CLU	AO AK
R.B. K.C.	24 JAN 2002					PLANNING
N	C	SW	SE	APP	IO	REC
			ARB	FREN	DES	FEEES

READING + WEST ARCHITECTS
16-19 POWIS MEWS LONDON W11 1JN
t: 020 7229 3630 f: 020 7229 3607
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Gary Reading RIBA Ian West RIBA

RESPONSE TO COUNCIL'S STATEMENT

APPEAL BY MR R NEUMUNZ AGAINST A DECISION OF THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA DATED 17 MAY 20001 TO REFUSE TO GRANT PLANNING PERMISSION FOR A MANSARD ROOF EXTENSION AT 24 CAMPDEN HILL GARDENS, LONDON W8

1 Background

- 1.1 A statement in support of this Appeal was submitted with the Appeal Form on 14 November 2001.
- 1.2 The Appeal Questionnaire was received from the Royal Borough of Kensington and Chelsea ("the Council") on 6 December 2001.
- 1.3 The Appellant submitted its Statement of Case on 31 December 2001.
- 1.4 The Council's Statement of Case was received from the Planning Inspectorate on 7 January 2002.
- 1.5 A representation from a local resident had been forwarded to the Planning Inspectorate and a copy of this was also received on 7 January 2002.

2 Comments on the Council's Statement of Case

- 2.1 Comments on the Council's Statement of Case are included in this section. Unless stated otherwise, references to paragraph numbers are those used by the Council in its Statement of Case.
- 2.2 Paragraph 4.3 - The Council quotes UDP chapter 2 p.14 paragraph 1.15 as one of the Council's aims:

"To maintain and enhance the character and function of the Royal Borough as a residential area and to ensure its continuing role within the metropolitan area as an attractive place in which to live and work."

2.2.1 The proposed development ("the Development") is entirely in accordance with the above aim. The Development is of a high quality design, using the finest traditional materials (Please refer to paragraphs 6.1-6.8 of the Appellant's Statement). The Development will, therefore, maintain the Royal Borough's character and function as a residential area.

2.3 Paragraph 4.4 - The Council also quotes Chapter 2 paragraph 4.3 of the UDP in respect of residential environment.

"The need to protect and enhance the residential character of the Borough means that any further intensification of development will be resisted if it is likely to affect adversely the Borough's residential quality, as the high quality of the residential environment is Kensington and Chelsea's main contribution to the region."

2.3.1 The statement that the Council will resist 'intensification of development' appears to relate to over-development having an impact on local amenity such as parking problems. The Development would not represent intensification of development as envisaged by the above statement (refer to Paragraph 6.22 of the Appellant's Statement). With regard to the Council's aims to 'protect and enhance' the residential character of the Borough, the Appellant refers to Paragraph 6 of the Appellant's Statement of Case with respect to the visibility of the Development and the high quality of the design.

can be visual

2.4 At Paragraphs 4.5-4.9, the Council quotes Strategic policies STRAT 1, STRAT 5, STRAT 6 and STRAT 7 of the UDP. These policies were not cited by the Council as ones to which the Development was contrary when refusing to grant planning permission and less weight should, therefore, be attached to them. However, the Appellant asserts that the Development is fully in accordance with these policies as set out in Paragraph 6 of the Appellant's Statement.

these Strategic Polds are the context for the detailed CD Pold.

2.5 At Paragraphs 4.14-4.18, the Council refers to the Proposed Alterations to the current UDP. The Council accepts that the UDP Proposed Alterations propose only minor changes to the policies relevant to this appeal and the Appellant asserts that its case would not be altered by the Proposed Alterations.

2.6 At paragraph 4.17, the Council explains that paragraph 5.9 of Chapter 4 of the UDP is expanded by the Proposed Alterations to include and enlarge upon the reference in Chapter 4 paragraph 5.12 of the UDP to the importance of views from private areas.

2.6.1 In respect of views from private vantage points, the Council has not provided any evidence as to what harm would be caused to the amenity of residents, which is what this paragraph of the UDP is concerned with. Buildings opposite the Appeal Site, namely 12 – 18 Campden Hill Gardens, are likely to have limited views of the Development from upper storeys only. However, few, if any, other properties are likely to be affected. The views from the upper floors of 12 – 18 Campden Hill, all of which have mansard extensions, and visibility will be limited due to angle of vision and the height of the existing parapet wall at the Appeal Site. It is extremely noteworthy, from the lack of objections to the Development by residents, that those whose amenity could potentially be affected by development at the Appeal Site do not consider that their amenity will be affected.

visual
amenity

2.7 At paragraph 6.1, the Council states that the roofline of the group of buildings to which the Appeal Site belongs remains intact and contributes positively to the character of the Kensington Conservation Area. Whilst the Appellant accepts that the roofline of this group of buildings is largely unaltered, he does not accept that they contribute positively to the Conservation Area for the reasons given below and in the Appellant's Statement from Paragraph 6.14.

2.7.1 The Council describes in Paragraph 1.2 how the buildings' valley rooflines are concealed from views from the street by 'an elaborate corniced parapet'. Consequently, the rooflines cannot be said to contribute to the character and appearance of the Conservation Area, rather they have a neutral effect. The Development will be set back from the parapet and will not be visible from the street. The Development has a neutral effect on the character and appearance of the Conservation Area, thus preserving the character and appearance of it in accordance with national and local policy.

Their modest visibility is the character

2.7.2 The Council, having previously accepted that the Development would be of limited visibility, cites a number of views from which it believes the Development will be visible. The Appellant asserts that almost all of the views cited are from private view points, the owners of the buildings of which were consulted on the Application. The limited number of objections confirms that, in reality, there will be no effect on these private views or on the amenity of the owners. It should be noted that the one objection received in respect of the Appeal is from the owner of a building with a mansard extension.

it will
front +
rear

no
from
street.

doesn't
make
that
AOs don't
object!

2.7.3 The Appellant asserts that the visual effect on public views will be absolutely minimal and that no serious harm will be caused by the Development. The view from Hillsleigh Road would be extremely limited and available from one side of the road only for a very limited distance. Also, the view would be available only in Winter months due to the numerous mature deciduous trees.

+ trees half the year
permanent not a
feature

2.7.4 Again, the view from Campden Hill Gardens would, in the Council's own words, be from outside one house, namely No. 13. It would, in any event, be a glimpsing view of the extended chimney stacks/ party walls, all of which would be re-instated to match existing. Although the Appellant has not had the opportunity to discuss with the Council (and therefore to address) public visibility concerns, if any prove to exist, he would be prepared to do so.

2.8 At Paragraph 6.2, the Council states that the Development will be visible 'well above the existing unaltered roofline of the terrace' and that the existing surviving uniformity of the skyline would be lost. The Appellant refers to Paragraph 6.8 onwards of its Statement of Case which stresses the lack of visibility of the Development to public and private views. Due to the design and positioning of the Development, it will be of extremely limited visibility and then from predominantly private vantage points only. The predominant feature at roof level from the street will be the existing parapet wall and cornice that is to be retained as existing and therefore the character and appearance of the Conservation Area will be preserved.

not
true

2.8.1 From the limited number of private views from which the Development will be visible, namely those referred to in paragraph 2.7 above including the upper storeys of some of the properties opposite (all with mansard roof extensions), the high quality of the design, referred to in the Appellant's Statement, will make the Development compatible with its surroundings.

2.9 Paragraph 6.3 - with regard to the visibility of the Development, the Appellant refers to paragraph 2.7 above and to Paragraph 6.9 onwards of its Statement of Case. In addition, the Council states that the chimney pots and party walls would be readily visible from the cul-de-sac. The Appellant asserts that the chimney stacks will only be partially visible from the street and only from the other side of the road adjacent to the Appeal Site. Therefore, they will not be readily visible and will preserve the character and appearance of the Conservation Area. For the reasons given in paragraph 2.7 above, views of the Development from No.13 Campden Hill Gardens and Hillsleigh Road will be very limited.

seen from
view wfu
cul de sac
see Council
photos.

2.10 At Paragraph 6.4, the Council clarifies that its objection to the Development in terms of UDP policy CD38 is that it believes it is contrary to CD38(a). This is that the Council will normally resist additional storeys and roof level alterations on:

"Complete terraces or groups of buildings where the existing roofline is unimpaired by extensions, even where the proposal involves adding to the whole terrace or group as a co-ordinated design".

2.10.1 The Appeal Site is part of a small terrace of three similar houses, which form part of the group of nine buildings that define the character of this cul-de-sac location. Of the nine buildings, four have mansard extensions. Although, for the reasons given above and in the Appellant's Statement, the Development will have a neutral effect on the character and appearance of the Conservation Area and will therefore preserve this, the Appellant asserts that the Development accords with this policy in any case. As stated in paragraphs 6.10-6.13 of the Appellant's Statement, the group of buildings that should be considered under this policy are all of those within the cul-de-sac. Therefore, the group of buildings to be considered is not Nos. 22-26 alone. Policy CD 38(a) refers to "complete terraces or groups of buildings". The "group of buildings" that should be considered, due to the nature of the cul-de-sac location, are not unimpaired by roof extensions and therefore the Development is not contrary to this policy.

It is in terrace, not group CAPS policy prepared in tandem with/ having regard to UDP.

this is intended for example re pairs of semis, groups of detached houses.

2.10.2 The Permission for one of these mansard extensions at No. 16 was granted in 1980. Whilst the current UDP did not exist at that time, the permission was granted since the area was given Conservation Area status in 1976. This part of Campden Hill Gardens and indeed the wider area is predominated by mansard and other roof extensions. The principle of such an extension in this context has therefore been established and the Appellant does not, therefore, accept the Council's view that the other mansards in the area cannot be considered as precedents or relevant to the consideration of granting planning permission for the Development.

CAPS adopted '95. No PP in this terrace, which is relevant one.

2.10.3 For the above reasons, the Development would accord with UDP Policy 39(a) because the character of the group of buildings that should be considered has been compromised by a variety of roof extensions. The Development has been designed to be architecturally sympathetic to the age and character of the building. It is in accordance with the Council's own guidelines, having been designed in accordance with the design principles that are illustrated in figures 2.6 and 2.7 of the planning standards chapter of the UDP. It is, therefore, in accordance with UDP Policies CD37 and 39(b).

clash with valley roof.

2.11 With regard to paragraph 6.5, the Appellant asserts that, due to the limited visibility of the Development from limited private vantage points and, indeed, of the original roof itself, the Kensington Conservation Area Proposals Statement is incorrect in its presumption that the Development would cause harm to the Conservation Area.

*Red Herring
has no impact
whatsoever
on any view
that noisy
features in*

2.11.1 The Appellant further asserts that the development of the former water works site on Aubrey Walk has significantly and irrevocably changed the character and appearance of this part of the Conservation Area. The development includes the construction of in excess of 140 units, some extending to 6 storeys high, and is less than one street away from the Appeal Site. The Council's description of this part of the Conservation Area as a quiet backwater and the presumption of the Kensington Conservation Area Proposals Statement against change and maintenance of the status quo should therefore be re-considered. The Appellant would, therefore, request the Inspector to consider the impact of the above development at Aubrey Walk on the character of this Conservation Area, in particular the issue of the impact on visual amenity of the Development.

*they
are
proposing
5 storeys
themselves
!*

2.11.2 The person who may have a limited public view of the Development from Hillsleigh Road would also see the Aubrey Walk Development from the same spot if he was to turn ninety degrees to his right. This questions further the significance of any public views of the Development in relation to the effect on the character and appearance of the Conservation Area.

*not in
same view*

2.12 With regard to Paragraph 6.6, the Appellant asserts that the Development is not contrary to Policy CD25 of the UDP and refers the Inspector to Paragraphs 6.1-6.8 of its Statement of Case.

2.13 The Appellant asserts that the Development is not contrary to Policies CD52 and 53 of the UDP and refers the Inspector to Paragraph 6 of its Statement of Case.

2.14 With regard to Paragraph 6.8, the Appellant notes the Council's comments that the proposals are considered generally acceptable. The 'v' profile has been retained to the rear wall to continue the rhythm of 'v' profiles on adjacent buildings. The Development will be set back behind the proposed 'v' parapet wall. The Appellant does not consider the relationship to be uncomfortable and refers the Inspector to other similar developments where such configurations show a harmonious relationship.

not RSKC
not relevant

2.14.1 It should be noted that in the neighbouring London Borough of Westminster the local planning authority publishes its own guidelines on the design of roof extensions: "Roofs: A guide to alterations and extensions on domestic buildings" Published March 1995. (copy attached). The guide states that where a mansard roof is constructed on an existing building with a butterfly roof the existing 'v' profile to the elevation should be retained. The guide shows an illustration that is similar to the Development.

But if none in terrace, WCC says normally unacceptable.

2.14.2 The Appellant therefore asserts that the Council's objections to retention of the 'v' profile is unfounded and that the proposals are not contrary to Policy CD 39(b)

2.15 With regard to Paragraph 7, the Appellant has covered in his Statement and in this document the issues raised by the Council and does not repeat them here.

2.16 In summary:

- The Development will not be significantly visible from any public views and its effect on the Conservation Area will therefore be neutral. The Development will not harm the Conservation Area, rather it will preserve its character and appearance
- The Development will only be visible from a very limited number of private vantage points. Despite consultations in respect of the appeal, only one objection letter was received. The private views would, almost exclusively, be from the upper storeys of 12 - 18 Campden Hill Gardens, all of which have mansard extensions.
- The Development is in accordance with national and local planning policy
- The design exceeds the Council's own standards in respect of the proportion, detailing and specification of materials.
- As each planning application should be judged on its own merits, it is incorrect to claim that allowing an extension at the Appeal Site would set a precedent for the buildings either side.

?

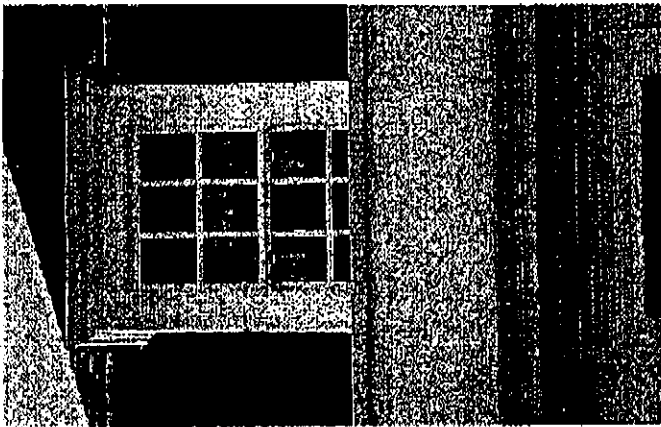
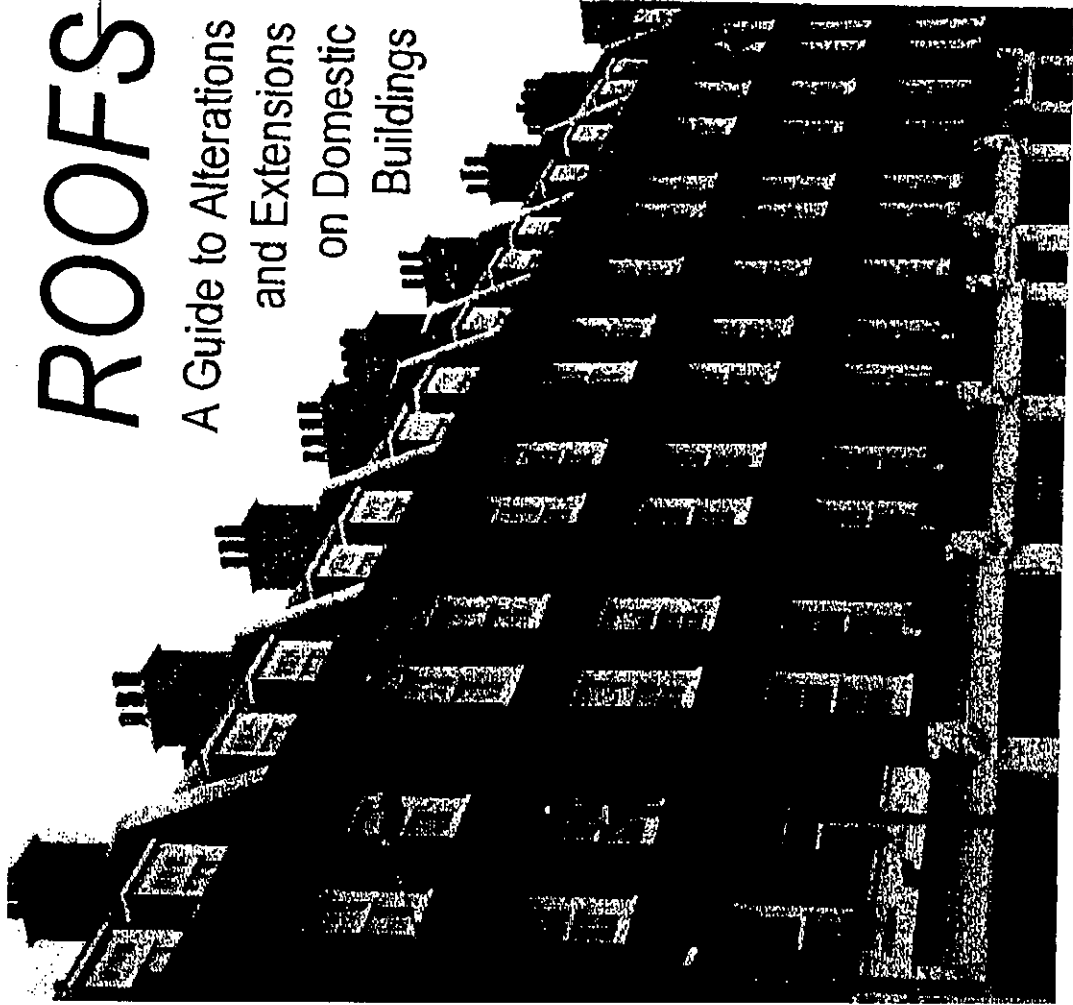
But they are claiming a precedent from opp side of road!

2.17 Should the Inspector grant planning permission for the Development, the Appellant accepts the Council's proposed conditions

City of Westminster

ROOFS

A Guide to Alterations
and Extensions
on Domestic
Buildings



City of Westminster

Department of Planning and Environment - Development Division
March 1995



Department of Planning and Environment - Development Division - March 1995

6. SPECIAL CASES

SEMI-DETACHED HOUSES WITH PARAPETS

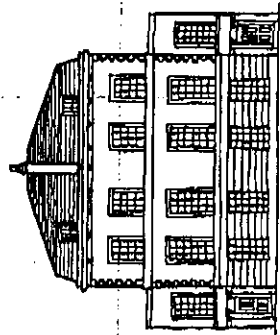
Roof extensions will not normally be acceptable where it is only proposed to alter one of the pair, as this would create an unbalanced roof line.

- A preferred solution would be to add dormers to the sides of the existing roof, thereby maintaining the roof slopes unaltered at the front.
- However, if the principle of extending both houses is acceptable, then the roof should be incorporate mansard slopes on all four sides.
- Existing parapets should not be altered.

OVERHANGING AND GABLED ROOFS

In some parts of the City there are buildings with overhanging and gabled roofs. Many are in Italianate or Gothic styles popular in the C.19 th. These roofs are important to the character of these buildings and the areas in which they lie.

- There is a strong presumption in favour of retaining these roofs in their original form. Roof extensions and alterations will not normally be acceptable.
- However, if it is possible to create space within the existing roof, without affecting the apparent form of the roof, it may be acceptable to insert small dormer windows or rooflights, provided these are at the rear or the sides.



Mansard roof on semi-detached pair.



Overhanging eaves. Bloomfield Terrace, SW1.

GAPS BETWEEN BUILDINGS

In some areas of the City, e.g. Fimlico, there are gaps in the townscape which were created to provide a break between the larger, grander terraced houses on the principal streets and the smaller terraced houses on the side streets.

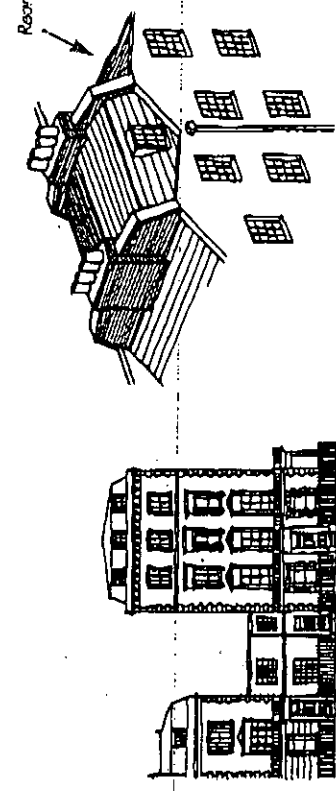
- These gaps are often occupied by single storey buildings. They are important features of these areas and there is a presumption for their retention.
- The City Council considers that in some cases one additional, second storey, above street level may be acceptable, depending on the heights of the adjoining terraces.
- Proposals for more than one additional storey, infilling the gap, are unlikely to be acceptable.
- It will normally be more appropriate to extend the building with a sheer storey rather than a mansard roof.

BUTTERFLY ROOFS

In some terraces the historic butterfly roof pattern survives unaltered.

- In such cases, roof extensions will normally be unacceptable.
- However, if the terrace has been altered and includes other roof extensions, a mansard extension may be acceptable but the 'V' shaped parapet wall should be retained.

Snacky!



Gap between two terraces.

Mansard with butterfly parapet retained at rear.

TOWN AND COUNTRY PLANNING APPEALS
(HEARINGS PROCEDURE) (ENGLAND) RULES 2000

STATEMENT OF CASE UNDER RULE 6

BY IAN CARL WEST

IN SUPPORT OF AN APPEAL BY MR RONALD NEUMANZ

Against a decision of the Royal Borough of Kensington and Chelsea
dated 17 May 2001
to refuse to grant planning permission for a mansard roof
extension at 24 Campden Hill Gardens, London W8

Planning Inspectorate Reference APP/K5600/A/01/1077702
Royal Borough of Kensington & Chelsea Reference PP/01/00607

1 **QUALIFICATIONS AND EXPERIENCE**

1.1 I am Ian Carl West. I hold a BA (Hons) degree in Architecture from Oxford Polytechnic and I am a chartered architect (RIBA).

1.2 I am a founding partner of Reading and West Architects, established in 1995. I specialise in the design and construction of private residential projects in London, especially in the Royal Borough of Kensington and Chelsea and the City of Westminster. Previously, I worked as a senior architect for Jestico and Whiles Architects.

2 **INTRODUCTION**

2.1 I write this Statement of Case on behalf of Mr Ronald Neumanz ("the Appellant") in respect of an appeal against a decision by the Royal Borough of Kensington and Chelsea ("the Council") to refuse planning permission for the construction of a mansard roof extension ("the Development") at 24 Campden Hill Gardens, Kensington, London W8 7AZ ("the Appeal Site").

3 **SITE AND SURROUNDING AREA**

3.1 The Appeal Site is located in the Northern Corridor of the Kensington Conservation Area in a small cul-de-sac that forms the western 'arm' of Campden Hill Gardens. The Appeal Site is shaded red on site location plan number 9554/P01 which was submitted with the application for the Development and is attached at **Appendix 1**. The Appeal Site is a maisonette located on the second and third floors of a five storey house which is in the centre of three similar properties. The Appeal Site is Victorian, brick and stucco and has a butterfly roof with a parapet wall to the front facing the street and a 'v' profile wall to the rear. The rear of the property abuts St George's Church, which effectively blocks views towards the rear of the property from surrounding streets. Photographs of the front and rear elevations of the Appeal Site, and views from and to the rear, are attached at **Appendix 2**.

3.2 The Campden Hill Gardens cul-de-sac is dominated by numbers 22-26 Campden Hill Gardens and those properties directly opposite at numbers 12-18. The properties either side of the cul-de-sac appear all to have been constructed in the 1870's as part of the same development. Numbers 12-18 are similar to the properties at numbers 22-26 and are almost identical to each other. They share similar parapet heights, floor levels, window proportions and façade detailing. The four properties at numbers 12-18 have all been altered with mansard extensions. Photographs of the cul-de-sac and the front elevation of numbers 12-18 Campden Hill Gardens are attached at **Appendix 3**

3.3 The Campden Hill Gardens cul-de-sac is approached via the main stretch of Campden Hill Gardens from either the North or South. The Victorian houses that form Campden Hill Gardens have mostly been converted to flats and a significant number have had additional mansard storeys constructed. These are identified on the location plan that accompanied the Application and which is attached at **Appendix 4**. Of the 32 buildings in Campden Hill Gardens, 21 have additional storeys/mansard extensions, not constructed as part of the original building. Photographs of

Campden Hill Gardens (the wider area) taken from various view points are attached at **Appendix 5**.

3.4 The Appeal Site is not a listed building and there are no Article 4 directions pertaining to it.

4 **PLANNING POLICY AND OTHER RELEVANT DOCUMENTATION**

Unitary Development Plan Policy

4.1 The Council's statutory development plan is the Royal Borough of Kensington and Chelsea Unitary Development Plan, adopted 28 August 1995 ("the UDP"). Copies of the policies referred to in this Statement are attached at **Appendix 6**. Proposed Alterations to the UDP are currently on Second Deposit and copies of the relevant policies, showing the proposed changes, are attached as **Appendix 6.1**.

4.2 Under Policy CD25 the Council will seek to secure that all development is to a high standard of design and is sensitive to and compatible with the scale, height, bulk and character of the surroundings.

4.3 Policy CD38 sets out the situations where the Council will normally resist additional storeys and roof level alterations. These include "(a) Complete groups of buildings where the existing roofline is unimpaired by extensions, even when a proposal involves adding to the whole terrace or group as a co-ordinated design ... (c) Buildings that include a roof structure or form of historic or architectural interest ... (e) Buildings or terraces where the roofline or party walls are exposed to long views from public spaces, and where they would have an intrusive impact on that view or would impede the view of an important building or open space beyond (f) Buildings which, by the nature of the roof construction and architectural style are unsuitable for roof additions, eg pitched roofs with eaves..."

4.4 Policy CD39 sets out the circumstances where the Council will normally permit additional storeys and roof level alterations, namely (a) where the character of a terrace or group of properties has been severely compromised by a variety of roof extensions and where infilling between them would help to re-unite the group; and (b) the alterations are architecturally sympathetic to the age and character of the building.

4.5 Policy CD52 indicates that the Council will seek to ensure that any development in a Conservation Area preserves or enhances the character or appearance of that area

4.6 Policy CD53 seeks to ensure that all development in Conservation Areas is to a high standard of design and is compatible with the following features of surrounding development:

- Character; scale and pattern:
- Bulk and height.
- Proportion and rhythm.
- Roofscape.
- Materials.

- Landscaping and boundary treatment.

Kensington Conservation Area Proposals Statement

4.7 The Kensington Conservation Area Proposals Statement ("the Proposals Statement") was adopted by the Council on 9 January 1995. The document presents proposals for the preservation and enhancement of the Kensington Conservation Area.

4.8 The Proposals Statement includes a Proposals Map (attached at **Appendix 7**) which identifies each building in the Conservation Area and lists them in one of four categories in terms of suitability for development at roof level as follows:

- Category 1. No additional storeys: improvements only to existing roof profiles.
- Category 2. No additional storeys: rationalisation, improvement or adaptation of existing roof profiles
- Category 3. Additional storeys might be acceptable.
- Category 4. Each application will be dealt with on its merits.

The Appeal Site is identified as a category 1 building on the Proposals Map.

4.9 As part of the statement in support of the Proposals Map, the Council sets out reasons why it will resist development at roof level. These include:

- *'The council normally resists proposals for additional storeys because of the potential for conflict with other policies relating, for example, to residential densities and car parking standards.'*
- *'roof extensions can by their bulk and shadowing affect neighbours' proper enjoyment of their homes.....'*
- *'.....in most cases roofs will be relatively unaltered from the original designs which carefully balanced the simple massing of roof shapes with skilfully contrived ornamental features. Even where each individual proposal is minimal, perhaps a single rooflight or an attic room may erode the character of the terraces by adding clutter to the historic skylines. Alternatively, where alteration to the roof shape is proposed, a simplification of the original form may be involved which would also detract from the Area's character for the opposite reason.'*

An extract of the Proposals Statement (Chapter 5 – "Control of Physical Change") is attached at **Appendix 8**

5 FACTUAL BACKGROUND

5.1 On 16 March 2001, Reading and West Architects submitted the application for the Development ("the Application") referred to in paragraph 2.1 above. A copy of the Application with supporting statement and photographs is attached at **Appendix 9**

5.2 The Development involves the alteration and rebuilding of the existing roof to provide a mansard extension providing a new fourth level with an additional two bedrooms and two bathrooms, using a

flat-topped mansard model. It is to be constructed using blue-black Welsh slate to the first pitch of the mansard and traditional dormer windows with lead cheeks and traditional detailing. All of the windows will be timber sliding box frame sash windows with a painted finish. All of the existing chimney stacks will be raised in brickwork to match existing. The extension is designed so that the 'V' profile to the rear elevation is retained. The windows are designed to align with the windows below.

5.3 The following supporting documentation and drawings were submitted with the Application:

- Statement in support of the application
- Photograph showing a general view of Campden Hill Gardens
- Photograph showing the front elevation of 24 Campden Hill Gardens
- Photograph showing the rear elevation of 24 Campden Hill Gardens
- Site location plan showing the locations of previously constructed mansard/roof extensions in Campden Hill Gardens
- Site Location Plan No. 9554/P01
- Ground Floor Plan No. 9554/P02
- First Floor Plan No. 9554/P03
- Second Floor Plan No. 9554/P04
- Third Floor Plan No. 9554/P05
- Roof Plan No. 9554/P06
- Drawing showing section as existing No. 9554/P07
- Drawing showing front and rear elevations as existing No. 9554/P08
- Proposed Ground Floor Plan No. 9554/P09
- Proposed First Floor Plan No. 9554/P10
- Proposed Second Floor Plan No. 9554/P11
- Proposed Third Floor Plan No. 9554/P12
- Proposed Fourth Floor Plan No. 9554/P13
- Proposed Roof Plan No. 9554/P14
- Drawing showing section as proposed No. 9554/P15
- Drawing showing front and rear elevations as proposed No. 9554/P16

The drawings/plans numbers 9554/P02 – 9554/P15 are attached at **Appendix 10**

- 5.4 A Report by the Executive Director, Planning & Conservation into the application for the Development ("the Report") was presented to a Members' Panel on 17 May 2001 and permission was refused for the following reasons:

"The proposed mansard roof addition, by reason of its location surmounting the unaltered roofline of the uniform terrace formed by No. 22-26 Campden Hill Gardens, would detract from the appearance of the building and the terrace to the detriment of the character and appearance of the Kensington Conservation Area. Therefore, it is contrary to Council policy as set out in the Unitary Development Plan, in particular chapter 4, Policies CD25, CD38, CD52 and CD53 and the recommendations of the Kensington Conservation Area Proposals Statement, in particular p.39 and p.53"

The Council also states as an informative that Policies CD28, CD30 and CD39 were used in determining the application. The Report and Decision Notice are attached at **Appendix 11**

- 5.5 The main issues considered were "the effect of the proposed development upon the appearance of the building and terrace and upon the character and appearance of the Kensington Conservation Area." The effect upon neighbours' light and visual privacy of residents were also considered, though it was decided that they would not be adversely affected.

- 5.6 Forty-one addresses in Campden Hill Gardens, Hillsleigh Road and Aubrey Walk were notified by the Council of the proposal. Only two letters of objection were received. One referred to loss of the view of trees in Holland Park and nuisance from building works, the other to visual impact on the existing rooflines and surrounding area, the setting of a precedent and impact due to increase in density and parking problems. Copies of the letters of objection are attached at **Appendix 12**.

6 THE APPELLANT'S CASE

- 6.1 In the Report, The Council states at paragraph 4.5 that the Development is contrary to, amongst others, UDP Policy CD25 and this is cited as one of the reasons for refusal. This policy seeks to ensure that "the quality of architectural design of development in all areas of the Borough should be of a high standard". Paragraph 4.7 of the Report then proceeds to state that "the detailed design of the extension itself is considered generally acceptable" and that "the objection is one of principle rather than detail". This suggests that the Council accepts that the design of the Development is of a sufficiently high standard, so as not to be contrary to CD25.

- 6.2 The reasons for refusal also state that the Development is contrary to Policy CD53 which seeks to ensure that all development in Conservation Areas is to a high standard of design and is compatible with (a) character, scale and pattern (b) bulk and height (c) proportion and rhythm (d) roofscape (e) materials (f) landscaping and boundary treatment, of surrounding development. This evidence details below how the Development has been designed to a high standard, compatible with the aspects listed (a) to (f) above and how it is, therefore, compatible with policies CD25 and CD53.

- 6.3 The Development has been designed to be in harmony with the scale, character and pattern of the surrounding area. Both the front parapet wall and 'V' profile eaves to the rear are retained and are unaltered. The Development is similar in bulk and height to other mansards constructed in Campden Hill Gardens and in particular those at numbers 12-18.
- 6.4 The proposed proportions of the Development have been carefully designed to complement the proportions of the existing buildings. The Development would be located between the existing party walls and would therefore respect the rhythm of the existing buildings. *yes & s*
- 6.5 The roofscape at the Appeal Site is not visible from the street or from streets to the rear. The Development has been designed to complement and respect the existing roofscapes utilising high quality materials and detailing and it is a traditional form of extension.
- 6.6 The proposed mansard design includes only the highest quality materials, including blue/black Welsh slates, lead clad dormers and painted timber sliding sash windows.
- 6.7 The Development has been designed to be in accordance with the Council's own design guidelines, as illustrated in figures 2.6 & 2.7 in the Planning Standards Chapter of the UDP (attached at **Appendix 13**), as follows:
- The existing parapet and cornice to the front elevation is retained and is not altered.
 - The first pitch of the proposed mansard has been set at 72 degrees with a shallow second pitch forming a 'flat topped mansard'.
 - The front and rear first pitch of the proposed mansard is clad with blue/ black natural Welsh slate, with stepped lead flashings to the abutment with the party walls. The second pitch of the mansard will be finished with lead sheet with wood cored rolls at joints.
 - The windows are traditional painted timber, double hung, vertically sliding, sash windows, set in lead clad dormer windows. The dormer windows align with the windows below.
 - The existing chimney stacks and party walls have been extended to match the existing exactly.
- 6.8 The Development has, therefore, been designed to be in harmony with existing buildings, using the highest quality materials to respect the Appeal Site and surrounding buildings and area.
- 6.9 The Council states in the Report at paragraph 4.5 that the Development is contrary to policies CD38 and CD52. CD38 is restrictive in that the Council will normally resist additional storeys and roof level alterations on the categories of buildings listed in the policy (see Appendix 10). Policy CD 52 states that the Council will ensure that any development in a Conservation Area preserves or enhances the character or appearance of the area, careful regard being had to the content of the Conservation Area Proposals Statement. This evidence sets out below how the Development is contrary to neither of these policies.
- 6.10 The Appellant asserts that the Appeal Site does not form part of a complete terrace or group of buildings where the existing roof line is unimpaired. The Appeal Site is within a small cul-de-sac, dominated by numbers 22-26 Campden Hill Gardens and those properties directly opposite at

but not identical & on opp side of road.

numbers 12-18. The properties either side of the cul-de-sac appear all to have been constructed in the 1870's as part of the same development. Numbers 12-18 are similar to the properties at numbers 22-26 and are almost identical to each other. The effect is that they all appear as being part of the same group of buildings and they all share similar parapet heights, floor levels, window proportions and façade detailing. The four properties at numbers 12-18 have all been altered with mansard extensions.

6.11 Whilst the Report states that the buildings opposite the Appeal Site should not be considered a precedent, it is clear that numbers 12-18, by nature of the cul-de-sac location and for the reasons stated above, are very much part of the same group as numbers 22-26. As such, the buildings opposite create a precedent for similar development at the Appeal Site. *No - not part of same views.*

6.12 The majority of the properties forming this group of buildings in the Campden Hill Gardens cul-de-sac have been altered with mansard extensions. It should be noted that none of the mansard extensions at numbers 12-14 appear to be designed in accordance with the requirements of the UDP and all are finished with low specification roofing materials. Three of the mansard roof extensions also appear to have roof terraces on the flat part/ second pitch of the mansard, in contrast with the design and materials of the Development.

6.13 As the character of the group of properties in the cul-de-sac has already been compromised by the variety of roof extensions at numbers 12-14, the Development will help to re-unite the group. For the reasons given above, the design and materials proposed are also architecturally sympathetic to the age and character of the building. Consequently, the Development complies with Policy CD39, which states that additional storeys and roof level alterations should normally be permitted where these requirements are met.

6.14 The existing high front parapet wall makes the Appeal Site suitable for a mansard roof extension and effectively blocks views of the Development from the street. The existing roof, due to its lack of visibility, is neutral in its effect on the Conservation Area and therefore does not contribute to the preservation or enhancement of it. *Absence of a vis. roof is the character and would be destroyed by the proposed extension*

6.15 The Development will not be visible from the street level, either from roads in front of the Appeal Site, or those to the rear. The Report acknowledges in paragraph 4.7 that the Appeal Site '...would not be readily seen from the street.' The proposed section drawing No. 9554/P15 (see Appendix 8), submitted with the Application, shows a dotted line plotting site lines from the opposite side of the street and illustrates how the Development will not be visible from the street. In addition, the Development will not be exposed to and will not intrude on any long views from public spaces. *Yes it will - from hillside Rd.*

6.16 To the rear of the Appeal Site, the Development will not be visible from either the street or many of the houses that lie behind, as such views are blocked by St George's Church. The Report states in paragraph 4.7 that the Development would be visible from the church yard to the rear of St George's Church. Whilst this is correct in principle, the yard to the rear of the church is approximately only 3 metres deep and is not used as a public meeting space or for any other public gatherings. The yard can only be accessed from either within the church or via a side alley, which is kept locked shut at all times. Any views of the Development would be very limited due to the

angle of vision. Similarly, the views from the private rear gardens of the properties at Hillsleigh Road would be oblique and limited due to the angle of vision. *But still seen + prominent on skyline*

6.17 The Appellant asserts that there will be no harm to the character and appearance of the Conservation Area for the reasons given below:

6.18 The Development would not be visible from the street or from other public spaces and would not intrude on other long views or vistas. Therefore, there will be no material impact on any public view. The Appeal Site is also not shown on the Proposals Map as being part of any important vistas or views that should be preserved. *not true*

6.19 Although the Council states, in paragraph 4.7 of the Report, that approval of the Development would set a precedent for numbers 22 and 26 Campden Hill Gardens, the Application must, along with any such future proposals, be considered on its own merits, having regard to the character of the host building, public views and the character and appearance of the Conservation Area. The Council accepts in the Report that number 26 is end of terrace and a roof extension to that property might be seen from the street. This is a factor that distinguishes it from the Appeal Site and is one that would have to be considered if a planning application was made. Clearly, therefore, the Development would not set the automatic precedent that the Council presumes.

*not what they are arguing re
no 12-18
opposed*

Where the Development would be visible from the upper floors of private dwellings, its design, in terms of its proportions, detailing and materials, is such that it will preserve and enhance the character and appearance of the Conservation Area. In the Report, the Council provided no analysis of the likely impact of the Development on private views, nor what actual harm would arise. In addition, views of roof lines from upper storeys of neighbouring buildings will already be obscured by other mansard extensions and such objects as aerials, chimney stacks and storage tanks, so in this respect the Development would not affect the character and appearance of the Conservation Area. Therefore, whilst it is acknowledged that the mansard extension would be visible from some private vantage points, for the reasons outlined above, the character and appearance of the Conservation Area would not be harmed.

*?
not on this terrace*

6.21 Because of its location in a cul-de-sac, less people will pass by the Appeal Site than the rest of Campden Hill Gardens. Those who normally would do so (the residents) were consulted on the Development and only the managing agent for the freehold owner of number 22 objected on the ground of possible impact on the rooflines. The other residents were unconcerned, which is further suggestion that the character and appearance of the Conservation Area will not be harmed by the Development.

6.22 The Appellant asserts that the Development will not harm the amenity of local residents, as further evidenced by the fact that only two objections were received from forty-one consultations. The Council acknowledges in the Report at paragraph 5.2 that matters referred to in one of the letters (loss of view of trees in Holland Park and nuisance from building works) are not planning matters and concluded in paragraph 4.8 that the proposed mansard would not adversely affect neighbours' light. No reference was made to the second objection letter, which alleged possible visual impact on the existing rooflines and surrounding area, the setting of a precedent and impact due to

increase in density and parking problems. For the reasons stated above, the Appellant asserts that the first two of these concerns are unfounded. With regard to the third concern, as the Development is an extension to an existing property, there will be no effect on residential density and therefore no adverse effect on car parking.

There would be an increase in bedrooms + ∴ density low

6.23 The Appellant asserts further that the character and appearance of the Conservation Area has altered significantly and materially since the publication of the Kensington Conservation Area Proposals Statement. The construction is underway of a significant number of residential units at the former water works site on Aubrey Walk, which is the street parallel to, and in the immediate vicinity of, the Campden Hill Gardens cul-de-sac. Limited weight should, therefore, be attached to the recommendations of the Proposals Statement.

Not logical. The app'd dev't would have had regard to CAPS + UDP.

7 **CONCLUSION**

7.1 The Appellant asserts that the Development is of a high standard of design, that it cannot be seen from the street or from long views from public spaces. It does not, therefore, harm the character and appearance of the Conservation Area and is not contrary to the UDP Policies stated in the Report.

7.2 The Appellant invites the Inspector to allow the appeal and grant planning permission for the Development.

we don't object for that reason.