

Critique of the Pre-Application Process and Supporting Documents

41 North Hill, London N6 4BS

This response does not suggest that officers acted improperly or that the pre-application process served no useful purpose. Pre-application discussions are necessarily preliminary, are undertaken without the benefit of full public consultation, and commonly proceed on the basis of incomplete information. The Council's own advice note expressly states that it is an officer-level response, does not constitute a formal decision, is given without prejudice, and remains subject to the assessment of any subsequent application following consultation.

The issue is therefore not whether officers should "reverse" their earlier advice. It is whether the present application, when assessed against the complete evidence and the concerns now raised by the adjoining occupiers, has demonstrated that the proposed additional storey is acceptable. It has not.

The pre-application exercise compared three architectural treatments for an additional storey, but it did not adequately test the more fundamental question: **whether an additional storey of this scale is acceptable at all in this exceptionally constrained relationship with Nos. 43/45.**

That distinction is central. Selecting the least objectionable of three roof forms does not establish that the underlying increase in height, mass, enclosure and overlooking is acceptable.

1. The pre-application advice was expressly provisional

The advice note states that Option 1 was supported "in principle" and subject to further refinement. It also recognises that residential amenity would need to be reconsidered at application stage following consultation and the identification of any material planning issues.

This qualification is important because the main effects now identified by the adjoining occupiers were not properly examined during the pre-application exercise:

- the outlook from the ground-floor living room at Nos. 43/45;
- the outlook from the first-floor bedroom;
- the increased sense of enclosure arising from the full additional storey;
- the daylight and sunlight consequences for those rooms;
- privacy impacts from the proposed upper-floor accommodation;
- the effect on the adjoining courtyard;
- the immediate setting of the listed building when experienced from the listed property itself.

These are not minor details capable of being resolved through material samples or façade refinement. They concern the principle, height, volume and proximity of the additional storey.

The Council can therefore conclude, without contradicting or disowning its earlier advice, that the formal application reveals effects that were not adequately established at pre-application stage.

2. The process compared design styles rather than testing the underlying quantum of development

The three options consist of:

- a townhouse form;
- a front gable;
- a pitched roof with dormers.

The advice note identifies Option 1 as the most successful in terms of façade composition and street appearance.

However, all three options depend upon the same fundamental development proposition: the conversion of a two-storey building into a substantially taller three-storey building.

The option exercise therefore asks:

“Which form of additional storey is visually preferable?”

It does not adequately ask:

“Can an additional storey of this depth, height and proximity be accommodated without unacceptable heritage and amenity harm?”

This omission is evident in the design material. The drawings concentrate on front elevations, street views, material palettes, architectural precedents and the comparative silhouette of the three options. The studies are visually extensive but are directed predominantly towards the public face of the building. The closest and most sensitive relationship—between the proposed new floor and the rooms and courtyard of Nos. 43/45—is not examined with equivalent care.

A design can be the best of three façade options and still be unacceptable in planning terms.

3. The amenity conclusion in the advice note is not supported by a technical assessment

The advice note states that the proposals were not considered, “at this stage”, to cause undue harm to neighbouring amenity and suggests that ground-level differences were likely to limit impacts. It then expressly reserves the issue for reconsideration at application stage.

There are several problems with relying on that preliminary observation now.

First, no daylight and sunlight report appears to have informed the conclusion. There is no assessment of:

- Vertical Sky Component;
- No Sky Line;
- Annual Probable Sunlight Hours;
- the amount of visible sky available to the affected rooms;
- the effect upon the neighbouring courtyard.

Second, no verified internal-view assessment was produced from the living room or bedroom of Nos. 43/45.

Third, a difference in ground levels does not, by itself, demonstrate that an additional floor will have an acceptable impact. Depending upon the geometry, elevated development may increase the apparent wall height within a neighbouring occupant's field of vision. The issue must be assessed from the actual windows and rooms affected.

Fourth, the drawings do not include a clear section taken through those neighbouring habitable rooms and the proposed upper floor. The advice therefore appears to have been formed without the most relevant representation of the physical relationship.

The correct approach at application stage is not to treat the pre-application comment as a conclusion, but to require the applicant to provide the evidence needed to test it.

4. The Heritage Assessment is framed around achieving the applicant's scheme

The Heritage Assessment states that it was prepared to support pre-application decisions and establish how best to achieve the required scheme and meet officer expectations. It also states that the options were prepared to identify which approach to the roof extension should be taken forward.

This framing is problematic.

A heritage assessment should first ask whether the development preserves the significance and setting of the affected assets. It should not begin from the assumption that an additional storey is a "required scheme" and then identify the most acceptable architectural expression.

The report's structure consequently becomes an option-ranking exercise rather than a sufficiently detached assessment of whether the proposed quantum of development is acceptable in the first place.

It analyses the relative merits of three treatments, but does not properly test a genuine "no additional storey" baseline or a materially reduced scheme. Without that comparator, the conclusion that Option 1 is preferable only establishes that it is preferred to Options 2 and 3. It does not demonstrate that it causes no harm.

5. The Heritage Assessment gives insufficient attention to the immediate setting of Nos. 43/45

The Heritage Assessment correctly recites that the setting of a heritage asset comprises the surroundings in which it is experienced.

However, its applied assessment focuses heavily on public streetscape views and the presentation of the listed group from North Hill.

That is only one component of setting.

The significance of Nos. 43/45 is also experienced through:

- its modest historic scale and proportions;
- the contrast between the listed building and the currently lower No. 41;
- the separation and breathing space beside the listed building;
- the historic side and rear relationship between the properties;
- views from and towards the listed building;
- the degree to which the listed building remains visually dominant rather than being crowded by later development.

The Design and Access Statement itself acknowledges that the garden and setback at No. 41 allow the side elevation of No. 43 to be read and help frame the listed group. That acknowledgement should lead to a cautious assessment of any increase in height immediately beside it. Instead, the proposal uses the retained garden as justification for substantially greater built mass above the existing house.

The fact that No. 41 is set back from the road may reduce its visibility from certain public viewpoints, but it does not remove its effect upon the adjoining listed property. Indeed, the setback brings the building into a closer and more direct relationship with the rear-facing rooms and amenity space of Nos. 43/45.

6. “Neutral contributor” does not mean development capacity is unlimited

The applicant repeatedly relies upon the proposition that No. 41 has limited architectural merit and makes a neutral contribution to the Conservation Area.

That point is overstated.

A neutral building may still perform an important contextual role through:

- its height;
- its recessive position;
- its separation from a listed building;
- its relatively modest scale;
- the open and landscaped character of its plot.

Neutral contribution is not equivalent to negative contribution. Nor does it create a presumption that redevelopment or enlargement will be beneficial.

In this case, No. 41’s existing two-storey scale helps maintain its subservience to the adjoining listed group. The proposal would remove or substantially weaken that subservience. That is precisely the concern identified during the earlier pre-application process, which referred to the danger of increasing prominence and undermining the building’s subordinate relationship.

Changing the façade language does not eliminate the increase in bulk.

7. The “incremental evolution” argument is misleading

The Design and Access Statement presents the proposal as a continuation of the site’s incremental historic development. It refers to the building as an assemblage produced by alterations over approximately 200 years.

This is historical description, not planning justification.

Past alterations do not establish that further enlargement is acceptable. Some earlier interventions may themselves have reduced architectural coherence or heritage value. Their existence cannot justify a new full storey.

The proposal is also materially different from minor incremental change. It involves:

- an additional full floor;
- comprehensive reworking of the façade;
- removal of chimney stacks;
- altered roof form;
- new upper-level openings;
- a balcony or terrace;
- a glazed side structure;
- external overcladding.

Taken together, these works constitute comprehensive redevelopment of the building's appearance and massing. Describing them as "incremental" understates the intervention.

8. Option 1 does not become subordinate merely through detailing

The design study argues that Option 1 creates a traditional three-storey townhouse and that the top floor would be detailed more lightly so that the listed buildings remain the primary focus.

This confuses visual detailing with physical subordination.

A building's prominence is determined substantially by:

- height;
- width;
- volume;
- proximity;
- silhouette;
- relationship to surrounding buildings.

Pared-back window reveals or a lighter render do not cancel the addition of a complete storey.

Indeed, a consciously composed three-storey townhouse façade may cause No. 41 to read as a more assertive architectural object than it does at present. The proposal seeks to transform the building from an idiosyncratic, recessive two-storey structure into a formally ordered three-storey composition. That may increase rather than reduce its townscape presence.

The advice note's description of Option 1 as the "subtlest" of the options is comparative. It does not establish that its absolute impact is acceptable.

9. The drawings are selective in viewpoint and purpose

The applicant's visual material is detailed, but the selection of views favours assessment of the front elevation and wider streetscape.

The key deficiencies are:

- no verified view from the ground-floor living room of Nos. 43/45;
- no verified view from the first-floor bedroom;
- no meaningful before-and-after representation of the increased enclosure from those rooms;
- no section aligned through the affected windows;
- limited analysis of the courtyard relationship;
- no eye-level assessment from within the listed property;
- no comprehensive privacy sightline study.

Some street images note that trees and planting have been omitted, while other arguments rely upon landscaping and screening to reduce the proposal's visibility. This mixed approach makes it difficult to understand the actual year-round visual effect.

Planting is also not permanent mitigation for built-form harm. Deciduous trees provide materially less screening in winter, and landscaping cannot compensate for unacceptable scale or enclosure.

10. The Heritage Assessment does not deal with residential amenity—and should not be treated as doing so

The Heritage Assessment is concerned principally with heritage significance. It is not a daylight report, an outlook assessment or a privacy study.

Its conclusions therefore cannot be used to resolve:

- whether the living room will suffer a material loss of daylight;
- whether the bedroom will experience unacceptable enclosure;
- whether the courtyard will receive less sunlight;
- whether upper-floor windows will create overlooking;
- whether the relationship complies with acceptable residential amenity standards.

The planning assessment must keep these disciplines distinct. A conclusion of limited heritage harm does not mean there is no residential harm.

The application needs separate and competent evidence on both matters.

11. The applicant's stated "public benefits" require careful scrutiny

The pre-application Design and Access Statement acknowledges that an earlier scheme was considered to cause less than substantial heritage harm and refers to the need to weigh that harm against public benefits.

However, much of the claimed benefit appears private:

- additional family accommodation;
- homeworking space;
- flexible internal use;
- improved private outdoor amenity;
- increased enjoyment of views;
- energy improvements to the applicant's dwelling.

These may be legitimate private objectives, but they should not automatically be treated as public benefits capable of outweighing harm to designated heritage assets.

The green roof, insulation and solar panels may offer environmental benefits, but those components could potentially be delivered independently or through a materially smaller scheme. They do not necessarily justify the full additional storey.

12. Privacy analysis is directed away from the most affected neighbour

The Design and Access Statement discusses overlooking towards the care home and properties on Grange Road, including references to obscured windows and a distance of approximately 40 metres.

That does not address the closest and most sensitive relationship with Nos. 43/45.

The relevant questions are:

- what rooms are served by the proposed windows closest to Nos. 43/45;
- what are their sill heights;
- are they openable;
- what direct and oblique views are available;
- what views arise from the upper-level terrace or balcony;
- what is the separation from the living-room and bedroom windows;
- what is the effect on the courtyard below?

The application's emphasis on more distant neighbours risks diverting attention from the property most directly affected.

13. The porch cannot be used as a compensating benefit for the upper-storey harm

The applicant argues that replacing the existing solid porch with a glazed structure would improve light and outlook for No. 43.

Even if the porch alteration offers a local improvement, it does not compensate for the much larger effect of the additional storey above.

Planning effects should not be artificially netted off where they operate at different scales. A lighter ground-floor structure cannot neutralise:

- increased upper-level mass;
- loss of sky;
- enclosure;
- overlooking;
- heritage dominance.

The porch should be assessed on its own merits, separately from the additional floor.

14. A constructive route for the Council

The Council need not characterise the pre-application advice as “wrong.”

A more appropriate and defensible position would be:

The pre-application advice identified Option 1 as the most promising architectural direction when compared with the alternatives then presented. That advice was expressly

provisional and subject to formal consultation and detailed assessment. The subsequent application and neighbour representations have identified material matters—particularly the close relationship with the habitable rooms and courtyard of Nos. 43/45, the effect upon outlook and enclosure, and the absence of satisfactory daylight, sunlight and privacy evidence—that were not resolved through the pre-application process. The comparative preference for Option 1 does not establish that the principle or quantum of the additional storey is acceptable.

This approach respects the purpose of pre-application engagement while allowing officers to undertake the full, independent determination now required.

Recommended concluding submission

The pre-application process was useful in eliminating two less suitable roof forms and identifying the applicant's preferred architectural treatment. It did not, however, demonstrate that the addition of a full second floor is acceptable in principle.

The supporting material remains fundamentally incomplete because it concentrates on architectural style, materials and selected street views while failing to assess the development's most serious consequences:

1. the greatly increased mass immediately beside Nos. 43/45;
2. the loss of subservience to the listed building;
3. the effect upon the immediate setting of the listed group;
4. the outlook from the living room and bedroom;
5. the increased sense of enclosure;
6. daylight and sunlight effects;
7. privacy and overlooking;
8. the courtyard relationship.

The Council should therefore give the pre-application advice appropriate but limited weight. It should require a complete assessment of these matters and determine the application afresh against the development plan, statutory heritage duties, the submitted evidence and the representations received.

In the absence of sections through the affected rooms, verified outlook studies, a competent daylight and sunlight assessment and a comprehensive privacy analysis, the applicant has not demonstrated that the proposal preserves the setting of Nos. 43/45 or safeguards neighbouring living conditions. The application should therefore be refused, or at minimum not determined until those deficiencies have been remedied.