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**PLANNING INSPECTORATE APP/X5210/W/22/3313883:**

**87 CONSTANTINE ROAD, NW3 2LP**

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Dear Sir or Madam,

Appeal by Philip Michael Roys Chartered Architect RIBA

Site Address: 87 Constantine Road, Camden, London, Greater London, NW3 2LP.

Applicant responses 5th June 2023 to London Borough of Camden Planning Department completed Questionnaire dated 25th May 2023.

[26/06/2023 Comments on the points raised in Camden statement of the 23<sup>rd</sup> June 2023 without introducing new material /or arguments all as highlighted in red text :](#)

Questionnaire Part 1

2.a ‘...can the relevant part of the appeal site be seen from the road, public footpath, bridleway or other public land ?’. Camden answer yes – however the proposed rear development cannot be seen from the road, public footpath, bridleway or other public land so answer needs to be changed by Camden to No. (There are no alterations to the front facade proposed only PV Cell installation to the front pitched roof). **No response from the Local Planning Authority.**

The Questionnaire list of documents not all provided to the Planning Inspectorate and my office in support of the completed Questionnaire comprising: **No response from the Local Planning Authority.**

Mansfield Conservation Area documents not provided which is stated as a part of the refusal decision. Camden Local Plan 2017 not provided which is stated as a part of the refusal decision. **No response from the Local Planning Authority.**

Note - EN19, EN23, EN31 of the London Borough of Camden Local Plan Unitary Development Plan 2 are not policies relevant to this application . **No response from the Local Planning Authority.**

However, the view of the Hampstead Railway/Embankment is an important local view to be retained and enjoyed by all as defined in EN43 on page 93 and number 248 of page 147 of the Plan. The proposed development design roof dormer maintains and enjoys this important view. **No response from the Local Planning Authority.**

The documents supporting the Questionnaire provided by Camden to the Planning Inspectorate and forwarded onto my office are only:

Home Improvements CPG January 2021.  
Design CPG January 2021.  
Hampstead NP 2018 – 2023.  
Hampstead NP Appendices.

The other policies/documents listed in the questionnaire are not part of the refusal notice and therefore should not be used for this appeal. **No response from the Local Planning Authority..**

Note the Camden Climate Action Plan 2020 -2025 Policies were not a part of the reasons for the refusal; they are however, relevant to the design intent and support the Policy with the implementation of PV cell panels. **No response from the Local Planning Authority.**

\* Importantly the Hampstead Neighbourhood Plan Area (HNPA) 2018 – 2023 clearly shows Constantine Road is not a part of Hampstead Neighbourhood so its policies are not applicable to this proposed development and should not be put forward as a reason for any refusal. This was stated by my office to Camden Planners throughout the planning application process. \*  
**No response from the Local Planning Authority.**

Attached copy of Map 1: Hampstead Neighbourhood Plan Area, page 10.  
**No response from the Local Planning Authority.**

The reasons for refusal decision notice dated 6th September 2022 has the following documents listed:

1 The proposed rear dormer, roof terrace and fenestration changes as well as the photovoltaic cells on the front roofslope, by reason of their location, size, design and materials would result in unsympathetic and bulky additions creating visual clutter that would be detrimental to the character and appearance of the host building, the streetscene and the Mansfield Conservation Area, contrary to policies D1 (Design) and D2 (Heritage) of the London Borough of Camden Local Plan 2017 and policies 2 DH1 and DH2 of the Hampstead Neighbourhood Plan 2018.  
What clauses in D1 and D2 apply- please inform the Planning Inspectorate and my office accordingly.  
Hampstead Neighbourhood Plan 2018 not applicable see \*  
**No response from the Local Planning Authority.**

2 The proposed roof terrace at second floor level, by virtue of its location, layout and relationship to neighbouring properties, would allow for direct overlooking into windows of 85 Constantine Road to the detriment of the amenity of its occupiers, contrary to policy A1 (Managing the impact of development) of the London Borough of Camden Local Plan 2017 and policy DH1 (design) of the Hampstead Neighbourhood Plan 2018.  
The matter of overlooking was not an issue, the design and location of the decorative glazed screen inboard to the terrace prevents any adjoining owner amenity loss.  
See attached letter dated 10th October 2022 from Mr Clark the adjoining resident of no.85.  
Hampstead Neighbourhood Plan 2018 not applicable see \*  
**No response from the Local Planning Authority.**

The proposed scheme drawings listed in the refusal decision are not all the formally submitted substitute proposed scheme drawings so surely the refusal decision is not a valid one? Would the Planning Inspectorate and Camden please respond accordingly.  
**No response from the Local Planning Authority.**

Substituted proposed scheme drawings substituted by covering letter to Camden dated 23rd May 2023 and comprise of the following drawings which addressed all Camden Planners concerns raised:

Proposed Third Floor layout Flat 2 drawing pmrca P 32 Revision 5 - (Refusal drawing revision 3).  
Proposed Rear Elevation Flat 2 drawing pmrca P 34 Revision 7 - (Refusal drawing revision 3).  
Proposed Section A A Flat 2 drawing pmrca P 35 Revision 2 - (Refusal drawing revision 1).  
Proposed Section B B & Side Elevation Flat 2 drawing pmrca P 36 Revision 2 - (Refusal drawing revision 1).  
Proposed Section C C Flat 2 drawing pmrca P 37 Revision 2 - (Refusal drawing revision 1).  
Proposed Property Composite Rear Elevation drawing pmrca P PRE Revision 3 – (not listed by Camden)  
Proposed Property Composite Side Elevation drawing pmrca P PSE Revision 3 (not listed by Camden).  
**No response from the Local Planning Authority.**

The covering letter and drawing files attached.

**LPA Statement 23/06/2023:**

1.2 Applicant response: This property is NOT located in the Hampstead Neighbourhood Ward as previously stated in the project documents numerous times, and thus is not applicable to this application.

1.3 Applicant response: The planning Officer has refused on several occasions to visit the project site and thus his statement:

*“The rear dormer , roof terrace .....that by reason of their location, size, design and materials would result in unsympathetic and bulky additions creating visual clutter that would be detrimental to the character and appearance of the host building, the streetscene and the Mansfield Conservation Area, contrary to policies D1 (Design) and D2 (Heritage) of the London Borough of Camden Local Plan 2017 and policies DH1 and DH2 of the Hampstead Neighbourhood Plan 2018”*

is pure conjecture without context to actual field conditions and the Inspector will have to ascertain its validity for himself. It also does not state which of the numerous clauses in D1 and D2 are violated as requested in the applicant’s response to the Inspectors questions. Without this information the statement has no framework on which to amend the design.

The issue of overlooking can be ascertained by the Inspector on the visit. However , it would seem odd that the Planning Officer should claim to know more about the overlooking than the longtime resident of number 85 Constantine Road, particularly since the Planning Officer has not seen the property.

## 2.0 Status of Policies and Guidance

2.1 Applicant response: Again, without specifying which clauses of D1,D2 and A1 are in violation as requested, just saying they are is meaningless and gives no opportunity to amend the design for conformance.

2.2 Applicant response: The CPG is as it says is guidance and not policy. As such it gives the Planning Officer discretion on its implementation as it is not mandatory.

## 3 LPA Comments on grounds of appeal

1 Applicant response: The Planning officer claims there is a well established line of rear dormers along the rear roof slope of this terrace - which I dispute, and the Planning Inspector can establish the validity of this statement on the visit. As to the balance of this paragraph, the final sentence states: “that the dormer would be unsympathetic to the host building and to the character and appearance of surrounding properties within the conservation area”. This assumes that the property can be seen by the General Public which is not the case, and there are a variety of dormers along the rear of the property none of which are of the same design as has been demonstrated in photographs previously provided in the appeal documents.

The PO states “the PV cells on the front roof slope are located a significant distance away from the appeal site” which is a strange statement since the Officer’s Delegated Report quoted number 35 Constantine Road under Relevant History and both the houses with front slope PV panels are much closer to number 87 than number 35.

Implementation of PV panels on front roofslopes in conservation areas is allowed by Permitted Development rights reference: <https://www.camden.gov.uk/solar-panels-planning-permission>. This property is neither listed nor under Article 4 direction. This is also stated in Camden’s Retrofitting Planning Guidance 2013. Is the Planning Officer trying to deny the Permitted Development Rights?

2 Applicant response: Item 2. The Planning Officer has misinterpreted the design. There is a skylight adjacent to the party wall of number 85 prevents occupants of number 87 from overlooking. However, the last sentence: “ A letter received from a neighbor in support of the appellant does not change the assessment of amenity harm as laid in the officer delegated report and appeal statement.” The neighbor in question is the long term occupant of number 85 not some arbitrary neighbor. As such he has a far better knowledge of the risk of overlooking than the planning officer who has not visited the site and has no site context.

## 4 Conclusion

4.1 Applicant response: Conclusion statement not acceptable for all the reasons stated in this paper.

4.2 Applicant response: **Extract from Camden's website:**

**<https://www.camden.gov.uk/solar-panels-planning-permission>**

**Do I need planning permission?**

Permitted development rights allow the installation of solar panels. This is subject to the conditions outlined below.

Permitted development rights also apply to conservation areas, with the exception of those covered by an Article 4 Direction. This removes permitted development rights for solar panel installations. In these cases you must apply for planning permission.

To comply with permitted development conditions, you should place the solar panel, so far as is practicable, to reduce its effect on the external appearance of the building and the amenity of the area. You should remove solar panels as soon as they are no longer needed.

**Solar panels mounted on a house or a block of flats or a building in the grounds of a house or flats:**

You need only apply for full planning permission (flats) or householder planning permission (houses) to install a solar panel when any of the following apply:

- it would protrude more than 20cm from the external surface of the wall or roof slope, when measured perpendicularly
- the highest part of the solar panel or equipment will be higher than the highest part of the roof. This excludes any chimney
- it would be installed on a wall in a conservation area which faces a highway. This includes roads, paths and public rights of way
- your house or flat is a listed building, or within the curtilage of a listed building. Curtilage means within the garden or grounds.

If your house or flat is a listed building you must also apply for listed building consent.

**Applicant Comments:**

87 Constantine Road is neither a listed building nor under Article 4 Direction. It is therefore allowed Permitted Development Rights to install PV panels (subject to conditions above) on the front roof slope without planning permission. Question: Can Camden Planning arbitrarily rescind the Permitted development rights?

**5 Suggested conditions should the appeal be allowed**

5.1 'The developments hereby permitted shall be in accordance with the following approved plans..

Reason: For the avoidance of doubt and in the interest of proper planning'.

Applicant response: The plans listed are not the Planning Application formally submitted drawings and documents as previously stated by the Applicant for this Appeal.

Yours faithfully,

Philip M Roys – Principal of PMRCA