

Letter from Mathew Dempsey, Planning Office, Camden Council, to Vicky Williams, Inspectorate (dated 02/11/2023).

Ref. Appeal APP/X5210/W/23/3324495

Camden ref. 2022/4887/P

Appeal from. Dr. Christopher Prior

Site address. 42 Willow Road, London, NW3 1TS

The appellant's comments on this letter.

4.1. My entire planning application, statement of case and responses to comments in the appeal were directed towards compliance and sensitivity to the D1 and D2 of the local planning authority and the council and DH1 and DH2 of the Hampstead Neighbourhood plan. For the most part, I did not address the codes line by line in the text but I very much explained in great detail with much evidence that the proposal is totally compliant with the codes as follows:

Is the proposal in keeping with the neighbourhood-Yes, Image 4-17 planning statement

Does the proposal impact neighbours and the community-No, explanation planning statement and statement of case for appeal

Does the proposal impact the corner, the host property and the other terraces-No, explanations provided as above

Will design and appropriate materials be used-Yes, same materials and design as already approved in previous application 2022/3729/P

Etc.

4.4. The council offer no rational explanation for refusal based on detailed design, materials and positioning in response to all my highly specific statements and explanations. The council just recite the codes as a reason for refusal but offer no explanation for refusal against all the evidence provided for the proposal being compliant with the codes. I think the reason is that they are unable or unwilling to provide an explanation.

4.5. Quote from letter: "The front light-well is far more prominent than if it were at a mid-terraced house. It is not highly secluded". Comment. Again, the council are making statements that are simply not supported by the evidence in the images. I would contend the opposite in that the sky-well in this proposal is far less prominent than the staircase entrances of the mid-terraces based on three indisputable factual reasons: 1) the large corner brick wall provides total seclusion which the other terraces do not have, 2) the sky-well is simply more discrete than the larger stairwell entrances of the other terraces, and 3) being further down the hill the sky-well at 42 Willow Road is more below grade. The council go on to state the sky-well is not highly secluded, so are the council now conceding that it is, indeed, secluded but just not highly secluded.

Finally, the council for the first time are attempting to discredit all the images 4-17 provided in the original planning statement (2022/4887/P) based on a technicality of missing dates, street numbers and no confirmation of having planning permission for each of the images. The council therefore, uses this as a reason to discard all the evidence with the recommendation that the proposal should not be considered in keeping with the neighbourhood. This the basis for their refusal. This is a desperate "out" for the council in being unable to support their case for refusal based on the over whelming evidence supporting the proposal's compliance with the codes. There has never been an issue raised to challenge the credibility of images in any of my other granted applications and this sends a clear message that the council is grabbing for straws in being unable to follow through in this appeal process to support their case for refusal. Case in point, application 2022/3729/P was approved 13/06/2023 for an arched entrance to the boundary wall on the side of Gayton Crescent. Numerous images of comparable structures were provided but the planning officer did not mention dates, addresses or prior planning approval confirmation for this application. However, just for the record the photos for all images were taken the same day within a week or two of filing 2022/4887/P. The images in 2022/4887/P do reference the local streets and are even specific to the sections of Willow Road where other skylights covers are located and all are within a very short distance from 42 Willow Road. Some of the images (16,17,14) can be seen from the doorstep of 42 Willow Road while image 6 is right on the corner of Gayton and Willow Road. To-reiterate, Images 1-3 show the site and host property, image 4-17 are located in the upper and mid-part of Willow Road, Christchurch Road, Gayton Road, Rudall Cresnet and Kemply Road. From a street map the reader will see the close proximity, I just did a 15minute walk around and then stopped due to the numerous examples. More recently, I provided yet another image referenced 1.2.1, see page 6 of text in the statement of case and shown on page 9. This image was taken close to the filing date and one can see Willow Road terrace as being in immediate proximity on adjoining Well Walk. Together with the other images I think street numbers do not add or detract from the evidence. In summary, I think making judgments from an office environment without knowing the neighbourhood is unacceptable but trying to discredit the images and to some extent the applicant who faithfully and truthfully provided the images is even more unacceptable.

In section 6, the Council state that should the inspector be minded to allow the appeal then the following conditions in appendix A are requested.

These are very standard conditions and totally acceptable. To re-iterate we will be matching materials in colour/texture and design to those already existing at 42 Willow Road and that were approved in application 2021/1641/P. See figure 1a for design put forward in 2022/4887/P and figure 1b showing the existing glass extension behind the boundary wall. These figures were both provided in the original planning statement 2022/4887/P and consequently were available for review. Why these very tasteful materials were deemed to satisfy codes D1 (design) and DH1 (design) in approved application 2021/1641/P but not in subsequent application 2022/4887/P presents a major contradiction. These are the very codes cited as reason for recommending refusal of application 2022/4887/P.

As cited in the planning application I have restored the building to historical accuracy in terms of extensive brick and window renovations while correcting subsidence. I have preserved the building while being sensitive to all the codes for a conservation area. This sensitivity and compliance to all the codes have been recognized in previously approved applications. I have always been compliant with the codes and Council requests. This appeal and supporting statements are consistent with my previous proposals regarding interpretation of the codes. Thank you for your consideration and please

note that I have not added any new information or images except to reference the planning application, the statement of case for the appeal, and the contents of the letter.

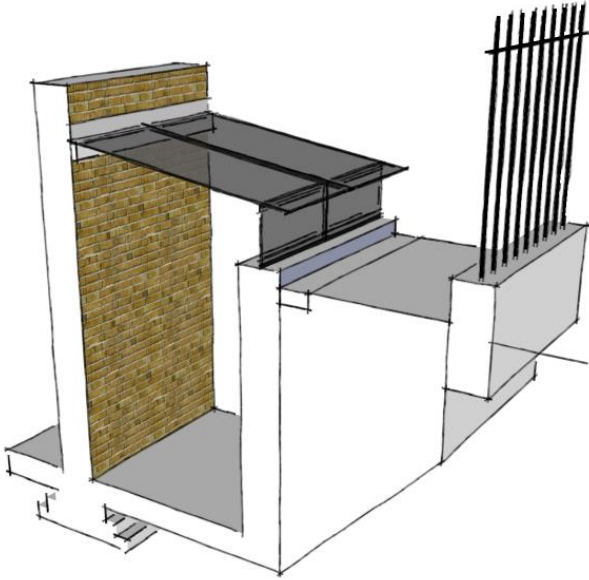


Figure 1a. showing delicate tasteful design to match garden glass extension



Figure 1b. showing clear glass that does not impede the visual architecture of boundary walls and the outside door in sky-well. Unlike this photo the glass cover is not an extension just a cover to unaltered boundary walls and has no impact on host building.