

Leela Muthoora

From: Leela Muthoora
Sent: 01 April 2023 19:21
To: Joanna Yurky
Subject: RE: Application for alterations at 167 York Way. ref: 2022/1982/INVALID

Dear Joanna

Following my email dated 17 March 2023. This is an update to confirm the application has been withdrawn.

Kind regards
Leela Muthoora
Planning Officer

Telephone: 020 7974 2506



From: Leela Muthoora
Sent: 17 March 2023 18:16
To: Joanna Yurky [REDACTED]
Subject: Re: Application for alterations at 167 York Way. ref: 2022/1982/INVALID

Dear Joanna

I am following up this application that remains incomplete (invalid) for the reasons given in my email dated 13 July 2022.

In summary, the reasons are

- Ownership certificate, please note the further information [here](#).
- Drawings are illegible and do not provide any contextual information, as requested.
- Green/living roof details may be reserved by condition if all other information is accurate.

I appreciate your view differs to ours regarding the acceptability of the proposal. However, we cannot determine the application as a refusal without the information requested. Due to the time the application has already been with the Council, I consider allowing an additional period of 10 days to be reasonable for you to submit the further information as set out in my email dated 13 July 2022.

Alternatively, I recommend withdrawing the application. In absence of your written confirmation, I will withdraw the application on 31/03/2023.

Please note, for the next month or so I will only be working on Fridays, please bear in mind when expecting a reply.

Kind regards
Leela Muthoora
Planning Officer
Regeneration and Planning
Supporting Communities
London Borough of Camden

Leela Muthoora

From: Leela Muthoora
Sent: 17 March 2023 18:16
To: Joanna Yurky
Subject: Re: Application for alterations at 167 York Way. ref: 2022/1982/INVALID

Follow Up Flag: Flag for follow up
Due By: 31 March 2023 17:00
Flag Status: Completed

Dear Joanna

I am following up this application that remains incomplete (invalid) for the reasons given in my email dated 13 July 2022.

In summary, the reasons are

- Ownership certificate, please note the further information [here](#).
- Drawings are illegible and do not provide any contextual information, as requested.
- Green/living roof details may be reserved by condition if all other information is accurate.

I appreciate your view differs to ours regarding the acceptability of the proposal. However, we cannot determine the application as a refusal without the information requested. Due to the time the application has already been with the Council, I consider allowing an additional period of 10 days to be reasonable for you to submit the further information as set out in my email dated 13 July 2022.

Alternatively, I recommend withdrawing the application. In absence of your written confirmation, I will withdraw the application on 31/03/2023.

Please note, for the next month or so I will only be working on Fridays, please bear in mind when expecting a reply.

Kind regards
Leela Muthoora
Planning Officer
Regeneration and Planning
Supporting Communities
London Borough of Camden

Telephone: 020 7974 2506
Web: camden.gov.uk



From: Joanna Yurky <[REDACTED]>
Sent: 16 August 2022 11:27
To: Leela Muthoora <Leela.Muthoora@camden.gov.uk>
Subject: HPRM: Re: Application for alterations at 167 York Way. ref: 2022/1982/INVALID

[EXTERNAL EMAIL] Beware – This email originated outside Camden Council and may be malicious Please take extra care with any links, attachments, requests to take action or for you to verify your password etc. Please note there have been reports of emails purporting to be about Covid 19 being used as cover for scams so extra vigilance is required.

Dear Leela

I note what you say about the terrace, however, there is more than one loft conversion in this terrace in York Way so I fail to understand your statement that the adjoining conversion is 'an anomaly'. Furthermore, you have granted non retail use in the terrace in the form of offices - these are not offices that are generally associated with a high street - there are a number of empty properties, but, further, there are alterations to the terrace which has changed the appearance significantly. Under the circumstances, I fail to understand why you are trying to protect a terrace when it is too late to do so.

With regards to your earlier email of 13th July, I am not making an application for an additional residential unit - this is an extension to an existing family unit who currently have no outside space. This is possibly one of the few 3 bedroom family units in the Borough with 2 generations and 4 persons with a real need for more living space, including vital outside space. Our family has owned this property for in excess of 40 years. The only available option is to extend upwards and in doing so we are replacing a defective roof, long past its life. You have commented on access - it's off the existing stairwell by extending the existing stairs through one more flight from 2nd through to new floor level.

I'm happy for the green roof details to be a reserved matter, we are providing reserved rainfall to a water butt for use on the green roof. I believe the drawings are more than adequate to illustrate what we require. The existing elevations are unchanged and as existing, we can provide photographs if you wish. We have provided sections through the roof from back to front, all materials are to match existing or as existing, we're not replacing any windows.

If the quality of the reproduction of the drawings is unsatisfactory, I can have them scanned and sent in the form of a pdf.

The ownership of the freehold is J Yurky - there is no need to serve notice.

If there is any additional information you require, please advise.

Thanks
Jo

On Thu, Aug 4, 2022 at 2:45 PM Leela Muthoora <Leela.Muthoora@camden.gov.uk> wrote:

Dear Jo

This is a quick update before I go on leave.

I have discussed the proposal with relevant colleagues in the Conservation and Heritage team. Unfortunately, we cannot support the roof extension, as proposed. The regular composition of the roof lines is an important element in the appearance of the conservation area. The neighbouring roof extension reads as an anomaly which should not be replicated. The roofline is uninterrupted, except for the poor neighbouring example, and is a significant feature of the terrace, adding to its uniform character.

Leela Muthoora

From: Leela Muthoora
Sent: 28 November 2022 23:36
To: Joanna Yurky
Subject: RE: Application for alterations at 167 York Way. ref: 2022/1982/INVALID

Dear Jo

The application remains incomplete (invalid) as set out in my email of 13 July, applications must contain sufficient detail to allow a proper assessment of the detail of finished proposals.

The drawings as images are not legible for us to make measurements from and they do not print at the correct scale.

Drawings: All drawings should be clearly titled and include unique reference numbers with clearly labelled revision references (normally a letter). All plans, elevations, and sections must be drawn to an identified scale, at a minimum scale of 1:50 in a Conservation Area. All drawings must include a scale bar and plans must include a North arrow. Unfortunately, due to the quality of the images submitted, these elements may have been included but the text and images are not legible or measurable. The images submitted are not clear enough for us to make measurements from and they do not print at the correct scale.

For roof extensions and terraces, plans elevations and section drawings should include –

- Existing and Proposed elevations of the whole property and include the neighbouring properties to demonstrate how the proposals will appear in relation to the neighbouring properties.
- For extensions, and terraces: existing and proposed sections through the roof where the proposed works are.
- Existing and proposed internal floor plans of floors where works are proposed.

For window replacement:

- Provide existing and proposed sections showing relationship of the window frame to its reveal.

I have discussed the proposal with relevant colleagues in the Conservation and Heritage team. Unfortunately, we cannot support the proposed roof extension. We would not support the application, so please let me know if you would like to withdraw this application based on the advice provided so far. If you would like to progress to a refusal, please submit the information as requested so we can formally register and consult on the application.

Kind regards
Leela Muthoora
Planning Officer

Telephone: 020 7974 2506



From: Joanna Yurky [REDACTED]
Sent: 27 October 2022 16:52
To: Leela Muthoora <Leela.Muthoora@camden.gov.uk>
Subject: Re: Application for alterations at 167 York Way. ref: 2022/1982/INVALID

[EXTERNAL EMAIL] Beware – This email originated outside Camden Council and may be malicious Please take extra care with any links, attachments, requests to take action or for you to verify your password etc. Please note there have been reports of emails purporting to be about Covid 19 being used as cover for scams so extra vigilance is required.

Leela

Still no reply to this? What deadline are you working to please?

Jo

On Thursday, October 13, 2022, Joanna Yurky [REDACTED] > wrote:

Dear Leela

Are you able to tell me when I could expect any reply to this?

Thanks

Jo

On Tuesday, August 16, 2022, Joanna Yurky [REDACTED] > wrote:

Dear Leela

I note what you say about the terrace, however, there is more than one loft conversion in this terrace in York Way so I fail to understand your statement that the adjoining conversion is 'an anomaly'.

Furthermore, you have granted non retail use in the terrace in the form of offices - these are not offices that are generally associated with a high street - there are a number of empty properties, but, further, there are alterations to the terrace which has changed the appearance significantly. Under the circumstances, I fail to understand why you are trying to protect a terrace when it is too late to do so.

With regards to your earlier email of 13th July, I am not making an application for an additional residential unit - this is an extension to an existing family unit who currently have no outside space. This is possibly one of the few 3 bedroom family units in the Borough with 2 generations and 4 persons with a real need for more living space, including vital outside space. Our family has owned this property for in excess of 40 years. The only available option is to extend upwards and in doing so we are replacing a defective roof, long past its life. You have commented on access - it's off the existing stairwell by extending the existing stairs through one more flight from 2nd through to new floor level.

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If the quality of the reproduction of the drawings is unsatisfactory, I can have them scanned and sent in the form of a pdf.

The ownership of the freehold is J Yurky - there is no need to serve notice.

If there is any additional information you require, please advise.

Thanks

Jo

On Thu, Aug 4, 2022 at 2:45 PM Leela Muthoora <Leela.Muthoora@camden.gov.uk> wrote:

Dear Jo

This is a quick update before I go on leave.

Leela Muthoora

From: Leela Muthoora
Sent: 04 August 2022 14:45
To: [REDACTED]
Subject: RE: Application for alterations at 167 York Way. ref: 2022/1982/INVALID

Dear Jo

This is a quick update before I go on leave.

I have discussed the proposal with relevant colleagues in the Conservation and Heritage team. Unfortunately, we cannot support the roof extension, as proposed. The regular composition of the roof lines is an important element in the appearance of the conservation area. The neighbouring roof extension reads as an anomaly which should not be replicated. The roofline is uninterrupted, except for the poor neighbouring example, and is a significant feature of the terrace, adding to its uniform character.

As we would not support the application, I wanted to let you know before going to the expense of additional drawings. Please let me know if you would like to withdraw this application based on the advice provided so far.

Please note, I will be on leave from this afternoon until Monday 15th August. I shall be back in the office for 3 days, Tuesday 16th to Thursday 18th Aug. Then on leave again from the 19th Aug until 5th September.

Please bear in mind that my responses will be delayed during the above dates.

Kind regards

Leela Muthoora
Planning Officer

Telephone: 020 7974 2506



From: Leela Muthoora
Sent: 13 July 2022 11:19
To: [REDACTED]
Subject: RE: Application for alterations at 167 York Way. ref: 2022/1982/INVALID

Good morning Ms Yurky

Following on from my email on 17 June, I would like to thank you for your patience so far, and formally acknowledge receipt on 09/05/2022, together with the required fee of £206.00.

Validation

Development Description: Erection of a roof extension with inset balcony/terrace to existing flat (or) to provide a 1-bedroom self-contained flat.

From the information provided so far, I understand that you are proposing a mansard roof extension with a roof terrace. The application form states the proposal will provide living room,

I have discussed the proposal with relevant colleagues in the Conservation and Heritage team. Unfortunately, we cannot support the roof extension, as proposed. The regular composition of the roof lines is an important element in the appearance of the conservation area. The neighbouring roof extension reads as an anomaly which should not be replicated. The roofline is uninterrupted, except for the poor neighbouring example, and is a significant feature of the terrace, adding to its uniform character.

As we would not support the application, I wanted to let you know before going to the expense of additional drawings. Please let me know if you would like to withdraw this application based on the advice provided so far.

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Kind regards

Leela Muthoora
Planning Officer

Telephone: 020 7974 2506



From: Leela Muthoora

Sent: 13 July 2022 11:19

To: [REDACTED]

Subject: RE: Application for alterations at 167 York Way. ref: 2022/1982/INVALID

Good morning Ms Yurky

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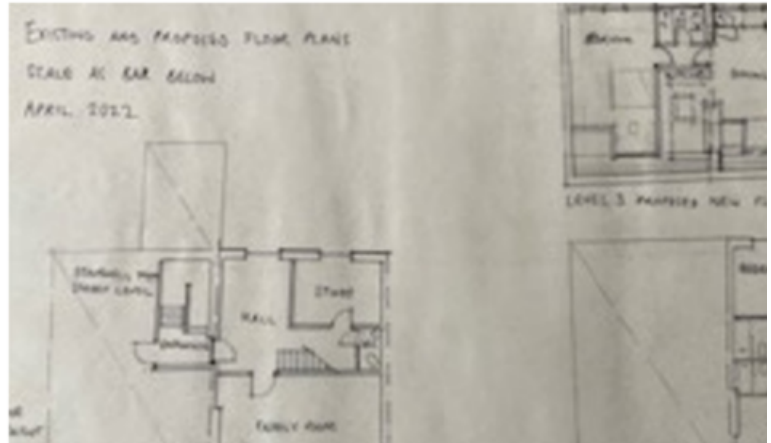
From the information provided so far, I understand that you are proposing a mansard roof extension with a roof terrace. The application form states the proposal will provide living room, kitchen, bathroom and bedroom with terrace to rear, but it is not clear whether this is for an extension to the existing residential unit or to form an additional self-contained residential unit. Please clarify?

Application form: Ownership certificate: You have signed Certificate A. As there are other flats at the site address, this may be incorrect. You should only sign Certificate A if you are the sole owner of the whole property (i.e. owner means a person having a freehold or leasehold interest). If you are not the sole owner, you are required to notify all other flat /café owners and/or the property management company. You should sign certificate B, serve notice on each of the other owners and provide their name and address and the date the notice was served. I have attached a copy of the certificate page and the notice template, if required.

The application form also states the proposal includes a green roof of 18.00sqm but no details have been provided. Please clarify and/or provide details.

The application form also states the proposal includes the harvesting of rainfall but no details have been provided. Please clarify and/or provide details

Drawings: All drawings should be clearly titled and include unique reference numbers with clearly labelled revision references (normally a letter). All plans, elevations, and sections must be drawn to an identified scale, at a minimum scale of 1:50 in a Conservation Area. All drawings must include a scale bar and plans must include a North arrow. Unfortunately, due to the quality of the images submitted, these elements may have been included but the text and images are not legible or measurable. As you can see from the screen shots below, the images as submitted are not clear enough for us to make measurements from and they do not print at the correct scale, as attached.



For roof extensions and terraces, plans elevations and section drawings should include –

- Existing and Proposed elevations of the whole property, and include the neighbouring properties to demonstrate how the proposals will appear in relation to the neighbouring properties.
- For extensions, and terraces: existing and proposed sections through the roof where the proposed works are.
- Existing and proposed internal floor plans of floors where works are proposed.

For roof terraces:

- Show the nearest windows on the immediately adjoining properties on elevations and floor plans. The elevations should show the site in context with adjoining properties. The street scene contextual information should be provided.
- Provide details including proposed materials and measurements of means of enclosure around the terrace and any privacy screens.

For window replacement:

- Provide existing and proposed sections showing relationship of the window frame to its reveal.

It is unclear how the unit or extension is accessed.

Technically the application is incomplete (invalid) as applications must contain sufficient detail to allow a proper assessment of the detail of finished proposals and show how original features will be treated. Details of the required levels of supporting information is set out on the Council's website and applications will not be validated unless this is provided. Our validation requirements can be viewed in full on our website here

<https://www.camden.gov.uk/documents/20142/12053822/LARs+2020+%28republished%29.pdf/ea1f2c0e-c643-0100-40c3-b1188a0badc3?t=1645193008819>

The site is within the Camden Square Conservation Area, and mansard roof extensions are not part of the character of the terrace. Please refer to the Conservation area appraisal and

management strategy in your application, which you can find online here [Camden Square Conservation Area appraisal and management strategy - Camden Council](#)

From the information provided we would be unlikely to support the application for a mansard roof extension, a roof extension was refused in 2000 and part of the reason for refusal was given as *'the roof extension would be overly dominant and would disrupt the largely unaltered rooflines in the terrace'*. While there are two existing roof additions in the terrace, they should not be taken as a precedent for development. The valley roofs form part of the character of the Camden Square Conservation Area and their loss is unlikely to be supported by Conservation and Heritage colleagues or the local amenity group of the Camden Square Conservation Area Advisory Committee.

We cannot progress the application until we receive the information as requested. It may be best to withdraw this application and resubmit it once you have employed a planning agent and/or collated all the information required. <https://www.planningportal.co.uk/planning/planning-applications/find-a-trade-professional>

I appreciate this may not be what you were hoping to hear, please contact me if you need any further clarification. Due to current working arrangements email is best.

Please bear in mind, I only work Tue-Thurs at the moment.

Kind regards
Leela Muthoora
Planning Officer
Regeneration and Planning
Supporting Communities
London Borough of Camden

Telephone: 020 7974 2506
Web: camden.gov.uk

Pronouns: She/Her/Hers or They/Them/Their

You can sign up to our [e-alerts](#) to let you know about new planning applications, decisions and appeals.

Visit camden.gov.uk for the latest council information and news.



From: Leela Muthoora
Sent: 17 June 2022 12:46
To: [REDACTED]
Subject: Application for alterations at 167 York Way. ref: 2022/1982/NEW

Good afternoon Ms Joanna Yurky

Thank you for your application for prior approval/signage/extension at Flat A, 167 York Way. This is quick note to introduce myself as the case officer and acknowledge receipt of your application which we received on 09/05/2022, together with a fee of £206.00.

Please accept our apology for the delay in acknowledging your application. It is an exceptionally busy time at the moment, and applications and pre-application requests are taking longer than usual to validate and determine.

I aim to look at your application in detail next week and will contact you when I have, in case we require any further information to register the application.

The validation date will be backdated if all the information we require to make an assessment has been submitted.

Please note, I am currently working Tue-Thursdays.

Kind regards
Leela Muthoora
Planning Officer
Regeneration and Planning
Supporting Communities
London Borough of Camden

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This e-mail may contain information which is confidential, legally privileged and/or copyright protected. This e-mail is intended for the addressee only. If you receive this in error, please contact the sender and delete the material from your computer. See our new Privacy Notice [here](#) which tells you how we store and process the data we hold about you and residents.

24. Ownership Certificates

One Certificate A, B, C, or D, must be completed, together with the Agricultural Holdings Certificate with this application form
CERTIFICATE OF OWNERSHIP - CERTIFICATE A

Town and Country Planning (Development Management Procedure) (England) Order 2010 Certificate under Article 12

I certify/The applicant certifies that on the day 21 days before the date of this application nobody except myself/ the applicant was the owner (*owner is a person with a freehold interest or leasehold interest with at least 7 years left to run*) of any part of the land or building to which the application relates.

Signed - Applicant:	Or signed - Agent:	Date (DD/MM/YYYY):
<div></div>	<div></div>	<div></div>

CERTIFICATE OF OWNERSHIP - CERTIFICATE B

Town and Country Planning (Development Management Procedure) (England) Order 2010 Certificate under Article 12

I certify/ The applicant certifies that I have/the applicant has given the requisite notice to everyone else (as listed below) who, on the day 21 days before the date of this application, was the owner (*owner is a person with a freehold interest or leasehold interest with at least 7 years left to run*) of any part of the land or building to which this application relates.

Name of Owner	Address	Date Notice Served

Signed - Applicant:	Or signed - Agent:	Date (DD/MM/YYYY):
<div></div>	<div></div>	<div></div>

CERTIFICATE OF OWNERSHIP - CERTIFICATE C

Town and Country Planning (Development Management Procedure) (England) Order 2010 Certificate under Article 12

I certify/ The applicant certifies that:

- Neither Certificate A or B can be issued for this application
- All reasonable steps have been taken to find out the names and addresses of the other owners (*owner is a person with a freehold interest or leasehold interest with at least 7 years left to run*) of the land or building, or of a part of it , but I have/ the applicant has been unable to do so.

The steps taken were:

Name of Owner	Address	Date Notice Served

Notice of the application has been published in the following newspaper (circulating in the area where the land is situated):

On the following date (which must not be earlier than 21 days before the date of the application):

Signed - Applicant:	Or signed - Agent:	Date (DD/MM/YYYY):
<div></div>	<div></div>	<div></div>

Town and Country Planning (General Development Procedure) Order 1995 NOTICE UNDER ARTICLE 6 APPLICATION FOR PLANNING PERMISSION

(Notice 1: This notice is to be printed and served on individuals if Certificate B or C is completed)

Proposed development at:

Name or flat number	<input type="text"/>
Property number or name	<input type="text"/>
Street	<input type="text"/>
Locality	<input type="text"/>
Town	<input type="text"/>
County	<input type="text"/>
Postal town	<input type="text"/>
Postcode	<input type="text"/>

Take notice that application is being made by:

Organisation name	<input type="text"/>		
Applicant name	Title	Forename	<input type="text"/>
	Surname	<input type="text"/>	

For planning permission to:

Description of proposed development

Local Planning Authority to whom the application is being submitted:

Local Planning Authority address:

Any owner of the land or tenant who wishes to make representations about this application, should write to the council within 21 days of the date of this notice.

Signatory:

Signatory	Title	Forename	<input type="text"/>
	Surname	<input type="text"/>	

Signature

Date (dd-mm-yyyy)

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 lease.

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

'Owner' means a person having a freehold interest or a leasehold interest the unexpired term of which is not less than seven years.

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

Once completed this form needs to be served on the owner(s) or tenant(s)

Leela Muthoora

From: Leela Muthoora
Sent: 17 June 2022 12:46
To: [REDACTED]
Subject: Application for alterations at 167 York Way. ref: 2022/1982/NEW

Good afternoon Ms Joanna Yurky

Thank you for your application for prior approval/signage/extension at Flat A, 167 York Way. This is quick note to introduce myself as the case officer and acknowledge receipt of your application which we received on 09/05/2022, together with a fee of £206.00.

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I aim to look at your application in detail next week and will contact you when I have, in case we require any further information to register the application.

The validation date will be backdated if all the information we require to make an assessment has been submitted.

Please note, I am currently working Tue-Thursdays.

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Regeneration and Planning
Supporting Communities
London Borough of Camden

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Leela Muthoora

From: Leela Muthoora
Sent: 17 October 2023 18:54
To: [REDACTED]
Subject: 167A York Way N7 9LN ref: 2023/2041/P
Attachments: RE: Application for alterations at 167 York Way. ref: 2022/1982/INVALID; RE: Application for roof extension at 167A York Way ref 2023/2041/P; RE: Application for roof extension at 167A York Way ref 2023/2041/P; 2023.2041. 167 York Way FDN.pdf; 2041 - 167 York Way Refusal report FINAL.pdf

Dear Ms Yurky

I understand you are not happy with the decision the Council has made; therefore, you may exercise your right of appeal against the decision to refuse the application. See further information here <https://www.gov.uk/appeal-planning-decision/make-an-appeal>

You are unhappy about my engagement with you during the application. To recap, following the submission of an incomplete (invalid) application I wrote on 13 July 2022, advising you the proposal would not be acceptable in principle, under Camden planning ref: 2022/1982/INVALID, I have attached that email to this one. The information requested in July's 2022 email was not submitted, and I sent a follow-up email requesting the information on 28 November 2022 and again on 17 March 2023. In March's email, I advised that in absence of your written confirmation by 31 March 2023, we would withdraw the application. I informed you on 01 April 2023 that the application had been withdrawn.

The extension was built without planning permission.

Following the submission of the application for an extension that was proposed with a slight amendment to that built, the decision to refuse planning permission is the formal response of The Council's planning authority, as previously informally advised in 2022. The formal decision notice refusing the proposal and the officer's report setting out the reasoning for the decision were issued to your agent Conrad Cherniavsky on 03 August 2023. I have attached them to this email, and they can be read online via the following link, <https://camdocs.camden.gov.uk/HPRMWebDrawer/PlanRec?q=recContainer:%222023/2041/P%22>

A follow-up email was sent to Conrad on 14 August 2023 advising that a roof terrace and roof-top access was not included on any of the (pre-)existing drawings and would require planning permission. We do not have the resources to advise you on a follow up proposal to 'renew the roof weather proofing system and create a small roof terrace.' Therefore, you could either make a pre-application advice request or make another planning application. [Pre-planning application advice for minor to medium developments - Camden Council](#)

Your daughter's living conditions have been considered during the application and assessed in the report; however, it is not always possible to provide private outdoor space in a densely developed environment, such as Camden.

Due to the type of developments we have in Camden, 90% are determined under delegated powers. This does not mean a sole officer determines them, they are determined at officer level, instead of referring all applications to the Planning Committee, which would not be possible due to

the number of applications we assess. Please see further information here
<https://www.camden.gov.uk/deciding-outcome-of-planning-application>

You have asserted that we have made a decision that is beyond our delegated authority; as advised at the beginning of this email, you may exercise your right of appeal to the Planning Inspectorate.

Kind regards
Leela Muthoora
Planning Officer
Development Management
Regeneration and Planning
Supporting Communities
London Borough of Camden

Telephone: 020 7974 2506
Web: [camden.gov.uk](https://www.camden.gov.uk)

Pronouns: She/Her/Hers or They/Them/Their

2nd Floor
5 Pancras Square
London N1C 4AG

From: Joanna Yurky <[REDACTED]>
Sent: 08 October 2023 15:05
To: Leela Muthoora <Leela.Muthoora@camden.gov.uk>; Katrina Lamont <Katrina.Lamont@camden.gov.uk>
Cc: John Yurky <[REDACTED]>
Subject: Re: 167A York Way N7 9LN ref:2023/2041/P

Leela

I note over a month has passed without response from you. Your failure to ever meaningfully engage or respond to us in a timely manner has been a lamentable feature of our involvement with you. You appear to work possibly for one day a week?

We are advised that your enforcement decision is unlawful as it is improperly made due to significant procedural impropriety.

It is also unclear whether the council considers that it has, in fact, made an enforcement decision, despite you writing to confirm to us that it has. We are advised that it could be that as a planning officer you have informed us of a decision which you do not have the delegated authority to make and thereby you have acted ultra vires.

No official correspondence has been received and given the serious nature of these Council powers and the potential to deny us our Appeal rights this is of grave concern.

We continue with our preparations for our Appeal of the planning decision which we are also advised is very poorly made and badly evidenced.

Please could you urgently advise us of the situation with the enforcement decision, as we are bound by time limits set by the High Court.

Best
Jo

On Wednesday, September 6, 2023, Joanna Yurky [REDACTED] wrote:

Dear Leela

We were extremely distressed and concerned to receive your notice of enforcement action and your planning decision.

We have tried to work with you to regularise this extremely unfortunate situation but we are advised that your response was that you are unable to assist and we would have to submit a formal planning application before we could receive any advice from Camden. We remain unclear why we would need a planning application to renew the roof weather proofing system and create a small roof terrace when roof access already existed? Could you please clarify the legislation or guidance your view is based on?

As stated, the housing need that the development seeks to address relates to the living conditions of a family with a child whose specific needs are covered by Equality legislation. We note you say that this factor was considered in your decision making. Could you please confirm what advice you received about my daughter's condition in order to make your decision and provide a copy of it?

We are taking detailed legal advice to prepare our appeal of both the planning decision and the enforcement decision.

Sincerely
Jo Yurky

Leela Muthoora

From: Leela Muthoora
Sent: 14 August 2023 12:54
To: Conrad Cherniavsky
Cc: Katrina Lamont
Subject: RE: Application for roof extension at 167A York Way ref 2023/2041/P

Good afternoon Conrad

The decision notice states Camden 'sought to work with the applicant in a positive and proactive way', which was demonstrated in my email dated 13 July 2022, when I advised the applicant that the proposal would not be acceptable in principle, ref: 2022/1982/INVALID.

The refusal is the formal response to this initial advice and to the extension being built without planning permission.

A roof terrace would require provision of roof top access, so I cannot provide advice on this informally. The applicant could make a pre-application advice request or make another planning application. [Pre-planning application advice for minor to medium developments - Camden Council](#)

The applicants daughter's condition and living conditions have been considered during the application; however, it is not always possible to provide private outdoor space in a densely developed environment, such as Camden.

Kind regards
Leela Muthoora
Planning Officer

Telephone: 020 7974 2506



From: Conrad Cherniavsky <[REDACTED]>
Sent: 11 August 2023 09:49
To: Leela Muthoora <Leela.Muthoora@camden.gov.uk>
Cc: Katrina Lamont <Katrina.Lamont@camden.gov.uk>
Subject: Re: Application for roof extension at 167A York Way ref 2023/2041/P

Dear Leela,

I just wanted to follow up on the below to get a view from you as to whether a small concealed terrace may be acceptable in the interest of creating some outdoor amenity space for a London property?

Following on from the Covid lockdowns and based on the London Plan requiring external spaces amenity spaces for all new properties it would be positive to be able to introduce a small amount of outdoor space to this property.

Best wishes,

Conrad

conrad@capltd.co.uk +44 (0)7958 414 477

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Registered Office Address: 71-75 Shelton Street, Covent Garden, London, WC2H 9JQ

From: Conrad Cherniavsky <conrad@capltd.co.uk>
Sent: 07 August 2023 5:13 PM
To: Leela Muthoora <Leela.Muthoora@camden.gov.uk>
Cc: Katrina Lamont <Katrina.Lamont@camden.gov.uk>
Subject: Re: Application for roof extension at 167A York Way ref 2023/2041/P

Dear Leela,

Thank you for your email. I have forwarded the documents to the client and they are considering their options.

In the decision notice it notes that Camden have 'sought to work with the applicant in a positive and proactive way', therefore in this spirit they would like to ask if the council would support a small roof terrace, which could be set back from both the front and back elevations to provide some vital outdoor space for a property that otherwise does not benefit from any outdoor space.

The applicant has a daughter with a condition and summarises current living conditions as follows:

My daughter has sensory processing and social communication differences which means she is unable to partake in the outside world in the way a neurotypical person might. The result is that she spends a lot of time at home which also has a significant wider impact on the health and well-being of our whole family as we are all limited in what we can do. It is a bit like living permanently in a state of COVID lockdown. Two of the bedrooms are particularly small, my daughter spends most of her time at home in this small room. It doesn't feel very healthy. These are the needs which the development was supposed to address.

If you could provide your view on this it would be very helpful and appreciated. Thank you.

Best wishes,

Conrad

conrad@capltd.co.uk +44 (0)7958 414 477

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From: Leela Muthoora <Leela.Muthoora@camden.gov.uk>
Sent: 03 August 2023 3:36 PM
To: Conrad Cherniavsky <conrad@capltd.co.uk>
Cc: Katrina Lamont <Katrina.Lamont@camden.gov.uk>
Subject: RE: Application for roof extension at 167A York Way ref 2023/2041/P

Good afternoon

Please find the final decision notice attached for the development at 167A York Way. This has been issued on behalf of the Chief Planning Officer.

The officer's reasoning for refusal is set out in the officer's report.

Kind regards

Leela Muthoora
Planning Officer
Regeneration and Planning
Supporting Communities
London Borough of Camden

020 7974 2506

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From: Conrad Cherniavsky <conrad@capltd.co.uk>
Sent: 01 August 2023 16:36
To: Katrina Lamont <Katrina.Lamont@camden.gov.uk>; Leela Muthoora <Leela.Muthoora@camden.gov.uk>
Subject: Re: Application for roof extension at 167A York Way ref 2023/2041/P

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Hi Katrina,

I hope all is well.

Could you kindly provide an update on the below application?

Best wishes,

Conrad

conrad@capltd.co.uk +44 (0)7958 414 477

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From: Katrina Lamont <Katrina.Lamont@camden.gov.uk>

Sent: 06 July 2023 12:54 PM

To: Conrad Cherniavsky <conrad@capltd.co.uk>; Leela Muthoora <Leela.Muthoora@camden.gov.uk>

Subject: RE: Application for roof extension at 167A York Way ref 2023/2041/P

Hi Conrad,

The roof extension at 177 York Way does not appear to benefit from planning permission and would now be immune from enforcement action. 390 York Way is in Islington.

Kind regards

Katrina Lamont
Senior Planning Officer

Telephone: 020 7974 3255



From: Conrad Cherniavsky <conrad@capltd.co.uk>

Sent: 06 July 2023 11:02

To: Katrina Lamont <Katrina.Lamont@camden.gov.uk>; Leela Muthoora <Leela.Muthoora@camden.gov.uk>

Subject: RE: Application for roof extension at 167A York Way ref 2023/2041/P

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Hi Katrina,

Thank you for your swift reply.

Could you also confirm if 177 York Way, London, N7 9LN has been granted planning permission for their roof extension? As well as 390 York Way?

I assume the enforcement process would be pending the outcome of an appeal should the client pursue this in the event that the revised application is refused?

Best wishes,

Conrad

Conrad Cherniavsky | Director & Chartered Architect

BA (Hons) MArch PGDip ACArch ARB RIBA

conrad@capltd.co.uk +44 (0)7958 414 477

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Registered Office Address: 71-75 Shelton Street, Covent Garden, London, WC2H 9JQ

From: [Katrina Lamont](#)

Sent: 06 July 2023 10:53

To: [Conrad Cherniavsky](#); [Leela Muthoora](#)

Subject: RE: Application for roof extension at 167A York Way ref 2023/2041/P

Hi Conrad,

Leela is dealing with the assessment of your application. In the event the application is refused, an enforcement notice is likely to be issued which I will be dealing with.

It appears 169 York Way was granted permission for their roof extension in 1982 under planning reference CTP/G13/8/K/35298/R1. Our planning policies have changed significantly since then and just because this was granted permission then does not mean we would now grant similar.

Kind regards

Katrina Lamont
Senior Planning Officer

Telephone: 020 7974 3255



From: Conrad Cherniavsky <conrad@capltd.co.uk>

Sent: 06 July 2023 09:01

To: Katrina Lamont <Katrina.Lamont@camden.gov.uk>; Leela Muthoora <Leela.Muthoora@camden.gov.uk>

Subject: RE: Application for roof extension at 167A York Way ref 2023/2041/P

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Hi Katrina,

I wanted to follow up on the above application. Have you reviewed the 'proposed' drawings ?

I also wanted to follow up to ask if the council have served an enforcement order on the neighbouring property at no. 169 / do you intend to?

Best wishes,

Conrad

Conrad Cherniavsky | Director & Chartered Architect

BA (Hons) MArch PGDip ACArch ARB RIBA

conrad@capltd.co.uk +44 (0)7958 414 477

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From: [Conrad Cherniavsky](#)

Sent: 16 June 2023 10:07

To: [Katrina Lamont](#); [Leela Muthoora](#)

Subject: RE: Application for roof extension at 167A York Way ref 2023/2041/P

Hi Katrina,

Thank you.

I fully understand that the current development cannot be supported and the client is aware of this. However the submitted planning application contains a revised proposal that is much smaller and does not impact the street scene from pavement level.

Best wishes,

Conrad

Conrad Cherniavsky | Director & Chartered Architect

BA (Hons) MArch PGDip ACArch ARB RIBA

conrad@capltd.co.uk +44 (0)7958 414 477

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From: [Katrina Lamont](#)

Sent: 15 June 2023 15:28

To: [Conrad Cherniavsky](#); [Leela Muthoora](#)

Subject: RE: Application for roof extension at 167A York Way ref 2023/2041/P

Hi Conrad,

Attached is the letter which was sent to the freeholder and leaseholder of the property.

I am happy to wait for the outcome of the planning application as it is at your clients discretion to submit one but as you have already been advised, we are unlikely to support the current development for the reasons highlighted by the Case Officer.

In this event, you will have the option to appeal to the Planning Inspectorate . Please note, the Council may also issue an Enforcement Notice

Kind regards

Katrina Lamont
Senior Planning Officer

Telephone: 020 7974 3255



From: Conrad Cherniavsky <conrad@capltd.co.uk>
Sent: 15 June 2023 15:20
To: Leela Muthoora <Leela.Muthoora@camden.gov.uk>
Cc: Katrina Lamont <Katrina.Lamont@camden.gov.uk>
Subject: RE: Application for roof extension at 167A York Way ref 2023/2041/P

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Dear Leela,

Find attached completed form and revised documents.

I will discuss the enforcement action with the client, however I assume it is pending the outcome of the planning application?

Best wishes,

Conrad

Conrad Cherniavsky | Director & Chartered Architect

BA (Hons) MArch PGDip ACArch ARB RIBA

conrad@capltd.co.uk +44 (0)7958 414 477

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Registered Office Address: 71-75 Shelton Street, Covent Garden, London, WC2H 9JQ

From: [Leela Muthoora](#)
Sent: 15 June 2023 08:00
To: [Conrad Cherniavsky](#)
Cc: [Katrina Lamont](#)
Subject: RE: Application for roof extension at 167A York Way ref 2023/2041/P

Dear Conrad

Please complete and return the 'Application for Planning Permission.' Application Forms can be found on the Planning Portal [Find and download paper forms - Paper Forms - Planning Portal](#)

I understand the enforcement officer, who has been copied into this reply, has asked the applicant to agree a timescale to demolish the existing mansard roof and make good on any resulting damage.

Kind regards

Leela Muthoora
Planning Officer

Telephone: 020 7974 2506



From: Conrad Cherniavsky <conrad@capltd.co.uk>
Sent: 12 June 2023 11:40
To: Leela Muthoora <Leela.Muthoora@camden.gov.uk>
Cc: Katrina Lamont <Katrina.Lamont@camden.gov.uk>
Subject: RE: Application for roof extension at 167A York Way ref 2023/2041/P

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Dear Leela,

Thank you for getting back to me and taking advice.

You note that you will progress with registration and determination however if you deem the property to be a flat then we must change the application type from a Householder to a Full Planning Application. Are you able to do this your end? Or do we need to re-complete an application form?

As noted, the area bounded by the red line is a flying freehold title so there are no other interested parties in relation to the area within the red line boundary.

Find attached revised location plan showing the right of access as you requested as we were not aware that right of access had to be highlighted on a Location Map.

You note that the current planning application may be subject to enforcement action? Could you clarify this? I am unclear on what enforcement action against a planning application means in practice?

Best wishes,

Conrad

Conrad Cherniavsky | Director & Chartered Architect

BA (Hons) MArch PGDip ACArch ARB RIBA

conrad@capltd.co.uk +44 (0)7958 414 477

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From: Leela Muthoora <Leela.Muthoora@camden.gov.uk>
Sent: Thursday, June 8, 2023 11:28:04 AM
To: Conrad Cherniavsky <conrad@capltd.co.uk>
Cc: Katrina Lamont <Katrina.Lamont@camden.gov.uk>
Subject: RE: Application for roof extension at 167A York Way ref 2023/2041/P

Dear Conrad,

Thank you for your response.

I have taken advice from our Legal team and the Council considers the site falls within the definition of a flat in terms of the GPDO. However, as roof extensions are not permitted development within Conservation Areas, the fallback position of permitted development rights for a dwelling house would not apply in this case. Please see [Class B of the GPDO](#).

It is noted you have stated there are no other freeholders or leaseholders. Please note, planning decisions can be invalid if an ownership certificate is incorrect.

It is noted you have stated the site location plan is correct.

I have sought advice from Conservation Officers and colleagues at Team internal review. We consider the roof extension, as built and as proposed, alters the largely uniform appearance of the traditional butterfly roof arrangement to a degree where it is harmful to the existing character of this row of terraces and appears visually incongruous.

The neighbouring roof extension at no. 169 York Way pre-dates the designation of the Conservation Area, as mentioned in my email dated 31 May.

As we cannot agree on the validation issues and there is an open enforcement case on this ref: EN23/0216, we will progress with registration, consultation and determination of the application from today.

We are legally required to consult on your application with individuals who may be affected by the proposals. We will put up a notice near the site, advertise in a local newspaper and email people signed up for notifications. The Council must allow 21 days from the consultation start date for responses to be received. All consultation responses will be available to view on the Council's website using the planning application search and reference number: [2023/2041/P](#).

Due to the publication dates of the newspaper notice and display dates of the site notices, the consultation period is likely to run until 09/07/2023. The decision will be made after this date and before the expiry date of 03/08/2023.

We are likely to refuse the application for planning permission and it may be subject to enforcement action. I understand the enforcement officer has asked the applicant to agree a timescale to demolish the existing mansard roof and make good on any resulting damage.

Please contact me if you have any further queries but bear in mind the consultation and decision dates given. My working days are Mon-Thurs.

Kind regards

Leela Muthoora
Planning Officer

Telephone: 020 7974 2506



From: Conrad Cherniavsky <conrad@capltd.co.uk>

Sent: 02 June 2023 11:29

To: Leela Muthoora <Leela.Muthoora@camden.gov.uk>

Subject: RE: Application for roof extension at 167A York Way ref 2023/2041/P

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Dear Leela,

Thank you for your email.

Are you able to seek some legal advice on the matter of whether the dwelling is a flat or not? I ask this as my client is of the understanding that the property is a single dwellinghouse and is not a leasehold flat as it's legal title is **freehold** and not a leasehold title.

You refer to **Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO)** as amended and note **"It also sets out that "" Flat" means a separate and self-contained set of premises constructed or adapted for use for the purpose of a dwelling and forming part of a building from some other part of which it is divided horizontally"**. The building is not divided horizontally with any other dwelling (either below or above). I am not convinced that a division between the road below is valid, as this would imply that all detached or semi-detached properties are divided on a side wall that may face a road? There are no other dwellinghouses within the building, hence why the building exists as a stand alone freehold title.

You note that we: **"are required to notify any other freeholders and/or leaseholders of 167 and 167A York Way that an application has been submitted."** As previously noted the applicant is the sole freehold owner of the premise. Therefore there are no other freeholders or leaseholders to notify. I am unclear on why any other notice is required if there are no other interested parties in the dwellinghouse?

Regarding the red/blue boundary lines, you note that we should show any land required to access the property. We have highlighted this area in green, however I do not believe that the area is part of the freehold title therefore we cannot show it as such. It is instead a right of way which I don't believe represents any ownership. Therefore I believe the location plan is correct in its current form.

Regarding your note on the roofline, could you kindly seek a second opinion on this? As illustrated in the submitted drawings the roofline remains unaffected therefore we are unclear on how the proposal can contribute to visual harm?

Just for clarity, as illustrated in the attached image the proposed roof extension will not result in visual harm to the terrace, while the neighbour at no. 169 continues to contribute visual harm to the terrace.

Have the council served an enforcement order on the neighbouring property at no. 169 / do you intend to?

Many thanks for your continued help with this.

Best wishes,

Conrad

Conrad Cherniavsky | Director & Chartered Architect

BA (Hons) MArch PGDip ACArch ARB RIBA

conrad@capltd.co.uk +44 (0)7958 414 477

Leela Muthoora

From: Leela Muthoora
Sent: 31 May 2023 11:58
To: Conrad Cherniavsky
Subject: RE: Application for roof extension at 167A York Way ref 2023/2041/P

Dear Conrad

I will amend the development description as you request to "Erection of a roof extension with terrace to existing flat." However, please note that the structure has been built without planning permission and is subject to enforcement action.

Address: You confirmed the address as 167a York Way and that it is a freehold property. However, 'Householder' applications only apply to single dwellinghouses, not to flats.

You state the property is not a flat and, in the Design and Access Statement 2.7 that "The clients intended to build a roof extension to comply with permitted development rights however the contractor did not construct the roof extension correctly." The application site is not a dwellinghouse and therefore does not benefit from permitted development rights.

Householder permitted development rights are set out in the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO) as amended. Interpretation section of the GPDO states that "'dwellinghouse' does not include a building containing one or more flats, or a flat contained within such a building." It also sets out that "'Flat' means a separate and self-contained set of premises constructed or adapted for use for the purpose of a dwelling and forming part of a building from some other part of which it is divided horizontally." The residential unit at the application site is divided horizontally from the ground floor underpass and ground floor commercial unit and flats from which it has the 'right of access' you refer to.

Please complete the correct form: Full Planning Permission Application Forms can be found on the Planning Portal [Find and download paper forms - Paper Forms - Planning Portal](#)

You said the property is owned entirely as a freehold title with a single owner. You are required to notify any other freeholders and/or leaseholders of 167 and 167A York Way that an application has been submitted. [Link to Government guidance](#).

Site location plan: You said the red line is correct on the site location plan. It should include all land necessary to carry out the proposed development (e.g., land required for access to the site from a public highway and open areas around buildings). A blue line should be drawn around any other land owned by the applicant, close to or adjoining the application site. [Link to Government guidance](#).

Our assessments differ on the harmfulness to the roofline and Conservation Area. The examples of the existing roof extensions either pre-date the designation of the Conservation Area or do not benefit from planning permission.

I would be grateful if you could supply the form, correct ownership certificate and amended site plan, if applicable, by Friday 09th June.

Kind regards

Leela Muthoora

Planning Officer

Telephone: 020 7974 2506



From: Conrad Cherniavsky <conrad@capltd.co.uk>

Sent: 24 May 2023 15:30

To: Leela Muthoora <Leela.Muthoora@camden.gov.uk>

Subject: RE: Application for roof extension at 167A York Way ref 2023/2041/P

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Dear Leela,

Thank you for your email.

Regarding the development description, you have noted that it is “(Retrospective)” however as the drawings indicate the **proposal** is different to the **as-built** structure therefore it is not strictly speaking a retrospective application, but please confirm? IE: we are not applying retrospectively for permission for the as-built structure.

The address is: **167a York Way**.

The property is not a flat. It is a freehold property therefore a householder application is appropriate.

The correct ownership certificate has been completed as there are no other shared owners. The property is owned entirely as a freehold title with a single owner.

The red line is correct. The freehold title is highlighted. The access is simply a right of access (as noted and highlighted) therefore it is not legally part of the title.

I understand the comments that you have made in the attached email to the applicant. You note that the roofline is uninterrupted however as you also note this is not the case as there are already examples of existing roof extensions. In addition (and as shown in the proposed drawings) the revised **proposal** is for a roof extension that will not be visible from street level, therefore will not contribute to an ‘interrupted’ roofline.

Within our submission we have also highlighted the various changes that have been made to the terrace frontage including changes to windows and the parapet wall / external cornice therefore there doesn’t appear to be a uniform character or consistency to the terrace.

However, most importantly given the **proposed** roof extension will not be visible I am unclear on how it will adversely affect the appearance of the terrace?

Best wishes,

Conrad

Conrad Cherniavsky | Director & Chartered Architect
BA (Hons) MArch PGDip ACArch ARB RIBA

Leela Muthoora

From: Leela Muthoora
Sent: 23 May 2023 15:48
To: conrad@capltd.co.uk
Subject: Application for roof extension at 167A York Way ref 2023/2041/P
Attachments: RE: Application for alterations at 167 York Way. ref: 2022/1982/INVALID

Good afternoon, Mr Cherniavsky

Thank you for your application, I am writing to introduce myself as the case officer and acknowledge receipt of your application which we received on 19 May 2023, together with the fee of £206.00.

Validation

Please confirm you agree with the development description as: Erection of a roof extension with terrace to existing flat (Class C3) (Retrospective)

I have looked through the proposal and my assessment, as advised to the applicant previously stands (attached email). We would not support the proposal as built or as proposed. Reference has been made to poor quality roof additions that either do not benefit from planning permission or were approved prior to the Conservation Area designation in this area.

As the alterations have been started/completed, I assume the applicant would like to proceed with a refusal and pursue their right of appeal.

However, there are a couple of issues with the application, that we will need amending and/or clarifying prior to registration of the application and the formal public consultation.

- Address: The application site has been stated on the application form as 167 York Way. The Design and Access Statement and drawings state as 167a York Way. There are several units listed on Council records at this address. Please confirm the correct address?
- Form: The application form has been submitted as a Householder form. Householder forms only apply to single family dwelling houses, not flats or where there is shared access. Please complete the Full Planning Permission Application Form. [Find and download paper forms - Paper Forms - Planning Portal](#)
- Ownership Certificate: As the site is accessed via 167 York Way, the other freeholders and leaseholders of 167 York Way should be notified by the applicant. <https://www.gov.uk/guidance/making-an-application#Validation-requirements-for-planning-permission>
- Site location plan: Is the red line correct on this drawing, if the access is via 167 York Way, should this be included in the ownership of the site, edged in blue?

The application is incomplete ([invalid](#)) for the reasons given above. Please provide the correct form and certificate by 6th June.

Once I receive the information we are legally required to consult on your application. We will put up a notice near the site, advertise in a local newspaper and email people signed up for notifications. The Council must allow 21 days from the consultation start date for responses to be received.

The determination date will depend on the consultation start date, so the sooner you can get the information requested to me the sooner we can register the application and begin consultation.

I look forward to hearing from you.

Kind regards
Leela Muthoora
Planning Officer
Regeneration and Planning
Supporting Communities
London Borough of Camden

Telephone: 020 7974 2506

Web: camden.gov.uk

Pronouns: She/Her/Hers or They/Them/Their

[How to pronounce Leela](#)

[How to pronounce Muthoora](#)

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