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London Borough of Camden - Planning Department

Town Hall - Argyle Street - London WC1H 8ND

Your REF: 2009/5280/P & 20095289/I

Project: HD-314 "3 – Arlington Road - London NW1 7ER"

Date : 15/03/2010

Re: Planning Permission for internal alteration to combine existing Studio Flats into larger flats PLUS installation of external Gas Meter Boxes & replacing existing windows & also installing new gas boilers to designated flats.

Dear Sirs:

We are resubmitting the planning application for above project which was refused in Feb-2010 with documents as evidence to prove that the existing layout as shown on the proposed plans are accurate & indicative of self contained flats which have been in use since 1996:

- 1- Photocopy of valuation office showing that these flats have been re-banded since 1996 as 5-self contained flats
- 2- Floor sketch plans from your environmental health department who visited property several times over the last 2-years showing 1st & 2nd floors as 2-self contained flats on each floors. Please excuse the non-professional quality of these plans drawn by Camden Council officers. The reference for the file is given as E&CP/E02/BJH/Hsg Visits/005191, which we are certain that you can retrieve all the relevant documents and additional information plus photos taken by the Environment Officer from Camden Data base.
- 3- Extracts of decision made by Residential Property Tribunal (RTP) who ordered that flats 1 & 2 at first floor and flats 3 & 4 at 2nd floor to be combined as one bedroom flat on each floor respectively. We also highlight points 57, 58, 59 & 60 of the decision which guided our current design proposal for above application to combine the existing self contained flats into one flat at each floor. We also emphasize that a separate department (ie. Planning Department) should not overturn their decision as stated in their decision notice. Please feel free to include these points made by Tribunal Panels in your report.

Please see attached copies of relative information and documents with this letter. We hope the information provided is satisfactory and should you have any queries then please contact us.

Yours truly,

R. Lakani

Director

Homes Design Limited.

Director: R. Lakani BSc (Hons) MSc (Structures) Registered No. 6242962 Registered in England & Wales. Registered Office: Companies House, Cardiff



**RESIDENTIAL PROPERTY TRIBUNAL SERVICE
LONDON RENT ASSESSMENT PANEL**

Case Reference: LON/00AG/HIN/2009/0004

**DECISION OF THE RESIDENTIAL PROPERTY TRIBUNAL SERVICE ON
AN APPLICATION UNDER SCHEDULE 10(1) OF THE HOUSING ACT
2004.**

Premises: 3 Arlington Road, London NW1 7ER

Appellant:: Redcourt Limited

Respondent: London Borough of Camden.

Interested Persons: Mr J and Mrs. A. Mallender (Flat 3A)

Date of Application: 12th May 2009

Date of Hearing: 9th July 2009

Appearances for the Appellant:

Mr. P. Fitzgerald
Mrs. M. Glazebrook

In attendance:
Mr. L. Kaufman

Appearances for the Respondent:

Mr. E. Sarkis,
Ms. R. Harman, Environmental Health Officer
Mr. M. Warren, Environmental Health Officer
Mr J. Mallender (Flat 3A).

Members of the Tribunal:
Miss A. Hamilton-Farey LLB, FRICS, FCI Arb

Mr. J. Humphrys FRICS
Mrs. R. Turner JP.

Date Of Decision: 24th July 2009

Decision:

That the Improvement Notice dated 24th April 2009 should be varied as follows:

- a. The requirement to provide a separate kitchen/or bathroom to the property for shared use is removed.
- b. That the Applicants proposals to combine flats 1 & 2 into one self-contained unit and units 3 & 4 into a similar self-contained unit are reasonable and should be undertaken. This work should include the removal of the raised platform beds.
- c. That the Applicant should provide individual gas central heating to each of the units during the conversation works.
- d. That the Applicant should repair/replace the current windows in the property and provide secondary double glazing to the front the property and if permitted double glazing to the rear. If double glazing is not permitted to the rear, then secondary double glazing to be provided. All windows to be properly overhauled, sashes and catches replaced.
- e. That the Applicant shall provide a fully functioning fire alarm system as agreed and in accordance with the Fire Brigade requirements.
- f. That the properties should be re-wired, including the provision of new consumer units, switched socket outlets and ceiling fittings, together with the upgrading of the mechanical ventilation system to the internal bathrooms to comply with current Regulations.
- g. That the Applicant shall provide a proper working entryphone system to the building, with a telephone handset to each unit, including flat 3A.
- h. That the Applicant shall upgrade the common parts, provide safe floor coverings, fire resisting doors in compliance with current Regulations together with mortise and cylinder locks to each of the doors in the property, with the exception of the front door where the entryphone lock should be installed.
- i. That the Applicant will upgrade all of the electrical supplies and plumbing works to the entire property to comply with current Regulations.
- j. That the Applicant will affix the railings to the first floor balcony at the rear of the premises.
- k. That the Applicant will upgrade the external doors to the property, to provide adequate security, including as necessary wired/security glass to any glazed portions.
- l. That the works shall be commenced by 8th January 2010 and be completed by 31st March 2010.

proposals were effected, that the capital value would decrease by approximately 40% (John D Wood, and 57% McHugh).

54. The Applicant produced four viable proposals in relation to the property; These were;
- To retain the current layout but carry out all necessary improvements and repairs (approximately cost renew a kitchen and associated elements (£750-£1,000)
 - Convert units 3 & 4 on the second floor into a single self-contained larger flat, but retaining units 1, 2 & 5 as they are (approximate cost £5,000)
 - Convert both units 3 & 4 into self contained flat and units 1 & 2 into a single self-contained flat (approximately £10,000)
Note this option would probably not be acceptable to planning as they would resist the loss of 2 units from 5.
 - Open up the existing kitchens in units 3 & 4 to incorporate them within the living accommodation. Given the size of the combined room this would meet LBCs minimum floor areas of 12sqm for a single person unit with kitchen facilities.
55. The Applicant also informed the Tribunal that the current occupants of Flat 3 had been offered alternative accommodation with the Local Authority and would therefore be vacating.
56. Mr. Sarkis informed the Tribunal that the requirements of the Planning Department were 'draconian' in this instance and that the Planning requirements went against what the residents wanted and what would be a suitable alternative.

Tribunal's Decision with Respect to Layout:

57. The Tribunal considers that the proposals to combine flats 1 & 2 and flats 3 & 4, put forward by the Applicant are a reasonable alternative, especially as the Local Authority appear to be in agreement. The Tribunal does not consider that retention of the existing units with improvements would provide suitable accommodation for the residents, nor does it consider that opening up of the kitchens in units 3 & 4 is viable, as this would not alter flats 1 & 2 which remain substandard. Again the Tribunal does not consider that the conversion of flats 3 & 4 only is viable as this would leave flats 1 & 2 in a substandard layout.
58. It is the Tribunal's view that Parliament could not have intended that the reasonable requirements of an Environmental Health Officer in serving an improvement notice should be over-turned by a separate department of the Authority.

59. The Tribunal endorses the view of the Applicant that two flats should be converted into one flat on each of the first and second floors, and that the top floor flat would remain as an individual dwelling.
60. In making this decision the Tribunal took into account the Respondents' own evidence that exceptions could be made to the issue of the loss of units where the Applicants proposals involved the conversion of unsatisfactory units and which was clearly the case here.
61. It was, in the Tribunal's view, absurd if the Environmental Health Officer was forced to adopt an unsatisfactory solution, to avoid treading on the planners toes. In the opinion of the Officer and the Tribunal it would be a 'backward step' to insist on the installation of communal facilities in this property just to appease the planners.

B. Excess Cold

62. Mr. Fitzgerald informed the Tribunal that the terms of the Improvement Notice required the Applicant to provide gas central heating to the property.
63. It was the Applicant's case that this would not be possible, given the 'Listed' status of the property and the current layout. It would also be impractical and expensive to provide a communal boiler, as this would mean that the residents had little control over the times of operation.
64. The Applicant asked the Tribunal to vary the terms of the notice to include electric storage heating to each unit.
65. The Respondent opposed this change on the basis that electric heating was less effective and more costly to run than gas from the residents' point of view. Having carried out their own Energy Performance Certificates to each unit, the installation of Dimplex Storage Heaters would provide adequate heating.
66. In addition, the Notice required the Applicant to provide double glazing to the property and the replacement/overhaul of the windows.
67. The Applicant opposed this proposal on the basis that the current windows could be overhauled and have draught proofing fitted to meet the requirements. That in addition, as the property was listed consent would not be given for double glazing. They considered that the installation of double glazing was a disproportionate remedy to the risk and cited a previous LVT decision LON/00AG/HIN/2007/11 where the Tribunal accepted this argument.

Date: 26th February 2009
Our Reference: E&CP/E02/BJH/Hsg Visits/005191
Your Reference:
Direct Phone Number: 020 7974 2543
Contact: Ms Becky Harman
E-mail: env.health@camden.gov.uk

Please quote our reference in any correspondence

Redcourt Ltd
c/o Leo Kaufman
25a Mornington Crescent
London
NW1

— Dear Mr Kaufman

Consultation process
3 and 3a Arlington Road, London NW1 7ER

Thank you for your letter received 23 February 2009, providing your comments on the consultation documentation.

1. Timescales

Thank you for your representations on the time frame for the consultation process. The consultation process is not a statutory requirement, however we provide it as an

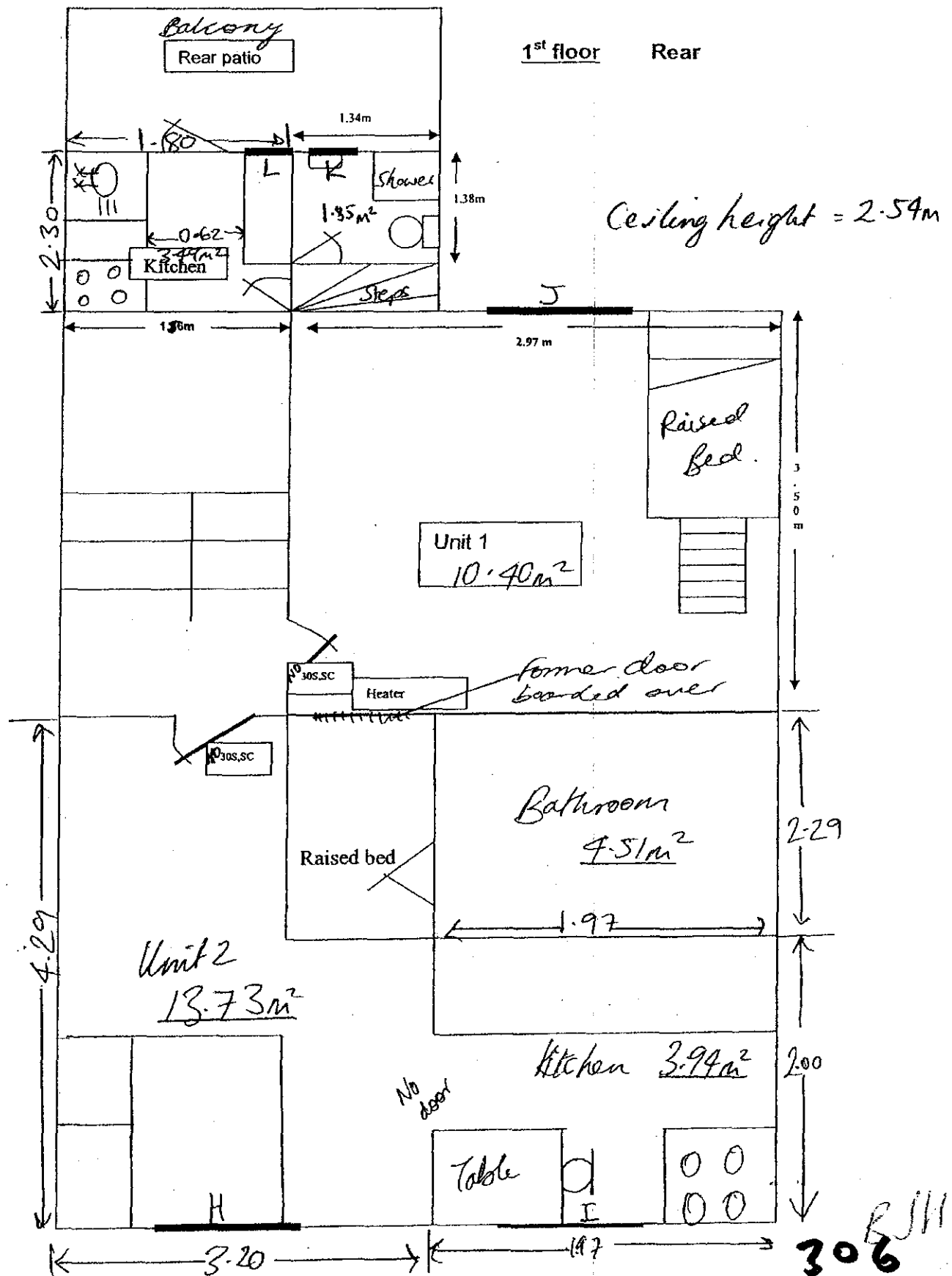


Environmental Health Team
London Borough of Camden
Town Hall
Argyle Street
London WC1H 8EQ

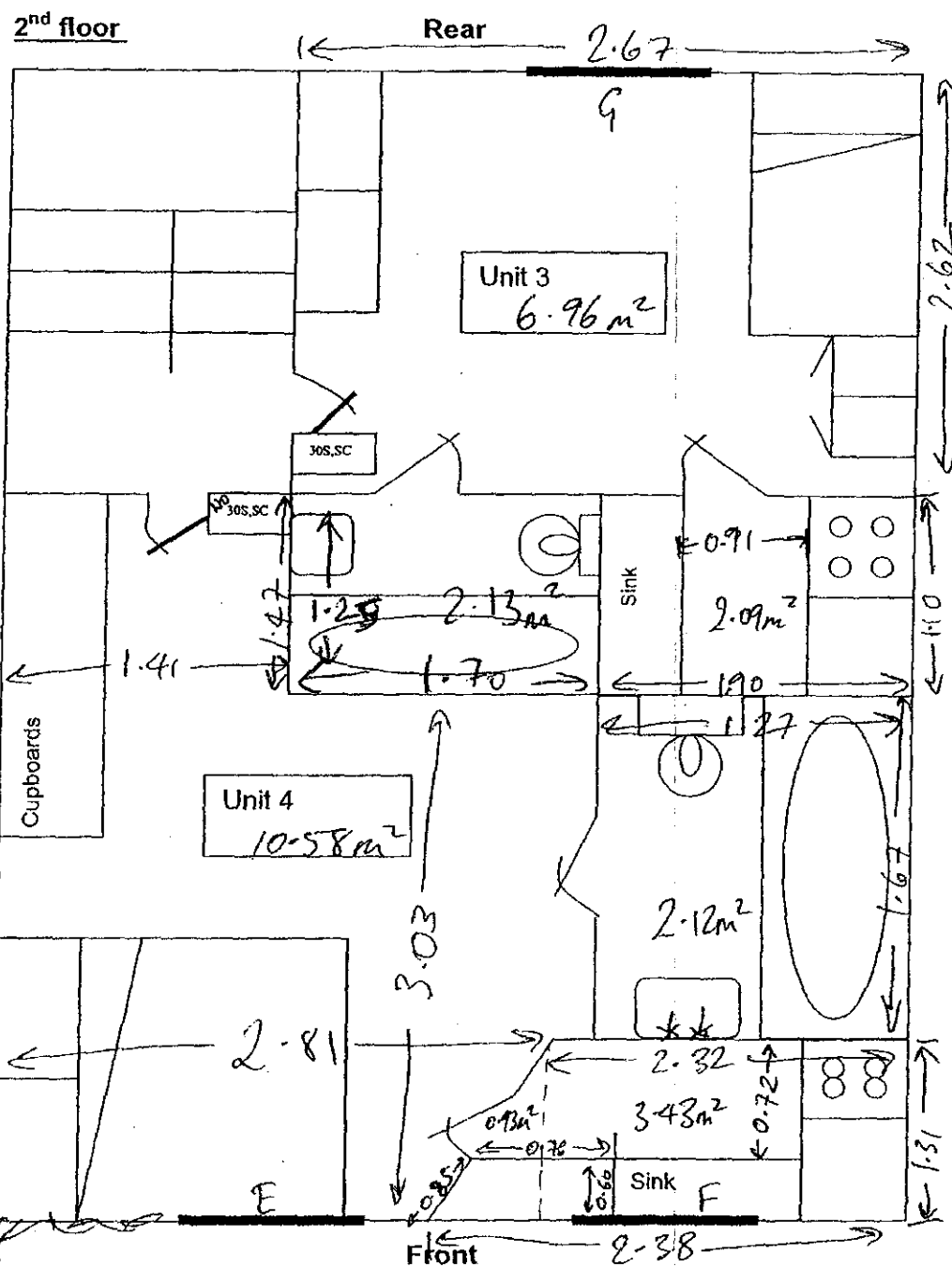
Tel: 020 7278 4444
Fax: 020 7974 5517/6955
DX: 2106 Euston

E-mail:
env.health@camden.gov.uk
www.camden.gov.uk

not to scale



not to scale



penetrating dampness

307 SJH



Council Tax Valuation List your search results

last updated on 11/01/2010

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| BA Ref | Address | Band | Comp | Court | Effective |
|----------------|--|---------|------|-------|------------|
| 5098741 | FLAT GND FLR 3, ARLINGTON ROAD, LONDON, NW1 7ER | D | No | | |
| 00726000310017 | FLAT 1ST FLR 3, ARLINGTON ROAD, LONDON, NW1 7ER | Deleted | No | | |
| 5098742 | FLAT 1 AT 1ST FLR 3, ARLINGTON ROAD, LONDON, NW1 7ER | A | No | | 01/04/1996 |
| 5098743 | FLAT 2 AT 1ST FLR 3, ARLINGTON ROAD, LONDON, NW1 7ER | A | No | | 01/04/1996 |
| 00726000310021 | FLAT 2ND FLR 3, ARLINGTON ROAD, LONDON, NW1 7ER | Deleted | No | | |
| 5098744 | FLAT 3 AT 2ND FLR 3, ARLINGTON ROAD, LONDON, NW1 7ER | A | No | | 01/04/1996 |
| 5098740 | FLAT 4 AT 2ND FLR 3, ARLINGTON ROAD, LONDON, NW1 7ER | A | No | | 01/04/1996 |
| 5098745 | FLAT 3RD FLR 3, ARLINGTON ROAD, LONDON, NW1 7ER | Deleted | No | | |
| 5098745 | FLAT 5 AT 3, ARLINGTON ROAD, LONDON, NW1 7ER | C | No | | 10/03/1999 |
| 5098919 | FLAT GND FLR 5, ARLINGTON ROAD, LONDON, NW1 7ER | E | No | | 04/09/2008 |

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