

PJB/SS/PD9051
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16 July 2014

Development Management
Regeneration and Planning
Camden Council
Camden Town Hall Extension
Argyle Street
London
WC1H 8ND

**BY PLANNING PORTAL REF:
PP-03530034**

Dear Sir or Madam

**39-45 GRAY'S INN ROAD, LONDON, WC1X 8PR
APPLICATION FOR REMOVAL OR VARIATION OF A CONDITION FOLLOWING GRANT OF PLANNING
PERMISSION (2013/3231/P) – SECTION 73 OF THE TOWN AND COUNTRY PLANNING ACT**

On behalf of our client, The Lincolns Management Limited, please find enclosed an application to vary Condition 3 and remove Condition 12 of planning permission reference 2013/3231/P in order to remove the louvres on the first and second floor rear elevation.

Planning permission was granted on 6 November 2013 for:

"Redevelopment to provide 16 residential units (12 x 2 bedroom, 3 x 1 bedroom and 1 x studio) and 545 sqm of ground floor and basement retail space (2 x Class A1 units), following partial demolition at Nos. 39 and 45 and full demolition at Nos. 41 and 43 Gray's Inn Road."

Condition 3 states:

"The development hereby permitted shall be carried out in accordance with the following approved plans A_PL_049-R02; A_PL_050-R02; A_PL_051-R02; A_PL_052-R02; A_PL_053-R02; A_PL_054-R02; A_PL_055-R02; A_PL_090-R00; A_PL_091-R00; A_PL_220-R00; A_PL_221-R00; A_PL_222-R00; A_PL_223-R00; A_PL_224-00; A_PL_549-R00; A_PL_550-R00; A_PL_551-R01; A_PL_552-R01; A_PL_553-R01; A_PL_554-R01; A_PL_555-R00; A_PL_590-R00; A_PL_591-R00; A_PL_099-R05; A_PL_100-R06; A_PL_101-R05; A_PL_102-R05; A_PL_103-R05; A_PL_104-R05; A_PL_105-R05; A_PL_200-R04; A_PL_201-R03; A_PL_210-R03; AIPL_300-RO1 A_PL_301-R03..."

Condition 12 states:

"All louvered screening located along the west facing (rear) elevation windows as shown on the approved rear elevation shall be installed prior to the occupation of any of the residential units hereby permitted, and shall be permanently retained thereafter."

The approved drawings require the installation of louvres on 15 of the 38 windows on the rear elevation (5 on the first floor and 10 on the second floor). The reason for the louvres listed on the decision notice is "in order to prevent unreasonable overlooking of neighbouring premises."

The purpose of this Section 73 application is to remove the louvres and to improve the quality of the residential accommodation permitted on the site in response to what we consider to be a change in circumstances to when planning permission was granted in November 2013.

In respect of privacy and outlook, the Officer in his committee report commented that:

“The rear elevation of the proposal at upper floor levels would be served by habitable windows, which would face the commercial rear elevations of No.25, 26, No.27 (windowless) and 28 (windowless) King’s Mews.

This would change however were permission to be implemented for schemes to the rear of the site at No.25 (2012/0972/P and 2012/3870/C), 26 (2012/3101/P and 2012/3159/C), 27 (2013/1002/P and 2013/2081/C) and 28 (2012/3113/P and 2012/3190/C) King’s Mews, where the rear elevations on this site would face onto windows serving residential accommodation.

The implementation of the Kings Mews permissions would result in the rear elevation (at upper floor levels) of Nos.25 King’s Mews being 3.6m from the proposed rear elevation of No.45 Gray’s Inn Road, No.26 King’s Mews being 8.8m from No.43 Gray’s Inn Road, No.27 King’s Mews being 8.7m from No.41 Gray’s Inn Road and No.25 King’s Mews being 6.2m from No.39 Gray’s Inn Road.

Introducing a greater potential for close distance mutual overlooking, resulting in a loss of privacy to the occupiers of each building would be contrary to CPG6 (Amenity) and DP26 (Managing the impact of development on occupiers and neighbours). To ensure privacy, there should normally be a minimum distance of 18m between the windows of habitable rooms of different units that directly face each other.

Although not implemented, the permissions on Kings Mews are material considerations and have therefore been shown on the submitted drawings for amenity assessment purposes.

The proposal in this instance would result in a closer proximity to the rear boundaries of the site, with the main rear building line in the current scheme being approximately 1m closer to those consented properties on Kings Mews.

Given the relatively minor changes sought from that already permitted, it is considered the impact of the proposal would not be significant enough to materially harm the privacy and outlook enjoyed by the potential adjacent residential occupiers, should the Mews permission be implemented. It is also considered that the mitigation measures (louvered screens to be secured by condition) introduced would be of greater benefit than those present within the individual permissions.”

Notably, considerable weight was afforded to the unimplemented schemes on King’s Mews and the impact that the proposals could have on the privacy and outlook of future residents. Despite the Officer maintaining that the impact of the proposal would not be significant enough to materially harm the privacy and outlook enjoyed by the potential adjacent residential occupiers, our client agreed to install louvres on 15 of the windows of the rear elevation to mitigate any potential impacts. For the avoidance of doubt, we highlight below the physical relationship between the application site and the unimplemented schemes on King’s Mews.

- 39 Gray’s Inn Road borders the rear of 28 King’s Mews;
- 41 Gray’s Inn Road borders the rear of 27 King’s Mews;
- 43 Gray’s Inn Road borders the rear of 26 King’s Mews; and
- 45 Gray’s Inn Road borders the rear of 25 King’s Mews.

Since planning permission was granted and according to the Council’s online planning records, it appears that only No.28 King’s Mews has a live planning permission (2012/3113/P – granted 07/02/13), notwithstanding, none of the conditions being discharged yet. Despite a resolution to grant planning permission, we

understand that those at No.25 (2013/6160/P – 28/05/14), No.26 (2013/7847/P – 20/03/14) and No.27 (2012/3125/P – 18/10/12 and 2012/1002/P – 25/07/13) have yet to sign the S106 agreement. With no evidence to suggest that the schemes on King's Mews are likely to be implemented within the immediate future, the weight that these schemes were once afforded to in respect of the planning permission granted in November 2013 has now diminished. In view of this, this application should be assessed against the existing buildings on King's Mews only.

In taking this approach, we consider that the removal of louvres will not significantly harm the privacy and outlook of the occupiers of the existing buildings on King's Mews. Indeed, given that both the rear elevations of No.27 and No.28 King's Mews have no rear windows, the removal of the louvres at No.39 and No.41 Gray's Inn Road will have no effect on the privacy and outlook of the occupiers of these buildings. In respect of the louvres on No.43 and No.45 Gray's Inn Road, the distance between the windows and the existing buildings on King's Mews is approximately a metre longer than what was assessed under the planning application i.e. King's Mews unimplemented schemes. As such, we consider this to be acceptable.

In light of the Officer's comments in the committee report and in what we consider to be a key change in circumstances, the removal of louvres in this instance is acceptable and therefore we kindly ask the Council for Condition 11 to be removed and for Condition 3 to be varied to state the following:

"The development hereby permitted shall be carried out in accordance with the following approved plans A_PL_049-R02; A_PL_050-R02; A_PL_051-R02; A_PL_052-R02; A_PL_053-R02; A_PL_054-R02; A_PL_055-R02; A_PL_090-R00; A_PL_091-R00; A_PL_220-R00; A_PL_221-R00; A_PL_222-R00; A_PL_223-R00; A_PL_224-00; A_PL_549-R00; A_PL_550-R00; A_PL_551-R01; A_PL_552-R01; A_PL_553-R01; A_PL_554-R01; A_PL_555-R00; A_PL_590-R00; A_PL_591-R00; A_PL_099-R05; A_PL_100-R07; A_PL_101-R05; A_PL_102-R05; A_PL_103-R05; A_PL_104-R05; A_PL_105-R05; ~~A_PL_200-R04~~ A_PL_200 R06; ~~A_PL_201-R03~~ A_PL_201 R05; A_PL_210 R03; A_PL_300-R01; ~~A_PL_301-R03~~ A_PL_301 R04..."

This application comprises the following documents:

1. Schedule GR 73 (1) – Application Material Submitted;
2. Application Covering Letter;
3. Planning Application Form;
4. Site Location Plan;
5. Schedule GR 73 (2) – Drawings Submitted;
6. Decision Notice (2013/3231/P);
7. Approved Drawing (A_PL_200 R04);
8. Approved Drawing (A_PL_201 R03);
9. Approved Drawing (A_PL_301 R03);
10. Proposed Drawing (A_PL_200 R06);
11. Proposed Drawing (A_PL_201 R05);
12. Proposed Drawing (A_PL_301 R04);
13. Revised Drawing List; and
14. Community Infrastructure Levy Additional Information Form.

Application Procedure

The application fee of £195 has been calculated in accordance with The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012 (Statutory Instrument No.2920).

We would be grateful if the London Borough of Camden could confirm that our application is complete and will be validated shortly. If you have any outstanding queries on this matter, please contact Peter Bovill (Tel. 020

7312 7456 / peter.bovill@montagu-evans.co.uk) or Samuel Stackhouse (Tel. 020 7866 8620/
sam.stackhouse@montagu-evans.co.uk in this office in the first instance.

Yours Faithfully

Montagu Evans

MONTAGU EVANS LLP

Encl.