

## Akhaja, Jagdish

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**From:** Thuairé, Charles  
**Sent:** 20 June 2014 12:09  
**To:** Johnson, Heather (Councillor); Freeman, Roger (Councillor); Rea, Flick (Councillor)  
**Cc:** Martin, Carlos  
**Subject:** Members Briefing panel 23.6.14  
**Attachments:** 21 Belsize Crescent - Additional objections and response.zip

Councillors-

This is to advise you that further objections have been received regarding 21 Belsize Crescent ref 2014/2947/P which is on the Members Briefing panel agenda for 23<sup>rd</sup> June.

These objections do not raise any new issues but amplify what has been said before and the objectors have requested that their concerns are forwarded to members of the panel. The application is for a Certificate of Lawfulness for proposed alterations to a side extension. The objectors consider that the works entail substantial demolition rather than alterations and therefore full planning permission would be required. The applicant has responded to confirm that only alterations are being proposed.

The case officer has issued an addendum to the report to explain the nature of these additional objections and our response to them. It recommends that an informative be added to the decision to clarify that only works of alteration are considered lawful.

Please find attached the additional information as follows:

1. Objection letter from Mr R Fletcher
2. Additional objection from Aragon Land
3. Additional objection from Mr R Fletcher
4. Additional statement by applicants in response to objection
5. Case officer response to objection.

Charles Thuairé  
Senior Planning Officer  
Regeneration and Planning  
Culture and Environment  
London Borough of Camden

Telephone: 020 7974 5867  
Fax: 020 7974 1680  
Web: [camden.gov.uk](http://camden.gov.uk)

6th floor  
Town Hall Extension (Development Management)  
Argyle Street  
London WC1H 8ND

Please consider the environment before printing this email.

19 Belsize Crescent Limited  
19A Belsize Crescent  
London NW3 5QY

June 19, 2014

Mr Carlos Martin  
Duty Planning Officer  
LB Camden. WC1H 8NJ

Dear Mr Martin,

**OBJECTION. 21 Belsize Crescent. Reference: 2014/2947/P**

19 Belsize Crescent Limited opposes the application made by 21 Belsize Crescent for a Lawful Development Certificate.

Please accept this submission as a supplement to the submission of Aragon Land and Planning dated June 16<sup>th</sup> 2014

- 1     The facts are that the building is in a poor state of disrepair and dilapidation. Of necessity, the applicant intends a rebuilding (rather than improvement or alteration), and such rebuilding requires planning permission**

The current building, although not abandoned, is in a very poor state of disrepair. This statement is supported by documentation in previous applications

- 1-1     *"Existing structure in dilapidated condition--implement only by complete demolition and reconstruction."***

*Reference:     Application     2008/2410/P. Dated July 3, 2008. Erection of a two storey dwelling house following the demolition of the existing single storey building. Letter of Application, Paragraph 11.*

*"The extension was used as an annex to the house by previous owners but the building fabric was in such poor condition the applicants have*

*waited until they are able to fully renovate it before occupying. (ie: Avalon Cottage has been unoccupied since 2004.)*

*Reference Application 2013/2986/P Replacement of existing side extension, page 3, dated June 4, 2013*

- 1-2 In the Members Briefing 14/11/2013 relating to application 2013/5714/P, the Case Officer visited the site on 17/10/2013 and confirmed "although the extension was in a poor state of disrepair it was not abandoned". There are several photographs contained in the Briefing to demonstrate a dilapidated state with the roof supported by acrow props etc.
- 1-3 Any complete or substantial part demolition of the building would inevitably mean that the substitute build requires planning permission (and additionally conservation area consent) and would not amount to a mere improvement or alteration.
- 1-4 The well-known CW Larkin case articulates the well-established principle that demolition and rebuilding are substantially different in planning terms, to lesser works of improvement and renovation.
- 1-5 What is planned here is the construction of a new substitute replacement building rather than the improvement of the original building. No single piece of the existing structure will likely exist in the future. The roof will have to completely rebuilt to take the weight of the seam leadwork. In CW Larkin, Lord Widgery CJ said that the "real question....was whether the activities ...did amount to improvement or did they amount to a rebuilding" as a matter of fact and degree.
- 1-6 The e-mail of Mr C Martin dated 20 August 2013 confirms the Council's position; the "replacement of the extension is indeed subject to planning control and will be considered against our conservation and amenity policies"
- 1-7 Given the current state of disrepair and dilapidation, of necessity the applicant intends a replacement rebuilding rather than improvement or alteration, and Camden must require the rebuilding be subject to the

receipt of Planning Permission.

- 2 The works that are subject to the Lawful Development Certificate are not permitted development under the General Permitted Development Order. The applicant therefore requires the benefit of Planning Permission from LB Camden.**

- 2-1 Please refer to the submission of Francis Caldwell dated 16<sup>th</sup> June 2014. In particular

-- Under Sec 55(2), Town and Country Planning Act 1990, as amended, works which do not materially affect the external appearance of the building are not considered development, and hence do not need planning permission.

--In this case, however, we have a completely new roof with standing seam leadwork to replace the rolled on roof felt, the insertion of roof lights, and the replacement of a single small window faced the street with french doors. There are french doors at the rear replacing the existing windows.

--These changes are comprehensive and would have a material affect in the external appearance of the building. Council must require planning permission as the works constitute development under Sec 55(2) .

- 2-2 GPDO Class A 3 (a), indicates that the works are not permitted development as the materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior building. "Materials" used in this case are standing seam leadwork to replace the roof felt, and the insertion of french doors and windows, and skylights. Planning Permission is required.
- 2-3 GPDP Class A gives no rights for the insertion of roof lights, windows or doors. Planning Permission is required.

### **3 Article 4 Direction.**

Article 4 Direction places restrictions on permitted development.

The current in-fill is an unpermitted building between nos 19 and 21 Belsize Crescent. The sweep of the terraces is complemented by the spaces between the terraces. Hence this infill building is unsightly, highly visible and prominent to the street-scape.

The existing and proposed building has a sloping roof towards Belsize Crescent at the street level, so the new roof materials and french windows would be highly visible from the street.

There is no doubt the application is subject to Article 4 Direction covering side elevations and the roof of the building facing the street. (First Schedule (a) & (b)) so the new roof and french windows are not permitted development. Planning permission is required.

### **4 Belsize Conservation Area Guidelines.**

Residents and professionals alike observe that the current unpermitted building does not enhance the conservation area.

4-1 Belsize Crescent resident and former Camden Councillor Chris Knight observes LDF DP 25 states; *When a building makes little or no contribution to the character and appearance of a conservation area, any replacement building should enhance the conservation area to an appreciably greater extent than the existing.* He observes "what exists at the site is both an unsightly infill, it is unauthorized, poorly designed, and of poor quality structure which does not enhance or preserve the conservation area".

Further, "the creation of Conservation Areas, serving Article 4 Direction, LDF Development Policies have been put in place to prevent this poor level of development, this application does not meet with Camden policy and I would therefore ask that this application be refused". (objection; e-mail of 15 June, 2014)

4-2 Belsize Crescent resident Thomas Gliszczynsk RIBA records "The

extension has been constructed without planning consent, its squalid shed-like shape and infill position is harmful to the street-scape and should be removed as soon as possible. (objection; e-mail of 12 June, 2014)

4-3 In its submission dated 8 July, 2013 in response to 2013/2986/P, the Belsize CAAC recorded " in our view the wedge shaped infill should not have been allowed"

4-4 Jane Boardman of 19A Belsize Crescent records "Incidentally, as you appreciate the structure partially blocks my ground floor window, coming up 2 feet above it, right up to the window. And towards the rear, the structure comes right up to my basement window. As I state above, I complained years ago, the complaint is on file, but Camden did nothing. There is absolutely no way that the existing and proposed structure can comply with conservation guidelines with respect to neighbour amenity and the enhancement test. ( e-mail June 17, 2014)

4-5 Should the Council allow the Certificate as Permitted development it will give legal legitimacy to the unpermitted structure, which does not meet conservation area guidelines or neighbour amenity tests by a wide margin. This would cause lasting harm to the Belsize Conservation Area and to neighbour amenity.

4-6 The proper course is for the applicant to apply for planning permission with a building that meets conservation area guidelines, neighbour amenity and Article 4 Direction.

I submit for reasons above that LB Camden must reject this application for a Lawful Development Certificate.

Richard Fletcher

As resident of 19A Belsize Crescent, and Secretary, 19 Belsize Crescent Limited, the owner of the freehold.

Copies to

Councillor Sue Vincent

Chris Knight, Belsize Crescent

Councillor Gio Spinella,

Thomas Gliszczynsk, Belsize Crescent

Councillor Siobhan Baillie.

Debra Townsend, Belsize Crescent

Eldred Evans, Belsize CAAC

Jane Boardman, Belsize Crescent

Elizabeth Beaumont, Camden

Francis Caldwell, Aragon L&amp;P

Sharon O'Connell, Camden

Diane Fleming, Camden

[illegible]

## Akhaja, Jagdish

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**From:** Richard Fletcher [REDACTED]  
**Sent:** 20 June 2014 07:08  
**To:** Martin, Carlos  
**Cc:** Byrne, Kathryn; Thuair, Charles; Beaumont, Elizabeth; O'Connell, Sharon; Bushell, Alex; Spinella, Gio; Baillie, Siobhan (Councillor); Vincent, Sue (Councillor); eldred@evansandshalev.com Evans; Knight, Chris; Debra Townsend Townsend; TAG Architects; Ben Fletcher; Jane Boardman Boardman; Francis Caldwell  
**Subject:** Re: 21 Belsize Crescent London 2014/2947/P

Thank you Carlos.

I refer to my submission dated June 19, 2014.

As of June 18th, the applicant refers now to "repair" however due to the dilapidated state of the building, the works will involve a complete replacement of the existing, with some modifications at the rear.

In CW Larkin, Lord Widgery CJ said that the "real question...was whether the activities ...did amount to improvement or did they amount to a rebuilding" as a matter of fact and degree. In this case the roof and roof structure will be rebuild, as will the exterior wall to the rear. The brick flank walls of 19 and 21 Belsize Crescent will remain of course, but given the condition as evidenced by the photographs and the applicant's previous comments, all within will be rebuilt/built including internal walls. Personally I doubt strongly whether any piece of the existing structure will remain at the end of the job, as all the material in the extension is in a poor condition due to damp etc over many years.

You state in para 5 of the Draft Members Briefing, that " the proposed works involve alterations to the rear part of the roof, and the rear elevation of the extension. It is not proposed to demolish the entire structure and rebuild it anew.". I am assuming here that you are reporting the assertions made by the applicant. Of course the applicant is not proposing to demolish the whole structure as once demolished permitted development rights would expire.

However what is proposed is a substantial part and comprehensive piecemeal demolition and a rebuilding. Nowhere in your report do you discuss whether a "rebuilding" is proposed versus a repair, and as you are aware these are important factors in planning regulation. Will the roof be removed? Will the wall at the rear be taken down? Will new internal walls be build or structural members be put in place? Did you actually inspect the site and go over these points on site with the applicant?

I am advised legally, that any complete or substantial part demolition of the building would inevitably mean that the substitute build requires planning permission (and additionally conservation area consent) and would not amount to a mere improvement or alteration.

There is a strong prima facie case to say that the building is being rebuilt, the works are so extensive as to mean that a new building is being created. Key building structures will be removed ( roof or substantial roof element, or a single structural elevation) provides a strong case to support that planning permission is required. Materiality of the key, integral works should be compared by the Council with the comparative smallness of the extension.

I suggest that Building Control and/or Camden Enforcement, as specialists, review and discuss the plans with the applicant on a site visit, and for the Officers to report to Members, whether substantial part demolition will occur, and whether key building structures will be removed and built/rebuilt—(the acrow props will need to be moved for starters) and to conclude whether or not it would mean part



demolition, a rebuilding, and therefore require Planning Permission. It would then be up to Camden legal services to advise, based on fact and degree, the proper course for Camden to follow.

I would be grateful if you could pass this e-mail and request to Members. I strongly suggest it would be to Camden's advantage to have this information before a decision is made on the Certificate.

Regards

Richard Fletcher FCA  
19A Belsize Crescent  
NW3 5QY

On 19 Jun 2014, at 17:21, Martin, Carlos <[REDACTED]> wrote:

Dear Mr Fletcher,

A decision on this case will not be taken until Monday evening by the Members Briefing panel. I agreed to allow you until today to submit your objection and you can rest assured that Members will consider your grounds of objection. Taking into consideration all the other representations received, they will make a final decision or refer the case to the Development Management Committee.

My recommendation report already addresses your grounds of objection, as you do not raise any new issues that have not been raised by Mr Caldwell or Ms Boardman. However, I reiterate that all representations will be considered by Members before a final decision is taken.

With regards to your Freedom of Information request, I e-mailed you on Monday 16<sup>th</sup> June to advise you that I was in the process of collecting all the relevant communications and that I shall send them to you shortly.

Kind regards,

Carlos Martin  
Planning Officer

Telephone: 020 7974 2717

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**From:** Richard Fletcher [REDACTED]  
**Sent:** 19 June 2014 16:19  
**To:** Martin, Carlos  
**Cc:** Knight, Chris; Debra Townsend Townsend; TAG Architects; Ben Fletcher; Jane Boardman Boardman; Francis Caldwell; Byrne, Kathryn; Thwake, Charles; Bushell, Alex; Spinella, Gio; Vincent, Sue (Councillor); Baillie, Siobhan (Councillor); [REDACTED] Evans; Beaumont, Elizabeth; O'Connell, Sharon  
**Subject:** Re: Belsize Crescent London NW3 5QY

Thank you Carlos.

Your e-mail to me of June 2nd, gave until 19th June for the consultation period we agreed. With that understanding I submitted a letter of objection today. However I see that today you have filed the Members Briefing, which would have been in preparation well before the 19th, and this "rubber stamps" the proposal.

This falls way short of the standards of decency and fair play expected of Camden Officers.

I have reattached my letter of objection to this e-mail. You will see that the central point is not whether the works are permitted development; it is that the works require planning permission. The reasons are that the building is in such a complete state of disrepair (as evidenced by your photographs) so a substantial demolition of the building will occur. It is in effect a rebuilding, and requires planning permission. Any complete or substantial part of the demolition of the building would inevitably mean that the substitute build requires planning permission and would not amount to a mere improvement or alternation.

I strongly suggest you request a legal opinion from Camden Legal Services before any decision is taken by the Members. I also suggest that you review the legal opinion and incorporate those findings into a comprehensive briefing to the Members. And that these documents be circulated for comment by those that have objected to the application. This would be fair play after all.

As you know I have put in a Freedom of Information request to LB Camden concerning this series of applications from 21 Belsize Crescent and I am waiting for documents from you.

I suggest this whole process is proceeding with undue haste which potentially will unfairly harm those objecting to this proposal.

An option we are actively considering is to pursue LB Camden in the Courts for a legal determination whether planning permission is required. In our view it is.

I look forward to your reply. I have reattached my submission to LB Camden, dated today.

Richard Fletcher  
19 Belsize Crescent  
NW3 5QY

On 19 Jun 2014, at 14:52, Martin, Carlos <[REDACTED]> wrote:

Dear Mr Fletcher,

Thank you for your e-mail. Applicants are entitled to amend the submitted drawings during the assessment process at officers' request before a decision is made. As previously advised, there are no statutory consultation requirements for certificate of lawfulness applications, as the merits of the proposals cannot be considered. However, I have agreed to allow for a consultation period of 21 days at your request and the application is now approaching its statutory expiry date, by which the Council statutorily has to make a decision. Allowing an additional 21 days consultation period would delay considerably the decision date and this would also be unfair to the applicants.

The application is on the agenda to be discussed by our Members Briefing panel on Monday evening, and any additional comments will be forwarded to the panel should you wish to make any submission over the weekend.

As explained in my e-mail to your agent, Mr Caldwell, the amendments to the proposals consist on removing the originally proposed alterations to the front elevation and front roofslope, areas which are covered by an Article 4, and removing the originally proposed render finish on the rear elevation. Everything else remains largely unchanged.

I am available on the number below and by email should you or any other objector require any further clarification of the revised drawings or for any other enquiries that you may have.

Kind regards,

Carlos Martin  
Planning Officer

Telephone: 020 7974 2717

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**From:** Richard Fletcher [mailto: [REDACTED]]  
**Sent:** 19 June 2014 13:40  
**To:** Martin, Carlos  
**Cc:** Knight, Chris; Debra Townsend Townsend; TAG Architects; Ben Fletcher; Jane Boardman Boardman; Francis Caldwell  
**Subject:** Fwd: Belsize Crescent London NW3 5QY

Dear Carlos,

Francis Caldwell has forwarded an e-mail to me detailing an amendment to the application, dated June 18, 2014. I trust that you will now amend the Camden records to show that the application was amended on June 18, 2014, so the revised filing date is June 18, 2014. I and others would appreciate the time to be able to review this material. The applicant relies now on "repairs" when it is quite evident a rebuild is occurring given that the building is in a complete state of disrepair.

The objectors ask for a further 21 days to prepare a response so their interests from June 18, 2014, so their interests will not be prejudiced. Please confirm an extension to July 9th for further comment. Thank you

Richard Fletcher

Begin forwarded message:

**From:** "Martin, Carlos" < [REDACTED]>  
**Date:** 18 June 2014 16:35:25 BST  
**To:** Francis Caldwell < [REDACTED]>  
**Subject:** RE: Belsize Crescent London NW3 5QY

Dear Mr Caldwell,

Thank you for your e-mail. The application has been amended and the new set of drawings is already uploaded on the website.

The proposed render to the rear has been removed, as well as any alterations to the front elevation and the front roofslope, as these areas are covered by the article 4.

The roof would be made of the colour and texture of lead.

I trust this clarifies your question. If you have any other queries, please do not hesitate to contact me.

Regards,

Carlos Martin  
Planning Officer

Telephone: 020 7974 2717

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**From:** Francis Caldwell [mailto:  
**Sent:** 17 June 2014 21:02  
**To:** Martin, Carlos  
**Subject:** FW: Belsize Crescent London NW3 5QY

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**Subject:** RE: 21 Belsize Crescent London NW3 5QY


Dear Mr Martin,

The application does not say how much render is being replaced. It does not say the colour of the roof and neither do I know the texture details ? Can you provide or request any further information, because I want to try ascertain the full extent of the works proposed and whether it is a complete new build.

Regards

Francis Caldwell

**Aragon Land and Planning Ltd.**  
The Old Coalhouse  
28a Rosamond Road  
BEDFORD  
Beds  
MK40 3SS



---

**From:** Martin, Carlos [mailto:[Carlos.Martin@camden.gov.uk](mailto:Carlos.Martin@camden.gov.uk)]  
**Sent:** 17 June 2014 16:49  
**To:** Linda Clements  
**Subject:** RE: Belsize Crescent London NW3 5QY

Dear Ms Clements,

Thank you for your objection.

Kind regards,

Carlos Martin  
Planning Officer

Telephone: 020 

**From:** Linda Clements [mailto: [REDACTED]]  
**Sent:** 17 June 2014 09:19  
**To:** Martin, Carlos  
**Subject:** Belsize Crescent London NW3 5QY

Dear Mr Martin

Please see attached revised Objection letter to the correspondence that was sent out to you last night.

I trust this is in order.

With kind regards,

Linda Clements  
Executive Assistant to Francis Caldwell

Aragon Land and Planning Ltd  
The Old Coalhouse  
28a Rosamond Road  
BEDFORD  
BEDS  
MK40 3SS  
[REDACTED]

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-----Original Message-----

From: OpsCopier@inprugeley.com [mailto: [REDACTED]]  
Sent: 17 June 2014 09:07  
To: Linda Clements  
Subject: Message from ops copier

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\_\_\_\_\_ The message was checked by ESET Endpoint Antivirus.

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**From:** Francis Caldwell <[REDACTED]>  
**Sent:** 20 June 2014 09:30  
**To:** Martin, Carlos  
**Cc:** Richard Fletcher  
**Subject:** RE: 21 Belsize Crescent London 2014/2947/P

Dear Mr Martin,

The proposal now omits the alterations to the front of the property and front roof slope (rev c). The render is removed from the rear elevation and notes are said to be corrected, (Rev d). Looking at the note 30 on plan 782/P/100 D the render treatment is now not proposed. The note adds the brickwork in filled and repaired as necessary. This is not sufficiently precise to define or confirm that the works are merely a repair. Whilst you advise the members in your briefing note that the drawings have been annotated, it is merely a note on the plan without reference to the extent of the works.

The change to the roof now merely states the asphalt finish on the rear to be replaced. The rear roof change is a material change of surface and therefore would fall within the definition of development. The front asphalt (note 20a) is said to be repaired or replaced like for like. However these works are vague and undefined and a strong concern exists that the works will fall within the definition of development by the likely extent of the works

The front elevation and roof material changes are omitted from the certificate. The submission now refers to "repairs or replaced", again, these are not defined, detailed or specified.

I am now advised an Article 4 Direction is in place removing Class A ,C ,E, F G Part 1, Class A from Part 2 of the GPDO. Any works within these schedules now need the benefit of a permission from the LPA. Whilst you assess the works against Class A, irrespective of the analysis those rights are withdrawn.

The submission needs to detail the FULL extent of the works in order that a proper assessment can be undertaken as to assess whether it is a rebuild. With the lack of clarity the LPA should act on a precautionary basis and refuse the certificate.

Despite the changes to the submission in the light of our representations the remaining works will still require the benefit of planning permission. In view of the planning history and the earlier unlawful nature of the building this must give rise to some concerns on compliance and approach to the planning system.

I would be grateful if my comments could be passed on to the Members Briefing.

Francis Caldwell

**Aragon Land and Planning Ltd.**  
The Old Coalhouse  
28a Rosamond Road  
BEDFORD  
Beds  
MK40 3SS



**From:** Richard Fletcher [mailto: [REDACTED]]  
**Sent:** 20 June 2014 07:08  
**To:** Martin, Carlos  
**Cc:** Byrne, Kathryn; Thuaire, Charles; Beaumont, Elizabeth; O'Connell, Sharon; Bushell, Alex; Gio (Councillor) Spinella; Baillie, Siobhan (Councillor); sue.vincent@camden.gov.uk; eldred@evansandshalev.com Evans; Chris Knight; Debra Townsend Townsend; TAG Architects; Ben Fletcher; Jane Boardman Boardman; Francis Caldwell  
**Subject:** Re: 21 Belsize Crescent London 2014/2947/P

Thank you Carlos.

I refer to my submission dated June 19, 2014.

As of June 18th, the applicant refers now to "repair" however due to the dilapidated state of the building, the works will involve a complete replacement of the existing, with some modifications at the rear.

In CW Larkin, Lord Widgery CJ said that the "real question...was whether the activities ...did amount to improvement or did they amount to a rebuilding" as a matter of fact and degree. In this case the roof and roof structure will be rebuilt, as will the exterior wall to the rear. The brick flank walls of 19 and 21 Belsize Crescent will remain of course, but given the condition as evidenced by the photographs and the applicant's previous comments, all within will be rebuilt/built including internal walls. Personally I doubt strongly whether any piece of the existing structure will remain at the end of the job, as all the material in the extension is in a poor condition due to damp etc over many years.

You state in para 5 of the Draft Members Briefing, that " the proposed works involve alterations to the rear part of the roof, and the rear elevation of the extension. It is not proposed to demolish the entire structure and rebuild it anew.". I am assuming here that you are reporting the assertions made by the applicant. Of course the applicant is not proposing to demolish the whole structure as once demolished permitted development rights would expire.

However what is proposed is a substantial part and comprehensive piecemeal demolition and a rebuilding. Nowhere in your report do you discuss whether a "rebuilding" is proposed versus a repair, and as you are aware these are important factors in planning regulation. Will the roof be removed? Will the wall at the rear be taken down? Will new internal walls be build or structural members be put in place? Did you actually inspect the site and go over these points on site with the applicant?

I am advised legally, that any complete or substantial part demolition of the building would inevitably mean that the substitute build requires planning permission (and additionally conservation area consent) and would not amount to a mere improvement or alteration.

There is a strong prima facie case to say that the building is being rebuilt, the works are so extensive as to mean that a new building is being created. Key building structures will be removed ( roof or substantial roof element, or a single structural elevation) provides a strong case to support that planning permission is required. Materiality of the key, integral works should be compared by the Council with the comparative smallness of the extension.

I suggest that Building Control and/or Camden Enforcement, as specialists, review and discuss the plans with the applicant on a site visit, and for the Officers to report to Members, whether substantial part demolition will occur, and whether key building structures will be removed and built/rebuilt—the acrow props will need to be moved for starters) and to conclude whether or not it would mean part demolition, a rebuilding, and therefore require Planning Permission. It would then be up to Camden legal services to advise, based on fact and degree, the proper course for Camden to follow.

I would be grateful if you could pass this e-mail and request to Members. I strongly suggest it would be to Camden's advantage to have this information before a decision is made on the Certificate.



Regards

Richard Fletcher FCA  
19A Belsize Crescent  
NW3 5QY

On 19 Jun 2014, at 17:21, Martin, Carlos <[REDACTED]> wrote:

Dear Mr Fletcher,

A decision on this case will not be taken until Monday evening by the Members Briefing panel. I agreed to allow you until today to submit your objection and you can rest assured that Members will consider your grounds of objection. Taking into consideration all the other representations received, they will make a final decision or refer the case to the Development Management Committee.

My recommendation report already addresses your grounds of objection, as you do not raise any new issues that have not been raised by Mr Caldwell or Ms Boardman. However, I reiterate that all representations will be considered by Members before a final decision is taken.

With regards to your Freedom of Information request, I e-mailed you on Monday 16<sup>th</sup> June to advise you that I was in the process of collecting all the relevant communications and that I shall send them to you shortly.

Kind regards,

Carlos Martin  
Planning Officer

Telephone: 020 7974 2717

---

**From:** Richard Fletcher [mailto:[REDACTED]]  
**Sent:** 19 June 2014 16:19  
**To:** Martin, Carlos  
**Cc:** Knight, Chris; Debra Townsend Townsend; TAG Architects; Ben Fletcher; Jane Boardman Boardman; Francis Caldwell; Byrne, Kathryn; Thuair, Charles; Bushell, Alex; Spinella, Gio; Vincent, Sue (Councillor); Baillie, Siobhan (Councillor); [eldred@evansandshalev.com](mailto:eldred@evansandshalev.com) Evans; Beaumont, Elizabeth; O'Connell, Sharon  
**Subject:** Re: Belsize Crescent London NW3 5QY

Thank you Carlos.

Your e-mail to me of June 2nd, gave until 19th June for the consultation period we agreed. With that understanding I submitted a letter of objection today. However I see that today you have filed the Members Briefing, which would have been in preparation well before the 19th, and this "rubber stamps" the proposal.

This falls way short of the standards of decency and fair play expected of Camden Officers.

I have reattached my letter of objection to this e-mail. You will see that the central point is not whether the works are permitted development; it is that the works require planning permission. The reasons are that the building is in such a complete state of disrepair (as evidenced by your photographs) so a substantial demolition of the building will occur. It is in effect a rebuilding, and requires planning permission. Any complete or substantial part of the demolition of the building would inevitably mean that the substitute build requires planning permission and would not amount to a mere improvement or alternation.

I strongly suggest you request a legal opinion from Camden Legal Services before any decision is taken by the Members. I also suggest that you review the legal opinion and incorporate those findings into a comprehensive briefing to the Members. And that these documents be circulated for comment by those that have objected to the application. This would be fair play after all.

As you know I have put in a Freedom of Information request to LB Camden concerning this series of applications from 21 Belsize Crescent and I am waiting for documents from you.

I suggest this whole process is proceeding with undue haste which potentially will unfairly harm those objecting to this proposal.

An option we are actively considering is to pursue LB Camden in the Courts for a legal determination whether planning permission is required. In our view it is.

I look forward to your reply. I have reattached my submission to LB Camden, dated today.

Richard Fletcher  
19 Belsize Crescent  
NW3 5QY

On 19 Jun 2014, at 14:52, Martin, Carlos <C



Dear Mr Fletcher,

Thank you for your e-mail. Applicants are entitled to amend the submitted drawings during the assessment process at officers' request before a decision is made. As previously advised, there are no statutory consultation requirements for certificate of lawfulness applications, as the merits of the proposals cannot be considered. However, I have agreed to allow for a consultation period of 21 days at your request and the application is now approaching its statutory expiry date, by which the Council statutorily has to make a decision. Allowing an additional 21 days consultation period would delay considerably the decision date and this would also be unfair to the applicants.

The application is on the agenda to be discussed by our Members Briefing panel on Monday evening, and any additional comments will be forwarded to the panel should you wish to make any submission over the weekend.

As explained in my e-mail to your agent, Mr Caldwell, the amendments to the proposals consist on removing the originally proposed alterations to the front elevation and front roofslope, areas which are covered by an Article 4, and removing the originally proposed render finish on the rear elevation. Everything else remains largely unchanged.

I am available on the number below and by email should you or any other objector require any further clarification of the revised drawings or for any other enquiries that you may have.

Kind regards,

Carlos Martin  
Planning Officer

Telephone: 020 7974 2717

**From:** Richard Fletcher [mailto: [REDACTED]]

**Sent:** 19 June 2014 13:40

**To:** Martin, Carlos

**Cc:** Knight, Chris; Debra Townsend Townsend; TAG Architects; Ben Fletcher; Jane Boardman Boardman; Francis Caldwell

**Subject:** Fwd: Belsize Crescent London NW3 5QY

Dear Carlos.

Francis Caldwell has forwarded an e-mail to me detailing an amendment to the application, dated June 18, 2014. I trust that you will now amend the Camden records to show that the application was amended on June 18, 2014, so the revised filing date is June 18, 2014. I and others would appreciate the time to be able to review this material. The applicant relies now on "repairs" when it is quite evident a rebuild is occurring given that the building is in a complete state of disrepair.

The objectors ask for a further 21 days to prepare a response so their interests from June 18, 2014, so their interests will not be prejudiced. Please confirm an extension to July 9th for further comment. Thank you

Richard Fletcher

Begin forwarded message:

**From:** "Martin, Carlos" <Car [REDACTED]>  
**Date:** 18 June 2014 16:35:25 BST  
**To:** Francis Caldwell <Fr [REDACTED]>  
**Subject:** RE: Belsize Crescent London NW3 5QY

Dear Mr Caldwell,

Thank you for your e-mail. The application has been amended and the new set of drawings is already uploaded on the website.

The proposed render to the rear has been removed, as well as any alterations to the front elevation and the front roofslope, as these areas are covered by the article 4.

The roof would be made of the colour and texture of lead.

I trust this clarifies your question. If you have any other queries, please do not hesitate to contact me.

Regards,

Carlos Martin  
Planning Officer

Telephone: 020 [REDACTED]

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**From:** Francis Caldwell [mailto:F [REDACTED]]  
**Sent:** 17 June 2014 21:02  
**To:** Martin, Carlos  
**Subject:** FW: Belsize Crescent London NW3 5QY

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**Subject:** RE: 21 Belsize Crescent London NW3 5QY

Dear Mr Martin,

The application does not say how much render is being replaced. It does not say the colour of the roof and neither do I know the texture details ? Can you provide or request any further information, because I want to try ascertain the full extent of the works proposed and whether it is a complete new build.

Regards

Francis Caldwell

**Aragon Land and Planning Ltd.**  
The Old Coalhouse  
28a Rosamond Road  
BEDFORD  
Beds  
MK40 3SS

T 01234 360655  
[REDACTED]

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**From:** Martin, Carlos [mailto:C [REDACTED]]  
**Sent:** 17 June 2014 16:49  
**To:** Linda Clements  
**Subject:** RE: Belsize Crescent London NW3 5QY

Dear Ms Clements,

Thank you for your objection.

Kind regards,

Carlos Martin  
Planning Officer

Telephone: 020 78 [REDACTED]

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**From:** Linda Clements [mailto:L [REDACTED]]  
**Sent:** 17 June 2014 09:11  
**To:** Martin, Carlos  
**Subject:** Belsize Crescent London NW3 5QY

Dear Mr Martin

Please see attached revised Objection letter to the correspondence that was sent out to you last night.

I trust this is in order.

With kind regards,

Linda Clements  
Executive Assistant to Francis Caldwell

Aragon Land and Planning Ltd  
The Old Coalhouse  
28a Rosamond Road  
BEDFORD  
BEDS  
MK40 3SS  
01234 360655

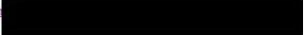


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-----Original Message-----

From: [OpsCopier@ipprugeley.com](mailto:OpsCopier@ipprugeley.com) [mailto:  
Sent: 17 June 2014 09:07  
To: Linda Clements  
Subject: Message from ops copier

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## Akhaja, Jagdish

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**From:** Jennifer Brown <jbrown@belsize.co.uk>  
**Sent:** 20 June 2014 10:32  
**To:** Martin, Carlos  
**Subject:** 21 Belsize Crescent

Hi Carlos

Further to our correspondence earlier this week regarding the extent of the repair work. I've had a good look through my photos and have mapped out the construction sequence with the client. I've copied the concluding email text below and highlighted the re-use of the existing structure.

The summary is that the basic shell, floor slab, brickwork walls to front and rear and the majority of roof timbers are all in good enough condition to stay in place.

- Maintain existing slab and foundations and locally prepare new foundations if necessary.
- Re-support existing ridge beam on the new dividing wall.
- Check condition of existing brickwork to front wall, repair where necessary to ensure it can support the roof structure. Inject damp proof course.
- Check condition of existing brickwork to rear wall nibs, repair and infill where necessary. Temporarily prop existing rafters and remove central brickwork and existing windows to form new rear opening. Install padstones to each wall nib and install new steel lintel over opening.
- Check condition of all existing rafters, and strengthen them to meet current standards as necessary, probably by coupling them to new rafters. Create the two new roof light openings.
- Remove existing roof finish, probably including existing sarking boards judging by the photos. Install new roof lights, sarking boards and breather membrane.
- Replace existing roof finish. Replacement must be like for like at the front and ridge but can be with lead to the rear which would look more handsome and permanent.
- Install new timber framed concertina doors to rear elevation.
- Repair or replace existing fascia boards and guttering.
- Insulate roof with mineral wool insulation and front and rear elevations with aluminium backed insulation, plasterboard and skim coat.

I could put this into text into our planning statement with some photos, if that would be of use to our application?

Kind Regards

Jenny

**milk** architecture & design  
342 old street  
shoreditch london ec1v 9ds

[www.splashofmilk.com](http://www.splashofmilk.com)

#### Case officer response to additional objections

1. The main concern raised in these objections is that the necessary repair works to the structure of the extension may involve a substantial demolition of the structure and consequently that the extension would be rebuilt, which would require planning permission.
2. The fact that demolition or substantial demolition does require planning permission in this case is not disputed. A technical inspection of the extension by the Council has not taken place during the assessment of the application, nor is such an inspection a requirement. The applicants, however, have submitted an additional statement stating that the basic shell, floor slab, brickwork walls to front and rear and the majority of roof timbers are all in good enough condition to stay in place.
3. The works that are being assessed in this application are those described in para. 4 and 5 of the case officer's report. These works constitute development and this application is seeking to establish if they fall within the meaning of "permitted development". These works do not involve the demolition of the extension.
4. Repair and maintenance works that do not materially affect the appearance of the building are not considered "development" according to Section 55 (2) of the Town and Country Planning Act 1990 as Amended. The applicants' state in their application that some repair works to the structure of the extension will be necessary. However, these do not form part of this application by reason of not being development. Whether the necessary repair works to the structure would involve a complete or substantial replacement of the structure is not being assessed by this application and entering into a technical debate of such a nature would be outside the scope of this "permitted development" assessment.
5. Given the absence of a technical inspection by the Council regarding the state of the structure, it is acknowledged that the objectors' concerns may be well founded. It is therefore suggested that an informative be added to the decision notice reminding the applicants that the demolition or substantial demolition and replacement of the structure of the extension would require planning permission and that further advice is sought if during the works it becomes evident that a substantial replacement of the extension is necessary.
6. It is also raised that the existing Article 4 direction, which removes certain permitted development rights, removes any works within Schedules A and C. This is not correct. Only works of Classes A and C affecting the elevations and roofslopes facing a highway are removed.
7. Suggested informative
  1. You are reminded that the works authorised by this certificate and considered to be permitted development are only those specified in the approved drawings. You are advised that the demolition or substantial demolition and replacement of the extension would require separate planning permission. You are advised to contact the Local Planning Authority if any such demolition is necessary before works start on site.