[redacted]

Recorded Delivery

4th February 2014

Hugh Miller
Regeneration and Planning
Development Management
London Borough of Camden
Town Hall
Judd street
London WC1H 8ND

Dear Mr Miller

Case Ref: 2014/0150/P

I am writing to object to the granting of the planning application above, for the following reasons....

1. The proposed steel structure, atop a brick-built building, is not in keeping in design and appearance with the existing building or conservation area. See (Enc 1) Appeal Rejection by The Planning Inspectorate dated 24/06/2013 stating that "*the proposal would harm and fail to preserve the character and appearance of the Denmark Street Conservation Area - contrary to Core Strategy policy.*"

2. There is no allocation to social housing in the proposal. There is already a saturation of residential accommodation in this small area, consisting of numerous blocks of flats as well as the Almacantar proposal to turn Centre Point House, opposite, into *hundreds* of luxury flats.

3. This building is not built on solid foundations but is suspended on a number of narrow columns over a car park (Enc. 2). It will not support any *load-bearing* 5th floor development.

4. This building has an inherent design defect resulting in considerable ongoing damp and mould problems in all flats. Rosemary Westbrook, Camden's Director of Housing; Sue Vincent, Chair of Camden's Development Control Committee and Camden's Legal Department are all aware of this and the defect has been acknowledged by Camden Council - reference (Enc 3) 2009/10 Horton Levi report commissioned by Camden which:

- "*Confirmed that water entry is originating at each floor level brick/slab interface. The thermal images also support this and show the spread from the slabs. With no means of escape, the rain water is soaking into the inner wall blocks causing internal damp.*
- *There are no weep holes in the base frames of windows - which were filled with water.*
- *There is no insulation in the cavity walls*".

To date no action, on the *2009/10 Horton Levi recommendations* (Enc. 3) to rectify the defects above and alleviate the damp, mould and insulation problems endured by tenants, has been taken. It is therefore completely untenable that *any* development on top of such a defective building should take place.

5. The Extraction/Ventilation system ends on the roof as 46 "chimneys" (Enc 4). This cannot be built on as any sub-channelling through floors will render it useless. All flats have inner kitchens without frontline windows, so extraction is vital. As it is, this system is very inefficient and all flats suffer from significant damp problems which is also due to major defects in the cavity walls of the building - see point 4 above.

6. There is currently no access for disabled persons from the 3rd floor to 4th floor, or in the proposal, to the 5th floor.

7. There will be a negative impact - of 12+ extra persons - on the sewage and waste disposal systems of the building which already cannot cope with the 'existing' numbers e.g. constant chute blockages.

8. The *protected* trees in historic St Giles Churchyard over-hang the roof of No 45 (Enc 5) and would have to be cut back to (a) facilitate the construction and (b) every summer when the dense foliage would impede the light and air of the new flats.

Sincerely

Enc 1

The Planning Inspectorate

Appeal Decision

Site visit made on 24 June 2013

by N McGurk BSc (Hons) MCD MBA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 16 July 2013

Appeal Ref: APP/X5210/A/13/2190100
45 New Compton Street, London, WC2H 8DF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by 45 New Compton Street Improvement Company Ltd against the decision of the Council of the London Borough of Camden.
- The application Ref 2012/3957/P, dated 29 June 2012, was refused by notice dated 27 September 2012.
- The development proposed is an additional storey (fifth floor) on top of an existing 5-storey block of flats comprising three additional flats.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are the effect of the development proposed on the character and appearance of the Denmark Street Conservation Area; its effect on the living conditions of neighbouring occupiers, with regards to privacy, outlook and daylight; and whether planning obligations are required to secure a construction management plan and car free housing, in the light of planning policy.

Reasons

Character and Appearance

3. The appeal property comprises a tall residential building located on New Compton Street, close to the street's junction with St Giles High Street. The relatively simply designed property sits within the Denmark Street Conservation Area. The surrounding area is mixed use and is characterised by a mix of residential, commercial and community buildings, including a St Giles, a Grade I listed church, to the rear/west of the appeal property; Pendrell House, a block of flats to the south of the property; and 61-64 St Giles High Street, to the north of the property, a four storey terrace comprising residential properties above ground floor commercial uses. Also visible to the north of the appeal site are a number of new, very tall blocks of commercial and residential buildings.

4. Buildings are built to the edge of pavement along New Compton Street. This, combined with their height, affords the street a densely developed and highly

urban character. Views from the street upwards provide some relief from the dense urban form at ground level and during my site visit I noted that the street's roofline helps to define the character of the area. The largely flat roofs, common to the buildings on the same side of the street as the appeal property, afford some uniformity to the street, despite differences in the appearances of façades.

5. The proposed roof extension would largely fill the roof of the property, but with narrow setbacks to the south and east sides and slightly larger ones to the north and west. Its height would lead the extension to appear notably taller than No 42 New Compton Street, adjacent. I find that this, combined with the complex roof design proposed, would result in a development that would fail to respect and would therefore appear detrimental to the immediate roofline of the street.

6. I find that the proposed roof, with its mix of part barrel and overhanging canopy, part shallow pitch would combine with the overall scale of the development proposed to result in an overly large, prominent and bulky extension. This would not appear subordinate to, but would dominate the host property. Furthermore, I consider that the unorthodox and complex design of the proposal would contrast with and fail to reflect, the more simple design of the existing building. Consequently, it would appear out of keeping with the host property, exacerbating the prominence of the proposed development, to the harm of the appearance of the area.

7. In support of its case, the appellant refers to the roof extension appearing "de minimis" and of very limited impact, when compared to the much higher and bulkier buildings located to the north of the site. However, rather than provide a precedent for the proposal, these other buildings are fundamentally different in height and scale to the appeal building and its immediate neighbours. In this regard, I find it appropriate that the appeal property should remain in keeping with its immediate context, rather than seek to respond to buildings further away, and with which it shares little or no characteristics.

8. Taking the above into account, I find that the proposal would result in harm and thus fail to preserve the character and appearance of the Denmark Street Conservation Area. This would be contrary to Core Strategy[1] policy CS14 and Development Policies[2] policies DP24 and DP25, which together amongst other things, seek to protect local character and heritage assets.

9. Rather than make the positive contribution desired by paragraph 131 of the Framework, the proposal would harm local character. The harm caused would be significant in terms of the immediate context of the proposal, but is less than substantial in the context of the Conservation Area as a whole. In these circumstances, paragraph 134 of the Framework requires the harm to be weighed against any public benefit. Whilst the appellant suggests that the design of the proposal is appropriate, I have found this not to be the case. The appellant also states that the proposal would provide additional housing and utilise previously developed land. Whilst I acknowledge these points, they do

[1] Camden Core Strategy and Development Policies (Adopted November 2010).
[2] Camden Core Strategy and Development Policies (Adopted November 2010).

not equate to public benefits that would outweigh the identified harm to the Conservation Area, a designated heritage asset.

Living Conditions

10. The proposed roof extension would include roof terraces. The proposed roof terrace closest to Pendrell House would be around 10 metres distant and would provide some scope for overlooking. However, I agree with the Council's consideration that a condition requiring a privacy scheme could appropriately deal with this issue. In the light of no other matters relating to privacy being raised by the Council, I am satisfied that the proposed development would not lead to a harmful impact on the living conditions of neighbours in respect of privacy. I acknowledge that the appellant has provided a relevant model condition in this regard.

11. During my site visit I viewed the appeal property from the rear windows of No 63A St Giles High Street. The Council, in considering the appeal, stated that the proposal would not cause any significant harm to residential occupiers of St Giles High Street through loss of daylight or impact on outlook. However, during my site visit I noted that, even with a 3 metre setback, the proposed additional storey and its bulky roof would impact upon the outlook from rear windows of those properties along St Giles Street, such as No 63A, closest to the appeal property. In this regard, I find that the proposed development would further reduce what is an already constrained outlook and would appear overbearing.

12. Furthermore, and following my site visit, I find that the proposed increase in height would, due to its close proximity, reduce the amount of daylight entering into those windows on St Giles Street which face the appeal property. In the absence of any substantive evidence, either by the Council or the appellant, to demonstrate that this would not be the case, I find that this would result in harm.

13. Taking all of the above into account, I find that the proposal would have a detrimental impact on the living conditions of neighbouring occupiers with regards outlook and daylight. This would be contrary to Core Strategy policy CS5 and Development Policies policy DP26, which together amongst other things, seek to protect the amenity of neighbours. It would also conflict with the Framework, which requires development to contribute positively to making places better for people.

Planning Obligations

14. The Council states that it takes a "pragmatic" view as to whether a condition or planning obligation is the most appropriate mechanism for securing a construction management plan. I find that such a plan could be provided for by means of an appropriate condition. Consequently, there is nothing that leads me to consider that related risks to highway safety and general amenity could not be identified and managed appropriately. I therefore find no conflict with the Core Strategy or Development Plan in this regard.

15. The appellant, in support of his case, suggests that a commitment to car free housing can be secured by condition. Whilst the appellant provides a model condition, I am mindful of the Council's comment that such a condition would

not be easily enforceable because the Council cannot unilaterally withhold requests for parking permits. In this regard, I recognise that a planning condition requiring residents not to apply for a parking permit may not be possible to enforce.

16. Consequently, I find that requiring a condition rather than a planning obligation in respect of a commitment to car free housing would not achieve the desired outcome. Under such circumstances, if the proposed development were to go ahead, there would be scope for future residents to apply for, and receive, parking permits. This would be likely to result in the proposal contributing to parking stress and congestion, contrary to Core Strategy policy CS11 and Development Policies policy DP18, which together amongst other things, seek to minimise congestion and encourage car free development.

Other Matters

17. In support of its case, the appellant refers to high levels of housing demand and considers that the proposal will contribute to housing supply. This is a factor in favour of the proposal, but it does not outweigh the harm identified.

18. The appellant considers that an appeal decision at Gower Mews[3] provides a comparable precedent for the proposal. However, I note that the proposal in that case involved a three storey building and a significantly different type of roof and that character and appearance did not form the central part of the Council's grounds for refusal. Consequently, I find that it does not provide a directly comparable proposal.

Conclusion

19. For the reasons given above, the appeal does not succeed.

N McGurk

INSPECTOR

[3] APP/X5210/A/11/2145300.


Enc 2

Enc 3

EXPERT REPORT ON DAMPNESS

EXPERT EVIDENCE REPORT OF
PATRICK BERNARD REDDIN FRICS, FBEng, ACIH
Chartered Building Surveyor and Corporate Building Engineer
INSTRUCTED BY the London Borough of Camden

Specialist Field:	Building Defects Investigation, Claims and Disputes
Assisted By:	Richard Fitch, Horton & Levi for Thermal Imaging and intrusive inspection of walls
Instructed by:	The London Borough of Camden
Subject Matter:	Housing Disrepair
Site Address:	**45 NEW COMPTON STREET., LONDON, WC2H 8DF**
Inspection Date:	13 & 15 October 2009, 1 & 7 February, 13 May & 29 June 2010
Report Prepared By:	Patrick Reddin, FRICS, FBEng, ACIH **Reddin & Company Limited** *Chartered Building Surveyors and Corporate Building Engineers* No1 The Broadway London N8 8DU Tel: 020 8348 4674 Fax: 020 8340 7653
Instruments Used:	Protimeter MMS (for moisture content) Protimeter Digital Thermohygrometer (for humidity) Martindale Tester and Kewstick One power detector (for electrical outlets)

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APPENDICES

REPORT # RF/10/605
THERMAL IMAGING SURVEY
45 NEW COMPTON STREET
LONDON WC2

FOR

REDDIN & COMPANY LTD
CHARTERED BUILDING SURVEYORS
1 THE BROADWAY
LONDON
N8 8DU

BY

HORTON LEVI LTD
8 BEACH CLOSE
(ENGINEERING)
MUNDESLEY
NORWICH
NR11 8BH

Tel: 01263-722522

01 February 2010

Horton Levi Ltd – Thermographic surveys, Building Inspection Services

8 Beach Close (Engineering)
Mundesley
Norwich.
NR11 8BH

Tel: +44 (0)1263 -722522
e-mail: enquiries@hortonlevi.co.uk

Site Visit – Survey Report H.L. Survey Ref: RF 605

Issued for information only

Contract:	Reddin & Company	**PO# Letter of Appointment**
Location:	45 New Compton Street	Report Date: 08/02/10
Visit by:	R. Fitch, Horton Levi Ltd	Visit # 1 – 01/02/10 Visit # 2 – 07/02/10

Purpose: The purpose and scope of the survey was to film all vertical elevations to record thermal data for heat loss, damp using Thermal Imaging Equipment.

Site Contacts:
Works Contact: Patrick Reddin

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REPORT # RF/10/627
ENDOSCOPIC INSPECTION
14859/PBR - 45 NEW COMPTON STREET
LONDON WC2

FOR

REDDIN & COMPANY LTD
CHARTERED BUILDING SURVEYORS
1 THE BROADWAY
LONDON
N8 8DU

BY

HORTON LEVI LTD
8 BEACH CLOSE
(ENGINEERING)
MUNDESLEY
NORWICH
NR11 8BH

Tel: 01263-722522

13 May 2010

Horton Levi Ltd – Thermographic surveys, Building Inspection Services

8 Beach Close (Engineering)
Mundesley
Norwich.
NR11 8BH

Tel: +44 (0)1263 -722522
e-mail: enquiries@hortonlevi.co.uk

Site Visit – Survey Report H.L. Survey Ref: RF 627

Issued for information only

Contract:	Reddin & Company	**PO# Letter of Appointment**
Location:	45 New Compton Street	Report Date: 08/02/10
Visit by:	R. Fitch, Horton Levi Ltd	Visit # 1 – 01/02/10 (Flat 14) Visit # 2 – 07/02/10 (IR Survey) Visit # 3 – 13/05/10 (Endo Insp)

Purpose: The purpose and scope of this survey was to inspect the wall cavities for insulation in pre-selected flats.

Site Contacts:
Works Contact: Patrick Reddin

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REPORT # RF/10/633
CAVITY INSPECTION / BRICK REMOVAL
14859/PBR - 45 NEW COMPTON ST.
LONDON WC2

FOR

REDDIN & COMPANY LTD
CHARTERED BUILDING SURVEYORS
1 THE BROADWAY
LONDON
N8 8DU

BY

HORTON LEVI LTD
8 BEACH CLOSE
(ENGINEERING)
MUNDESLEY
NORWICH
NR11 8BH

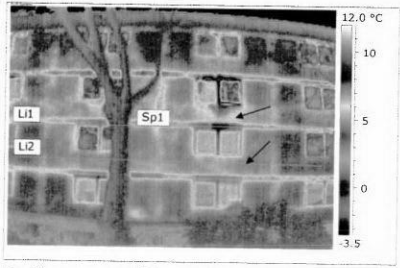
Tel: 01263-722522

29 June 2010

Survey Findings

Photograph 2 – West Elevation, arrows point to locations where bricks were removed.

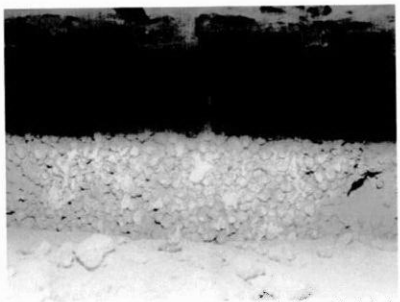
Infrared Image 1 – Centre of image is flat 18.



This section of cavity, upper arrow, (Yellow) had NO Insulation.

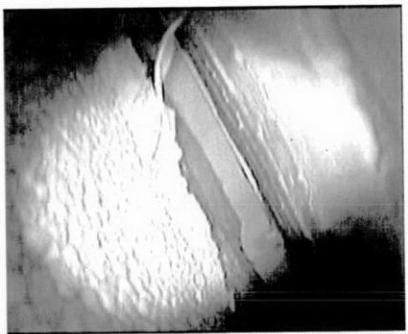
Red and Yellow are high heat loss areas. Endoscopic and brick removal inspections determined that there are significant insulation voids. It is very possible that these are the areas where there is little or no insulation.

Photograph 2 – Flat 18

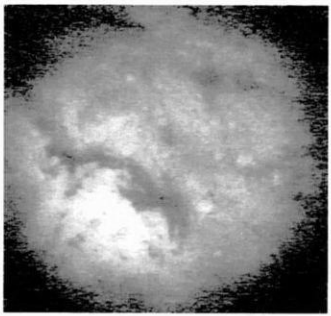


Close view of cavity where outer brick was removed. The inner block is the background. A small infrared camera was inserted and the 360 deg view showed an empty cavity. This section of cavity, within the range of the camera, had no insulation. Mortar filled holes were visible where insulation was supposedly blown in. The cavity width was 65mm.

Infrared image of cavity. Flat 28



A small infrared camera was inserted in the cavity where the brick had been removed. This image is looking up to the base of the window sill DPC. (block work on left)



All Endoscopic filming was viewed in a 360° rotation to provide a 1 metre view. The light source is reflected by mortar droppings and over exposes the recording. Detail was however clear on a visual only Endoscopic view.

Summary

All occupiers of the flats inspected complained of damp walls and decoration damage. The damp was confirmed on external elevations with a conventional damp meter. The image below, extracted from the February 2010 thermographic survey, clearly shows moisture spread inside the cavity down from each floor slab. (arrow)

Infrared Image 6

The Endoscopic images taken for this report showed mortar rubble at the base of the cavity. No cavity tray was visible and no weep holes for water to escape were visible externally. Thermal image 6 suggests water entry is above and below the floor slabs.

Photograph 3 – Close view of Flat 18 – No weeps holes visible.

With regard to cavity wall insulation, Rockwell wool or blown in bead insulation would have most likely be used in the 1960's. 50mm Wall board insulation was used commonly much later and clearly fitted at the time of construction. The wall cavities inspected had no obvious insulation and no evidence of retaining rings on the ties normally used to hold wall boards in place.

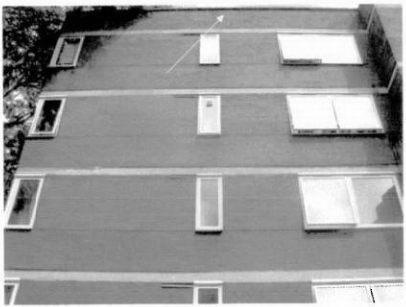
It is clear by the damp walls in the flats and the thermal image data that water is entering the wall cavities. There were no obvious weep holes in the outer leaf to allow drainage and no obvious Endoscopic / visible evidence of a cavity tray above each floor slab. It may be a useful exercise to remove a brick one course above a floor slab to investigate what provision for water escape, if any, has been designed.

Many of the thermal images showed anomalies under the windows that are associated with water ingress spreading down the wall cavities. The windows are not thought to be original and may not have a DPC provision (or damaged) at the base bridging the wall cavity. This would be worth investigating.

Photograph 9

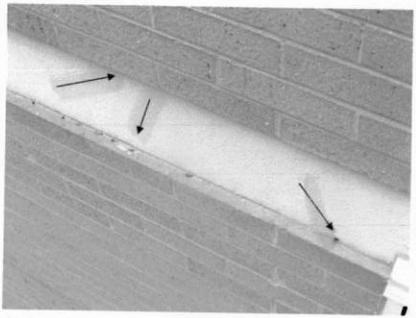
The arrow points to the typical condition of the render / brick interface. A large cavity next to the window will allow wind driven rain in and past the bricks with the open holes. A waterproof filet along this step would prevent water ingress.

Photograph 10



The parapet coping slabs should be checked. Typically when old they allow water to enter the cavity.

Photograph 7 – Brick Holes partly exposed where the bricks are stepped out from the slab render. Water will enter the bricks.

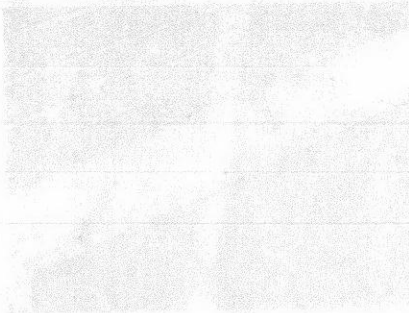


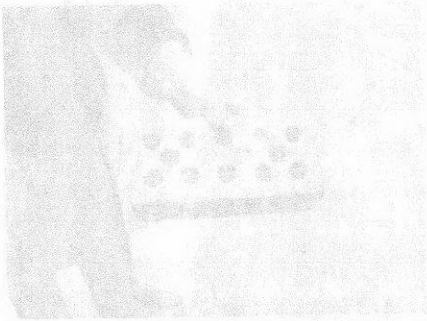
Photograph 8 – Cored Bricks.

The bricks that were removed have holes (cored bricks), shown in the above photograph. In this case, only two of the ten holes had mortar fill. The yellow line annotated along the brick is to illustrate that the uncovered projection can allow water entry.

A water proof filet along the top of all brick sections or flashing is suggested.

Photograph 7- the top arrow points to the base of the bricks. This is also a weak area as there is no drip groove and rain water can travel back and under the bricks where mortar has failed. Repaired areas were noticed in a number of places. A similar filet should be considered here also.





Summary

All occupiers of the flats inspected complained of damp walls and decoration damage. The damp was confirmed internally on external elevations with a conventional damp meter. The image below, extracted from the February 2010 thermographic survey, clearly shows moisture spread inside the cavity down from each floor slab.(arrow)

This latest inspection confirmed that water entry is originating at each floor level brick / slab interface. The thermal image below also supports this and shows the spread from the slabs.

Infrared Image 2

With no means of escape, the rain water is soaking into the inner wall blocks causing internal damp.

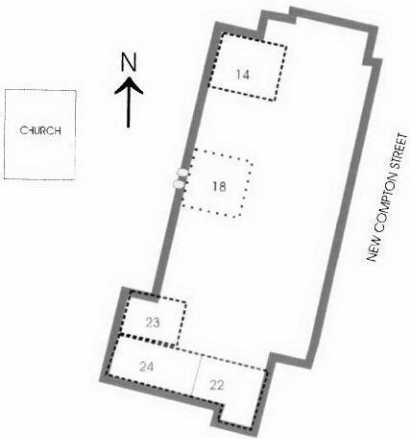
The following suggestions are offered for consideration:

1. Run a waterproof filet at the top and bottom interface with the floor slab band and the bricks walls.
2. Fit weep hole inserts at the base of each brick wall section.
3. Check the parapet coping slabs for mortar condition and drip off provision.
4. Insulation was only found in one of six locations inspected. It is clear from this that there must be large areas that have no insulation despite the capped filler holes. An Endoscopic image at each filler borehole location would determine the extent of missing insulation and provide information for an insulation company to fill the void areas only.

Enc 4

Enc 5

Figure 1 – Plan sketch, not to scale or accuracy, for survey reference only.
Dotted boxes are approximate locations of flats previously inspected.



Yellow circles indicate horizontal positions where bricks were removed.

Survey Details

This is a report on the conditions prevailing at the time of the survey.

The previous Endoscopic wall cavity survey was conducted from within four individual flats by drilling bore holes through the inner block leaf.. No cavity insulation was detected in any of the locations. All flats inspected had damp issues, mainly at the base of the inner walls on external elevations.

Owing to the limited view of Endoscopic equipment, it was decided that a brick be removed from the external leaf a few courses up from the floor slab to allow a view of a possible cavity tray and insulation.. The chosen locations were Flat 18, where problems had been confirmed, and Flat 6 directly beneath. Higher floors were out of reach with the lift.

Weather Conditions during the survey: 22°C, sunny, dry. There had been no recent rain.

Photograph 1

Measured wall cavity width was 65mm in both locations.