

## By Post and Email

Regeneration and Planning  
Development Management  
London Borough of Camden  
Town Hall  
Judd Street  
London WC1H 8ND  
For the attention of Obote Hope

Flat 2  
38 Elsworthy Road  
London  
NW3 3DL  
10 August 2014

Dear Sirs

**Application Ref 2014/4504/P - Associate Ref 2012/4384/P**

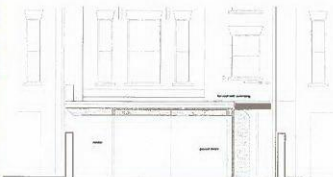
**Site Address: Garden Flat 38 Elsworthy Road London NW3 3DL**

**'Minor amendment to extent projecting canopy to side of extension pursuant to granted permission reference 2012/4384/P for: erection of conservatory and residential outbuilding within garden at rear of existing flat (Class C3)**

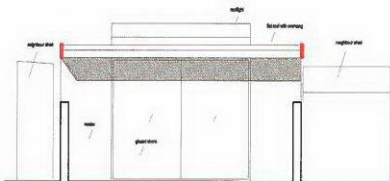
Following receipt of your letter of 1 August 2014 (received on 7 August 2014) advising of the above request to amend application 2012/4384/P, we wish to submit this letter formally objecting to the request.

On the 29<sup>th</sup> September 2012 we expressed our objection to the original application. We believe that the now constructed, over scaled and poorly designed structure justifies our cause for concern at that time. A copy of that letter together with subsequent email correspondence should be available for review on your files. Given that we strongly believe the 'as built' development is detrimental to both the Conservation Area and to ourselves and neighbouring properties, we do not believe that retrospective approval is appropriate and should not be awarded.

Whilst this application is seeking approval to an increase in the size of the roof of the Conservatory extension, the fascias of the Garden Building overhang the boundaries of both adjoining properties for which we understand third party approval has not been received. Should a request for this increase in area also be submitted?



*Extent and location of as built roof area outside scope of current planning approval*



*Fascias to Garden Building overhang boundaries with neighbouring properties and are not as detailed on planning application drawings. Does this change also require an application to amend the original permission?*

In addition to raising our objection to this amendment we wish to formally express our concern at the failure of the applicants to fully comply with the conditions of the original planning approval. Of particular note, this sets out in detail the requirement to install a 'green roof' to the garden building prior to its occupation. This structure is now fully operational and with all building related works now complete and the site 'tidied' there is no indication that its installation will be forthcoming

Related to this matter we wish to request reasons why a green roof was required for the Garden Building but not the 'Conservatory' extension. This is similar in area and given its low grade finish of mineralised roofing felt is equally unattractive, particularly in the context of a development within a Conservation Area. Given the nature of the roof detailing to the extension, we would also like to question the use of the term 'conservatory'. An accepted description of such is that it is principally a glazed structure, traditionally used for growing plants. Current planning / building regulation legislation is no longer prescriptive on internal uses but accepted guidance on the degree of glazing contained within the structure indicates that a conservatory would have at least 50% of its external wall area and 75% of its roof area formed from translucent materials (excluding walls within 1 metre of a boundary). A flat, felt roof, with a minimal area of roof lighting would not appear to be in accord with a 'conservatory' extension. The requested additional roof area does little to change the current situation.

Over recent weeks we have been in frequent contact with your planning officer John Nicholls and we hope that objections are seen to be well founded and fully considered when reviewing this retrospective application. We believe the reality of the development 'as built' is telling and would like the opportunity to meet the case officer on site to discuss its implications.

We look forward to your reply.

Yours faithfully

Andrew Tindsley CMLI

Owner Flat 2, 38 Elsworthy Road

Information in support of objection to: Application Ref 2014/4504/P

Associate Ref 2012/4384/P Site Address: Garden Flat 38 Elsworthy Road London NW3 3DL

*'Minor amendment to extent projecting canopy to side of extension pursuant to granted permission reference 2012/4384/P for: erection of conservatory and residential outbuilding within garden at rear of existing flat (Class C3)*

**Grounds for consideration in the rejection of the requested amendment. Adjusted text based on original letter of objection 29 September 2012**

**2.Non Compliance with Camden Planning Policy with regard to the Elsworthy Road Conservation Area Appraisal and Management Strategy, and general planning guidance adopted by the Borough.**

Whilst other studios have been constructed within the gardens of numbers 34 and 40 we do not believe that these should set a precedent for the introduction of such structures throughout the Elsworthy Road Conservation area. These buildings detract from the 'leafy' landscape character of the area and are of little architectural merit, detracting from the inherent architectural quality of the Conservation Area.

The as built structure at No 38 is larger and more visually intrusive than those at numbers 34 and 38. Should every occupier of this row of houses build to similar footprints, the results will have a dramatic effect on the Conservation Area

*Extract from Conservation Area Appraisal - Spatial Qualities*

*3.7 The area's spatial character derives from the spacious leafy streets and generously laid out plot sizes.*

By eroding the proportion of green space available within the area this will in turn have a negative effect on bio-diversity, rain water run-off and drainage. The as built structure has significantly reduced the amount of garden space. The proposed additional roof area further reduces this space. The hard surfaced roof finish allows water to quickly run-off, placing additional pressure on the local surface water drainage system and preventing water from percolating into the immediate substrate.



*Before and after images indicating loss of garden space*

*Ref DP 24 Securing High Quality Design*

*24.19 New developments should respond to the natural assets of a site ... Extensions and new developments should not cause the loss of any existing natural habitats, including private gardens.*

Whilst the current owners had removed all traces of the original garden, the green space still constituted a significant open area which could have once again contributed to the natural environment. The new development clearly removes a significant proportion of this space. Correctly designed, installed and maintained planted 'green roofs' can make a contribution to the loss of habitat / green spaces. Whilst in part a condition of the planning approval they do not appear to be being installed as part of the development.

*24.20 Development within rear gardens and other undeveloped areas can often have a significant impact upon the amenity and character of an area. Gardens help shape their local area, provide a setting for buildings and can be important visually. Therefore they can be an important element in the character and identity of an area (its 'sense of place'). We will resist development that occupies an excessive part of a garden, and where there is a loss of garden space which contributes to the character of the townscape.*

It is hard to make a case for the 'as built' structures making a positive contribution to the character of the Conservation Area. The following photograph describes a development which is at odds with the aspirations of the planning guidance. The materials and construction are utilitarian and of little architectural merit. Standing water indicates poor design / construction.



*Ref DP 25 Conserving Camden's Heritage*

*In order to maintain the character of Camden's conservation areas, the Council will:*

*a) take account of conservation area statements, appraisals and management plans when assessing applications within conservation areas; ?*

*b) only permit development within conservation areas that preserves and enhances the character and appearance of the area; ?*

*e) preserve trees and garden spaces which contribute to the character of a conservation area and which provide a setting for Camden's architectural heritage. Camden has a duty under the Planning (Listed Building and Conservation Areas) Act 1990 (section 69 and 72) to designate as conservation areas any "areas of special architectural or historic interest, the character or historic interest of which it is desirable to preserve or enhance" and pay special attention to the preserving or enhancing the character or appearance of those areas. ?*

*Extract from Conservation Area Appraisal*

*3.5 This character as a wealthy residential suburb has remained to the present day. There is no real ingress of other uses, with commercial activities being located to the north-east in Swiss Cottage.*

The garden structure will have a direct visual relationship with the internal living area (bedroom) of Flat 2. This will significantly reduce the degree of privacy which currently exists. Unlike the garden space, the proposed studio may be used at all times of the day and night, with illumination during the hours of darkness creating further visual intrusion and loss of amenity to Flat 2.

*Window blinds were a condition of the planning approval. These have not been installed prior to occupation. The sloping roof as indicated in the original application was changed to flat. This change was not made aware to us as part of the original application planning process.*





### 13.0 MANAGEMENT OF CHANGE Investment and Maintenance

13.1 The appraisal has indicated that the character of the Elsworth Conservation Area is generally of a high standard, though could be vulnerable to negative change from incremental unsympathetic development or additions by individual householders. Even the smallest of changes can have a cumulative adverse and negative impact on the character and appearance of the area.

This development would appear to have a negative change, exacerbated by the further request to increase the area of roof.

#### Ref DP26 – Managing the impact of development on occupiers and neighbours

The Council will protect the quality of life of occupiers and neighbours by only granting permission for development that does not cause harm to amenity. The factors we will consider include:

- a) *visual privacy and overlooking*; The garden studio has resulted in the loss of privacy in our bedroom / living areas. The decorative lighting associated with the Garden Studio creates a further loss of amenity for existing residents
- b) *overshadowing and outlook*; The outlook has changed from garden to business in the heart of a residential neighbourhood.
- d) *noise and vibration levels*; The garden building is associated with the fabrication of 'artistic' works which will potentially create further problems
- e) *odour, fumes and dust*; The garden building is associated with the fabrication of 'artistic' works which will potentially create further problems

#### Extracts from Conservation Area Appraisal

25.5 The value of existing gardens, trees and landscaping to the character of the borough is described in DP24 – Securing High Quality Design, and they make a particular contribution to conservation areas. Development will not be permitted which causes the loss of trees and/or garden space where this is important to the character and appearance of a conservation area.

The Design and Access Statement also makes reference to the London Borough of Camden's approach to Biodiversity. The applicant's proposals remove green space with no apparent mitigating measures and as such appear to be wholly at odds with current guidance.

A green roof is a condition of the planning application. Whilst the building is now occupied and operational, there are no signs of the planted roof. A green roof was not required on the 'Conservatory' Extension. Given its scale, why not?

### **3. Insufficient information relating to character, materials and colour of the proposed structures.**

The package of illustrative information submitted as part of the planning application contains little detail and fails to adequately describe the design intent of the proposals. Given the sensitivity of the location such matters should not be left to be agreed as 'reserved matters'.

Camden planning policy stresses its desire to achieve high quality design solutions and the qualities of the proposed development cannot be judged from the information currently available.

#### Extract from Conservation Area Appraisal

13.15 High quality design and high quality execution will be required of all new development at all scales. It will be important that applications contain sufficient information to enable the Council to assess the proposals.

From the built development, particularly the roofscape, it is hard to envisage how the materials and finishes received approval. Were such details submitted and approved? The roof materials, guttering, fascias and soffit detailing is particularly poor.

#### 4 Ownership issues relating to built development not within the control of the applicant.

The current conservatory extends vertically beyond the demise of the ground floor area. No formal request has been made seeking approval from the Freeholder, 38 Elsworthy Road Limited, or the owner of Flat 2 to take advantage of this aspect of the building. From the illustrations submitted, it is unclear how the new works will affect current ownerships. The works are also likely to inhibit the opportunity for Flat 2 to construct a small balcony and may affect future maintenance to the rear external elevations of the overall building.

Whilst this is not a Planning Authority issue, no approval was requested or forthcoming from other joint freeholders. The scale of the roof extension now creates difficulties for the erection of scaffolding, necessary for the maintenance of the total building.

