

## 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**

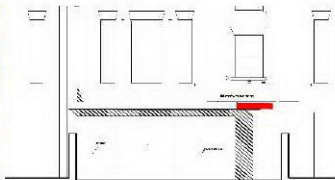
**Site Address: Garden Flat 38 Elsworthy Road London NW3 3DL**

**'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)**

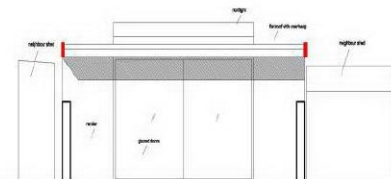
Following receipt of your letter of 1 August 2014 (received on 7 August 2014) advising of the above request to amend application 2012/4384/P, we wish to submit this letter formally objecting to the request.

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 Elsworth Road [andrew.tindsley@bdp.com](mailto:andrew.tindsley@bdp.com) tel 07768 200186

**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.



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; ?

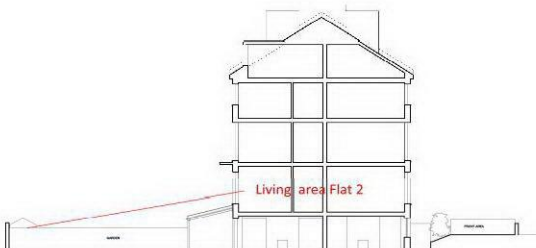
e) preserve trees and garden spaces which contribute to the character of a conservation area and which provide a setting for Camden's architectural heritage. Camden has a duty under the Planning (Listed Building and Conservation Areas) Act 1990 (section 69 and 72) to designate as conservation areas any "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*

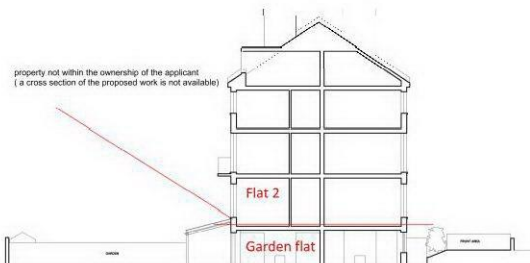
*13.15 High quality design and high quality execution will be required of all new development at all scales. It will be important that applications contain sufficient information to enable the Council to assess the proposals.*

*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 Elsworth 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.



  
**From:** Tindsley, Andrew <  
**Sent:** 10 August 2014 15:49  
**To:** Nicholls, John; Hope, Obote; Planning  
**Cc:** Freeman, Roger (Councillor); Beaumont, Elizabeth  
**Subject:** 38 Elsworthy Road: Application Number Application Ref 2014/4504/P - Associate Ref 2012/4384/P  
**Attachments:** Letter of Objection 100814.docx

Dear Sirs

Please find attached a copy of my letter objecting to the granting of retrospective planning approval.

A hard copy of this document will be forwarded by post.

In coming to a conclusion on this matter, I would like to request that the planning officer visits the site and views the development from the elevated position of Flat 2 No 38 Elsworthy Road. From here they will be able to gain a true impression of the visual impact of the new development. This must be an important consideration in reaching a decision.

I would be happy to facilitate such a visit and look forward to hearing from you.

Kind regards

Andrew Tindsley Onwer Flat 2, 38 Elsworthy Road, NW33DL

Andrew Tindsley  
Director of Urbanism

BDP  
16 Brewhouse Yard, Clerkenwell  
London EC1V 4LJ, United Kingdom

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

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**From:** Tindsley, Andrew  
**Sent:** 05 August 2014 12:09  
**To:** 'Nicholls, John'  
**Cc:** Freeman, Roger (Councillor); Planning; Hope, Obote; Beaumont, Elizabeth  
**Subject:** RE: 38 Elsworthy Road: Application Number 2012/4384/P - Enforcement ref: EN14/0640

Hello John

Many thanks for your prompt response. We await the arrival of the letter advising us of the change to the roof dimensions. Sadly nothing similar was forwarded for the increase in height of the studio building. Water under the bridge now, but something we would have objected to had we been given the opportunity.

Aside from the amended application relating to the size of the roof extension, are you able to advise on the position regarding to the green roof for the studio? Current use of the building is clearly in contravention of the approval conditions and we do not wish this important feature to get lost in the process.

Kind regards  
Andrew




Andrew Tindsley  
Director of Urbanism

BDP  
16 Brewhouse Yard, Clerkenwell  
London EC1V 4LJ, United Kingdom



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

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**From:** Nicholls, John [mailto:  
**Sent:** 05 August 2014 11:52  
**To:** Tindsley, Andrew  
**Cc:** Freeman, Roger (Councillor); Planning; Hope, Obote; Beaumont, Elizabeth  
**Subject:** RE: 38 Elsworth Road: Application Number 2012/4384/P - Enforcement ref: EN14/0640  
**Importance:** High

Dear Mr Tindsley,

Many thanks for your email.

You have been recently notified (letter dated 1<sup>st</sup> August 2014) about the amended application for the extended roof covering to the rear ground floor extension Ref: 2014/4504/P.

My colleague Obote Hope is dealing with this application and we will visit the site together in the near future to check the measurements and discuss what can be done about the alterations undertaken without permission. If the Council choose to refuse that application, then enforcement action will follow. However, until such time, no notice will be served without fully investigating all of the facts and issues raised as a result of those. If another solution can be found then this too will be put up for further comment before a formal decision is made. I trust that is understandable.

I have copied your email into Obote and he can use this as the basis for an objection if that is what you wish to make. If you would like to add to these, then please forward them to the [Planning@camden.gov.uk](mailto:Planning@camden.gov.uk) email and copy Obote in.

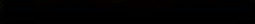
Many thanks

John

John Nicholls  
Planning Enforcement Officer

Telephone: 020 7974 2843

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**From:** Tindsley, Andrew [mailto:  
**Sent:** 05 August 2014 11:01  
**To:** Planning  
**Cc:** Nicholls, John; Freeman, Roger (Councillor)  
**Subject:** RE: 38 Elsworth Road: Application Number 2012/4384/P - Enforcement ref: EN14/0640

Dear Sirs

Following our correspondence of 25 July 2014, we write to formally enquire as to progress with the above enforcement notice.


The position remains as stated below, ie the garden building is now fully operational but the planning conditions relating to the installation of a green roof and window blinds have not been fulfilled.

We remain unsure of the status of the larger than approved roof to the extension, but this low quality solution continues to have a visually detrimental effect on both our immediate prospect and on the quality of the wider conservation area.

Confirmation of our requests for information on progress would be appreciated.

Kind regards

Andrew Tindsley  
Owner Flat 2 38 Elsworthy Road, NW3 3DL  
Andrew Tindsley  
Director of Urbanism  
BDP  
16 Brewhouse Yard, Clerkenwell  
London EC1V 4LJ, United Kingdom



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**From:** Tindsley, Andrew  
**Sent:** 25 July 2014 14:31  
**To:** 'planning@camden.gov.uk'  
**Cc:** 'Nicholls, John';   
**Subject:** 38 Elsworthy Road: Application Number 2012/4384/P - Enforcement ref: EN14/0640

Dear Sirs

Over recent weeks we have been in communication with your Department and case officer regarding the above. We are aware that an enforcement notice has been served on the applicants relating to the above planning permission and that a retrospective planning application has now been lodged. Some weeks have now passed since we were advised of the intention to submit a retrospective application but we have yet to locate details of such on your planning web site. Could you advise us if the retrospective application has now been formally submitted?

Your records will indicate that we have serious and we believe justified reservations about the nature of the 'as built' development. Our previous comments relate to;

- aspects of the Borough's Planning Policy, particularly with regards to the Elsworthy Road Conservation Area
- the fact that parts of the building are more extensive than indicated on the original approval / application drawings
- failure to discharge all the conditions of the permission prior to use of the property


We understand that the retrospective application relates to the now constructed, wider overhang / canopy on the main building extension. This creates a continuous, unattractive area of mineralised felt roof, filling the entire width of the garden space and wish to object in the strongest terms to its approval.

Given that we do not believe we were made aware of the previous retrospective application to raise the height of the garden studio, a manner we would have vigorously opposed, it is important that we are given the opportunity to lodge our concern about this second request to extend an already over-scaled, poorly designed and inappropriate development.

We look forward to hearing from you.

Kind regards  
Andrew Tindsley  
Owner Flat 2 38 Elsworthy Road, NW3 3DL

Director of Urbanism  
BDP  
16 Brewhouse Yard, Clerkenwell  
London EC1V 4LJ, United Kingdom



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**From:** Tindsley, Andrew  
**Sent:** 20 July 2014 17:41  
**To:** 'Nicholls, John'  
**Subject:** RE: RE 38 Elsworthy Road: Application Number 2012/4384/P - Enforcement ref: EN14/0640

Hello John

Thanks for the note. Not sure how events are progressing but I still haven't been able to find anything via the planning portal.

With regards to my earlier note and our meeting, the garden studio would now appear to be fully operational. I understand that the current planning approval requires that all conditions be discharged prior to habitation. Of major concern is the lack of a planted green roof and the absence of window blinds.

Have you been able to gain access to re-measure the key dimensions? The recent heavy rain holds in pools on part of the flat roof immediately outside our property and the visual appearance of standing water further compounds the problem of the extensive area of roofing felt.

When we are able to receive details of the revised application we will be re-stating all our concerns and objections, and hope that this note may form part of our formal response.

I look forward to hearing from you.

Kind regards

Andrew

Owner Flat 2 38 Elsworthy Road, NW33DL

Andrew Tindsley

Director of Urbanism


BDP

16 Brewhouse Yard, Clerkenwell

London EC1V 4LJ, United Kingdom



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**From:** Nicholls, John [<mailto:john.nicholls@tindsley.co.uk>]   
**Sent:** 15 July 2014 16:57  
**To:** Tindsley, Andrew  
**Subject:** RE: RE 38 Elsworthy Road: Application Number 2012/4384/P - Enforcement ref: EN14/0640

Andrew,

This is still invalid at the moment – I spoke with my validation colleague who said they had left several voicemail messages for the architects to discuss the issues they had with it – so I'm assuming there is a hold up if he is away?

All I can say is keep trying or you can wait for me to be notified and I'll fire something over to you once I know?

Thanks

John Nicholls  
Planning Enforcement Officer

Telephone: 020 7974 2843

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**From:** Tindsley, Andrew [REDACTED]  
**Sent:** 15 July 2014 16:52  
**To:** Nicholls, John  
**Subject:** RE 38 Elsworth Road: Application Number 2012/4384/P - Enforcement ref: EN14/0640

Hello John  
Just wondered if there was still a problem with validating the revised application? I've entered the details onto your planning portal but it doesn't come up with a result.  
Kind regards  
Andrew

Andrew Tindsley  
Director of Urbanism  
BDP  
16 Brewhouse Yard, Clerkenwell  
London EC1V 4LJ, United Kingdom

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**From:** Nicholls, John [REDACTED]  
**Sent:** 11 July 2014 14:00  
**To:** Tindsley, Andrew  
**Subject:** RE: Application Number 2012/4384/P - Enforcement ref: EN14/0640

Andrew,

There was a delay in validating this but the number will be 2014/4504/P when it is – I have asked the validation team to let you know as an enforcement complainant so you can comment.

Kind regards

John

John Nicholls  
Planning Enforcement Officer

Telephone: 020 7974 2843


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**From:** Tindsley, Andrew [REDACTED]  
**Sent:** 10 July 2014 13:13  
**To:** Nicholls, John  
**Subject:** RE: Application Number 2012/4384/P - Enforcement ref: EN14/0640


Hello John  
Just wondered if you had any news on the revised application? We are very keen to ensure that our objection to any increase in the extent of the roof is formally lodged. Our previous comments stand and we look forward to your thoughts on the total as built structure.  
Kind regards  
Andrew

Owner Flat 2, 38 Elsworthy Road, NW3 3DL

Andrew Tindsley  
Director of Urbanism  
BDP  
16 Brewhouse Yard, Clerkenwell  
London EC1V 4LJ, United Kingdom



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**From:** Nicholls, John   
**Sent:** 03 July 2014 09:37  
**To:** Tindsley, Andrew  
**Subject:** RE: Application Number 2012/4384/P - Enforcement ref: EN14/0640

Andrew,

Once it has been registered then you will be notified and can comment. I will check if this is the norm for these types of application.

In minor material amendment cases I think it is.

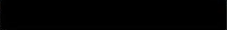
Kind regards

John

John Nicholls  
Planning Enforcement Officer


Telephone: 020 7974 2843

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**From:** Tindsley, Andrew   
**Sent:** 02 July 2014 19:01  
**To:** Nicholls, John  
**Subject:** RE: Application Number 2012/4384/P - Enforcement ref: EN14/0640

Hello John  
Many thanks for the clarification. Will we be able to find details of the revised application on the Planning website? I've tried putting in the application number but this doesn't bring up any details of the application / permission.  
Kind regards  
Andrew

Andrew Tindsley  
Director of Urbanism  
BDP  
16 Brewhouse Yard, Clerkenwell  
London EC1V 4LJ, United Kingdom



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**From:** Nicholls, John [redacted]  
**Sent:** 02 July 2014 09:07  
**To:** Tindsley, Andrew  
**Subject:** RE: Application Number 2012/4384/P - Enforcement ref: EN14/0640

Andrew,

On Friday afternoon I emailed the architect and explained that I had been informed that the rear extension might be bigger than as approved including the width and that the as approved drawings didn't show this.

He had asked me back in February 2013 about widening the canopy section sideways, i.e. under your kitchen window. I pointed out to him at the time that this would require a minor material application to change this, but this is something he hasn't done until Monday this week when we exchanged emails again and I pointed out to him that if they wanted to keep this then they would need to submit something for us to assess.

This is what he has now done, before I could say no and I don't think we would grant consent for this. Having missed it I think he was keen to sort this out for the owner. I'm told they are away on holiday at the moment and so I can't organise a visit as yet to measure up. Once I have then I can report back on those aspects.

In terms of overhanging the neighbouring wall, then that's a Party Wall matter which the Council can't get involved in. If it's been approved as built on the party wall and roof finish overhangs the neighbouring garden by a few centimetres or with a gutter then the Council would leave that to the parties involved to discuss that, because we could approve it but they need the neighbours permission to build on or over their land which seems to be the case here.

Apologies, but I haven't had a chance to look at your email from Sunday. I will try to in the next day or so once I have gone back through the details again.

Kind regards

John

John Nicholls  
Planning Enforcement Officer

Telephone: 020 7974 2843

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**From:** Tindsley, Andrew [redacted]  
**Sent:** 01 July 2014 17:02  
**To:** Nicholls, John  
**Subject:** RE: Application Number 2012/4384/P - Enforcement ref: EN14/0640  
**Importance:** High

Hello John

Further our meeting last Friday and my note of 29 June 2014, we are aware that the architect acting on behalf of the above has now forwarded letters to the other joint freeholders of No 38 Elsworth Road advising that a revised planning application has been submitted for the above (strangely we were not included in this hand delivered exercise and have been informed by others).

Are you able to advise us as to what the revision covers? Should the content relate to the matters we discussed on Friday it is highly likely that we will be objecting in the strongest terms and would appreciate your guidance as to the manner in which this should be done.



In addition to our own concerns, it has become apparent that our neighbours in No 40 Elsworthy Road have similar concerns about the over-scaled nature of the extension and garden studio. Whilst I'm not sure if this is a planning matter, the following photograph indicates that not only is the roof of the garden studio much higher than envisaged, it also extends beyond the dividing garden wall, encroaching onto their property.



I look forward to hearing from you at your earliest convenience.

Kind regards

Andrew

Owner Flat 2, 38 Elsworthy Road, NW3 3DL

Andrew Tindsley  
Director of Urbanism  
BDP  
16 Brewhouse Yard, Clerkenwell  
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**From:** Tindsley, Andrew

**Sent:** 29 June 2014 18:34

**To:** 'Nicholls, John'

**Subject:** RE: Application Number 2012/4384/P - Enforcement ref: EN14/0640

Hello John

Many thanks for visiting the application site last Friday. From a review of the 'as built' condition I would like to confirm that a number of points require a more detailed inspection. My understanding of these is as follows.:

- Details relating to roof structure of the 'studio' block. I understand that this should have a green roof, not 'green mineralised roofing felt.
- If the studio roof is to be a planted green roof what are the details and can these be fully achieved with the minimal roof structure which is in place?

- Are all details relating to gutters / downpipes / door – glazed panels in accordance with the conditions of the permission.
- During the evening, the studio glazing acts as a mirror reflecting light and activity from the ground floor extension into our living accommodation. We understand that blinds were to have been fitted. Whilst these will reduce visual intrusion during the day, they may exacerbate the problem during the evening. Was this considered during the approval process?
- The rear of the studio is taller than on the original application. We understand that the planning application was changed to accommodate this. As residents directly affected by this could you please advise why we were not advised of the likely change? We would have objected to this.
- The flat roof of the extension appears over-scaled and has a seriously negative effect on our living accommodation. Are the dimensions of this extension absolutely in accord with the conditions of the permission? The overhang immediately below our kitchen appears to be much wider than is indicated on the drawings submitted as part of the application.
- The total roof area of the extension is extensive, why was a planted green roof solution not required for this location? You mentioned that had your colleagues been aware of the magnitude of the roof, ie the visual impact it would have, this may have been called for. Is this not an error / oversight on behalf of the Planning Authority? The roof area would appear similar in proportion to the studio. Given the very poor solution which has been adopted is this something that can be called for retrospectively?

Whilst I'm very keen to bring about a satisfactory resolution of all of the above, As a long term resident of Elsworth Road, I am concerned about the precedent a development of this nature may set within the wider area. More of the same would have a disastrous effect on the already damaged Conservation Area and the thoughts of the Planning Authority as to how they will deal with future aspects of this nature will be appreciated. The adjacent property, No 36 Elsworth Road has just changed hands and with neither an extension or garden studio, there must be every chance that they too will seek to significantly increase the area of their property.

I look forward your comments.

Kind regards

Andrew

Owner Flat 2, 38 Elsworth Road, NW3 3DL

Andrew Tindsley  
Director of Urbanism  
BDP  
16 Brewhouse Yard, Clerkenwell  
London EC1V 4LJ, United Kingdom

**From:** Nicholls, John [redacted]  
**Sent:** 25 June 2014 14:00  
**To:** Tindsley, Andrew  
**Subject:** RE: Application Number 2012/4384/P - Enforcement ref: EN14/0640

Okay – see you at 2.30pm Friday this week.

John

John Nicholls  
Planning Enforcement Officer

Telephone: 020 7974 2843

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**From:** Tindsley, Andrew [REDACTED]  
**Sent:** 25 June 2014 12:56  
**To:** Nicholls, John  
**Subject:** RE: Application Number 2012/4384/P - Enforcement ref: EN14/0640

Hello John  
2.30pm would suit best. I'll be in Flat 2, at No 38, the doorbell is at the top of the external stairs. My mobile is 07768 200186 should you encounter any last minute problem.  
See you Friday  
Kind regards  
Andrew

Andrew Tindsley  
Director of Urbanism  
BDP  
16 Brewhouse Yard, Clerkenwell  
London EC1V 4LJ, United Kingdom

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**From:** Nicholls, John [mailto:John.Nicholls@london.gov.uk]  
**Sent:** 25 June 2014 12:14  
**To:** Tindsley, Andrew  
**Subject:** RE: Application Number 2012/4384/P - Enforcement ref: EN14/0640

Andrew,

Yes that's fine, is 2 or 2.30 acceptable for you?

Many thanks

John Nicholls  
Planning Enforcement Officer

Telephone: 020 7974 2843

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**From:** Tindsley, Andrew [REDACTED]  
**Sent:** 25 June 2014 11:47  
**To:** Nicholls, John  
**Subject:** RE: Application Number 2012/4384/P - Enforcement ref: EN14/0640

Hello John  
Thank you for the email and offer to visit. Might it be possible to meet this Friday afternoon at a time to suit you?  
Kind regards  
Andrew

Andrew Tindsley  
Flat 2, 38 Elsworthy Road, NW3 3DL

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**From:** Nicholls, John [REDACTED]  
**Sent:** 24 June 2014 11:17  
**To:** Tindsley, Andrew  
**Cc:** Marshall, Andrew (Councillor); Freeman, Roger (Councillor); Byrne, Kathryn; Beaumont, Elizabeth  
**Subject:** RE: Application Number 2012/4384/P - Enforcement ref: EN14/0640

Dear Mr Tindsley,

Following on from Kathryn Byrne's email the enforcement reference for this case is EN14/0640.

I have your photographs submitted in the original email, however, I would like to visit and see this for myself so please let me know when might be most convenient for you in the next week or so. I will also arrange a visit the neighbour below and measure up what's actually been constructed.

Kind regards

John

John Nicholls  
Planning Enforcement Officer

Telephone: 020 7974 2843

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**From:** Byrne, Kathryn  
**Sent:** 24 June 2014 11:05  
**To:** Freeman, Roger (Councillor); Beaumont, Elizabeth  
**Cc:** [REDACTED]; Marshall, Andrew (Councillor); Nicholls, John  
**Subject:** RE: Application Number 2012/4384/P

Dear Cllr Freeman,

**Re: Application Number 2012/4384/P: Garden Flat 38 Elsworthy Road London NW3 3DL**

Thank you for your email. I've now had an opportunity to investigate the case and I'm able to confirm the following:

Studio:

The green roof was approved and conditions attached that the details needed to be submitted and implemented and maintained before occupation of the studio building (Conditions 5 and 6). Furthermore, one of the other conditions also required the submission of details for windows and doors (Condition 4). Ref: 2012/4384/P.

Subsequently, an application was submitted to vary the overall height of the structure from 2.9m to 3.3m which was approved as a variation of condition earlier this year (April 2014) Ref: 2014/0997/P. Informatives on this Decision Notice stated that the other conditions still required discharging.

These conditions have still not been discharged and therefore we have opened an enforcement case. John Nicholls the enforcement officer will visit the site to measure up and compare the approved and amended drawings to check the built structure, plus require details for the discharge of the outstanding conditions.

Conservatory:

The approved replacement conservatory was due to have a part sloped part flat roof and measure 3.1m deep (original 2.95m) and have a 0.85m canopy, therefore only projecting a further 1m into the garden. From the photographs it appears the built structure stretches further into the garden than approved.

This will also be investigated as part of the enforcement case.

Enforcement history:

The enforcement case that was opened invited an application to vary the condition and was closed when this variation of condition was granted in relation to the height of the studio (2014/0997/P).

The enforcement officer John Nicholls (tel: 0207 974 2843) will be in contact with Mr Tindsley to discuss the case.

Should you have any more questions we are happy to help.

Kind regards

Kathryn Byrne

Head of Business Administration: Monday/ Tuesday/ Wed PM  
Culture and environment

Fast track and validation team manager Wed AM/ Thursday/ Friday  
Development management  
Regeneration and planning

Tel: 0207 974 2125

Web: [www.camden.gov.uk/planning](http://www.camden.gov.uk/planning)

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**From:** Arbery, Bethany

**Sent:** 17 June 2014 10:02

**To:** Freeman, Roger (Councillor); Byrne, Kathryn; Beaumont, Elizabeth

**Cc:** [REDACTED] Marshall, Andrew (Councillor)

**Subject:** RE: Application Number 2012/4384/P

Dear Cllr Freeman,

Thank you for your email the application you are referring to was reported to members briefing in October 2012 and was approved shortly thereafter. The application was dealt with by officers in Kathryn Byrne's team and therefore I have copied her in as she may wish to comment on the points raised by the neighbour. I have checked our enforcement records and can see that an investigation was opened in August 2013 and subsequently closed as it was found that there was no breach of planning control and that the works had been carried out in accordance with the approved drawings. Again, I have copied in Elizabeth Beaumont in case she has anything further to add.

Kind regards

Bethany Arbery

Bethany Arbery  
Development Management Team Manager (West Area)

Telephone: 020 7974 2077

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**From:** Freeman, Roger (Councillor)

**Sent:** 15 June 2014 20:05

**To:** Arbery, Bethany

**Cc:** [REDACTED] Marshall, Andrew (Councillor)  
**Subject:** F.W. Application Number 2012/4384/P

Bethany

I guess this will land on our desk; will read the comments of your team with interest especially if built within what was permitted  
Thanks

---

**From:** Tindsley, Andrew [REDACTED]  
**Sent:** 15 June 2014 14:12  
**To:** Planning  
**Cc:** Marshall, Andrew (Councillor); Freeman, Roger (Councillor)  
**Subject:** Application Number 2012/4384/P

**Application Number 2012/4384/P**  
**Site Address: Garden Flat 38 Elsworthy Road London NW3 3DL**

Dear Sirs

On 1 October 2012, I formally submitted objections to the above planning application, copy attached. Despite the sensitivity of the location, my objections they were totally dismissed but following recent completion of the building work I write to raise a number of issues upon which I would appreciate your response.

My letter of objection raised the following points relating to the Elsworthy Road Conservation Area Appraisal and Management Strategy, and general planning guidance within the Borough and covered the following matters:

*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.*

*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.*

*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.*

*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.*

Before photographs were submitted as part of the initial objection and for your information I now submit 'after' pictures. From these it is clearly evident that the development has little to do with the aspirations of the planning policy and has had a negative effect on the Conservation Area.

- The scale of development appears wholly out of proportion with the original garden plot, significantly diminishing the original green space.
- No attempt has been made to mitigate this loss of green space by the introduction of 'green' roofs, as with the case with the garden studio at No 34 Elsworthy Road
- The quality of design is poor, the most serious matter being the extensive flat roof areas covered only with mineralised roofing felt, a very cheap solution with a short life. more relevant for simple garden sheds rather than major residential extensions. There is no suggestion in the construction that a more appropriate form of construction may follow at a later date. Related details such as guttering, downpipes and roof lights are of a similar utilitarian nature.





26.3 A development's impact on visual privacy, overlooking, overshadowing, outlook, access to daylight and sunlight and disturbance from artificial light can be influenced by its design and layout, the distance between properties, the vertical levels of onlookers or occupiers and the angle of views.

An important point of concern, related to the impact of visual privacy. The extensive glass areas forming the main feature of the studio space create a direct line of sight into our own living areas, to the extent that blinds are now required to provide any sense of privacy to our living accommodation. This cannot be a fair outcome.

My letter of objection also related to concern regarding the lack of detail submitted as part of the application and again the 'after' photographs are telling relating to the extensive areas of poor quality roof material and inadequate detailing. The overhang to the ground floor extension also appears to be significantly wider than indicated as part of the drawings submitted as part of the planning application.

From the perspective of a resident directly affected by this proposal and from that of a senior professional working within the planning environment, I find it impossible to see how any of the above matters set out in your planning policy guidance have been met by the development in question. Your view on this will be appreciated, but more importantly I seek your confirmation that all matters set out in the application approval have been strictly adhered to. The end result is truly shocking and does nothing to enhance the now diminished qualities of the neighbourhood.

I look forward to your reply and would appreciate the opportunity to discuss these issues on site.

Kind regards

Andrew Tindsley - Owner and resident Flat 2, 38 Elsworth Road, NW3 3DL

Director of Urbanism

BDP

16 Brewhouse Yard, Clerkenwell

London EC1V 4LJ, United Kingdom

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E [andrew.tindsley@bdp.com](mailto:andrew.tindsley@bdp.com)

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

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