

ARKWRIGHT MANSIONS RESIDENTS' ASSOCIATION (AMRA)

4 April 2016

18 Arkwright Mansions
206 Finchley Road
London NW3 6DE

Development Control, Planning Services
London Borough of Camden
Town Hall, Judd Street
London WC1H 8ND

Dear Sir/Madam,

Application Ref. 2015/2087/P, Flat 4, 47 Arkwright Road, NW3 6BJ

I am writing on behalf of the residents of Arkwright Mansions, a late-Victorian block of 27 flats, which backs on to the side of 47 Arkwright Road, to object to the above application.

The reasons for our objection are as follows:

1. Change of use: from safe access for roof maintenance to roof garden for social activity

The proposed works, namely, the "Replacement of [an **unauthorised**] timber balustrade with metal railings and the retention of existing decking at roof level", amount to yet another attempt by the owner/s of the property, past and present, to surreptitiously create a roof terrace for social use under the guise of providing safe access for roof maintenance. These attempts date back to 2002 and been opposed by our residents on four separate occasions (see letters of 15 Jan. 2003, 25 May 2003, 4 Aug. 2014, 16 June 2015).

Previous attempts to create a roof garden

The original 2002-4 attempt started with the **unauthorised** building of a "tiled roof terrace" extending the full width of the roof. This was followed by an application to retain this structure, which comprised roof decking, a "glazed balustrade and [glazed] roof access housing". Following public consultation revised plans were submitted for the "replacement of a roof terrace enclosure of glass and steel with a lower guard rail similar to that which existed before the unauthorised works were carried out". Our Association objected to this application, though we did not "object to a bona fide and properly designed roof access facility" provided "it is genuinely required for essential routine maintenance (e.g., cleaning roof gulleys" and its design prevents the over-looking" of the rear rooms of Arkwright Mansions and is in keeping with Redington/Frognaal Conservation Area guidelines. In the event planning consent was granted for the "retention of a **guard rail** on a section of the roof to the west". No approval was given for the unauthorised timber decking and glazed roof access housing.

We were told by a planning officer that the consent had been given for the 'guard rail' because it was intended to provide safe access for roof maintenance purposes. However, it was clear to us from the original planning application and subsequent observations of people sunbathing on the roof (see attached photos) that the owners had very different intentions for the use of this roof area.

Latest attempt to create a roof garden

While AMRA raised no objections to a 2014 application to install three skylights in this roof area (Application No. 2014/1065/P), we strongly objected to the reference to a 'roof terrace' in the plans submitted, as this implied, once again, the acceptance of a change of use – from one of 'maintenance access' to 'recreational', contrary to the 12/3/2004 planning decision.

However, when this construction finally got underway and our residents observed the **unauthorized** replacement of the metal 'guard rail' by a wooden balustrade and high fencing we raised objections. The first retrospective planning application for these unauthorized works erroneously described the proposed works as the "Erection of replacement balustrade surrounding rear roof terrace". This understatement of the applicant's true intentions failed to mention that the footprint of the "rear roof terrace" presented in the new proposal now covered nearly twice the roof area that was enclosed by the original 'guard rail'!

Following public consultation, this was application has been superseded by the a further proposal which now reverts to the original footprint of the flat roof area enclosed by the original 'guard rail'. While we fully support this change, we strongly object to the erection of a galvanized steel 'balustrade' that is unnecessarily high (1.4 metres) and elaborate, and to "the retention of existing decking at roof levels". Our reasoning is no different than it was in 2002-4: while an appropriately designed roof structure to provide safe access for routine maintenance might be acceptable, we strongly object to any attempt to construct a roof garden for social activities.

Safe roof access does not require a glazed roof access housing and decking, nor a balustrade with a closely spaced infill of posts. Any trained worker carrying out maintenance on a flat roof needs, at best, no more than a simple low level 'guard rail' or a dwarf wall (the latter already existing along the west section of aforementioned flat roof area at 47 Arkwright Road and around the perimeter of the entire flat roof of Arkwright Mansions). 'Safe access' must not be used as a pretext for constructing by sleight of hand a roof garden for the social activities of adults and children. No planning consent has ever been given for the construction of what the applicants' drawings continually describe as a 'roof terrace' or 'patio', nor should it ever be so.

2. Impacts of roof garden on residents of Arkwright Mansions

For the residents of Arkwright Mansions any roof garden on the south and west elevations of 47 Arkwright Road means a complete loss of privacy. Almost all of the rooms at the rear of Arkwright Mansions are used as the main bedrooms, which would be overlooked by anyone using the proposed roof garden at 47 Arkwright Road. Residents wishing to sleep in those bedrooms, or in the small bedrooms facing the rear lightwells, would also be disturbed by any noise made by people using that roof area for recreational activities late at night, e.g., roof top parties and BBQs. Given the levels of traffic noise experienced at the front of Arkwright Mansions, which overlooks Finchley Road, our residents do not have the option of moving their bedrooms from the rear of the building to the front.

3. Detrimental effects of roof garden for Redington/Frognaal Conservation Area

Both Arkwright Mansions and 47 Arkwright Road lie with the Redington/Frognaal Conservation Area (RFCA) and both are listed as "buildings that make a positive contribution

to the character and appearance of the Conservation Area". For this reason "the general presumption should therefore be in favour of retaining such buildings" and, by implication, of retaining those features of particular buildings which help to define that character and appearance (RFCA Statement, Pages 16 and 17). Applications for planning permission that "involve minor alterations", such as the "Addition of roof terraces", can have a cumulative impact on elements that contribute to the character and appearance of buildings, streets and areas as a whole" (Page 18).

The guidance given in the RFCA Statement with respect to roof gardens could not be clearer: "Roof gardens are **not** a characteristic feature of the Conservation Area. The provision of outdoor space at roof level **will be resisted**" (RFCA Statement, Page 22, my highlights).

For the above reasons, I would urge the Council's Planning Committee to reject this latest retrospective application.

Should the Council be minded to grant planning consent for the retention of some simple horizontal 'guard rails', as existed previously (see photos), then a condition should be attached restricting the use of such roof access for the sole purpose of carrying out roof maintenance work. This condition should be framed to give local residents recourse to Council enforcement procedures should breaches of this condition occur.



