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Enforcement Section

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15 November 2016

Dear Ms Beechhook,

1A Well Road London NW3 1LJ Application under s73 Town and Country Planning Act 1990 for amendment of condition 2 of planning permission reference 2013/7179/P dated 24 February 2014

Following recent discussion I attach an application under s73 Town and Country Planning Act 1990 for the alteration of Condition 2 of planning permission reference 2013/7179/P dated 24 February 2014 (the Planning Permission).

This permission is granted for *for erection of single storey infill rear extension with associated a roof terrace, installation of a dormer window to rear roofslope, alterations to fenestration at rear, and excavation of front lightwell in connection with change of use from 2x flats to single dwellinghouse.* As you know it has been entirely implemented.

My clients wish to amend the condition to read as follows: *The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan OS-000 Rev A; EXT-EL-010 Rev A; EXT-FF-000 Rev A; EXT-FF-001 Rev A; EXT-SE-020 Rev A; EXT-SE-021 Rev A; **EL-110 Rev C**; FF-100 Rev A; FF-101 Rev A; SE-120 Rev B; **SE-120 Rev C**; Design and Access Statement by TG Studio dated 28/11/2013.*

This alteration substitutes the two plans whose numbers are shown in **bold**. It is to be noted that the other works in the development are carried out entirely in accordance with the Planning Permission, but the rear elevation and the section show the as built relationship between respectively the adjacent property at 2A Well Road and the mews building located to the rear. The drawings originally submitted and approved show the relative levels being closer to one another.

The critical as built dimensions are shown on the substituted plans and are as follows

	Drawing	Top of brick party wall parapet to terrace of no 2A	Top of glass screen to terrace of no 2A
Dimension	Elevation EL-110-Rev C	2110mm	2980mm
		Top of brick party wall parapet to terrace of no 1A	Top of glass screen to terrace of no 1A
Dimension	Section SE- 120 Rev C	830mm	1800mm

Of these the key dimensions are those relating to the brick party wall, which is of course solid and opaque

It is worth comparing this as built condition with that which existed before these works were undertaken. This is shown by the sections as existing submitted with the planning application in 2013 and on the annotated section and elevation drawings attached which show the height of the original party wall against the as-built condition.

Looking north east from no 1A the original party wall sprang off the rear of nos 1A and 2A and the side closest to no 1A sloped down to the wall of the mews building.

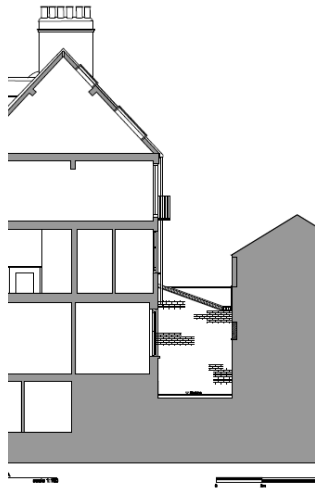


Fig 1



Fig 2

Fig 2 is a photo taken by the officers and is in the Members Briefing Pack. It shows the condition before development began and confirms the vertical alignment of the party wall.

This is a tight area with buildings developed with buildings of limited footprint size, and the horizontal distances are accordingly small. It will be seen that the effect of the new height of the brick parapet is in fact very limited. The conclusion must be that the additional height is made up in effect of the fully translucent glass screening.

This alteration and its effects have all taken place in a narrow slot behind these buildings, and it cannot possibly be said that the result is in any way harmful to the conservation area. This is agreed in the very good and thorough Members Briefing Pack report – see below. Moreover the building works which have been undertaken are of the highest quality.

A brief statement by the architect is appended to this letter and explains how the erroneous drawing of the rear of no 2A has occurred. It was assumed that levels in no 2A were the same as in 1A. This is not in fact the case, but the error was not spotted either by the architects or the Council officers although it is quite clear from the Members Briefing Pack that the officers in fact fully understood how the levels at the rear of 1A and 2A would relate.

The report says (para 3.5) *'The extension would have a terrace on top with glass balustrading. It would not be visible from the public realm as it would be surrounded by ground floor extensions on either side, and the two storey rear elevation of no. 1 White Bear Place to the rear. As such, it is not considered harmful to the character or appearance of the host building or the conservation area. Although there is a general presumption against development that involves a loss of amenity space, the proposal would relocate the amenity space from ground floor level to first floor level over a slightly larger area'*.

It continues ***'The sloping party wall with no. 2a would be levelled to form a balustrade for the proposed terrace with obscure glazing on top. [my emboldening] The glazing would extend above the brick flank wall to an overall height of 1.8m from the floor level of the terrace to prevent any***

overlooking to no. 2a. A condition will require the glazing to be installed before the terrace is used and permanently retained as such'.

The position is shown on drawing SE-122 entitled 'Study of Section A', where the horizontal and diagonal alignments of the previous party wall parapet are superimposed on the as-built parapet. An excerpt from this drawing is shown below at Fig 3

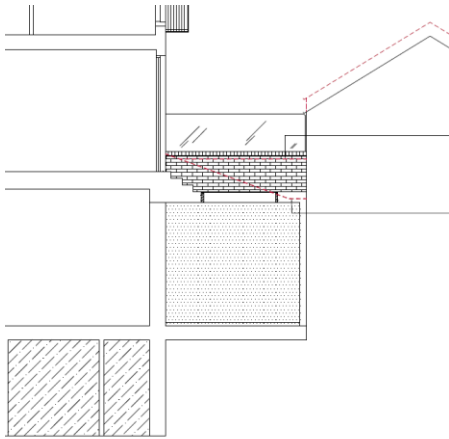


Fig 3

From this it is completely clear that the officers were not misled as to the relative levels and it is also quite clear that if the drawings now sought for inclusion in the condition for amendment had been part of the application in 2013 there would not have been a different decision. My view is that there is no reasonable basis for the Council to refuse this application for substitution of drawings.

The Council is accordingly asked to grant this s73 alteration to the Planning Permission and accept substitution of the drawings

Yours sincerely

Ian Trehearne

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