

Written representation – Full statement of case

The application submitted on behalf of Mr. Charles Akle with reference PP-05265747 (Camden ref: 2016/3553/L), effectively a reiteration of PP-004385838 (Camden ref: 2015/6864/L) with a more detailed Heritage Statement – Design and Access Statement, concerns the replacement of an thermally inefficient secondary glazing with a timber frame secondary glazing that is both more efficient as well as sympathetic to the original building materials of Flat B, 10 Regent’s Park Road, by Erno Goldfinger. The more recent application, submitted on the advice of Camden Planning, aimed at the reassessment of the conditions of the flat, the building, and their general setting by Camden Planning with a view of achieving unconditional approval of the new secondary glazing. This was ultimately not successful, and we therefore request a critical re-evaluation of all the relevant submission material and correspondence¹. It is our position that the initial assessment by the Camden Council planners of the secondary glazing contains very definite pronouncements that, when taken in context, should have readily allowed for its retention without any conditions attached.

On January 11, 2016, Matthias Gentet of Camden Planning relayed the following assessment of the planner involved in the application in an e-mail message:

“In this particular location, the timber frame secondary glazing isn't visible from outside (being at the rear). However, internally it does impact on the space. The quality of the joinery is appropriate to the listed status of the building and the secondary glazing could be considered as reversible.

Nevertheless, it would mitigate the visual impact if the joinery was painted white and blinds be inserted between the external window and the secondary glazing to help mask the "doubling" visual effect of the heavy new framing...

...On balance, although there is an impact, in this instance, there are no objections.”

The first paragraph of this e-mail segment references the impact of the timber frame secondary glazing internally and externally and its designation as a temporary or permanent fixture. Camden Planning correctly identified the impact on the public realm as non-existent due to the position of the flat². Internally it was viewed as impacting the space with a display of considerable quality and craftsmanship, one that may be added complemented the original wardrobe of the interior. In addition to these pronouncements -and more crucially- the secondary glazing is described by the planning officer as “reversible.” With this statement it is effectively designated a temporary, utilitarian piece of furniture akin to a curtain or a blind that can be removed at will without a detrimental, permanent effect to the setting of the flat.

¹ Two e-mail attachments form part of the appeal submission. They both contain a string of e-mail exchanges which should be read chronologically in reverse order, from the last page to the first. The crucial excerpts are underlined and serve as a reference and elucidation of the arguments presented in the present written representation.

² The Heritage Statement – Design and Access Statement of PP-05265747 clarifies this further and offers photographic support.

The driving need behind the decision to put in place a secondary glazing in the first instance was purely utilitarian. The Design and Access Statement clarifies the conditions of orientation and potential of thermal loss in the flat that necessitated the replacement of the thermally inefficient aluminium glazing with a timber frame secondary glazing. The owner of the flat chose timber for the frame as a gesture of acknowledgment to the only original furniture piece inside the flat, the dark wood wardrobe cited diagonally across the room. He sought an aesthetically pleasing contribution to the interior of the flat for as long as he would occupy it, but the primary need for the presence of this piece of joinery, like its predecessor, was elimination of the heat loss that was effected through the north-facing, single glazed Crittall window while ensuring that the occupants could continue to enjoy the only source of natural light in the flat.

The conditional approval actively promoted by Camden Planning team, outlined in the second paragraph of the e-mail segment by Mr. Gentet, contradicted their assessment of the situation and the indisputable limitations of the flat layout and orientation. The recommendation of a blind inserted between the primary and secondary glazing proposes that the occupants are deprived of their fundamental right to natural light from its only source into the flat if the blind were to be drawn at all times to mask the doubling effect of the timber frame. Such a measure has no legal basis as it directly and unequivocally infringes on the rights of the occupants. Moreover, since the external impact is not an issue by the admission of Camden Planning, there would be no reason to resort to such a measure in the first place. Any concern for visual impact internally should have been dismissed by the written admission of the planner that this is an impermanent, high quality piece of joinery and glazing. Incidentally, this was never brought up or acknowledged in subsequent e-mails and pronouncements by Camden Planning although it was pointed out repeatedly that it was a part of their original statement. It has to be assumed that Camden Planning would be prepared to accept that a blind or curtain ensemble, however disagreeable aesthetically (colour or design-wise) with what its planners would deem fitting for the interior of the flat, could be placed in front of the originally window for practical concerns. Along the same line of argument a temporary piece of high craftsmanship and finish should also be acceptable for the duration of the occupancy of the flat.³

The initial assessment of the timber frame secondary glazing by Camden Planning was correct. However, the conditions subsequently attached to its approval and the arguments put forth in support of this outcome patently contradict the original pronouncements of the planners in their communication with the agent of the owner.⁴

³ *National Policy Framework* articles 132 and 134 (under Chapter 12, "Conserving and Enhancing the Historic Environment") reference the conditions under which a proposed development within a heritage asset would be acceptable. The proposed addition results in no alteration or destruction of the fabric of the building as it is an impermanent, reversible feature. The only public benefit of such a feature is its use and enjoyment by the occupants of the flat since significantly less than substantial harm demonstrably occurs to the significance of 10 Regent's Park Road by its inclusion.

⁴ For example, impact on the public realm was repeatedly cited as a reason for the inclusion of the blinds and painting of the frame when this should not have been a concern at all. This is a concern that runs throughout the communication and decisions of Camden Planning, despite acknowledgments of the negligible public impact of the secondary glazing, sometimes in the same document (for instance see the submitted document "2016.3553.L – Flat B, 10 Regent's Park Terrace – Officer's Report").

It is proposed that the inferences and conclusions of the planning consultation process were based on a selective use and interpretation of contextual evidence. It is therefore desirable to revisit the site with a critical approach that uses a more inclusive assessment in order to arrive at a balanced judgment.