

From: Leon Stenhouse [REDACTED]
Sent: 22 June 2017 18:01
To: Diver, John
Subject: 17 Dartmouth Park Road, NW5 1SU
Attachments: [REDACTED]

Dear Mr Diver

Further to our meeting this afternoon at the above flat, I am sending you both the Consent Order dating back to 2004 and the correspondence I had via email with Ms Ryan of the Enforcement Department, which both confirm that as Mr Mingay was regularly using the terrace for his personal enjoyment, the use of the terrace is not in itself an issue and does not require planning permission as it has been in established use for many use. The issue at this moment is to decide what material should be used for the decking and the surrounding panelling.

Please advise if you need any further information and if I may be of any further assistance in this matter.

Yours sincerely

L Steinhouse

04/04/2017

Print

Subject: First Floor Flat 17 Dartmouth Park Road London NW5 1SU

From: Leon Stenhouse [REDACTED]

To: [REDACTED]

Date: Tuesday, April 4, 2017 5:46 PM

For the Attention of Ms Angela Ryan

Dear Ms Ryan

Your e-mail of the 30th March sent to Mr Reeves has been passed on to us.

For over twenty five years we have been involved with the property and can bear witness to the fact that the terrace area over the ground floor has been used regularly over that period of time by the old tenant [REDACTED]. Indeed for Mr [REDACTED] it was a big attraction of the flat and he spend many hours in the summer on the roof terrace painting and writing. We also attach for your information a consent order agreed with the tenant in 2004 giving reference to his use of it. The front border of the terrace was lined by solid terracotta plant pots and plants and we always made it clear that we could not be held accountable for their safety and security.

This being the case, in lieu that the terrace has been used as such in its entirety for a long time and has a well established user right as a roof terrace, it should thus not require any planning permission. However as you point out, we understand that being within a conservation area any changes we do may well require your consent as to the type of material used. We would have hoped that our current wooden effect used for the decking and enclosure was in line with your requirements, but should this not be the case we would be prepared to change it to fit in with your ideas - such as a lightweight enclosure in the form of an obscured glass screen, and any further requirements you may wish to help it blend in with the surrounding buildings.

Yours sincerely

L Steinhouse - Ideal Management
agent for Mr Ost

Attachments

- Consent order.pdf (939.29KB)

05/04/2017

Print

Subject: RE: First Floor Flat 17 Dartmouth Park Road London NW5 1SU

From: Ryan, Angela [REDACTED]

To: [REDACTED]

Date: Wednesday, April 5, 2017 1:44 PM

Dear Mr Stenhouse,

Thank you for your email. I would advise you that you can apply for the retention of the decking that has been installed, however, the enclosure should be sent back from the roof edge and sides in order to be more in keeping with the established rear building line (in relation to the existing rear extensions) and to alleviate direct overlooking into neighbouring properties.

I trust that the above clarifies the issue.

Kind regards

--

Angela Ryan
Planning Officer (Enforcement Team)

Telephone: [REDACTED]



From: Leon Stenhouse [REDACTED]
Sent: 05 April 2017 12:55
To: Ryan, Angela
Subject: Re: First Floor Flat 17 Dartmouth Park Road London NW5 1SU

Dear Ms Ryan

Thank you for your e-mail confirming that the issue of the use of the roof is not an issue. The issue is but the material used the enclosure and floor decking. Whilst you have advised us that you prefer the enclosure structure to be of obscure glass screen/ metal railings. What type of covering would you be agreeable to which would enable the roof to be used without risk of damaging the roof protection and insulating the first floor occupants from noise etc.

Please understand that we have every intention of working with you to come to an agreeable solution - and are happy if it is so necessary to submit a retrospective application, however we would like to get it right and seek your advice on this matter.

Yours

about:blank

1/5

05/04/2017

Print

L. Stenhouse

From: "Ryan, Angela" [REDACTED]
To: Leon Stenhouse [REDACTED]
Sent: Wednesday, April 5, 2017 8:12 AM
Subject: RE: First Floor Flat 17 Dartmouth Park Road London NW5 1SU

Dear Mr Stenhouse,

Thank you for email. I would confirm that the consent order submitted with your e-mail is a private agreement between landlord and tenant and does not constitute a formal consent for use of the roof as a terrace. However, I acknowledge that the use of the roof as a terrace may have been used informally for 4 years or more and would therefore be immune from enforcement action. Notwithstanding the above, I would confirm that the issue of the use of the roof is not in question. This current enforcement case relates to the timber decking that has been installed and the structure/enclosure that has recently been erected around the perimeter of the roof of the ground floor rear extension. These elements are subject to enforcement action as it is considered that the timber decking and structure/enclosure has been installed within the last 4 years and would have required planning permission. As planning permission was neither sought or granted for the timber decking and enclosure, and they cannot be deemed as lawful development these aspects of the development are considered to be unauthorised development. It has also resulted in the creation of direct overlooking into the neighbouring properties as it now creates a barrier at the edge of the roof and enables sustained activity at the edge of the roof, which would not have been previously possible. As such I would advise you that you will either need to:

1. Totally remove the timber decking and structure/enclosure that has recently been installed on the flat roof of the ground floor rear extension forthwith, and reinstate the roof to its previous condition; or
2. Submit a retrospective planning application within **14 days** from the date of this email for consideration of the retention of the decking and enclosure that has been installed on the flat roof of the ground floor rear extension. I would advise you to also take account of the design issues that were raised in my previous email that was sent to Mr Reeves and dated 30/03/2017 (see attachment).

I would advise you that should one of the above options not be implemented then it is my intention to issue a formal enforcement notice on all interested parties to ensure that the current breach is resolved to the satisfaction of the Council. I would warn you that failure to comply with a formal notice can lead to a prosecution.

Kind regards

--

Angela Ryan
Planning Officer (Enforcement Team)

Telephone: [REDACTED]

From: Leon Stenhouse [REDACTED]
Sent: 04 April 2017 17:47
To: Ryan, Angela
Subject: First Floor Flat 17 Dartmouth Park Road London NW5 1SU

For the Attention of Ms Angela Ryan



Mr N Ost
Quality Management



Our Ref. [REDACTED]
Your Ref. [REDACTED]
Date 29 April 2004
Direct Dial [REDACTED]
Direct Fax [REDACTED]
Email [REDACTED]

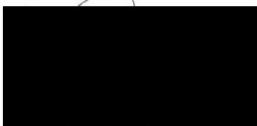
Dear Mr Ost

[REDACTED] 17 DARTMOUTH PARK ROAD, LONDON NW5

I enclose two cheques received from [REDACTED] solicitors in respect of the monies agreed as payable under the consent order [REDACTED] weeks rent up to and including 29 April 2004.

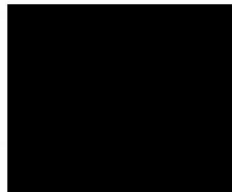
I enclose a copy of the agreed terms of settlement set out in a consent order for your and Mr Steinhaus's records.

I have asked [REDACTED] solicitors to provide confirmation when the standing order for payment of rent is set up.



Helen Smith
Solicitor

Enclosures



London Office 42 Brook Street, London W1K 5DB
Boyes Turner is an English firm of solicitors regulated by the Law Society
A list of partners is available for inspection at Abbots House
UK member of the LAWROPE international association of law firms

CLAIM NO: CL354025

IN THE CENTRAL LONDON COUNTY COURT

BETWEEN :-

LEON STEINHAUS

Claimant

-AND-



Defendant

CONSENT ORDER

UPON the parties agreeing that:

1. The Claimant accepts [REDACTED] to be paid by 30th April 2004 in full and final settlement of the claim for rent arrears up to and including 15th April 2004
2. The Defendant acknowledges he had no right to the garden but has permission to use the roof terrace at his own risk.
3. The parties declare that the bathroom on the first floor landing forms part of the Defendant's demised premises and is for his and his visitor's sole use.

BY CONSENT IT IS ORDERED that:-

1. The Claim be dismissed.
2. The Defendant's part 20 counterclaim be dismissed.

23/04 01:09:24 FAX

22/04 04 THU 16:15 FAX

3. There be no order as to costs save that there be a CLS public funding assessment of the Defendant's costs.

Dated this *23rd* day of April 2004

[Redacted signature block]

Twyman House
31-39 Camden Road
London NW1 9LR
DX: 57050 Camden Town
Tel: [Redacted]
Fax: [Redacted]
Ref: [Redacted]
Solicitors for the Defendant

[Redacted signature block]

[Redacted signature block]

Berkshire RG1 3BD
DX: 54741 Reading 2
Tel: [Redacted]
Fax: [Redacted]
Ref: [Redacted]
Solicitors for the Claimant

LAST CONSENT ORDER

CLAIM NO: CL354025

IN THE CENTRAL LONDON COUNTY COURT

BETWEEN:-

LEON STEINHAUS

Claimant

-AND-

[REDACTED]

Defendant

CONSENT ORDER

UPON the parties agreeing that:

1. Up to and including the payment due on the 15th of April 2004 the Defendant has arrears
[REDACTED]
2. The Defendant will pay these arrears of rent together with the current rent when it becomes due at the rate of £2.80. per week.
3. The Defendant may use his roof terrace at his own risk.
4. The Defendant and his guests have sole use of the bathroom on the first floor landing. *Boyes Turner*

BY CONSENT IT IS ORDERED that:-

1. The Claim be dismissed.
2. The Defendant's part 20 counterclaim be dismissed.
3. There be no order as to costs save that there be a CLS public funding assessment of the Defendant's costs.

Dated this day of April 2004

[REDACTED]
31-39 Camden Road
London NW1 9LR
DX: [REDACTED]
Tel: [REDACTED]
Fax: [REDACTED]
Ref: [REDACTED]
Solicitors for the Defendant

[REDACTED]
Boyes Turner
Abbots House, Abbey Street
Reading
[REDACTED]
DX: [REDACTED]
Tel: [REDACTED]
Fax: [REDACTED]
Ref: [REDACTED]
Solicitors for the Claimant