

Application No:	Consultees Name:	Consultees Addr:	Received:	Comment:	Response:
2017/4181/P	Alan Gregg	6 Gayton Road NW3 1TX	16/08/2017 14:07:01	OBJLETTE R	<p>To whomever it may concern</p> <p>We are the owners and residents of 6 Gayton Road.</p> <p>We are writing to object to the recent development on the rear flat roof at 5 Gayton Road.</p> <p>It is our understanding that planning permission was given by Camden council in 2013/4437/P for French doors and a Juliet balcony. Permission was given in 2016/2797/P to retain the existing railing which sat on two sides of the rooftop.</p> <p>In August/September 2016 the owners of No.5 built an exit through the Juliet balcony, a staircase onto the flat roof, replaced the existing railing (where they only had permission to retain the existing), and demolished a chimneystack. My understanding is that they do not have permission for any of this development.</p> <p><b>Precedents</b> Camden council has previously refused applications for permission to build roof terraces at No.4 Gayton Road (2002 - PWX0103921) and No.6 Gayton road (2007 - 2007/4735/P). In both cases subsequent appeals were also refused. Comments from Camden inspectors in decisions, appeals and reports relating to these applications mirror our own concerns about loss of privacy and amenity for neighbours, as well as the suitability of roof terraces for this row of houses.</p> <p>In an Officer Delegated Report from application 2007/4735/P inspecting officer Carlos Martin says "The principle of not accepting terraces on the roof of the back-additions of the properties along this terrace has already been establish in 2002, when an application for a similar terrace at no. 4 was refused and its subsequent appeal dismissed. The grounds of refusal were both: unacceptable impact on the appearance of the conservation area and unacceptable impact on the privacy of neighbours. Given the existing precedent of the dismissed appeal at no.4, it is considered that the extent and ease of intrusion and the consequent loss of privacy are unacceptable, as it would affect rooms that at present are not affected by overlooking."</p> <p>It is our belief that the owners of No.5 were aware of the previous refusal of permission for roof terraces on houses either side of them (No.4 and No.6). They were also aware of the bitter and acrimonious dispute which took place between the occupants of No.6 and No.7 over application 2007/4735/P. They knew permission for a roof terrace at No.5 was likely to be refused. By applying for the individual components of a roof terrace in different applications over time they have attempted to side step the permission process which would be required to build a roof terrace – because they knew of previous refusals. The latest Application 2017/4181/P is merely a continuation of this process.</p> <p><b>Background</b> In 2015, in an effort to be good neighbours, we supported application 2015/7150/P and Angela signed the document supporting this application. This application contains architect drawings</p>

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					<p>Photograph 02_3D and Proposed E02_Rear_elevation_rev2. These drawings bear no relation to what was eventually built on the rooftop at No.5. In these architect drawings, the flat rooftop is clear, the Juliet balcony with balustrade is intact, there is no exit from the house, the chimney-stack remains intact, and there is no railing. This is what we believed we were supporting.</p> <p>During the course of conversations in 2015 with the owners of No.5 about their building plans, we were shown plans and we were shown around the house, but no mention was made of a roof terrace, nor is it shown in architect drawings. We would never have supported an application which did include a roof terrace.</p> <p>Now we realise that we were misled, and it appears that the Council was also misled.</p> <p>Previous use of the rooftop</p> <p>Throughout the application process the owners of No.5 have attempted to suggest that their flat rooftop has been in continuous informal use as a terrace since 1992 when a previous resident sunbathed there a couple of times (when the house was still divided into three flats – the resident of the top flat presumably had no access to the garden). They have included a statutory declaration from this resident stating that he used the rooftop, but had no permission to do so (2016/2797/P).</p> <p>In the two years that we lived at No.6 prior to the roof terrace appearing at No.5 we never observed anyone on the rooftop at No.5. Neighbours from surrounding properties can confirm that they had never seen anybody on the rooftop in the time they have lived there – from at least 2007.</p> <p>In Appeal ref: APP/X5210/A/02/1090924 (PWX0103921) from 2002 the Camden Planning Inspector states: “Although there is a rudimentary rail around the flat roof at number 5, there is no apparent easy access to this roof and no evidence of its use for relaxation.” (Clause 23).</p> <p>In Appeal Ref: APP/X5210/A/08/2069775 (2007/4735/P) the Camden planning inspector states: “It is not clear from observations if the area of flat roof at No 5 Gayton Road is used as a terrace as it is only partially enclosed and there are no other indications that it is used as such.” (Clause 10).</p> <p>Therefore, it is misleading to imply that the use of the rooftop as a roof terrace in 2017 is simply a continuation of ongoing use. An affidavit from twenty-five years ago is not continuous use.</p> <p>It is also important to note that there has never previously been access to the rooftop from No.5 or any of the other five identical houses which make up this row on Gayton Road. The statutory declaration from 2016/2797/P states that the occupant gained access to the rooftop by leaning a ladder up against a window.</p> <p>Conservation area</p> <p>These houses may not be considered to be of high architectural interest, but they are identical in design and they are in a Conservation area. To have an imposing roof terrace on the second house in a row of six breaks the pattern and looks highly incongruous. It does raise the question of what the point is of calling this a Conservation area if occupants are allowed to build structures without permission which break a long established design.</p> <p>Precedent for copying</p>

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					<p>Occupants should not have to live under the threat of intrusive development. If the development at No.5 is permitted then it sets a precedent for other occupants to copy. Neighbours I have spoken with are very alarmed by the possibility of this happening. The property manager of No.4 (three rented flats) has already told us that although he considers the new terrace at No.5 to be an obvious violation of planning regulations, if it is allowed he intends to copy it.</p> <p>If that happens then we would be in the absurd situation that No.4, which was cited as the original precedent for the principle of not having roof terraces on these houses in 2007/4735/P (Officer Delegated Report), could end up with a roof terrace because of the precedent set by a roof terrace at No.5 – which was built without permission!</p> <p>Quality of Life</p> <p>In the Camden Local Plan 2017 it states, “The Council will seek to protect the quality of life of occupiers and neighbours.” It goes on to say “The factors we will consider include: a. visual privacy, outlook;”</p> <p>Our quality of life has been significantly affected by the new development at No.5. Anyone standing on the new terrace can see directly and at short distance into our bathroom, in fact right into our shower. There was no previous overlooking into this room. Anyone standing on the terrace can see directly and at short distance into our son’s bedroom. There was no previous overlooking into this room. When somebody is standing on the rooftop at No.5 we can hear every word of conversation as if it were occurring inside our own house. Cigarette smoke comes in through the window to our bedrooms. It is an extremely unpleasant feeling to have someone at such close proximity to our living quarters. It is invasive and upsetting. The potential for noise and activity from groups of people using the terrace is very real and very threatening to us.</p> <p>When we are in our garden or our kitchen (which has a glass roof) below, we now always have a sense that there may be someone above us looking down from a point where there was no previous overlooking. It is extremely unsettling and has detracted from our enjoyment of our property.</p> <p>In the Appeal decision APP/X5210/A/02/1090924 (PWX0103921) the Camden inspecting officer makes this point (Clause 21) about loss of privacy in gardens below terraces where he writes “there would be loss of privacy and an even greater sense of intrusion below.” (Italics are his).</p> <p>Another comment from the same officer in the same Appeal Decision states (Clause 18): “I consider that the extent and ease of intrusion and the consequent loss of privacy are wholly unacceptable.”</p> <p>If the new staircase is removed at No.5, if the Juliet balcony and balustrade is restored and there is no exit from the house, and if the chimneystack is restored, then the owners of No.5 will still have everything that they originally received permission for. They will experience no change in their quality of life because they did not previously use the rooftop as a terrace and they never have – at least not in the last decade. They will still have access to a garden at ground level – the same as the other five houses in this row.</p> <p>On the other hand, if the planning application 2017/4181/P is approved there will be a significant negative effect on our quality of life, and the quality of life of other neighbours. The</p>

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					<p>council has an opportunity to ensure the quality of life in this community by refusing application 2017/4181.</p> <p>Heritage Statement – supporting documents</p> <p>In the Heritage document supporting 2017/4181/P there are several photos of balconies or terraces in or around Gayton Road. One caption says, “roof terraces are a common feature of the area.” The photo shows terraces that are not comparable or similar to the one at 5 Gayton Road. The roof terrace in A2.3 is very small and does not extend beyond the back of the house onto the outrigger roof – from this terrace you cannot see into windows of adjoining houses. Photo A2.5 shows terraces facing onto the street which do not extend beyond the front of the house. They do not look into the rooms of adjacent houses, nor do they look into private gardens. In Photo A2.6 the terrace is built next to a brick wall with no windows. If anything, these photos illustrate that where there are terraces in Gayton road they do not impinge on the privacy of neighbouring houses – unlike the terrace at No.5.</p> <p>Other considerations</p> <p>The new railing which has been built is not “new in matching style” as the architect claims in 2017/4181/P. It is a much more imposing and overbearing structure. The previous railing was described as “a rudimentary rail” by the inspecting officer in the Appeal Decision for PWX010392.</p> <p>There are questions around whether the Certificate of Lawfulness for the existing railing even applies any longer because the existing railing was removed. It clearly states in the Certificate of Lawfulness (2016/2797/P) that “Any use*operations*/matter*/ which is materially different from that described or which relates to other land may render the owner or occupier liable to enforcement action.” (Please see RPS CgMs Paul Aldridge Planning Consultant’s report).</p> <p>IN 2017/4181/P the new staircase at No.5 is described as in being “for maintenance purposes.” The other five houses in this row on Gayton Road seem to be able to maintain their identical rooftops perfectly well without a large iron staircase, or an exit from this part of the house.</p> <p>We understand the desire of property owners to improve the value of their property through renovation. The owners of No.5 have made significant changes to their house over the last year or more which we have not questioned. However, they cannot build a roof terrace at such close proximity without negatively affecting the value of our house and that of surrounding properties.</p> <p>We would never have considered buying our house (No.6) in 2014 if there had been a roof terrace at the back of No.5. The lack of privacy and the inappropriate closeness of the terrace in such a sensitive location is simply too intrusive. When we purchased our house there was no roof terrace at No.5, no exit from the house and there was a large chimneystack on the rooftop. There was no overlooking into our house. It feels very different now.</p> <p>It never crossed our minds that anyone would attempt to build a roof terrace in such an invasive location. In fact, we were informed by the estate agent who sold us our house that the equivalent flat roof at our property could not be used as a roof terrace as this was not permitted on this row of houses.</p> <p>Conclusion</p>

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					<p>The new roof terrace at No.5 has been built without any consideration of the effect it will have on privacy or amenity of neighbours, or of the effect it will have on the value of surrounding properties.</p> <p>It is our hope that Camden council can protect residents from developments which attempt to increase value of one property at the expense of surrounding properties. This kind of selfish development does not seem to be in accordance with Camden planning policies.</p> <p>Our sense of privacy (at 6 Gayton Road) in a family home has been stolen from us. Our child's privacy in his own bedroom has been stolen. Some of the value of our house has been stolen. Our quality of life has been seriously negatively affected and we feel very uncomfortable in our own home. This is an intolerable situation and our hope is that Camden council will protect the interests of all residents rather than just one.</p> <p>The quality of life and amenity of existing and future occupiers in Gayton Road and surrounding houses is at stake here. In our opinion, the unauthorized development at No.5 is unacceptable and the retrospective application should be refused.</p> <p>Yours sincerely Alan Gregg and Angela Clist</p>

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