

August 2017

Planning appeal statement

73 Maygrove Road, London, NW3 2EG

Camden - 2017/1882/P 73

prepared by

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1.0 Introduction / Existing Context

73 Maygrove road is an old button Factory that was converted into a mixture of Apartments, offices and Live work unit some 15 years ago. As part of the planning process Camden Council insisted that the building was clad in yellow brick and was finished with a pitched roof, which the client duly did.

A second building, to the rear of 73 Maygrove road, has since been built (planning permission was recently granted for a mansard roof) and a new extension (2016/5498/P) has recently been built to the east of 73 Maygrove road.

Planning permission (2016/2021/P) has also been granted (pending the agreement of a section 106 agreement) for an extension to the East of 73 Maygrove road.

This is the last piece in the puzzle that will create a pleasant group of buildings with a central courtyard.

To enhance this new courtyard space, which is used as a carpark, we have planted creepers (Virginia Creeper, Boston Ivy and parthenocissus henryana) on the walls of the surrounding buildings. Three years on these old fashioned 'green walls' are starting to have an effect and have already improved this rather bleak courtyard carpark. We will also, in time, plant Pin Oaks in the courtyard to create a more pleasant space to look out onto and to be in.

2.00 Appeal Scheme / Correspondence with Camden Council / Background

This appeal is in relation to a planning application for lift tower and connection bridge which our client wants to build in the rear courtyard in order to give access to live work units at first floor level. Currently these units are only accessible via a staircase.

The application was due to be decided on 2nd June but eight weeks later a decision letter was still not issued. The planning officer (Anna Roe) advised by email that although she recommended the scheme for approval her "Moderating office" considered that the lift would have a significant negative effect on the daylight and outlook of the bedroom of the ground floor flat and therefore she advised that Camden council would not be granting planning permission – on the 8th June 2017 Anna Roe, the planning officer, wrote:

"I originally recommend your application for approval, however during the moderation stage concerns were expressed about the impact of the lift extension on the amenity of the ground floor unit/room. In particular relating to loss of light and outlook. I am therefore in the process of converting my decision into a refusal"

One month later, on 26/06/17, in response to our emails asking why we had not yet received a decision letter, the planning officer wrote - *"The final decision notice will be with you by the end of the week at the latest. I apologies for the continued delay and will do all I can to ensure the decision is issued asap now I am back in the office"*- She having been on holiday.

On the 03/07/17 The planning officer again apologized for not issuing the decision letter. "I am sorry" she wrote " but I have yet to receive the final decision notice back from the moderating officer" and added "As a department we aren't running to full capacity as several staff members (including myself) have been re-deployed to assist with the evacuation and rehousing of residents living on the Chalcots Estate, however as soon as I receive the final decision notice I will forward to over to you"

Because Camden were taking so long to get back to us with a decision letter we took the opportunity to get a BRE Sunlight and daylight report. We submitted the Daylight / sunlight report to Camden, which showed that the lift did not significantly reduce daylight.

We also submitted additional sketches demonstrating the outlook from the bedroom along with a list of approved planning applications in order to demonstrate that Camden were being inconsistent in not allow this planning application.

On 25/07/17 - 16 weeks after the planning application was submitted the planning officer wrote to advise that she was leaving Camden she wrote - "Thank you for all the additional information submitted, I am very sorry that I have not had the opportunity to provide a detailed written response. Today is my last day at Camden, hence the slow response, again I am sorry about this. A new officer will be assigned very shortly and I have written a detailed account of events to ensure a smooth transition".

We therefore wrote to Camden (David Joyce the head of planning) requesting that another planning officer be appointed as soon as possible. We also wrote:

" I am being pushed by the Client to take this application to appeal based on non- determination as the target date was two months ago .

I am very reluctant to do so (even though I have already written the appeal statement) for two reasons;

- 1) The time it will take go to appeal*
- 2) I do not think that it is responsible to take an application like this to appeal (especially when the appeals are backed up and there is a Currently a six week delay) - this a very small development on the rear an unlisted building which is not in conservation area and in our opinion Should be granted planning without too much fuss.*

Surely Camden's and the appeals departments resources would be better utilized on bigger more important Planning applications which benefit the wider community ."

Camden (Neil McDonald , Planning Solutions Team Manager,) replied to our email on the 26th July advising "We have reallocated this application to another officer, Alyce Keen, who will review the additional information you have sent in and consider whether this should make a difference to the recommendation"

We subsequently sent all the additional information to the new planning officer.

Camden (Alyce Keen the new planning officer) replied on the Friday 28th July advising that;

“Myself and the application moderator have reviewed the information. From review of this information we retain the same view to proceed to refuse the application on the ground of amenity in terms of loss outlook and sunlight”

She went on to advise that *“The refusal report will detail the reasons for refusal. I can confirm that we will intend to issue the decision notice on Monday”*

We replied to Camden asking is the lift was moved out by 500mm (so it was 2250mm away for the building) if this would then be acceptable to Camden

Camden (Alyce Keen) replied on Monday 31.07.17 advising that *“ In our review we also did consider the option to move the lift 500mm further away from the building however we don't believe this revision would overcome the grounds of refusal”*.

Finally today on the 1st August, two months after the target date for this application, Camden issued their decision letter refusing planning permission.

4:00 Ground for Appeal .

1. Camden are not being consistent in their decision making .
2. The proposal will not have a significant effect on the amenity of the ground Floor flat.

We as architects are passionate about building good buildings that fulfil all their practical needs as well as being buildings which inspire the soul . This in our opinion is what makes good Architecture and it is also what makes sustainable architecture.

A building which is not well considered is not sustainable no matter how many photovoltaic Cells it has on the roof and “green roofs” or a “ green walls” (which are currently in vogue) do not make a building sustainable . A building which is badly designed / conceived at planning stage will result in a building which is badly constructed and a building which does not function well. These buildings will probably be demolished and rebuilt in less than 50 years time. The resources used to build a new building far outweighs any gimmicks such as green roofs (which Camden now insists on having on each new building with a flat roof) .

These questions about sustainability are now being asked in the aftermath of the Grenfell tower fire in regards to the cladding on many high rise towers and Camden must be asking themselves the same questions as they start to remove the cladding from 5 towers on the Chalcots estate . Can the energy saved by installing this cladding match the energy used to manufacture and install it – in this case twice. Were these **balanced** and considered decisions.

We as architects try and design good buildings which are simple to detail and build, buildings which enhance the built environment which are fit for purpose and will therefore be treasured and last for longer than ill conceived / poorly design and poorly constructed buildings.

The new Extensions to 73 Maygrove road, which we designed, is I hope a case in point as is the new lift tower which is the focus of this planning appeal.

The West Extension to 73 Maygrove road (2016/2021/P) was originally , at Camden council insistence , designed with floor to ceiling windows and a mixture of materials as Camden thought that this would make the building “more interesting”. As architects we knew from experience that even with a large budget the complex detailing would be difficult to achieve and in reality the contractor would make numerous compromises to bring the building in on budget. The originally design, which Camden had granted planning permission for, would have resulted in a badly detailed and executed building using poor quality materials. We therefore persuaded the Client to let us submit a new design for a simple building using only one material, a beautiful handmade brick. The building, which is nearing completion, is simple in its detailing but poetic in its form, addressing both the street and the park and the corner junction between the two. It also helps stitch the existing building into the neighbourhood as the handmade brick is more sympathetic to the yellow stock brick used on the Victorian terrace than the yellow engineered brick with which the Button factory was clad fifteen years ago. Importantly it also relates well to the new school (a well-designed and simple building by Maccreanor Lavington which is nearing completion) which uses a similar brick.

We then designed the Eastern extension (which incorporates much needed bicycle storage) in the same style as the western extension.

Photos of the our “working “ model showing the new east and west extension and the Proposed lift were sent to Camden and are submitted with this appeal in order to demonstrate how all these buildings once constructed would complement each other and great a pleasant group of buildings surrounding a courtyard. The model photos also demonstrate the size of the lift in comparison to the surrounding buildings.

Having been granted planning permission for the west and East extensions our client then decided to investigate installing a new lift to access the units on the first floor. Numerous options and positions had been investigated and it became apparent that the best position for new lift was in the rear courtyard.

The Client was about to submit a very crude design to planning. An off the shelf lift clad in glass stuck onto the rear of the building and partly covering the windows to the apartment at ground floor (also owned by the client). The proposal was in our opinion ill considered. It would not have been practical and would have been an eyesore . A crude glass box with lots awkward junctions filled with mastic between the existing building and the new lift.

Again we persuaded the client to let us relook at the design which the client agreed to – even though our proposed design would be a bespoke solution and therefore more expensive than an off the shelf lift they were proposing.

Considering the prominent position in the courtyard we considered that the correct approach was to design a sculptural form which would work functionally and would also be pleasant to look at.

We therefore designed a freestanding lift tower which is pulled away from the building and linked to the building with a walkway.

This form is not an uncommon solution for lift tower, Goldfinger's Trellick and Balfour towers being good examples. Not only does this give a vertical emphasis to the lift shaft but practically the escape stair and the lift are separated from the building making it much safer as a means of escape as opposed to having a staircase in the core.

Having the lift on the outside and separated from a building is also a good solution when retrofitting a building with a new lift. Visually it separates the two structures allowing a contemporary lift to be constructed sensitively adjacent to an older building - even in a conservation area or historic town. Practically it means that a lift pit does not need to be dug near existing foundations and the junctions between the new lift and the older building can be more easily and sensitively detailed.

Importantly by pulling the lift away from the building the link between the lift and the existing building acts as a fire lobby and wheelchair refuge area – which is a requirement of building control .

We submitted photos to Camden of the Trellick and Balfour towers as well as examples of lift towers built in Historic settings including Barrakka tower in Malta, The Gironella elevator by Charles Enrich Architects and Balham Grove by Munkenbeck and Partners .

The same photos which we sent to Camden are included with this appeal .

The proposed lift tower will be constructed using a steel frame and concrete block and the entire lift shaft will be in Timber – Accoya stained graphite grey . The cladding has been carefully detailed so that it emphasizes the verticality of the lift shaft and also acts as a 'trellis' to support the climbing flowering plants (evergreen and deciduous clematis - *Clematis Amandii* and *Clematis Montana*) that will be planted to grow up and over it lift (like the image of the tree cover which was submitted as part of the planning submission)

The Link between the lift and the building is also constructed of timber with glazing on the sides between the timber uprights . Importantly the timber cladding is detailed to wrap around the walkway so it will look not unlike the contemporary walkway that links the Royal Opera house in Covent Garden with the administration building on the other side of the street. A very successful contemporary intervention connecting two listed buildings in a conservation area.

Images of this contemporary intervention in an historical context were sent to Camden and are included with this appeal.

We have also given careful consideration to how the lift will look from the adjacent flats and have designed the lift so it will read as a trellis forming a small 'courtyard' filled with a flower garden with a pergola overhead. The outlook will be very pleasant - not dissimilar to the view out of the front bay window of a Victorian terrace - (photo attached) where a large tree blocks the view and creates a canopy above the front 'yard' filled with plants or to a view from onto a small planted courtyard (images attached).

It is a view that I would be very happy looking out onto .

We have also given careful consideration to how the lift will not only affect the outlook from the ground floor bedroom but also the rooms above. If I was a living in the flat directly above the lift I would not want to look out onto a roof clad in single ply membrane . We have therefore detailed the lift shaft and bridge so that the cladding continues over the roof – so that the entire structure is clad in 'trellis'. The climbing plants will be trained to cover the entire structure – so the view from above will out over a mass of climbing flowering plants.

What is important to keep in mind when considering this application is that the original building is an old factory . There is 3750mm between floors so the ceiling height is unusually high and the windows very large. The window to this bedroom is 1700mm wide x 1900mm high. The bottom of the proposed walkway/ bridge (clad in timber and reading like pergola is 3475mm above Finished floor). Because the window is so large and the ceiling heights so high the proposed lift does not compromise the sunlight or the daylight (all as Demonstrated in the BRE sunlight and daylight report) and there are views past the lift tower (all as demonstrated in Sketches sent to Camden council)

Information submitted as part of planning submission / formal planning submission and subsequent email correspondence with Camden .

As part of the planning application we submitted plans and elevations of the proposed lift as well as details showing the construction. We are aware that for the proposal to be successful and to read as a sculptural element (we like Duchamp consider that “*Architecture is sculpture with plumbing*”) which enhances the courtyard it needs to be well detailed .. as Mies van der rohe is often quoted as saying “ *God is in the detail*”.

We submitted images of other inspirational timber clad lift towers and buildings constructed out of Accoya – a “sustainable” hardwood that we have specified for the Cladding.

Anna Roe , the planning officer for Camden reviewed the drawings and visited the site and advised that she thought the concept good and the building well designed and advised that in her opinion there were no issues why planning permission should not be granted.

We drew attention in our planning document to the fact that the lift shaft was being constructed 1750mm away from the bedroom window of the ground floor flat (which we note is also owned by our client on whose behalf we are making the application for the lift) .

The bedroom of this flat currently looks out onto an unattractive carpark and because of the path that run hard against this building these bedrooms are constantly overlooked and the inhabitants feel overlooked. For this reason the tenants of this flat always have the venetian blinds closed. We have lived in this building for 12 years and in that time I have never seen the venetian blinds open.

We pointed this out to the Planning officer when she visited the site on Wednesday 19th April and submitted, as part of the application, photos of the windows with the venetian blinds closed .

By constructing the lift tower and reorganizing the planting and car parking in the courtyard we are reducing the overlooking into the rooms that look onto the carpark. The walkway is removed from the side of the building and replaced by a planter, trees are planted in the courtyard and importantly the bedroom will look out onto a 'private' courtyard formed by the new lift tower . Rather than looking onto a carpark and being overlook the bedroom will look out onto a garden and a Trellis covered with fragrant creepers. Because the window to the bedroom is very large (approx 1800mm x 1950mm) there are still oblique views past the lift tower and as the ceilings are very high the room still get the early morning and late evening sun evening in the height of summer (the window faces due north)

We submitted Sketches to Camden showing the views from the from various position in the room to demonstrate that the you still get views past the lift tower. The sketches also demonstrate how over looking is reduced. We also sent images of Pergolas and small well designed courtyards to demonstrate how looking onto a private "courtyard" would enhance the outlook from this bedroom.

As I am writing this , very early in the morning in mid summer, the sun is coming into the courtyard at an oblique angle, which it does for about two months of the year . The proposed lift tower would not block this Mid / high summer early morning or late afternoon sunlight.

These images and Sketches are included with this appeal.

The outlook in our opinion is improved and there is no significant reduction in either sunlight or daylight to this bedroom (which is primarily used at night time for sleeping - the apartment having a living room with a large south facing window).

We also drew the planning officers attention to the nearby housing development at **163 Iversion road 2012/0099/P** which was granted approval and has recently been completed. This building has small rooms with large floor to ceiling windows. Because of this there is significant overlooking of the rooms from the street. To deal with this the occupants have installed shutters, blinds and curtains which are kept permanently closed – so in fact even though these inhabitants have large windows the inhabitants have no outlook as like the windows on the bedrooms in the flat at the ground floor of 73 Maygrove the curtains/blinds/shutters are kept permanently closed.

We also pointed out to the planning officer the poor workmanship on this building which in our opinion is a result of an ill considered design using too many materials.

Expecting the approval letter to be issued (was due on 2nd June 2017) we wrote the planning officer on 8th June asking when the letter would be issued.

Anna Roe replied on the 8th June advising .. *“ I originally recommend your application for approval, however during the moderation stage concerns were expressed about the impact of the lift extension on the amenity of the ground floor unit/room. In particular relating to loss of light and outlook. I am therefore in the process of converting my decision into a refusal”*

We were surprised by the response and asked the planning officer if we could submit a sunlight/ Daylight report and also advised that if required we could move the lift an additional 500mm away from the building.

We pointed out in various emails that it Camden often grant planning permission for

- 1) rear infill extensions (which can also be carried out under permitted development rights) which result in a 3000mm high wall being built 1000mm away from the neighbours out reach extension - which results in existing windows looking out onto a blank wall.
- 2) Basement extensions whereby rooms look out onto small light wells with the wall of the light well only 1000mm away from the windows.
- 3) Balconies which extend out 3000mm over the sough facing windows – cutting out all of the sunlight.

We also sent photos of numerous projects (historic and recent) where rooms look out onto courtyards and photos of the street trees which have been pollarded by Camden which result in a hedge on stilts cutting out all the sunlight and daylight and the view from the rooms .

The planning officer (Anna Roe) replied in that she had spoken with her moderating officer and that Camden would not be changing their view and would be refusing the application and advised verbally that that they would not consider moving the lift tower out from the building by 500mm and they would not change their view even if a daylight / sunlight report was submitted.

We consider that Camden decision is neither consistent nor balanced.get no

To demonstrate this we sent Camden numerous examples of recent planning permissions which have been granted for houses and flats with basement rooms that look onto light wells and therefore have no outlook and get very little sunlight or daylight.

We drew Camden's attention to the following:

120 Maygrove road . 2005/1781/P (dwgs and photos attached)

Permission granted for the demolition of the existing House on the corner of Arial and Maygrove and construction of a new house with three flats, one located in the basement. The basement bedrooms look out onto light well - with the wall of the light well only 800m away from the windows. Rooms are overlooked by passersby on the street and get little daylight / sunlight or views. Even the living room at the rear looks out onto a sunken courtyard with a wall 2000mm from the living room windows.

This house which was completed a few years ago is close to the site of this application can be seen from the street. I

I would request that the planning inspector views and takes note to this house, granted planning by Camden, if they come to make a site visit to 73 maygrove.

158 Iversion road 2016/3632/P (plans attached)

Camden gave planning permission for a house with a new basement. Two rooms – labeled as 'study' and a 'games room' –look out onto a light well only 1000mm wide and covered with a walk on grille. The 'gym' on the street elevation also looks out onto a light well. Anna Roe was also the planning officer for 158 Iversion.

When questioned as to why Camden gave planning permission for this basement even though the rooms have no outlook and get very little daylight and no sunlight she replied that a 'study' 'games room' and 'gym' were not considered by Camden to be 'Habitable rooms' The planning officer advised that only bedrooms , living rooms and large kitchens were considered by Camden to be ' Habitable rooms'

We suggested that this simply semantics. Surely a games room and a study are Habitable rooms and used more in the daytime than a bedroom is.

We pointed out that Camden's web site defines a habitable room as "*all separate living rooms and bedrooms, plus Kitchen with a floor area of 13m² or more. Bathrooms, toilets, cupboards, landings, halls, lobbies and recesses are not included*"

According to my reading of the above a study, a games room and a gym should all be classed as a habitable room.

The guidelines on Habitable rooms on the planning portal web site which notes that;

"There is no single legal definition of "habitable room", as its use and meaning is subject to context.

For example, the Building Regulations Approved documents provide 3 separate definitions in different parts:

Part B: *A room used, or intended to be used, for dwelling house purposes (including for the purposes of Part B, a kitchen but not a bathroom).*

Part F: *A room used for dwelling purposes but which is not solely a kitchen, utility room, bathroom, cellar or sanitary accommodation.*

Part M: *a room used, or intended to be used, for dwelling purposes including a kitchen but not a bathroom or utility room"*

Part B,F And M all suggest that a Study or a gym is a habitable room

Based on the planning decision for 158 Iverson I asked the planning officer if planning permission would have been granted for 73 Maygrove had the room been labeled a "study" to which she advised that it possibly would have been. We contend that it is illogical and inconsistent that a Study is not considered an 'habitable room' but a bedroom is, even though a bedroom is normally used less during the daytime than a study or a 'games room'.

Item 5.4 of Camdens refusal letter notes that according to Camden's Guidance 2 (housing) a habitable room is '*room that is capable of being used as a primary living space, generally consisting of living rooms, dining rooms, large kitchen/diners and large bedrooms*'"

This is different from the definition on Camden's web site and certainly does not rule out a large gym or study as being a habitable room. Also what constitutes a 'large bedroom'? Is a double bedroom considered to be a large bedroom or does it need to be a bedroom with room for a sofa and a wardrobe?

159 - Iverson road - 2013/7505/P (plans attached)

These apartments facing onto the road have deep balconies projecting around 3000mm (photos are attached and were sent to Camden) above south facing living room windows so cutting out daylight and sunlight – Camden granted planning permission of this development and yet are advising that 1750mm projection of the lift walkway above this north facing bedroom window will have a detrimental effect on the amenity of the flat – as it will have a significant effect on the daylight sunlight.

Even though the conclusion of BRE sunlight and Daylight report, which was submitted to Camden , is that *“the results confirm that the development will have a relatively low impact on the light received by the ground floor bedroom”*

We also pointed out that the ground / lower ground floor apartments at the rear of 159 Iverson (2013/7505/p) have bedrooms which look out onto a blank wall and windows at high level so neither the bedrooms nor the kitchen get views / an outlook. These apartments get no sunshine and limited light – yet planning permission was granted by Camden for this development.

Camden in their refusal letter (item 5.9) seem to be justifying their inconsistency by arguing that because this is a new development, a new build , it is acceptable to have rooms no outlook or daylight/sunlight because the tenants have not know any better.. because there has been no change to the current condition. This seems to be very spurious logic.

73+75 Avenue road 2016/1808/P (plan and section attached)

In this wealthy part of london where most of the houses have been demolished and replaced with mansions with mega basements there are many examples of bedrooms and living rooms that look out onto very small courtyard space at basement level.

At 73 + 75 Avenue road Camden granted planning permission for two new houses. Very large houses both of which double basements accommodating entertainment rooms, swimming pools, gyms spas, wine cellars and staff flats.

The kitchen / living room of the staff flats (labelled ‘lobby’ on the drawings) as well as the bedrooms look out onto a narrow covered light well in which there is an escape stair.

We question how Camden can claim that they being consistent when they grant planning approval for houses which have these rooms with absolutely no outlook / sunlight / daylight at the same time as refusing planning permission for the new lift which will have *“relatively low impact”* on the outlook from the bedroom. The lift at 73 Maygorve will be nearly twice the distance from the window compared to the wall of the lightwell at 73-75 Avenue road the lift wall it is nearly twice the distance from the window and the window at 73 Maygrove is three times the size.

Did Camden (Tania Skelli-Yaoz, planning officer) , consider this application to be acceptable because these rooms are only used for staff accommodation so daylight , outlook and sunlight is not important ? or is it considered acceptable because the rooms are Part of a house all owned by the applicant? Or is it because the living room is labeled as a 'lobby' and the bedrooms so small that neither are considered to be habitable rooms?

16 Avenue road 2016/5375/P

Another example is 16 Avenue road which was granted planning permission by Camden. Amongst the gym, sauna, Hammam, Hair salon, yoga room, cinema and games rooms there is one small 'flat' presumably for staff accommodation which has a living room and bedroom looking onto a tiny lightwell . These rooms will get no sunlight, little daylight and clearly the have no outlook.

81 Avenue road 2016/5197/P

Again bedrooms in the basement (labelled 'guest bedrooms') with small windows onto a small full depth basement light well .

These are just three examples from Avenue road - but it is typical of the majority of the mansions granted planning permission in this street. **77 Avenue road 2010/0351/P** has a basement with a panic room, library , media and massage rooms in the first basement as well as staff bedroom looking onto basement courtyards. The second basement more than six meters below ground level has a bowling alley and swimming pool as well as a large 'professional kitchen' with only a small window onto a light well . **87 Avenue road 2010/2713/P** have staff bedrooms in the basement looking onto small lights . Both of houses were granted planning permission by Camden.

1/154 Iverson road - 2016/2033/P (Dwgs attached)

Planning permission granted for basement with bedrooms looking onto a covered light well.

163 Iverson road 2012/09/P

Planning permission granted for rear extension with 3000mm high wall no the neighbours boundary

26 Holmdale road 2016 /3944/P

Rear / infill extension - with three meter high wall on the boundary wall with the neighbour – which is allowed under permitted development. The neighbours living room windows look onto a blank wall 3000mm high only 1000mm away from the window.

25 Holmdale road 2016/2171/P

Rear / infill extension . Approved . 3000m wall on neighbours boundary.
Importantly a subsequent application for a longer rear extension (stretching out by 5900m from the rear wall of the existing building) was turned down by the Council but was allowed at appeal (app/x5210/D/16/3160499)

These are only a few of the numerous planning permissions granted for basements and infill outreach extensions all of which create a 3000mm wall on the boundary wall.

We also draw attention to **Derby Lodge , 1-3 Britannia street 2016/6356/P** where the council have recently and controversially granted planning permission to developers Balcap Re to demolish the existing 19th Century mirror factory and to replace it with a three storey office building in the middle of the courtyard. Sixty of the neighbours objected and wrote letters to Camden citing reasons such loss of outlook / overlooking / loss of daylight etc.

These objections are from owners and long term residents who have live in these houses for most of their lives. They will all experience a significant change in their outlook and probably daylight - yet Camden has still granted planning permission for this development.

I am not suggesting that planning permission should not have been given for this scheme but how can Camden claim to be being consistent when they grant planning permission for this office building in a courtyard but are advising that that they will not grant planning permission for the lift tower in a courtyard at 73 Maygrove – even though there were no objections for the later and the effect on amenity at 73 Maygrove would be less significant. The lift at 73 Maygrove only it affects the amenity of only one bedroom of a flat owned by the applicant - the new office at Derby lodge affects the amenity of sixty neighbours – most of whom have lived their for many years.

Further like all cities it is part of the **Urban condition** that some rooms do not have a good /the perfect outlook. It is also part of live and the Urban condition that there is constant change.

The windows of the outreach extension of a typical london Victoria terrace house look out onto what is effectively a courtyard between the two outreach extensions. The neighbours wall is in most cases only 2000mm away.

Many typical london terrace houses have a 'lower ground floor' or basement which have the front window of a habitable space (often used a 'large kitchen' / living room) looking onto a front courtyard with step access (attached photos of typical terrace house on Delancey street in Camden) and many houses, hotels, apartments and even palaces, both historic and contemporary , have habitable rooms that look onto light wells or small courtyards - it is part of the urban condition which we chose to live in.

We emailed images to Camden of the outlook from the side window of a typical Victorian outreach extension to Camden as well as images of basements in the neighbourhood , and also photos of apartment buildings with widows of habitable rooms looking onto Alley ways and Small internal courtyards.

Reply to Camden's Decision letter / Delegated report

Camden's delegated report acknowledges (points 4.1- 4.6) that the new proposal would not adversely affect the character of the building nor its wider surroundings. They do not go as far as the say that the building will improve the existing, which we believe it will.

5.5 We agree that the lift shaft would alter the view from the bedroom , by reducing it, which we contend, in this instance, is a good thing. Like planting a hedge along your boundary wall in front of your house - as many people do - to give much valued and much privacy to this bedroom.

The new lift will indeed give a sense of enclosure. The sense of 'enclosure' and protection is why we as humans build houses, put up garden walls and plant hedges. The sense of enclosure that the new lift shaft will provide, creating a private courtyard, will improve both the outlook from the room, reduce overlooking and still allow oblique views past the lift.

I have included some photos of a house in the neighbourhood where the owners of the house have planted hedges and where large front bay windows look out onto a front garden shaded by trees. I could include many more images of houses where the residents are happy to forego outlook for privacy choosing to plant hedges or pleached limes along the boundary wall between the house and the street,

5.6 As Camden notes the current 'view' is over a carpark which Camden claims is 'wide and open' and contends that this open view of a carpark which the flat has benefitted from will be lost. Camden's report makes it sound like the flat looks out on to a Capability Brown landscape rather than a rather bleak carpark normally filled with cars. The occupiers of this flat never get to experience this 180 degree view of the carpark because they chose, to prevent overlooking, to keep the venetian blinds closed all of the time.

5.7 Camden acknowledge that because of its position the courtyard does not get much sunlight – and they are right. As the room faces due north this windows get very little sunlight and because it faces due north reduction of sunlight does not need to be tested.

5.8 Camden acknowledges that the bedroom will not fall below the minimum recommended level of daylight.

5.9 Determined to refuse this application Camden are advising that even though the daylight requirement is acceptable because the tenant may notice a change in daylight is not acceptable. This may be true if this was a picture window looking out over the sea on the Cornish coast or overlooking regents park or a window on the other side of this building facing south with views of London - a valued outlook appreciated by the owner or long term residents. The fact is this a ground floor flat with views onto bleak carpark and the inhabitants never see the sky as they always have the venetian blinds closed. If the lift is built the inhabitants would be able to open the blinds without being over looked and they would therefore have a noticeable increase in the amount of daylight.

Further is Camden are claiming that this planning application should be refused because there will be a notice loss of daylight and sunlight how can they consistently allow a 3000mm high infill extension to a Victorian house where the neighbours side windows, looking onto the new wall, face due south ? These neighbours who may well own the house and may have lived in this house for many years will certainly notice a difference in outlook and daylight / sunlight but Camden continue to allow infill rear extensions of 3000mm high.

A changing outlook is all part of the urban condition, part of living in a continually changing metropolis. Until recently I had an uninterrupted 180 degree view from my roof top balcony south over the tops of the london terrace houses. I could see all the way to the BT tower in one direction and the Trellick tower in the other. Now my view interrupted and my view of the BT tower has been blocked by the group of high rise apartments between the railway lines at west Hampstead - which Camden Council gave planning permission for. In time the northern view will interrupted by the 14 storey residential block (a planning application that was submitted on Camden's behalf and granted planning permission by Camden – despite considerable opposition).

A new school built by Camden will soon open next door to me. Not only has this changed my outlook but it will significantly change the environment in which I have lived for 15 year . There will be the noise of the playground , many more cars and children in the street

I am not arguing that these developments should not have been granted planning permission. Simply demonstrating that in an urban context ones outlook and environment is constantly changing as a city grows and changes. It is something that we expect when we live in a city.

5.10 We have submitted a further planning application with the lift moved 500mm away from the building so it will be 2250mm away from the window (see note below) . We would welcome the inspectors comments regarding this amendment – as if camden refused this subsequent planning application we would also then take it to appeal.

5.11 Camden acknowledges that the development will not result in any significant overlooking. What Camden have failed to address – because it is not regulated – is the overlooking into the apartment (the inhabitants being the viewed rather the viewer) which is just as important. Personally I do not want to walk down the street and look straight into somebodys bedroom or living room , just as the resident of the flats do not want to overlooked. This is why the inhabitants of 163 Iverson road 2012/0099/P (mentioned above) which has full height windows overlooking the street keep their shutters and curtains closed all the time . They may have south facing 180 degree view but because they value their privacy they never get to experience this outlook.

We contend that not only are Camden being inconsistent in their approach they are not seeing this application in balance.

As architects we always try and find the right balance. We use our training and years of experience and passion for what we do to take a brief and work to find a balanced solution that is an appropriate response to the brief and the site conditions. We look at all the options, sketch make models and critique our own work and keep refining the design until we have an appropriate solution. This is what we have done in this instance.

In conclusion:

On **balance** we contend that this is a good development because;

- This is a carefully considered and well designed building which will compliment the surrounding buildings. A sculptural element in the courtyard that will be a joy to look out onto from all the surrounding flats.
 - Lift access (in line with Part M) is provided to first floor - helping in a small way to make London more accessible to everybody
 - Overlooking into bedrooms of apartment is significantly reduced. Privacy is increased.
 - Outlook improved (outlook onto a small planted courtyard with 'pergola' above rather than onto the bonnet of a car as well as oblique views past the lift shaft)
 - North facing bedroom - day light and sunlight not significantly affected – as demonstrated in BRE sunlight / daylight report .
 - Flat is owned by the person making the application for the lift – no objections and no 'established' view is blocked – there are no long term residents.
 - Lift is well designed and will be a sculptural element in the courtyard (as acknowledged by Camden) covered with Creepers
 - Camden are being inconsistent in advising that they would not grant planning permission At 1750mm away the lift tower is further away from the window than the walls (either of a light well or a rear infill extension) than all the planning permission cited above which Camden has allowed planning permission for.
- The outlook from the bedroom is better and more pleasant than the outlook from any of the approved planning permission cited above,

This a carefully considered addition to the building which will enhance the existing building and will not harm the amenity of the flat at the ground floor we therefore request that this appeal is allowed.

Second planning application

Although we consider that the scheme as designed should be granted planning permission but we have at the same time re-submitted a revised planning permission with the lift tower moved out a further 500mm into the courtyard so that the space between the window of the bedroom and the lift tower is 2250mm away from the window – which is further than the distance between two typical terrace house outreach extensions.