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Our Ref: PA/JCG22881
Your Ref: 2017/6921/P

E-mail: aldridgep@rpsgroup.com
Date: 18th January 2018

London Borough of Camden
Regeneration and Planning
Supporting Communities
5 Pancras Square
London
N1C 4AG

For the attention of Mr Raymond Yeung

By email: Raymond.Yeung@camden.gov.uk

Dear Sir/Madam,

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)
5 GAYTON ROAD, NW3 1TX
PLANNING APPLICATION REFERENCE 2017/6921/P

We are instructed by our clients, Mr Alan Gregg and Ms Angela Clist who reside at no. 6 Gayton Road to submit representations in respect of this application.

The planning application was submitted on 15th December 2017 and given reference no. 2017/6921/P and relates to the neighbouring property, no. 5 Gayton Road.

Our clients have already submitted an initial representation objecting to the proposals by an email dated 28th December 2017.

Since then, the planning application has been amended with revised drawings published to the Council's planning website on 15th January 2017. The revisions are significant and generally helpful however, my clients continue to have concerns with elements of the application proposals and these are duly amplified below.

Previous Refusal of Planning Permission

By way of background, we have previously objected on behalf of our clients to an earlier (similar) retrospective planning application (reference no. 2017/4181/P) which was refused by a decision notice dated 18th September 2017.

We enclose a copy of our previous objection letter (Appendix 1) which provides relevant background information and the arguments contained therein are equally applicable to the current application in so far as they relate to the railings installed to the roof and the potential future use of the roof as a roof terrace.

The previous application was refused for two clear reasons, namely:

1. The proposals would harm the design and appearance of the host property and fail to preserve or enhance the character and appearance of the Hampstead Conservation Area.



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Therefore, the proposed development would be contrary to policies D1 (Design) and D2 (Heritage) of the Camden Local Plan 2017.

2. The proposed use of the flat roof of the two storey rear projection, facilitated by the proposed railings and stair access, would result in a materially harmful loss of privacy from overlooking to the adjoining neighbours at 4 and 6 Gayton Road. Therefore, the proposed development would be contrary to policy A1 (Managing the impact of development) of the Camden Local Plan 2017.

At the time of issuing the decision notice, officers were also granted powers to pursue enforcement action to ensure the removal of the unauthorised works undertaken at the property and the reinstatement of the chimney stack. We assume that the current application has been submitted so as to avoid enforcement action being taken.

Current Proposals

The current planning application, as originally submitted, is at best confusing and at worst potentially misleading.

The current application was validated by the Council on the same day as it was received (15th December 2017). We consider that the application as originally submitted is deficient and by the Council's own validation requirements should not have been validated.

The following comments relate to the revised plans as received on the 15th January 2018. For the avoidance of doubt we understand these to comprise:

- PO1 – Revision 1 – January 2018 (Loft)
- PO3 – Revision 1 – January 2018 (Rear Elevation Alterations)

Drawing PO2 is stated as superseded on the Council's website but there is no replacement drawing provided. We therefore question whether this drawing still forms part of the current planning application?

If the proposals evolve again we reserve our client's right to submit further representations and in this respect we should be grateful to be kept informed about the progress with the application and any subsequent changes made by the applicant.

We note that the application forms have not been updated by the applicant since the revised drawings have been submitted. We also note that the application forms refer to a 'planning statement'. No such statement is provided. The provision of such a statement would aid understanding and also indicate the extent to which any pre-application advice given has informed the proposals.

Comments

Notwithstanding the above observations relating to the planning application form, our client welcomes the proposals to remove the metal staircase and to install a full width balustrade to the rear patio doors (thereby preventing access to the roof) and the removal of the 'replacement new railings' around the roof top. The reinstatement of the chimney stack is also welcomed.

Nevertheless, my clients remain very concerned about the proposal to retain (albeit in a different form) the railings surrounding the roof of a design similar to those which existed in 2016. The inclusion of this aspect of the proposals implies a continued attempt by the applicant to use the roof as a roof terrace in the future and such a use should be strongly resisted. Our clients would support the application if the reconstruction of the railings were to be excluded from the proposals.

These railings serve no useful purpose (other than to facilitate the use of the roof as a roof terrace), they are not necessary for any maintenance purpose and no other property on this terrace has railings installed to the roof. The removal of the staircase lends further weight to the railings being unnecessary whether in their current installed (and unlawful form) or of a design which replicates the original railings which previously benefited from a Certificate of Lawfulness of development (reference no. 2016/2797/P dated 20th May 2016).

Whilst we acknowledge that the roof was previously partially enclosed by railings (to the west and south side of the roof top only), those railings were removed and replaced with the current railings which are of a completely different design (and refused under the previous retrospective planning application referred to earlier). Upon their removal (which was not for planned maintenance purposes) any benefit afforded by the Certificate was lost. Accordingly the railings need to be determined solely against the Council's policies set out in the Camden Local Plan 2017. Policy indicates that such railings should be resisted.

The Council has previously ruled (under planning decision notice reference 2017/4181/P) that the railings would be detrimental in terms of design and heritage issues and also a roof terrace would be contrary to the protection afforded to preserving residential amenity.

The Council must be consistent in its decision making. Accordingly, we cannot perceivably see how a different conclusion can be reached with respect to the retention (albeit replacement) of the railings or the use of the roof.

The benefit of the Certificate has been lost and there is no precedent set for the retention of the railings in this location. On the contrary, there is clear evidence that these railings should be refused thereby removing any future uncertainty regarding the potential future use of the roof as a roof terrace consistent with previous decisions made by both the Council and Planning Inspectors in respect of this and nearby properties.

Conclusions

In summary, my clients support the removal of the staircase and the installation of a full width balustrade (as originally consented and now shown on the revised drawings received on 15th January) and the reinstatement of the chimney stack

My clients however strongly object to the retention of railings to the roof (either in their current or proposed form). The railings are inappropriate and they serve no useful purpose. Their retention would prolong the uncertainty regarding a potential future use of the roof as a roof terrace. The railings are contrary to the Council's policies on design and heritage and the potential use of the roof would harm my clients' residential amenity.

There is a clear policy presumption against the establishment of roof terraces in this sensitive location. The use of the roof as a terrace would have irreversible harmful impacts upon residential amenity in terms of overlooking, privacy and potential noise disturbance to neighbours.



Continuation Sheet

If the Council is in any way minded to grant the application proposals then it should protect local residential amenity through the imposition of an appropriate condition which prohibits the use of the roof as a roof terrace.

Should your planning officers require any clarification on the matters raised by this objection letter then they should not hesitate to contact us.

Yours faithfully,



PAUL ALDRIDGE
Planning Director

Enc.

c.c. Mr Alan Gregg
Ms Angela Clist



Continuation Sheet

APPENDIX 1

RPS CgMs Objection letter dated 15th August 2017 in relation to application reference no.
2017/4181/P – 5 Gayton Road, Hampstead (supplied as a separate PDF document)