



140 London Wall, London EC2Y 5DN

T +44 (0)20 7280 3300 F +44 (0)20 7583 2231 W rpsgroup.com

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

E-mail: aldridgep@rpsgroup.com
Date: 13th February 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 to submit further comments relating to the revised drawings received by the Council and posted to its planning website on 31st January 2018 for determination as part of this planning application.

Significantly, revised drawings PO1 Rev 2 and PO3 Rev exclude reference to the retention of or the replacement of railings to the roof.

In addition, a Planning Statement v2 has been published. It is not clear whether the Planning Statement has been updated or whether this accompanied the original submission but omitted in error from being posted to the Council's website. Notably, the Planning Statement still refers to the railings. Similarly, the planning application forms have not been updated and therefore continue to make reference to the railings.

If the railings are now being omitted from the proposals (as the revised drawings seem to indicate) then we would have expected the Planning Statement and Application Forms to have been updated to reflect this significant change. The application documents, taken as a whole, are not entirely clear on this point.

In order to seek clarity on this matter, our clients understand from discussions with the planning case officer on 5th February 2018 that the railings no longer form part of the current application proposals (they were already refused permission in 2017/4181/P so are not being considered as part of this application). This is welcomed and is considered to be an acknowledgment on the part of the Applicant that the existing railings are unlawful and that the enclosed roof space cannot be used as a roof terrace. Indeed, the installation of railings and the use of the roof as a roof terrace have previously been found to be unacceptable in this location by decisions made by the Council and on appeal.

If planning permission is granted, an informative should be included on the decision notice stating that any reinstatement of the railings to the roof would be unlawful as would the use of



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20 Western Avenue, Milton Park, Abingdon, Oxfordshire, OX14 4SH
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the roof as a roof terrace. Furthermore, a time period should be specified for the removal of the railings from the roof.

We have previously commented upon the Applicant's perceived benefit of the Certificate of Lawful Development (reference no. 2016/2797/P dated 20th May 2016) granted in respect of the original railings which previously partially enclosed the roof.

The Applicant's Planning Statement v2 continues to refer to the Certificate which suggests to us that the Applicant might in some way consider re-installing the original railings to the roof. This should be strongly resisted by the Council.

The original railings (subject of the Certificate) were removed and new railings of a materially different design were installed. The latter fail to preserve or enhance the character and appearance of the Hampstead Conservation Area and no longer form part of the Applicant's proposals and are to be removed.

Certificates are determined on the basis of the facts provided by Applicant's. The facts in this case are that the original railings have been removed and therefore any benefit previously afforded to them by the Certificate was lost at the point that they were removed. Since then, a new chapter in the planning history commenced through the installation of new railings (of a different design and appearance and which are the subject of ongoing potential enforcement action by the Council).

The original railings were not removed for any kind of maintenance purpose. The new railings (as unlawfully installed) are of a materially different and harmful design and appearance which do not benefit from any kind of immunity. Accordingly the re-instatement of the original railings would 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 refused. The benefit of the Certificate has been lost and there is no precedent set for the retention of the railings in this location.

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

Yours faithfully,



PAUL ALDRIDGE
Planning Director

Enc.

c.c. Mr Alan Gregg
Ms Angela Clist