

Wednesday, 22 November 2017

Enforcement Notice appeal

Dear Planning Inspectorate,

I understand from reading the appeal guidelines that what follows *you should avoid repetition and information that does not relate to the issues involved. The grounds of appeal should be clear and concise and we would not expect them to exceed 3,000 words.*

What follows is the reason for appeal and below this timeline of how this situation has arisen.

Reason for appeal

Specifically my medical conditions were being negatively affected by this ongoing situation that had started in early 2017 and with the real prospect that this will continue well into 2018 there is a need to end this matter now.

I have 2 main health conditions, Arthritis in the spine and Chiari Malformation, diagnosed when I was 50 years of age (this is a condition that affects the brain, skull and top of the spine). Having the new double glaze windows is already having a benefit effect on both my Arthritis and Chiari Malformation but the mental distress of being refused planning permission and the continuing nature of this process culminating in receiving the Enforcement Notice on 20th October 2017 has increased the pain associated specifically with my Chiari Malformation. Please click on this link to view more information about this condition www.nhs.uk/conditions/chiari-malformation. Also being cold or catching a cold etc. exasperates this condition. My Arthritis in my spine is also adversely affected by living in cold conditions. Hence the requirement for double glazing.

I can only get pain relief from injections that need to be administered by my partner. During this time, the frequency of these injections, have increased from 4 per month to now 8 per month. These injections are not cheap but thankfully I can get, for now, via NHS prescription (non NHS prescription is about £40 for 2). Nevertheless this increased mental distress and anxiety caused by the issue with the window frames and having to interact with Camden Council is costing me additional money to try to cope with the increased pain.

My pain is also not helped by Camden Council Planning department who claimed (and I have in an email that states this...) that they will (see 2 email extracts below from John Diver) help us to find a resolution whereby our new windows can remain as is but in fact they have not helped and have been very difficult to communicate with whether by phone or email.

Extract from John Diver, dated 30 August 2017

Now that the decision has been issued Angela will likely be in touch in order to make arrangements for steps to be taken to rectify the situation. As discussed if you are willing to work with us on this then hopefully we can get the windows adjusted without too much hassle.

Extract from John Diver, dated 01 September 2017

After this has been issued **Angela** will be in a position to involve herself and will be aiming to work with you both in order to rectify the situation. We will work with you in order to rectify the situation where possible

Enforcement Notice is a Block: (another reason aside from my medical conditions)

I am a leaseholder and the plan was the when my partner had a permanent job again (salary circa. £40K) then we would look to extend the lease to 99 years (currently lease has 58 years left). With the years 'ticking by' and every 6 months the lease extension fee gets greater. We have in 2016 spoken with our freeholder and bank to explore extending my mortgage for the purposes of buying a lease extension. In light of this Enforcement Notice Camden Council have written to my mortgage lender bank and freeholder and while this Enforcement Notice is in place there can be no lease extension. This is another reason why we need to get this notice removed.

December 2016

At the Highstone Mansions's AGM, in December 2016, we were informed by the Managing Agent, Maunder Taylor, that the building needed to be re-pointed, re-plastered and re-painted and as a result, scaffolding would

need to be erected 'March to May' in 2017 and it was stated the if flat owners wanted to address their decrepit Crittall windows then this was the time to do so and we were advised to contact Camden Council as planning permission may be required depending on what each flat owner wanted to do.

It is our belief that in a matter of years the managing agent will request that all windows will need to be double glazed for energy efficiency etc.

January, February, March 2017

In January 2017, some of the flat owners (including ourselves) attended 2 meetings to discuss the way forward with new windows. At a second meeting our free holder was present. We (flat 25) decided to address our Crittall Windows that had been installed in 1937 but by 2017 the frames were no longer tight against the frames causing cold and draught, 2 broken handles and 3 panes of glass needed urgent replacing. At this point our flat windows/frames were all decrepit and draughty.

Previously we had tried to get the handles and glass panes fixed and discovered that the nearest remaining Crittall Window Glazing company was based outside London; although they came out to view and they quoted £230 to replace each broken glass pane they were unwilling to do the work to replace/fix the handles and glass panes.

At this time we also investigated about scaffolding for our own flat but were told that where our flat 25 is situated, meant that single flat scaffolding couldn't be used because our 3 windows facing Lyme Terrace/Canal side did not have a level base but continued into the basement via a steel staircase.

In Feb. 2017, we contacted Camden Council planning department to explain we had a need to install double glaze windows to replace the decrepit and draughty single glaze Crittall window frames (installed in 1937) for reasons of energy efficiency and also my health condition.

By energy efficiency I mean that during the winter months (along with communal radiator heating and hot water which we pay for as part of the service charge) I had to have 2 extra electric heaters, to have some warmth in the lounge. I was told our electricity bill was equivalent of a 2/3 bedroom house and not a 1 bedroom flat – circa £800 per year.

We also explained that we only had a small time of opportunity (March – May 2017) to replace the old windows, as the whole block was being scaffolded from March to May 2017 for re-pointing, re-plastering and re-painting of the whole block, this has not been done for 25 years. (My flat is on the 2nd floor – 3 storeys up from basement/ground level and scaffolding would be required to install new windows). At this stage we knew that this was the opportunity of the block being scaffolded and therefore we had to start making arrangements for the double glaze windows instalment.

In February 2017 Laura Hazelton from Camden Council planning department advised the following that:

- You can replace single glaze Crittall with double glaze windows as long as the frames remained metal (we chose Aluminium)
- You need to keep 'like for like' design
- In the circumstance you can apply for planning permission retrospectively. In March 2017 I applied for planning permission, only realising later that a decision on the planning permission would come after the scaffolding was taken down. Laura Hazelton advised that I could apply retrospectively after the installation was complete. I called the planning department to discuss this matter and spoke with a John Diver, a colleague of Laura who said because you have submitted and paid the full planning permission then all you need to do is amend your 'statement of work', added to word retrospective and resend. This is what I did.

The Camden Council planning department had said that as long as we complied there should be no problem.

May and June 2017

The new Double glazed windows were installed in May 2017 (completed May 17th) – Due to our insistence that the manufacturers and installers took care to make a 'like for like' design as advised by Camden Council. As a result the work took a couple of weeks to make sure we had 4 cross bars for the 2 large window frames and 3 cross bars for the 2 smaller window frames. Also black frames at the back (backyard) and white at the front (canal side).

After several attempts at requesting a representative to visit and view the new windows, John Diver from the Camden Council Planning Dept. eventually came on the 10 July. John took pictures of the new windows and stated that these pictures would be reviewed by the Camden Council Team and they will decide if the retrospective planning permission would be granted.

He felt very confident that it would be granted as he could see no reason why it should be refused and as he said to me previously "it is not as if you pick up double glazing frames from a skip".

Upon arrival and viewing outside John Diver also commented that he found it hard to see any fault with our windows to such an extent that he had trouble finding the correct windows/locating our flat in the first place. Both John, my partner, and I felt a sense of relief with this positive statement. The visit lasted around an hour whereby we showed him the internal of our flat, the decrepit original Crittall windows in the stairwell, as an example of why we made this replacement and took him externally around the whole building showing him many of the other flats that had already replaced their Crittall windows to double glazing.

But we (John and I) were really shocked to learn (9th August) that the outcome of this meeting was that the planning permission was not approved; the reasons given were that the cross bars needed to be external, the frames need to be narrower and the 2 top middle windows need to be wider.

We, just about managed to afford the installation of these new double glazed windows and don't have any further financial means. We have 1 small salary income that barely covers our outgoings.

Over the next two days on researching we discovered that due to modern style of double glaze windows the frames are designed wider to hold double glazing and the cross bars are always in between the double glaze panes of glass.

Camden Council planning department officer (Angela Ryan) then asked us to address these concerns and then she would re-inspect. We then contacted up to 6-8 window glazing/house builders/handyman but no one was able to do this work. In fact one gentleman from a window glazing company said he had never heard of such a situation and he had been in this business for 20 years*.

My partner John spoke to Angela Ryan at Camden Council planning Department again, updating them on what the 6-8 window glazing/house builders/handyman said and asking them would they re-visit our property and assess the window frames again. She said no and that she had no choice but to serve the Enforcement Notice.

*I was, also, told by someone whose background is in architecture said that the window frames would have to be wider than the Crittall single frames to hold the double glazing, if not, it would be dangerous and a hazard to have single frame holding in double glazing. We have measured the different widths, new frames width is 7.8cm versus 5.8cm for the single Crittall window frames; taking into account that we are on the 3rd floor and at the back of the block, the optical angle is almost 30% and the optical difference is 0.

This is the reason we have contacted you, so that we can bring this desperate matter to an end.

You are very welcome to come and visit our flat to view our windows.

Please feel free to contact myself or my partner John Fitzgerald

Kind regards

Lucy Medhurst
07879 477 826