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Dear Sirs,

Appeal re. Refusal of Planning Application Number 2017/3258/P: Erection of screening to create roof terrace at 1st floor Level to rear of no. 160 Iverson Road.

REVISED ON 24th August 2018 to show correct Planning Application Reference Number

- 1.01 The application site is located on Iverson Road and comprises of a 4-storey mid-terrace property with dormers to the front and rear. **Refer to Appendix A. Location Plan**

The property is neither listed nor within a conservation area.

The site is surrounded by similar properties in an area that is undergoing considerable refurbishment and changes. Several of the houses have historically been divided into flats. No. 160 Iverson Road (the site) has been converted into 4 units.

- 1.02 The adjacent property at no. 158 was granted permission for a roof terrace to the rear at first floor level in accordance with Planning Application 2015/4837/P, refer to **Appendix L** (Decision Notice). The consent was granted conditional to the fact the proposed screening to the new 1st floor roof terrace would be in keeping with the cedar wood screening at the adjacent property to no. 156 (refer to photos on drg. PL04) **Appendix B**. The screening was not actually put up and photos show the degree of overlooking from it into the raised ground floor of no 160 . There are a number of existing – as well as recently granted - roof terraces and subsequently, an application for a 2nd floor roof terrace was submitted and granted at the application site (planning application no. 2016/6650/P) **See attached Appendix E** offering amenity to the converted dwelling at this level. There is a degree of mutual overlooking from upper floor windows along the terrace and the approved cedar wood screening helps to mitigate this. **Refer to photos in Appendix B.**
- 1.03 Based on the above precedents, an application was submitted in June 2017 to apply for a similar roof terrace on the existing flat roof to the rear of the property at raised floor/ first floor level with sole access from existing raised ground floor apartment. **Refer to Application form and Design and access statement attached. Appendix C & D.**

Said terrace to be screened in a similar manner of appearance to the roof terraces at adjacent properties, no.156 (existing) and no.158 (granted) and subject to the same conditions as the recently granted screens for no. 158 and also no. 160 on the level above. The proposed terrace is similar to many existing precedents in it's immediate surroundings and we consider does not allow for any greater degree of overlooking than any of the surrounding roof terraces.

Indeed, the proposed red cedar screening does much to provide a greater degree of privacy, not only to the full-length window of the room leading on to it which is currently directly overlooked by the property facing it (**See Photo**) but also prevents a high degree of overlooking from said window to the garden below. **Appendix B.**

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- 1.04 The intention was to create amenity space at first floor without resulting in unreasonable loss of privacy to adjoining neighbours as well as to increase privacy for the occupiers of flat B, mitigating the degree of overlooking from the windows of the property opposite (refer to photos **Appendix B**).
- 1.05 For the protection of privacy, a screen was proposed along the existing parapet walls to the rear of 160 at said level over the rear extension to ensure that there would be no adverse privacy effects. Said screen to match in its design and dimensions the recently approved screening at the level above (refer to photos) to the approved screening to flat C above. **Refer to attached planning application drawings Appendix F.**
- 1.06 Unfortunately, we did not hear back from the LPA in the usual manner with any form of acknowledgment of our application.
- 1.07 It was not until July 2017 when we placed a call to the LPA, that it was confirmed that the application had been allocated a Planning Officer.
- 1.08 Please refer to the chain of email correspondence between us and the LPA which then ensued. I have attached a file of the email correspondence that went back and forth between ourselves and the Council since June 2017 and summarise as per following timeline: **Refer to Appendix G.**
- 1.09 June 2017: Planning application submitted on portal and confirmation that LPA would be in touch subsequently.
- 1.10 July 2017: As no correspondence from LPA forthcoming, telephone call to LPA confirmed verbally that application had been validated (2017/3258/P) and Planning Officer, Hugh Miller allocated. Further to our contacting said officer, a site visit was arranged and we met the Officer who stated that written validation letters were no longer being sent out by email nor by post but verbal confirmation was sufficient. He also stated that our details as agents were not recorded on the application and this was probably why we had not been contacted previously.
- 1.11 However, no further written response was provided to our email of July 6th (attached) which was written at the advice of the Planning officer, confirming our role as agent and requesting a planning application number.
- 1.12 Not until September 2017, further to more phone calls an email was received from LPA confirming that a new Officer had taken on the case and that further site visit not necessary as photos would suffice. Finally, at this stage, a letter of validation from the LPA was provided (see attached copy below **Appendix H**). However, the letter was dated September 2017 even though the body of its contents stated that a decision should be due by August 2017.
- 1.13 Also at this time, the newly allocated officer explained that the statutory consultations had not been carried out properly thus requiring a further extension to the statutory time limits. However, it was also confirmed at this time in Sept 2017, further to two replies from LPA that the application would be **recommended for approval**. The LPA made a request for an extension of time until the 10th October which we duly agreed to in our email of 28th Sept.
- 1.14 Sadly, nothing more was heard from the LPA until a further phone call made by us on 20th October querying why the LPA had not followed due process in accordance with previous correspondence.

We were then informed verbally that contrary to the previous emails, the application would now be refused consent.

- 1.15 Then, on Oct 23rd an email from the Planning officer was sent contradicting all previous communication and stating that actually, no decision for refusal would be made until a further Planning application form was submitted otherwise the "Planning Inspectorate **MAY** not accept any future appeal".
- 1.16 At this stage, on November the 6th 2018, we were notified of a further replacement Officer.
- 1.17 In her email of the 8th of March 2018, the third replacement Officer stated that should we not submit a new planning application form, she would withdraw the application on our behalf.
We do not see how this is lawful as how can the application be withdrawn by the LPA against our consent and particularly as this would mean that it was indeed validated in the first instance as evidenced by the letter attached below.
- 1.18 At this time a fourth officer took over the case. We reserved our right to take this query up with the Planning Inspectorate directly, whose representative advised us to send in an email explaining the history. This we duly did on the 3rd April 2018.
- 1.19 We were subsequently advised in a response from the Inspectorate on the 28th March 2018 that we would need to submit the appeal before it could be determined whether it was acceptable.
- 1.20 This we are duly doing now ;Given the irregularity of the process ,the conflicting information and feedback provided to us ,the ambiguity of timelines as well as the need to await a response to our initial query from the Inspectorate ,we respectfully request that some mitigation be given to the timelines involved in the process since submission of our application in June 2017 ;This is because the LPA did not appear to validate the application till Sept 2017 even though the decision date was set down as August 2017 .
We allowed the LPA an extension of time till October 2017 to issue the decision based on the information provided to us and as requested by the LPA.
Subsequently, we wrote as advised to the Planning Inspectorate and received a response to the reply however our appeal on grounds of non-decision was not upheld due to lapse beyond permitted time frame for same.
- 1.21 On the 17th May 2018, we finally received a Decision of Refusal from the LPA (see attached **Appendix J**) for our resubmitted Householders Application.
- 1.22 We now appeal against the LPA's reason for refusal on the grounds of :

*'The proposed roof terrace and associated privacy screen, by reason of the screens' scale, height, materials, and siting at first floor level, would appear as incongruous and unsightly additions adversely impacting on the amenities and views from neighbouring properties and the adjoining street, contrary to policies D1 (Design) and A1 (managing the impact of development) of the London Borough of Camden Local Plan 2017 and Policy 2 of the Fortune Green and West Hampstead Neighbourhood Plan 2016.
You are advised the proposed rear elevation does not tie in with the proposed floor plan. The elevation does not show the privacy screen extending the full width of the ground floor extension as detailed on the floorplan.'*

The proposed screens' scale, height, materials and siting are all matching and in line with previously approved screens already in place (refer to decision notice **Appendix E** for flat C, and other adjoining properties such 156 & 158).
We therefore do not consider that this would appear as unsightly or incongruous as this would provide a further uniformity to the rear elevation as well as offer better privacy to neighbouring properties.

1.23 We do not consider this would adversely impact on the amenities and views from the adjoining street as photograph (**Appendix B**) shows that the only street view would be from Medley Road. One side of the perimeter to the proposed terrace on view is already heavily screened by evergreen trees located in the neighbouring property's garden. Similarly, the remaining section of screen in view would match up with its existing identical twin above. Therefore, we consider that this application is compliant with '*policies D1 (Design) and A1 (managing the impact of development) of the London Borough of Camden Local Plan 2017 and Policy 2 of the Fortune Green and West Hampstead Neighbourhood Plan 2016*' and provides a cohesive and balanced elevation.

Finally, we were advised in the decision refusal that the '*rear elevation does not tie in with the proposed floor plan. The elevation does not show the privacy screen extending the full width of the ground floor extension as detailed on the floorplan*', subsequently, we have revised the drg no. PL03 plan to tally with the proposed elevation (**refer to Appendix K**).

We disagree strongly with the LPA's summary that they have sought to work with '*the applicant in a positive and proactive way in accordance with paragraphs 186 & 187 of the National Planning Policy Framework*'.

We consider that the chain of correspondence provided over the length of this process is clear evidence that the above paragraphs have been contravened significantly and that in fact the application process has been fraught with misinformation, confusion and mismanagement causing unnecessary delays and obstruction.

In light of the above, we respectfully request our appeal to be upheld.

Yours Faithfully



Suzanna Nour BA Arch (Hons) ,DIP ARCH Pt II ,Chartered Architect

Enc. As outlined above .