

## FOUNDATIONS OF APPEAL

### JOB TITLE

ERECTION OF SIDE GABLE ROOF EXTENSION,  
A REAR DORMER EXTENSION AND 2 FRONT ROOF LIGHTS

### ADDRESS

52B SARRE ROAD, LONDON, NW2 3SL

### CLIENT

MR EMMANUEL BRANDARIZ

### ENFORCEMENT REFERENCE

EN17/0180 ENFORCEMENT NOTICE

### PLANNING REFERENCE

2016/4699/P FULL PLANNING APPLICATION  
2017/0169/P VARIATION OF CONDITION APPLICATION

### COMPOSED BY

IMPRACHIM KAGAN  
BUILD LONDON ARCHITECTURE LTD.  
JUNE 2018

## 1.0 INTRODUCTION AND BACKGROUND:

- 1.1 This ground of appeal has been prepared by Build London Architecture on Behalf of Emmanuel Brandariz (the “Appellant”) against the issue of Enforcement Notice by the Local Planning Authority, The London Borough of Camden (“Council”).
- 1.2 The enforcement notice was served (council reference EN17/0180) on 2<sup>nd</sup> May 2018 by Council and relates to the following, which is considered to constitute the breach of planning control. (Appendix 1/1)
- “Without planning permission: The Flat roof of the dormer has been built flush with the ridge of the existing roof rather than set down from the ridge by 0.5m as shown on the approved plans.”**
- 1.3 The appeal site is located within the London Borough of Camden at the Northern part of Sarre Road. The appeal site is neither subject to any statutory listings nor located in a Conservation area.
- 1.4 The full planning application reference number 2016/4699/P is sought by council for ‘*Erection of a side gable roof extension, a rear dormer extension and 2 front rooflights*’ and it was granted on 11<sup>th</sup> October 2016 (Appendix 1/2). The design details and the process are explained in the section 2.0 Grounds of Appeal.
- 1.5 An appeal reference APP/X5210/W16/3162221 (Appendix1/5) was submitted on 1<sup>st</sup> November 2016 after full planning application 2016/4699/P was granted. Council made a decision after applying several amendments to the design. Appellant withdraw the appeal 13<sup>th</sup> January 2017 after agreed with council to submit a Variation or Removal of Conditions application to make a amendments on the approved design.
- 1.6 The Variation or Removal of Condition(s) application reference 2017/0169/P (Appendix 1/6) was submitted by following the granted planning application for ‘*Variation of Condition 2 (approved plans) of planning permission reference 2016/4699/P dated 11/10/2016 (Erection of a side gable roof extension, a rear dormer extension and 2 front rooflights) namely to increase the depth of the approved dormer by 0.5 metres.*’ and it was granted on 23<sup>rd</sup> February 2017.
- 1.7 As additional information to above, during the planning application process and after enforcement notice was served appellant could not get clear response from council and he believes that he was misinformed. Also, after several revisions the approved drawings REV E prove that the Camden Design Policy was interpreted individually as the requirement was 500mm but the REV E was asked to leave 1000mm from eaves. Furthermore, in enforcement officer’s email (Appendix 1/10), he mentions that the structure of the dormer is not set back 1000mm from the eaves but it was approved in the second application (details are above Variation of Condition Application) as 500mm set back from eaves.
- 1.8 As stated on Council’s website ‘*Government guidance makes it clear that we should first try remedy planning breaches through negotiation in all but the most serious cases. The person carrying out the breach is sent a letter*

*confirming that the breach should be remedied in a specific timetable, or information should be provided to justify to us that no further action should be taken.*

*We will not unnecessarily delay starting formal action while negotiations continue to resolve the breach, for example by asking for an application for retrospective planning regulations.'*

[\(https://www.camden.gov.uk/ccm/content/environment/planning-and-built-environment/two/planning-enforcement/enforcing-planning-regulations/\)](https://www.camden.gov.uk/ccm/content/environment/planning-and-built-environment/two/planning-enforcement/enforcing-planning-regulations/)

Since the issue was raised by council, planning enforcement officer haven't approached to negotiate the solutions before the enforcement notice was served.

## **1.0 GROUNDS OF APPEAL:**

**2.1.** This section of the report sets out the grounds for appeal against to Enforcement Notice on behalf Mr Emmanuel Brandariz, by considering the Ground A, Ground E and Ground F with planning history and similar developments in the area.

*Ground (a) – 'that planning permission should be granted for what is alleged in the notice (or the condition or limitation referred to in the enforcement notice should be removed)'*

**2.2.** The appellant would like to appeal on Ground A which indicates that the planning permission should be granted. The process of the planning application and the other approved and built rear dormers in the area support this ground.

**2.3.** The planning permission 2016/4699/P for 'Erection of a side gable roof extension, a rear dormer extension and 2 front rooflights' was granted on 11<sup>th</sup> October 2016 after applying several amendments.

**2.4.** The list of the revisions applied to design:

REV A	05.09.2016	Access to the rear terrace removed, dormer size reduced, staircase layout changed.
REV B	07.09.2016	Dormer walls set off 500mm or more from the edges, eaves and ridge, accordingly to the Camden Town Policy SPD.... reduced rear elevation glazing.
REV C	19.09.2016	Rear dormer wall set off by 800mm from the eave, rear elevation glazing reduced, centered, creating "visual symmetrical frame" around the windows.
REV D	20.09.2016	Juliette balcony within the dormer length hidden in the slope of the roof inserted.
REV E	21.09.2016	Rear dormer wall set off from the eave by 1000mm.

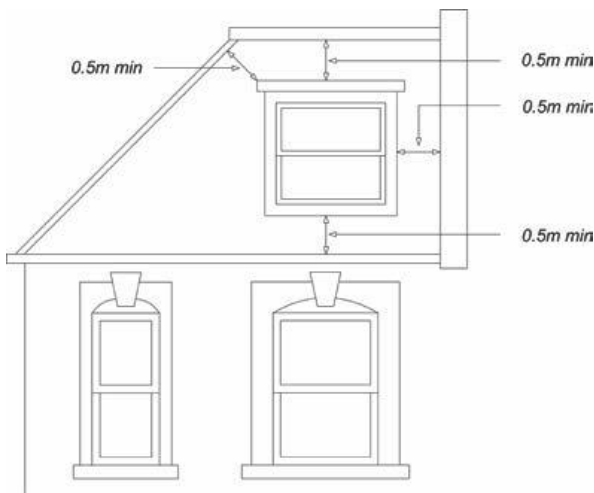
**2.5.** The revision REV E was approved. Please see the approved drawings in the Appendix 1/3/V). As seen in the revisions history, the REV B (please see REV B rear elevation in the Figure 2 and the full set of drawings in the Appendix 1/3/II) was done accordingly to the Camden Planning Guidance 1 Design, part 5 Roof terraces and

balconies, par. 5.11 Roof dormers, page 42. Please see the Figure 1 below that explains how the roof dormers need to be set off from all edges. As shown on the Figure 1, the dormer needs to be set off 500mm from all edges, ridge, sides and eaves.

**2.6.** During the application process, council has approved the REV E which shows the revision to dormer as set back from eaves 1000mm. After the decision, appellant has decided to appeal on Camden Planning Guidance to ask the dormer to be approved set back 500mm from eaves not 1000mm. He believed that his 'rights' to have bigger dormer were not considered by council even shown on their policies. After submitting the appeal reference APP/X5210/W16/3162221, appellant discussed with council and both agreed to submit another application 'Variation or Removal of Condition(s)'. The appeal was withdrawn and second application reference 2017/0169/P was submitted. It was granted as dormer set back 500mm from eaves.

**2.7.** Before submit the first application, the appellant and architect checked the appeal site area for similar dormer and roof extensions. Council has approved similar roof extensions and dormers in the same area. The dormer does not harmful impact on the local character or surrounding area. Also, it has mentioned in the decision notice which is issued on 11<sup>th</sup> October 2016 (please see the Appendix 1/4) by council. It states in the informative section as *'The proposed hip to gable roof extension is considered acceptable in this instance as it would match the roof profile of the adjoining property at No.54 and help to re-balance the appearance of this pair of semi-detached dwellings. The proposed rear dormer is very wide and in normal circumstances would be unacceptable. However it is considered on balance that its scale and size would not have an overbearing impact on the character of the host dwelling or the surrounding area and streetscene, given the presence of similar sized dormer extensions to properties along this side of Sarre Road (Nos. 48-32) and the precedent set by an identically sized dormer approved recently in 2016 for a similar property at No.17. The front rooflights are acceptable as modest features in the roofslope.'*

2.8. In the local area, No 17 Sarre Road has approved permission for ‘Erection of hip-to-gable roof extension and rear roof dormer with Juliet balcony. Alterations to side elevation chimneys. Installation of 3no. rooflights to front slope and 1no.to side roofslope.’ The reference number is 2016/3303/P and please see the Appendix 1/7. The size of the dormer at No 17 was described ‘*identically sized*’ in the decision while it is not. The approved drawings of No 17 shows that the dormer is set off from ridge 300mm not 500mm as it is shown on the Camden Planning Guidance. It seems that the council made an exemption on the decision of No 17. Furthermore, there are similar properties in



Camden Planning Guidance | Design | Roofs

Figure 1. Dormer windows

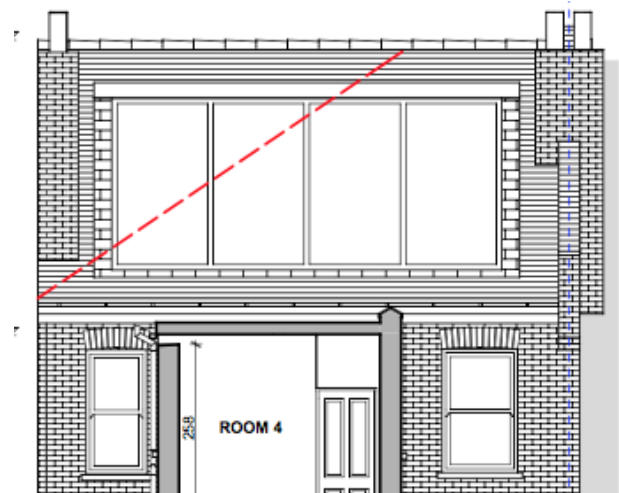


Figure 2. Rev B of proposed design

Dormer walls set off by 0,5 m from the edges

the local area, which have been approved by council in the last years. Council has mentioned only Nos 48-32 in the decision letter as ‘*similar sized dormer extensions*’. Please see the list of the similar dormer and roof extensions below. Also, please see the Appendix 1/7/1 for further information. Some of the dormer extensions have been approved at the ridge level.

The list of the properties approved with full planning application and householder planning permission:

APPLICATION NO	DECISION GRANTED	ADRESS	PROPOSAL
2016/3303/P	03-08-2016	1st Floor Flat 17 Sarre Road London NW2 3SN	Erection of hip-to-gable roof extension and rear roof dormer with Juliette balcony- Alteration to side elevation chimneys. Installation of 3no. rooflights to front roof slope and 1no. to side roofslope.

2015/1505/P	13/05/2015	57 Minster Road London NW2 3SH	Erection of a single storey ground floor rear extension (to replace existing), infill central roof extension and side dormer roof extension.
2015/3789/P	15/09/2015	4A Hillfield Road, London, NW6 1QE	Creation of second floor rear balcony, rear dormer extension, repositioning of front door and associated landscaping including new refuse store.
2013/5334/P	14/10/2013	9 Aldred Road London NW6 1AN	Erection of a extension at roof level following the replacement of existing window the installation of new door and railings for the formation of a Juliet balcony to the rear elevation, the installation of 2 x rooflights to front roof slope the installation of new window to the front elevation at basement level and the installation of new railings at front boundary of existing residential dwelling (Class C3).
2013/6002/P	01/11/2013	11 Westbere Road London NW2 3SP	Hip to gable roof extension including rear dormer and five rooflights to residential flat (Class C3).
2005/2392/P	05/09/2005	Flat 1 <sup>st</sup> Floor 34 Sarre Road, London, NW2 3SL	Conversion of the loft space into additional habitable accommodation for the 1 <sup>st</sup> floor flat involving erection of a dormer window within the rear roofslope plus 2 rooflights within the front roofslope.
2004/1992/P	15/09/2004	Flat 4, 65 Gondar Gardens, London, NW6 1EP	The erection of a rear dormer window with a roof terrace on an existing flat roof and the insertion of 2x rooflights on the front and rear roof slopes in association with the conversion of the roofspace for use in association with top floor flat.
PW9902018R1	24/02/1999	First Floor Flat, 44 Sarre Road NW2	The erection of a dormer window and roof terrace at the rear and velux rooflight to the front, as shown on the drawing number: G1116/D

**2.9.** The properties that on the Sarre Road and surrounding area are mostly single houses. The Sarre Road is not in the conservation area and all single houses benefits from Permitted development rights. Many rear dormers and loft conversions were built under permitted development rights, which are in variation of type and size. These dormers mostly built at the same level with the ridge and without setting back from sides and eaves. In this case, between variation of the dormers, the dormer in the appeal site as built at the same level with the ridge would have limited impact in the area character. Even council allowed some developments which doesn't match existing building character and local area character. As a sample please see figure 3 that shows 67A Minster Road London NW2 2SH below.



Figure 3. 67A Minster Road London NW2 2SH

The list of the properties with approved under permitted development and please see appendix 1/7/2 for further information:

APPLICATION NO	DECISION GRANTED	ADRESS	PROPOSAL
2017/2879/P	12/12/2017	46 Sarre Road London NW2 3SL	Installation of rear dormer window and two roof lights to front roof slope
2017/5077/P	03/10/2017	14 Achilles Road London NW6 1EA	Erection of a rear roof extension and roof lights to front roof slope.
2015/6737/P	13/01/2016	36 Sarre Road London NW2 3SL	Loft conversion including the installation of 3 rooflights to front roofslope and rear dormer window as well as minor alterations to dwelling house.

**2.10.** The reason (b) for the issuing the Enforcement Notice is *'The dormer window to its alignment and proximity to the pitch of the roof is considered to be an overly bulky and over-dominant structure with and unsympathetic design that detracts from the visual amenity and character of this property and is contrary to Camden Local Plan policies D1 (design)*. The properties have been listed above prove that the similar or bigger sized rear dormers have been approved in the area for same or similar character properties. Also, No 17 shows that council have approved similar sized dormer, which is *'contrary'* to their policies in the same way.

[Ground \(e\) – 'that the notice was not properly served with an interest in the land'](#)

- 2.11. The appellant Mr Emmanuel Brandariz is leaseholder of the appeal site First Floor Flat B 52 Sarre Road. Based on his knowledge, the Enforcement Notice was not served to other interested people in the land as leaseholder of Ground Floor Flat A 52 Sarre Road London NW2 3SL and freeholder company of 52 Sarre Road Limited.
- 2.12. For information, the leaseholder of Ground Floor Flat A 52 Sarre Road has no objection to dormer extension at First Floor Flat B 52 Sarre Road. Also, he has provided a written confirmation of objection to Enforcement Notice. Please see the letter in the Appendix 1/11.

Ground (f) – ‘that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach’

- 2.13. The steps required to be taken by Enforcement Notice are
- To ‘remove unauthorized rear dormer and restate the roof to match the original’
  - Or
  - ‘Rebuild dormer window in line with approved scheme 2017/0169/P’
- 2.14. The both options require major works on the property as the rear dormer and loft conversion are completed now. The appellant and his wife planned to have loft conversion due to their expanding family. They have a 13-month-old first child and a second one due in June 2018. The construction works that need to be done would create a really harmful and noisy environment at home for children, especially for a future newborn baby.
- 2.15. The appellant has attached a letter to explain personally his family situation and all his experience with council during the planning application process and after the Enforcement Notice served. He also adds the emails between the planning officer and him. Please see the Appendix 1/8.
- 2.16. Furthermore, the owner and occupiers at Ground Floor Flat A 52 Sarre Road think that the works would cause significant inconvenience and disruption. Also, they have provided a letter to explain their thoughts on this Enforcement Notice. Please see the attached letter in Appendix 1/11.
- 2.17. Flick Rea, who is a councillor and neighbor, wrote an email to council on 24<sup>th</sup> April 2018 to discuss the situation after Enforcement Notice was served. Also, please see this email as attached in Appendix 1/9.

## 2.0 CONCLUSION:

- 3.1 On behalf of our appellant Mr Emmanuel Brandariz, we have considered the reasons under Ground A, Ground E and Ground F to appeal against the Enforcement Notice. Attention was given to the similar approved rear dormers in the local area by reviewing the decision and the application process. It was also concluded that the letters from neighbours. Having regard to all of the above, we believe that the rear dormer is appropriate in scale and, being of



having respect to local character. In respect to authorities, for all these reasons, we therefore conclude that appeal should be allowed.



..... AREA PHOTOS WITH APPROVED LOFT CONVERSION WITH FULL PLANNING PERMISSION

..... AREA PHOTOS WITH APPROVED LOFT CONVERSION WITH PERMITTED DEVELOPMENT

..... 52B SARRE ROAD, LONDON, NW2 3SL

## APPENDIX 1

1. EN17/0180 ENFORCEMENT NOTICE served on 2<sup>nd</sup> May 2018
2. 2016/4699/P– Application Drawings submitted to Council (dated as 23/08/2016 on drawings)
  - I. 16181 - PLN - 00 Site Plan
  - II. 16181 - PLN - 01 Floor Plans Proposed
  - III. 16181 - PLN - 02 Loft Plan Proposed
  - IV. 16181 - PLN - 03 Sections Proposed
  - V. 16181 - PLN - 04 Elevations Proposed
  - VI. 16181 - PLN - 05 Floor Plans Existing
  - VII. 16181 - PLN - 06 Loft Plan Existing
  - VIII. 16181 - PLN - 07 Sections Existing
  - IX. 16181 - PLN - 08 Elevations Existing
  - X. Design And Access Statement
  - XI. CIL Form
  - XII. Application Form
3. Revised Drawings
  - I. REV A
  - II. REV B
  - III. REV C
  - IV. REV D
  - V. REV E (Approved Drawings)
4. Decision Notice
5. Appeal APP/X5210/W16/3162221 submitted after granted decision and withdrawn on 13<sup>th</sup> January 2017
6. 2017/0169/P Variation or Removal of Condition(s) Application Drawings Submitted to Council
7. Similar Approved Projects In The Same Area
  - I. Full Planning application
  - II. Permitted Development (LDC)
8. Letter from appellant Mr Emmanuel Brandariz
9. Email from Councillor and Neighbour Flick Rea to Council
10. Email between appellant and Enforcement Planning officer
11. Letter from owner(s) of Ground Floor Flat A 52 Sarre Road London NW2 3SL