

## Introduction

The owner of 42 Willow Road, Dr. Prior, is now retired and wishes to reside with his wife in the main body of the property comprising three floors. There is no terrace or balcony and the property is cut-off from the rear garden by a self-contained lower ground floor flat. Because there is no outside access other than the front door to the street, Dr. Prior desires to have his kitchen and dining room directly connected to a sitting area in the rear garden via a glass door and a discrete Victorian spiral staircase. A planning application was submitted but was withdrawn following review of the comments. A second application was submitted which proposed a minimalistic spiral staircase to accommodate all the previous objections. This application was instantly dismissed and the nature of the objections and the overall process leads us to believe the details in the application were not properly considered, hence the following appeal.

## Statement of case

- 1.) It is our case that Camden Council did not follow due process by permitting consultation comments beyond the expiry deadline on 13.01.19. Objections were received on 15.01.19 (15:32), 16.01.19 (14:56), 28.01.19 (11:19), 04.02.19 (12:48). By allowing these objections beyond the statutory consultation period the council was seeking to strengthen their case for refusal, when they had already predetermined a decision. (E-mail from S.Fields to A Alonso date 28.01.19. )
- 2.) Item 3.1 of the delegated report notes that the Council “will expect developments to consider character, setting, context and the highest standard of design”.
  - The applicant has demonstrated their consideration by withdrawing the previous application 2017/3695/P and amending the location in recognition of the relevance of its setting.
  - In considering the context of the applicant’s property, it should be noted that there is an existing spiral staircase in close proximity, approx. 50m away. Please see **appendix 1** below:
  - The proposed spiral staircase is of Victorian style and is therefore in keeping with the age, style and character of the host property. The Hampstead Conservation area features a large amount of wrought iron staircases, balustrades or balconies. With this point we feel that it cannot be argued that the proposed staircase is out of character.
- 3.) Item 3.4 notes that “none of the other properties along this row of terraces are subject to a balcony...”. This statement is factually wrong which can be proven by **appendix 2 & 3** below. The row of terraces features numerous balcony railings, which are all not in keeping with their host properties. The proposed development would be a significant visual enhancement compared to those railings.
- 4.) Item 3.4 further states that “The proposal would manifest the internal division of the building...”. It is accepted that this would be indeed the case, but this does not overcome the issue that this internal division, permitted under application 8500603, results in a detrimental impact for the applicant by not being able to directly access the shared rear garden. At no point has Camden Council taken this aspect into consideration. Weighing up between the significant improvement to the occupant’s ability to enjoy the garden as living space versus any potential visual detriment, one should come to the conclusion that the discrete spiral staircase is minimalistic by design and is an acceptable means of providing such access.
- 5.) In further regard to Item 3.4, we contest that both the upper and lower dwellings have mutually shared access to the rear garden. Within the footprint of the property, the main body of the house or upper dwelling is cut-off from the rear garden unlike the lower dwelling. This is an oversight that the applicant requires to be corrected and as stated such a discrete

and period correct spiral staircase best achieves this goal. Exiting the front door, turning the corner to Crescent Road and then entering an external side door is NOT equal consideration for direct access and is highly impractical and inappropriate use for the main body of this multi-story property. The kitchen/dining area of the main upper dwelling needs direct access to the patio garden sitting area to be equally enjoyed as is the case for the lower dwelling with direct access of its kitchen and living area to the garden. As stated, the benefit to the upper occupant is significant and yet the Council has only given consideration to the lower dwelling in a very unbalanced and somewhat discriminatory manner.

- 6.) Item 3.5 of the delegated report refers to an “incongruous addition” and being “highly visible from the street”. Again, this assessment is factually incorrect. Large portions of the staircase would be behind the existing wall, and other more exposed areas are shielded by a protected tree. See photo view along Gayton Crescent in **appendix 4**. As the Council has rightly assessed under point 4.7 other properties are too far away from the proposed development for being detrimentally impacted upon.
- 7.) Item 3.8 refers to a “bulky and obstructive balcony”. In this instance the local authority contradicts itself by referring to a balcony. Item 4.6 actually confirms that the 1.2m<sup>2</sup> platform would be too small to sit out on. It should therefore be considered a small stair landing and not a balcony. Furthermore, the applicant feels strongly that the fine railings made of wrought iron can hardly be described as “bulky”. There continues to be a misconception in regards to the 3- dimensional volume of a spiral staircase. The winding stairs will not appear as a solid, cylindrical volume and therefore should not be considered as an overbearing feature.
- 8.) The general nature of the few comments that were received pre and post ‘commentary expiration period’ seemed to be concerned with the impact to the downstairs resident with regard to light, noise, and ingress/egress. We believe these comments regarding the impact on internal living considerations over architectural were solicited to support the occupant. Our design totally considered these matters and each is referred to below.
  - A. We addressed light by creating a very small platform landing with wide gratings which could also be clear glass. The landing is offset to the right of the lower ground floor window. We consider that this design will have negligible impact on light, if any, and will be well overshadowed by an adjacent tree.
  - B. Upper floor residents will have to step down the narrow staircase slowly and the frequency is unlikely to create any untoward noise. We believe this comment is not valid.
  - C. The repositioning of the side entrance door further away from the immediate corner actually creates a more open ingress/egress common area patio. The entrance will be more open and aesthetically more pleasant. We therefore consider any comment on ‘crowding’ a staircase into a small area as invalid. Note, with the positioning of the side door avoids the need for anyone to walk under the tiny platform.
- 9.) In this appeal, the applicant has the opportunity to respond to the underlying nature of the comments and the inappropriate handling of the application. The comments from residents were focused on the impact of this spiral staircase to the internal living space of the lower dwelling whereas when one would think that any concerns would have focused on the visual impact to the community. Further, a comment from the local Councillor, note post consulting period, just repeated this theme and it was clear the Councillor never read or even

understood the considerations in the proposal. This leads us to believe the comments, pre and post consulting period, were solicited and simply contrived to support other agendas.

Up to this point the garden was full of high undergrowth which none of the occupants could access or certainly enjoy and claims that previous occupants enjoyed use of the garden from street access as a means to trivialize the applicants wishes, are incorrect. Also, it is a fact that the lower occupant always keeps his curtains drawn closed during the day, which raises a flag regarding the sincerity of comments concerning lighting. We understand this type of comment cannot be taken into consideration but, to restate this is a highly consistent observation shared by others visiting the property during the day and one that should have been made by those who were asked to send in comments. The inference that the lower ground floor occupant was not consulted first is incorrect. The applicant along with witnesses discussed the rationale for direct access by a spiral staircase and how the garden could be shared with visiting grandchildren. Perhaps this specific reference to grandchildren may jog the occupant's memory. In that discussion, which occurred prior to the first application, there was no clear objection nor did the occupant post an objection during the consultation period. Why coordinated objections were posted in the second more favourable application remains unclear and is inconsistent.

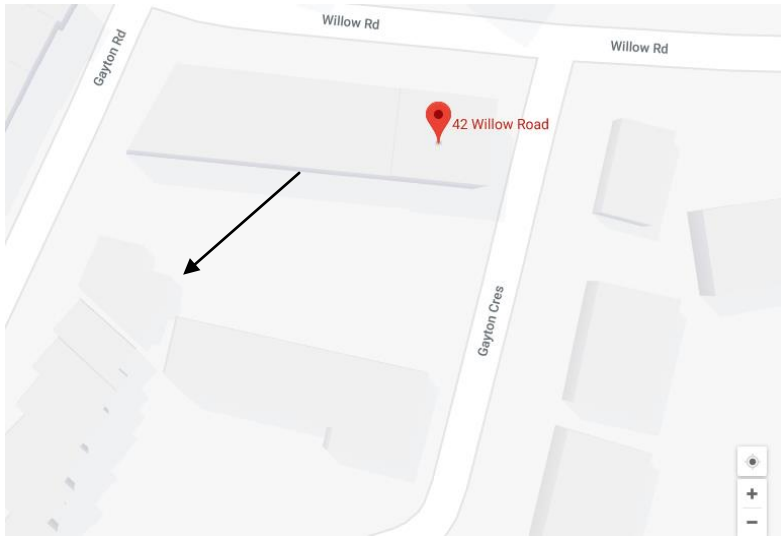
The garden has now been cleared of tall overgrowth and a sitting area now exposed. The applicant would simply like to have direct access to this area from the kitchen for the same living purposes that all houses of this type enjoy without carrying beverages and food into the street.

Lastly, the applicant raised valid issues regarding safety. The spiral staircase case provided a second exit in case of fire. A multi-story building of this nature should really benefit from a second emergency exit. Similarly, the concern for young children exiting the front door to the street, out of sight to the parents or grandparents, was ignored. These safety considerations were totally ignored over purely subjective and incorrect assumptions regarding visual impact. One has to concur that this conduct is unconscionable.

In closing, we request that a balanced consideration be given to the applicant and that the proposal and its sensitivity to planning considerations be carefully reviewed and fully understood without what seems the involvement of solicited political undertones.

Dr C. Prior, 22.04.2019

Appendix 1





Appendix 2



Appendix 3





Appendix 4

