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**From:** [REDACTED]  
**Sent:** 08 April 2020 10:20  
**To:** Whittredge, Emily  
**Cc:** Planning  
**Subject:** Fwd: Urgent - 2020/0176/P  
**Attachments:** 03\_04\_2020\_consultation response\_ref.20200176P.pdf

**[EXTERNAL EMAIL]** Beware – This email originated outside Camden and may be malicious Please take extra care with any links, attachments, requests to take action or for you to verify your password etc. If in any doubt contact InformationSecurityTeam@camden.gov.uk please note there have been reports of emails purporting to be about Covid 19 being used as cover for scams so extra vigilance is required.

Hi,

Could you please confirm receipt of our below consultation response - it hasn't been uploaded to the website yet. We realise this might take some time but in view of the upcoming Easter break, we thought we had better check.

Kind regards,

[REDACTED]

Begin forwarded message:

[REDACTED]

**Subject: Re: Urgent - 2020/0176/P**  
**Date:** 3 April 2020 at 15:39:12 BST  
**To:** "Whittredge, Emily" <[Emily.Whittredge@camden.gov.uk](mailto:Emily.Whittredge@camden.gov.uk)>  
**Cc:** Planning <[planning@camden.gov.uk](mailto:planning@camden.gov.uk)>

Dear Emily Whittredge

[Camden planning application ref. 2020/0176/P: 3 Copperbee Close, Akenside Rd, London NW3 5RB](#)

Thank you for informing us that the consultation period has been extended to 5 April. We're attaching a PDF version of this response, in case this email isn't fully legible.

### **Preliminary**

- 1.1 This application seeks permission for the erection of a first floor front extension and for external alterations, to enlarge the existing single-bedroom 'studio' unit to be a two-bedroom house. Implementing the unit's proposed re-configuration would actually involve demolishing and replacing the unit's two existing extensions.
- 1.2 The application plans and elevation drawings submitted do not show nor does the Design and Access Statement mention that 3 Copperbee Close is part of a small development, a group of four units with an integrated, cohesive design. The drawings do not show the other units, no. 3's

relationship to them nor the proposals' effect on the group. The Design and Access Statement does not refer to the group or to its design, common features and planning history. Nor does it include photographs of no.3 or of Copperbeech Close as seen from Akenside Road or from the rear of no.3 - the only photograph is from the air.

- 1.3 The submitted south elevation drawings, existing and proposed, give a misleading impression of its height and construction. The elevation's bottom part, immediately below the brickwork shown on the drawing, is shaded, apparently to indicate natural ground level / the level at which the elevation's brickwork meets ground level. However, natural ground level is significantly lower. The wall is in fact comprised of brickwork from two different periods or eras. The drawing shows the modern part, built as part of the Copperbeech Close development; the area below shown shaded is an older, Victorian brick wall. The modern wall was built directly on top of the older one. As a result the south elevation wall, which is clearly visible from flats and houses in Akenside Road, Belsize Crescent, Daleham Mews and Daleham Gardens, is significantly higher than the drawings show.

### **Planning history**

- 2.1 The Design and Access Statement includes an abbreviated, incomplete planning history.
- 2.2 Conditional planning permission was granted for the development of Copperbeech Close in 1968, following refusals for various schemes for larger dwellings. The reasons for refusal were, generally, that the proposed dwellings would be out of scale, resulting in an over-intensive use of the site.
- 2.3 The Fitzjohns/Netherhall Conservation Area Statement describes Copperbeech Close as a group of which "the scale and design...sits well in the townscape" (p.15). The site is small and irregular, lying between three large, Victorian houses. Prior to re-development its use was as lock-up garages. The successful scheme comprises what the application and approved drawing described as "studio units" - small, single bedroom dwellings. The architect was Ted Levy (who lived at 32 Daleham Gardens, immediately next door to the site). Ted Levy is noted for several 1960s/1970s residential developments and houses in and around Hampstead and Highgate.
- 2.4 The development has an integrated character with shared design features. Three, including no.3, continue as single-bedroom studio units (works for the alteration of no.4 started in 2018 but remain incomplete. A retrospective planning application in 2019 was withdrawn: 2019/3096/P). The group's integrated character as seen from the street is enhanced by the open, *piazza*-style space by which it is accessed from Akenside Road. The units were built with (and still have) the same facing bricks and feature unusual, sloped dormers (three of them timber-clad). They also have matching hard wood front doors and had, originally, timber windows some of which have been replaced by (we think) uPVC (an agent's email letter indicates that proposed uPVC window replacement at 4 Copperbeech Close was queried by the council prior to the application's withdrawal).
- 2.5 The Design and Access Statement does not refer to the planning conditions imposed on the 1968 planning consent. The given reasons for these were that (1) the LPA should be satisfied with the development's appearance; (2) to prevent unreasonable over-looking of neighbouring properties; and (3) to secure provision of off-street car-parking.
- 2.6 Two previous extensions have been made to 3 Copperbeech Close:
- at ground floor level, incorporating the unit's patio into its living room by in-filling the outside space in the recessed angle of the original, L-shaped building. The works carried out as part of this included raising the height of the boundary wall between the unit and

30 Daleham Gardens, forming within the newly-raised wall a clear-glazed, opening window in clear breach of the 1968 planning condition

- at 1st floor level, construction of a conservatory on part of the flat roof. This was again constructed in breach of the planning condition, with clear glazed windows rising off the parapet of the boundary wall

2.7 Planning permission was not obtained for either extension. Both extensions are in breach of the planning condition imposed to prevent unreasonable overlooking of neighbouring properties. Both extensions have clear-glazed, opening windows directly on the boundary between no.3 and 30 Daleham Gardens, overlooking its rear windows, terrace and garden. Neither extension is or was development permitted by the GDPO: besides being in breach of the planning condition both are within 2 metres of the boundary and (1) the ground floor extension is more than 3 metres high (exception A.1(i) to GDPO Schedule 2 Part A); (2) the first floor conservatory's windows on the boundary are neither obscure glazed nor fixed/non-opening (Condition A3).

2.7 In 1998-9 the council refused an application for permission to replace the 1<sup>st</sup> floor conservatory extension. Its reasons were that,

“The proposed conservatory [is] considered to be detrimental to the appearance of the building and to the adjoining ones by virtue of its size, location and design. It would therefore fail to preserve or enhance the character and appearance of the conservation area.”

Upholding the council's decision, the inspector who determined an appeal against this refusal identified two main issues, whether the proposal would have an unacceptable impact upon (1) the residential amenity of neighbours; and (2) the character and appearance of the Conservation Area. Noting that the appellant refused to change the glazing of windows overlooking 30 Daleham Gardens to be obscure he decided both issues affirmatively.

2.8 In 2000 Camden accepted a retrospective application for a lawful development certificate in respect of the conservatory.

2.9 The present application proposes the demolition and replacement of both extensions but retaining the ground floor window overlooking 30 Daleham Gardens. It therefore seems that included in the application is one for permission for this hitherto unauthorised window as part of the ground floor extension which it is proposed to re-construct.

### **Description of proposed development works**

3.1 Complete demolition and replacement of the existing roof level conservatory extension with a larger one with a tiled roof, brick side wall on the south elevation (the boundary wall facing 30 Daleham Gardens) and mainly zinc-clad wall on the west elevation (the carport side). The new extension would cover not only the area occupied by the existing conservatory but also the part of the living room incorporated into it by the existing ground floor extension and would project beyond this, outwards over the car-parking space which it would half-cover.

3.2 Demolition /substantial demolition of the existing ground floor extension:

- the existing, sloping/pitched glass roof would be replaced by the proposed first floor extension's (solid) floor
- the existing external brick wall, between the living area and the car-parking space, would be replaced by glazed bi-folding aluminium doors
- the opening between the extension and the existing kitchen would be closed by a new wall, separating the living room from a new staircase to be constructed in the space now occupied by the kitchen
- the height of the existing extension's wall on the boundary with 30 Daleham Gardens would be raised but retaining the unauthorised window overlooking the neighbouring garden (see 2.6, 2.9 above)

- 3.3 Formation of a new ground floor window in the east (Akenside Road) elevation
- 3.4 The timber front door would be replaced by an aluminium door.
- 3.5 The existing (original) first floor bathroom window, would be replaced with a larger, aluminium window.
- 3.6 The application drawings and Design and Access Statement do not provide the following information necessary to a decision:-
- the proposals drawings describe the brickwork of the part of the south elevation's wall on the boundary with 30 Daleham Gardens which would be raised as "facing brick" but it is not stated that this would match the existing brickwork
  - the south elevation wall rises directly off an old garden wall whose foundations are uncertain but there is no structural engineer's report
  - 3 Copperbeech Close has no land on the 30 Daleham Gardens' side of the boundary and does not have access to it but there is no construction method statement
  - the proposed 1<sup>st</sup> floor extension would have a new pitched roof, larger than the existing conservatory's. The drawings show the roof draining to the adjacent terrace but do not give details of the proposed method of rainwater disposal. The terrace is enclosed, on two sides, by the walls of the proposed extension and no.3's existing bathroom and, on the others, by 30 Daleham Gardens and Octagon Cottage.
  - the application drawings do not show details of the 1<sup>st</sup> floor terrace's set back or privacy screening.

#### Response

- 4.1 We support aspects of the proposed re-development but object to it considered as a whole.
- 4.2 We support the principle of the conservatory's replacement with an extension which does not project outside no.3's footprint but consider that the extension which is proposed would affect the character and appearance of Copperbeech Close as a group as seen both from Akenside Road and from the houses and flats at its rear.
- 4.3 We also support the proposed formation of a new window in no.3's east elevation, facing Akenside Road. It seems both reasonable and necessary that no.3's living room should be provided a source of natural light/sunlight on this side, presently occupied by the existing staircase. It does not seem to us that this would harm either the building's, Copperbeech Close's or the Conservation Area's appearance or character.
- 4.4 However, we disagree with the Design and Access Statement's claim that
- "The proposed extensions would be subservient to the main building and not visible from the main street views, given the location of the extension is largely enclosed by the existing house and neighbouring buildings."
- The first floor extension, in particular, the part projecting over the carport, would be in plain sight from Akenside Road across Copperbeech Close's *piazza*-style space which is the sole/main access to it and is completely open to the road and would be out-of-character with the development as a group of buildings.
- 4.4 It seems to us that the application is contrary to national planning policy, the Camden LDP and to its CPGs *Altering and extending your home* and *Amenity*. It would:-

- not preserve or enhance the Conservation Area nor the Copperbeech Close development of which it is part but would in fact harm both. The proposed 1<sup>st</sup> floor level extension would project outside the building's footprint, increasing its height and bulk as seen both from Akenside Road and from the houses and flats at no.3's rear in Akenside Road, Belsize Crescent, Daleham Mews and Daleham. This would be the more so because of the significant difference between the appearance of the rear of no.3 and those of no.s 1 & 2 whose 1<sup>st</sup> floors are set back from the boundary by some 3 metres. The property adjoining on no.3's other side, Octagon Cottage, is also lower. The difference means that the proposed 1<sup>st</sup> floor extension would appear too high and out of character with adjacent buildings (note the minimising effect of the application elevation drawings' omission of the bottom part of the south elevation wall)
- obstruct views from Akenside Road across the open green space at no.3's rear
- impact the relationship between no.s 2 and 3 Copperbeech Close achieved by the development's original design layout, which promotes amenity, reducing the gap between them. The submitted drawings do not show no.2 at all nor the distance between the two studio units. No.3 is to the east and south-east of no.2 and, as no.2's owner has

said (response uploaded 24 March), the 1<sup>st</sup> floor extension would reduce natural light/sunlight to no.2's living room

- create a possible precedent for the enlargement of the other Copperbeeche Close units
- retain an unauthorised ground floor level opening, clear-glazed window on no.3's boundary with 30 Daleham Gardens, directly overlooking its garden, created in breach of the 1968 planning condition preventing unreasonable overlooking of its neighbour (2.6, 2.9 & 3.2 above). The window was formed as part of an unauthorised ground floor extension, not permitted by the GDPO, which it is now proposed to demolish/ substantially demolish prior to its reconstruction in a re-configured form. Implicit in the present application is one for permission for the window but, as the inspector found when deciding the 1998-9 (decision letter 13/7/1999), no.3's windows on the boundary have an unacceptable impact on the amenity of its neighbours (2.7 above)

Kind regards,

[Redacted]

On 23 Mar 2020, at 13:50, Whittredge, Emily <[Emily.Whittredge@camden.gov.uk](mailto:Emily.Whittredge@camden.gov.uk)> wrote:

I forgot to mention that we have received amended plans for the application, which you can see on the website and attached here for convenience. These have replaced the previous plans (plan drawings and elevations).

Regards,

Emily Whittredge  
Junior Planner

[Redacted]

-----Original Message-----

From: Whittredge, Emily

Sent: 23 March 2020 13:41

[Redacted]

Subject: RE: Urgent - 2020/0176/P

Hi Christopher,

The consultation period for this application ends on 05 April, so please email me your comments before that date.

Our normal practice is to redact names, addresses and any personal information from comments, so this will be done in this case.

Kind regards,

Emily Whittredge  
Junior Planner

[Redacted]

-----Original Message-----

[REDACTED]  
Sent: 23 March 2020 11:47

To: Whittredge, Emily <[Emily.Whittredge@camden.gov.uk](mailto:Emily.Whittredge@camden.gov.uk)>

Subject: Urgent - 2020/0176/P

Importance: High

Dear Emily Whittredge

We have tried to phone you but cannot get through. We wish to comment on this application for 3 Copperbeech Close and have a couple of urgent questions:

1. our comments are quite lengthy. We cannot get them into the space allowed by the website's online page. May we send them to you directly, please?
2. is it possible to redact our name so that it is not publicly available? We commented on an application last year and our names appear with out comments online.

Kind regards,

[REDACTED]  
This e-mail may contain information which is confidential, legally privileged and/or copyright protected. This e-mail is intended for the addressee only. If you receive this in error, please contact the sender and delete the material from your computer. See our new Privacy Notice here<<http://www.camden.gov.uk/privacystatement>> which tells you how we store and process the data we hold about you and residents.  
<1908\_00\_200\_Proposed\_Plans.pdf><1908\_00\_210\_Proposed\_Elevations.pdf>