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Planning – Development Management
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2nd September 2020

Dear Nora-Andreea,

**Re: Response to Comment on Application Ref. 2020/2938/P
21 Maresfield Gardens, Camden, London NW3 5SD**

On behalf of my client Mr. Eli Pine, I write in response to the recently published comments on planning application ref. 2020/2938/P from the occupants of Garden Flat, no.19 Maresfield Gardens. I have responded to each of the points raised in turn below:

1. Area at front of property

A low wall and a small area of existing planting is proposed to be removed from the front of the property as part of the application. A new area comprising hard landscaping will serve to provide easy access to the proposed bin store for residents and waste operators alike. This work will also lead to the enhanced prominence of the pedestrian entrance to the building, to the benefit of the streetscene.

The area of hard landscaping to the front area next to the bin store will be surfaced with resin-bounded gravel. A similar space is present in front of no.19; the area will therefore maintain the character of its surroundings (though it will not be as substantial as the area at no.19). No car parking is proposed as part of the development.

2. Rear garden and south elevation

The extension of the main building to the rear has previously been approved under application ref. 2019/4254/P. The outbuilding has been permitted under application ref. 2020/3416/P. The implementation of both previously granted consents would therefore lead to no greater loss of garden space than that which is proposed as part of this application. The garden space retained in the proposed development remains substantial and commensurate with the established character of the area.



Plan no. 27 (Proposed South Elevation) does not show the outbuilding as it focuses on the detail of the proposed changes to the elevation of the main building. The outbuilding is shown as part of the site section submitted as part of the application which will provide the residents of no. 19 with an understanding of the relationship between the two buildings from the south.

3. Proposed third floor plan

As the residents of no.19 mention, we would appreciate if plan no. 22 (Proposed Third Floor Plan) could be uploaded to the application page: this was submitted via the Planning Portal as part of the application although we can re-send to you if necessary.

4. Acoustic details

The residents of no.19 commented that the acoustic report is inaccurate and that the unit's proposed location is unacceptable. The following response is from the acoustician:

"The data used in our report for the Daikin EPGA011-016DV unit is the sound pressure level for when it is in cooling mode, acting as an air conditioning unit, not a heat pump. However, this value has been considered in order to guard against a worst-case scenario, as the plant noise level is greatest in cooling mode, not heating mode.

Additionally, the sound power level (SWL) of the unit has also been highlighted in the residents of no.19's comments. The sound pressure level (SPL) used in the report of 55dBA corresponds to the quoted SWL of 68dBA, expressed using a different metric, and in order to use the manufacturer's SWL data one would need to convert this into an SPL.

It should be noted that when all factors are considered, such as the attenuation provided by the proposed acoustic enclosures, and the distance from the units to the receiver, the combined noise levels of all the units at 19 Maresfield Gardens' ground floor window would be expected to meet the criterion of 30dBA established in the report.

We thank the residents of no.19 for their feedback and hope that our comments above can add some clarity to the points discussed in their objection letter."

5. Proposed doors at rear

The proposed doors to the garden/balcony at lower and upper ground floor level have been approved previously under application ref. 2019/4254/P (see Proposed West Elevation in the relevant application file). Officers' comments in relation to these doors in respect of the



previous application noted that the new doors would “retain the balance of the rear composition”. The applicant shares this view.

6. Proposed rear extension glazing

Comment noted.

7. Tree removal and replacement

A replacement tree is proposed to be provided at the front of the site after the removal of T1, which the Arboricultural Report states is “unsuitable for long term retention given its size, growth potential and proximity to the building”. The replacement tree – to be a species of the Council’s choosing, if desired – will be located further away from the building than T1. This will have the dual benefit of improving the amount of light received by the windows on the lower ground floor of the building and providing a new tree which will contribute positively to the conservation area: the tree in front of no. 25 provides an example of how the new tree will enhance its surroundings.

8. Bicycle store

The addition of the bicycle store will not have an impact on whether nos. 19 and 21 are read as standalone buildings. The bicycles will be located behind a timber gate which will connect the south elevation of no. 21 with the boundary fence between nos. 19 and 21. There will still be space between no. 19 and the boundary fence on no. 19’s side of the fence: therefore, nos. 19 and 21 will continue to be read as standalone buildings. The bicycle store’s height will not exceed the height of the windows on the ground floor of the front elevation of the building and at its maximum height it will still be read as being considerably lower than the bottom of the front door of the building when viewed from street level, as the submitted elevations show. This is considered the most suitable location for the bicycle store in terms of both the impact on the streetscene and on security and accessibility for residents.

9. Certificate of Lawfulness

The existing site plan submitted as part of application 2020/2938/P shows an outbuilding ‘under construction’ as the residents of no.19 have noted. However, the existing site plan is dated 07/08/20, not 09/06/20 (see the revisions column on the drawing). 07/08/20 was after the Certificate of Lawfulness for the outbuilding was granted, not prior to it being granted as the residents of no. 19 suggest, therefore works relating to the construction of the outbuilding were and are lawful. It should also be noted that the construction of the outbuilding in any case would not need to rely on the Certificate of Lawfulness being in place at the time of commencement of works.



The residents of no. 19 also claim that the application for a Certificate of Lawfulness was requested “misleadingly” in respect of a single dwelling since it was made at a time when the application for division into flats had already been submitted.

In the event that this present application for the conversion of the property into flats is granted, the applicant is not bound to implement that permission: the property would remain in its current lawful use as a single dwellinghouse until any new permission, if granted, was implemented. A permission would simply provide another option to the applicant in terms of how they wish to utilise the building. The application for the Certificate of Lawfulness for the outbuilding was not submitted misleadingly as it accurately reflected the main building’s status as a single dwellinghouse, a status which remains today and will remain the case until the implementation of a future planning permission.

Finally, the residents of no. 19 claim that some of the information provided on the application form for application ref. 2020/3416/P was incorrect. They state that the use of the dwellinghouse was not intended to be permanent as noted on the form, as an application for the conversion of the main building into flats had been submitted.

The Certificate of Lawfulness related to the outbuilding which is intended to be a permanent structure to be in permanent C3 use. Regardless of whether the main building is in use as a single dwellinghouse or as flats, it will still fall within Use Class C3 (Dwellinghouses). Therefore, the information provided on the application form was accurate and the Certificate of Lawfulness is valid.

Yours faithfully

Lewis McArthur MA MRTPI
Planner