



FLAT 5, 6 REGENT'S PARK ROAD, LONDON, NW1 7TX
PLANNING APPLICATION REFERENCE NO. 2020/4045/P
PROPOSED REMOVAL OF CONDITION 4

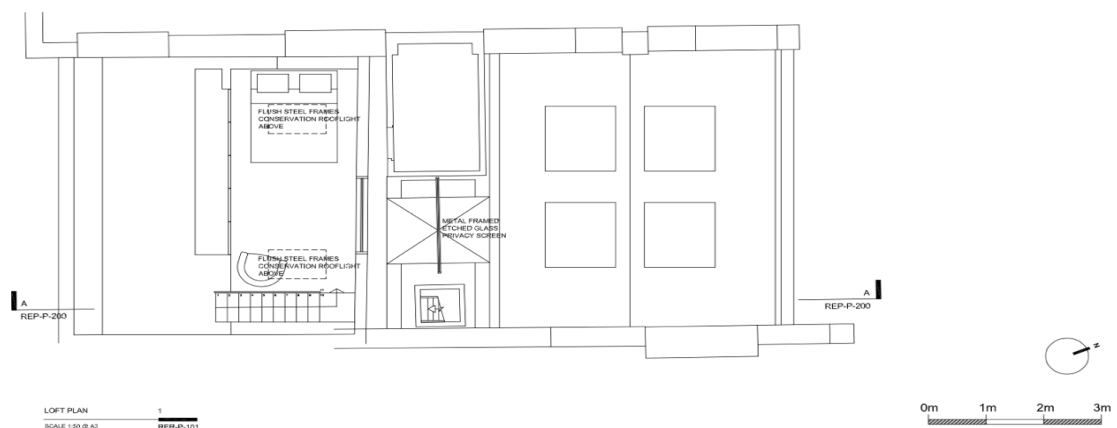
SUPPLEMENTARY PLANNING STATEMENT (OCTOBER 2020)

This Supplementary Planning Statement has been prepared on behalf of Mr. Peter Hufschmid-Hirschbuehl ('the applicant') in support of planning application reference no. 2020/4045/P for the removal of Condition 4 (privacy screen) attached to planning permission reference no. 2016/1013/P, dated 28 April 2016, authorising the erection of a roof extension at Flat 5, 6 Regent's Road, London, NW1 7TX. It provides further justification for removing the condition on the grounds that it is incapable of being practically complied with in view of the materially changed circumstances since the original planning permission was granted.

The reasoning is as follows:

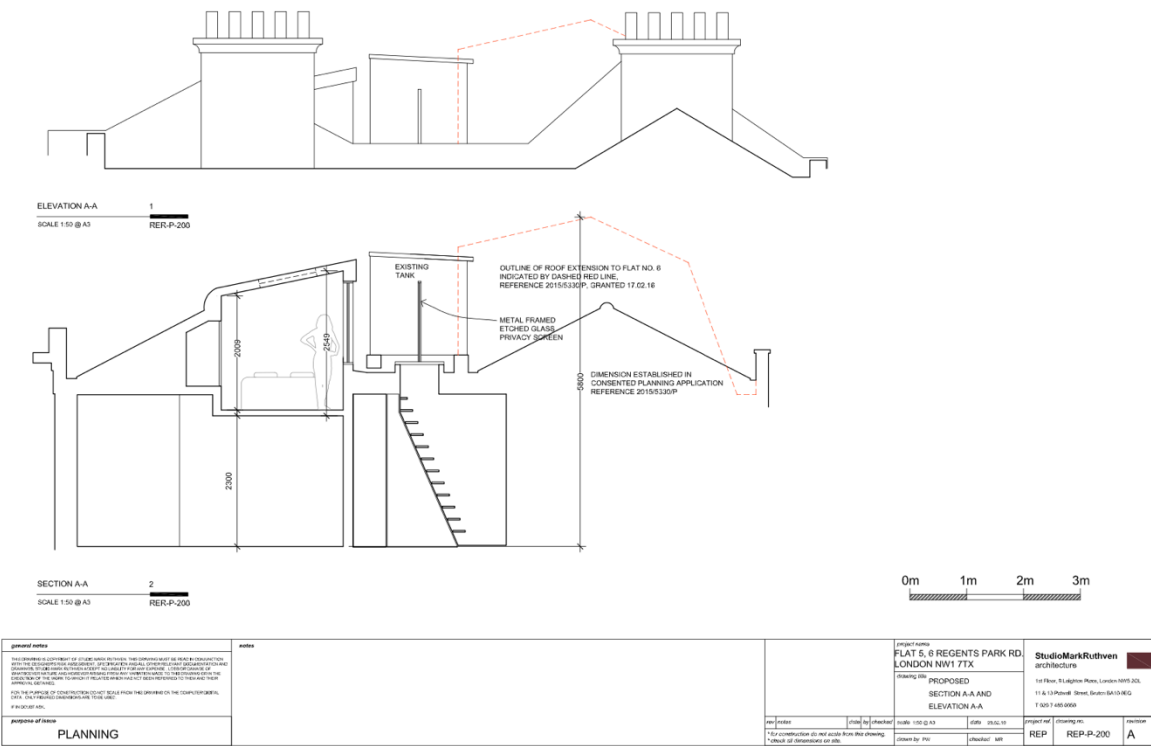
1. Drawing No. REP-P-101A approved under the planning permission (2016/1013/P) for the Flat 5 roof extension shows the privacy screen positioned in what appears to be centre line of the skylight shown on Drawing No. 562/108 A approved under planning permission (reference no.2015/5330/P) for the Flat 6 roof extension ('the first Flat 6 planning permission'). Condition 4 of planning permission 2016/1013/P for Flat 5 expressly provides for the installation of the privacy screen in accordance with the approved Drawing No. REP-P-200A, which is consistent with Drawing No. REP-P-101A in terms of detail.

Drawing No. REP-P-101A (Flat 5)

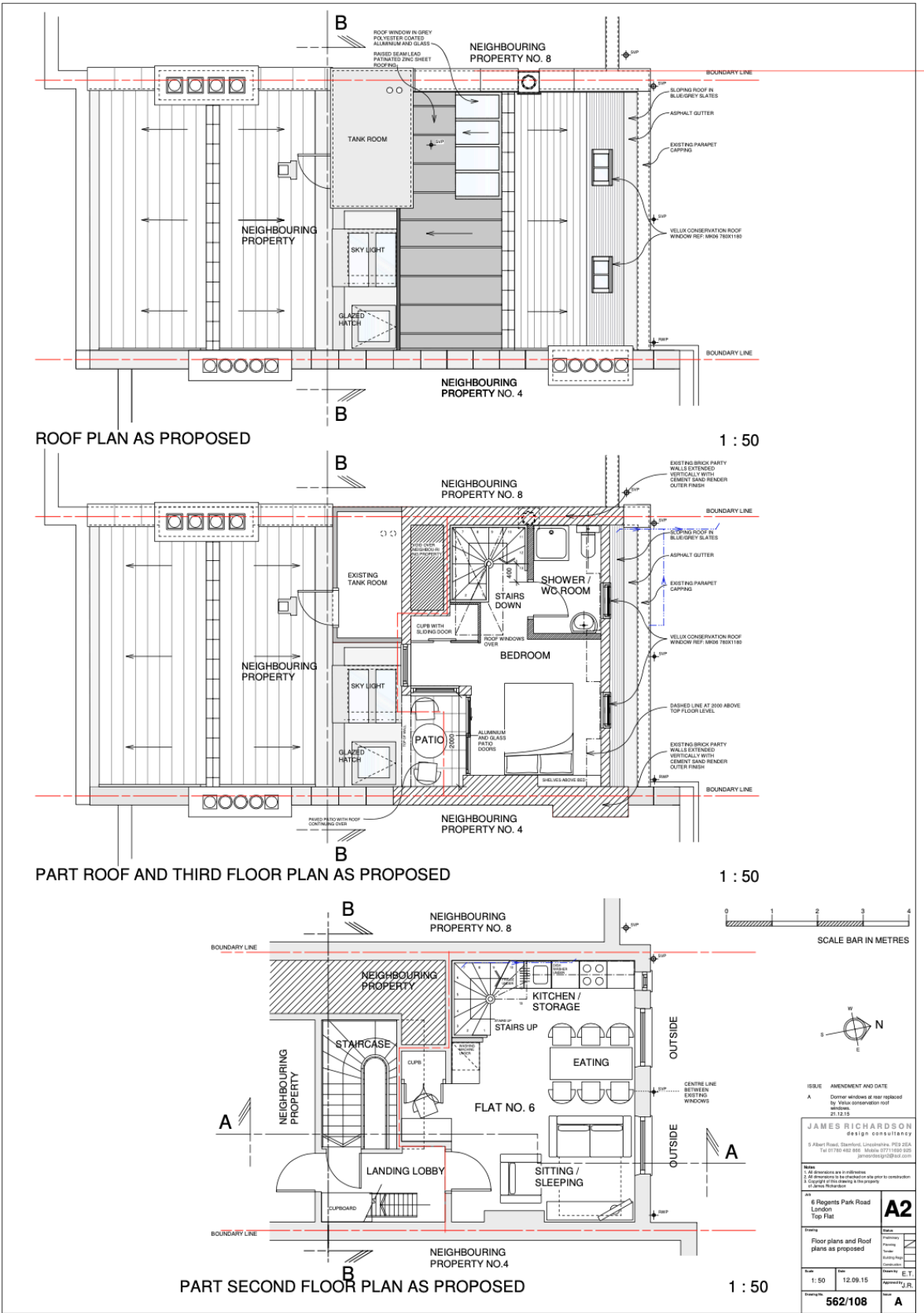


<p>general notes</p> <p>1. All dimensions are given in millimetres unless otherwise stated.</p> <p>2. All work shall be in accordance with the latest editions of the British Standards Institution (BSI) standards.</p> <p>3. All materials shall be of good quality and suitable for the purpose.</p> <p>4. All work shall be completed within the specified time frame.</p> <p>5. All work shall be carried out in accordance with the approved drawings.</p> <p>6. All work shall be carried out in accordance with the approved specifications.</p> <p>7. All work shall be carried out in accordance with the approved details.</p> <p>8. All work shall be carried out in accordance with the approved methods.</p> <p>9. All work shall be carried out in accordance with the approved procedures.</p> <p>10. All work shall be carried out in accordance with the approved practices.</p> <p>11. All work shall be carried out in accordance with the approved standards.</p> <p>12. All work shall be carried out in accordance with the approved codes of practice.</p> <p>13. All work shall be carried out in accordance with the approved regulations.</p> <p>14. All work shall be carried out in accordance with the approved bylaws.</p> <p>15. All work shall be carried out in accordance with the approved rules.</p> <p>16. All work shall be carried out in accordance with the approved orders.</p> <p>17. All work shall be carried out in accordance with the approved decrees.</p> <p>18. All work shall be carried out in accordance with the approved edicts.</p> <p>19. All work shall be carried out in accordance with the approved mandates.</p> <p>20. All work shall be carried out in accordance with the approved commissions.</p> <p>21. All work shall be carried out in accordance with the approved assignments.</p> <p>22. All work shall be carried out in accordance with the approved missions.</p> <p>23. 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All work shall be carried out in accordance with the approved commissions.</p>	<p>purpose of work</p> <p>PLANNING</p>	<p>project name</p> <p>FLAT 5, 6 REGENTS PARK RD LONDON NW1 7TX</p> <p>client</p> <p>StudioMarkRuthven architects</p> <p>address</p> <p>11 & 13 Prince Street, London NW1 7TX</p> <p>contact</p> <p>020 7 400 0000</p> <p>email</p> <p>info@studiomarkruthven.co.uk</p> <p>website</p> <p>www.studiomarkruthven.co.uk</p> <p>drawn by</p> <p>REP</p> <p>checked by</p> <p>REP</p> <p>approved by</p> <p>REP</p> <p>date</p> <p>10/10/20</p> <p>scale</p> <p>1:100</p> <p>sheet no.</p> <p>REP-P-101</p> <p>total sheets</p> <p>1</p>
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Drawing No. REP-P-200A (Flat 5)

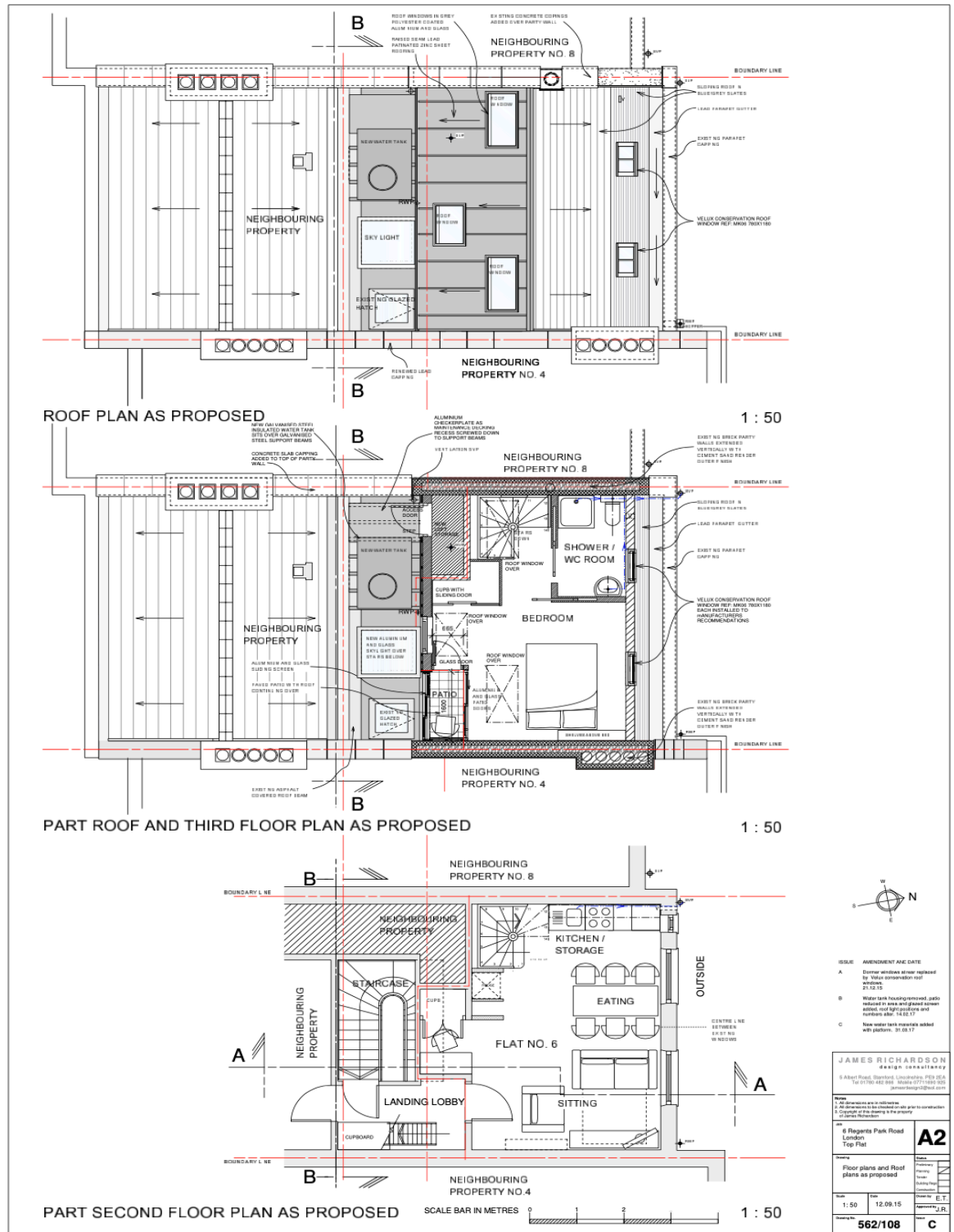


Drawing No. 562/108A (Flat 6)



- The later variation permission (2017/0973/P) for the Flat 6 roof extension ('the second Flat 6 planning permission') adjusted the skylight detail to a single larger panel. This is shown on the amended Drawing No. No. 562/108C approved under that permission.

Drawing No. 562/108C (Flat 6)



3. Accordingly, the Council's subsequent grant of planning permission for the second Flat 6 roof extension details (under 2017/0973/P) has fettered the ability of the Flat 5 owner/occupier (and applicant) to install the privacy screen in the form envisaged and provided for under the terms of his own planning permission (2016/1013/P). Hence, Condition 4 of the Flat 5 planning permission (requiring installation of the privacy screen in accordance with the approved Drawing No. REP-P-200A) is unable to be practically complied with. This is because compliance would necessitate the privacy screen being installed partly over the amended rooflight detail approved under the second Flat 6 planning permission.
4. Notwithstanding this, the Flat 5 owner/occupier (applicant) has proceeded to install a temporary privacy screen pending resolution of this matter (and in the form shown on the below photograph).



5. Hence, in the event that there is to be a planning resolution to this matter, the applicant would contend that either the skylight detail reverts back to what was originally intended under the first Flat 6 planning permission (2015/5330/P) to allow the privacy screen to be installed in the form envisaged under that permission (albeit it should be noted that the adjusted window configurations of the second Flat 6 planning permission are such that the privacy screen would not confer the same degree of screening as the first Flat 6 planning permission in any event) or alternatively, another means of conferring privacy is found. For instance, in the recent case between 'Gilles Duncan Fearn &al. and The Board of Trustees of the Tate Gallery' (2019) before Justice Mann of the High Court of Justice, the judge found in his judgement relating to privacy matters [clause 214 (b)]: *"The owners could install privacy film. This film is now a standard technique for barring views from the outside in daylight hours. It is applied to windows and reflects the external light outwards, providing a mirror-like effect from the outside while allowing a good degree of light in."* This would be a matter for the Flat 5 and 6 owner/occupiers to agree outside the formality of the planning process.
6. Either way, the second Flat 6 planning permission has fettered the applicant's ability to practically comply with Condition 4, which should be removed on the grounds that it no longer meets the tests of reasonableness set out under the relevant regulations.