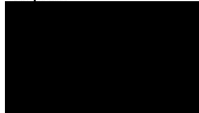


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2021/5066P	Ivan Sharrock	29/12/2021 23:46:46	OBJ

Response:



30th December 2021
Planning Department
FAO: Leela Muthoora – planning and case officer
Camden Town Hall Extension
Argyle Street
WC1H 8EQ

Re: Planning Application – 2021/5066/P

Dear Leela Muthoora

This above application is for Safety Rails to a recently built extension that has NO planning permission.

The applicants, Dan & Lou Chamberlain were granted two separate permissions to build an extension at the rear of their house; Planning Application 2018/4262/P and a Lawful Development Certificate 2019/0110/P. The extension that has been built does not comply with either of the granted applications.

My name is Ivan Sharrock and with my wife Suzanne Sharrock, we have owned & resided at No 9 Burghley Road NW5 1UG since 1986.

We have left this objection letter to the end of the allotted time for comments as we were waiting for the applicants to put in a 'Retrospective Planning Application' for the extension that they have built. That courtesy has not been extended to the Camden Planning Authority yet. Meanwhile, their architects have submitted the above application that is confusing, makes misleading statements and is full of obfuscation. Not only that, but since this application was submitted, the brick & plate-glass guard rail that they make much of, and takes up 50% of '3.0 The Proposal,' has now been superseded by black painted, iron railings. They are, indeed, expert wordsmiths but nothing forthcoming to explain how this radical design change will compliment the existing building.

If this application were granted, then the Camden Planning Authority would be tacitly approving this extension without proper plans having been submitted.

Before I comment on this latest application, I would like you to read a letter I sent to the applicants in March 2019.

Hi Dan & Lou

Thank you for coming around to see us and explain that the builders are expected to start the extension works

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on the 29th of this month. In the course of our conversation you said that you had understood that you could mix parts of the two approved applications.

As promised, I am copying the relevant parts of an email I received from Bethany Cullen, Head of Development, Camden Council dated 19th February 2019.

In my email to Camden Planning Dept dated 4th February re: Full Planning Application 2018/4262/P and Application for a Certificate of Lawfulness 2019/0110/P, I asked the following questions:-

2. As both recent applications have been given permission, do the applicants have permission to do either?
3. Can the applicants mix parts of the first application and fit those parts that they like into the second?

The relevant reply to these queries was:-

- ✦ Your neighbour still has the extant permission (ref: 2018/4262/P) granted last year for the rear extension, and could implement this should they wish to. They could also choose to implement their permitted development rights to build the extension as shown on the LDC should they wish to.
- ✦ The applicant could not merge elements of the two schemes, for example, they could not add the roof terrace to the LDC application. If they wanted to do this, they would require a fresh application.

I hope this is helpful.

Best regards
Ivan

The granted Certificate of Lawful Development 2019/0110/P

The extension as built does merge elements of the two extension applications. For example, the LDC application could not be granted if there were a terrace. Again, I quote from the above letter from Bethany Cullen;

- ✦ The LDC approval is subject to the flat roof not being used as a roof terrace; however, this would not prevent your neighbour from applying for a roof terrace in the future. This would be subject to a full planning application (with associated consultation process) which would be determined on its merits.

In other words, any reference in the applicants submission to the granted LDC is a nullity as the extension roof has been constructed with an unapproved terrace and the two granted applications cannot be mixed. Also, in the applicants submission 3.0 The Proposal, paragraph 6 states;

The overall height of the proposed safety guarding matches the height of the parapet wall of the proposed rear lower ground floor extension that was granted a Certificate of Lawful Development in 2019.

This is misleading as LDC may have been granted but the build does not conform to the plans, i.e. its a nullity.

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The Granted Application 2018/4262/P

There are major differences to the extension that has been built from the above approved plan. These differences will impact on both neighbouring properties.

1. The glass roof panels of the (Winter Conservatory) are much shorter than shown on the 4278 (ground floor plan as proposed). Instead of a rain-water gully running adjacent to the kitchen/hall wall there is now a one meter wide, unapproved 'terrace.' These glass panels form a major part of the extension roof and are strong enough to be walked on.
2. The rear door from the hall has NOT been remodelled as a window.
3. The sitting room windows have Not been remodelled as (French Windows).
4. The steps to the garden, just 1mtr from the main house rear wall are now proposed to start a further 2mtrs out and then go on for another 1.5mtrs!

If this granted plan had been built correctly as per 2018/4262/P, there would have been no need for the safety guarding to the roof.

All the above surely warrant a new Planning Application immediately before any further works are carried out.

Not knowing how Camden will proceed, I will continue to comment on the applicants proposal.

3.0 paragraph 2

The safety requirement to the edges of the roof terrace is a requirement of the Building Regulations 2010 under requirement K2: Protection from falling. It will allow the Applicants and their young family to use the approved roof terrace without fear of falling and injury.

The only approved roof terrace is a 2sq.mtr platform outside the French Windows that have yet to be built. There is NO approved terrace running the whole length of the main house rear wall with all its disturbing overlooking.

3.0 paragraphs 3,4,5,6

These deal with the way the proposed (brick & plate-glass) safety wall compliment the geometry, proportions and appearance of the extension and rear elevation.

All null and void as the safety guarding is now proposed to be black-painted, iron railings. No word on how these iron railings will compliment the extension and existing facade.

3.0 paragraphs 7,8,9 Proposed Steps.

These steps should be built as per the approved plan, starting just one meter from the main house rear wall.

5.0 paragraph 3. (existing terrace)

The architects have written the word terrace on their submitted drawings and elsewhere written the words (approved terrace). This is a terminological inexactitude that is misleading. See 3.0 para.2 above.

Photographs

If ever there was an attempt to obfuscate the new extension in relation to the existing building it is in the two

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photographs presented with the proposal. 50% of the extension has been blocked out by the black, covered barbecue. Not only is it on wheels and could have been moved to clearly show the metal and plate-glass sliding doors (Winter Conservatories allow materials to be used that are not in sympathy with original structure), or the photographer could have moved to one side or the other.

7.0 Conclusion

The raised brickwork of the proposed safety guarding will improve the appearance of the lower ground floor rear extension, while remaining subordinate to the house, and will considerably improve the overall appearance of the rear facade of No. 11.
No longer applicable - iron railings proposed in the superseded drawings.

As noted above, the proposed safety guarding will allow the Applicants and their young family to use the roof terrace without fear of falling and injury and will allow compliance with the Building Regulations.
There is NO permission for a terrace of this size.

The steps from the roof terrace to the rear garden will provide a much-missed link between the ground floor of the property and the garden benefiting the Applicants and their young family without causing significant impact on the adjoining properties.
The steps, if built as in the approved plan, would NOT be 'much-missed'!

Objections

1. By encasing the whole of the extension roof with a guard rail will create a 22square meter terrace at the top of our garden wall. Whilst we might be superficially screened from overlooking (not completely as we have observed being looked at during this summer from six feet above our heads) the direct noise, unshielded by a 9' wall, is intolerable. To have the prospect of our neighbours partying or dining at this height just a couple of meters away is a threat to our amenity and continued enjoyment of our garden.
2. The steps, that are now proposed to start 3 meters from the main house wall, will further allow the neighbours to impinge on our amenity.

Solutions

1. To ameliorate and to try and stop the unlawful planning by stealth, we are proposing that the rear hall door be allowed to stay on the condition that:-
2. A guard rail is erected on the edge of the glass Winter Conservatory roof and no more than 1mtr away from the hall door. This rail would start at a point at right-angles to the right door post when facing the garden and continue to join the white balustrade already constructed.
3. A further 1mtr guard rail would be constructed from the right-hand door post and crossing the existing terrace to join the rail described in 2 above.
4. This would mean that a person exiting the upper ground floor by the rear hall door would have to turn left

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towards No.9 Burghley Rd and then turn right at the white balustrades to get access to the garden.

5. A LOCKED gate could be incorporated in the guard rail for maintenance purposes only. There is no permission for a roof garden or a 22square meter terrace.

6. See proposed drawing at the end of these comments.

Conclusion

The extension plan 2018/4262/P was approved for French Windows giving access from the upper ground floor to a 2sq.mtr landing(terrace) followed immediately to steps down to the garden giving the neighbours on both sides maximum security from overlooking and noise.

With this new guard rail application and the unlawful changes to the extension construction by stealth, the possible loss of amenity from human interactions just above our heads will be intolerable. Non-indigenous bamboo does not hide the human presence.

The Enforcement Notice EN 20/0417 has not reached a conclusion as far as we are aware.

Yours truly

Ivan and Suzanne Sharrock
