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24 CONSTANTINE ROAD, LONDON NW3 2NG | NMA 2021/3465/ P

15 May 2022

Dear Nora

Further to recent conversations and correspondence, please find enclosed a response to the 3 queries raised in your email of 19.04.22 that I trust will be acceptable and will allow you to progress to a decision as quickly as possible.

As requested the response is based on a professional measured survey, details attached.

The NMA application was submitted to regularise some queries by LBC and the NMA process is designed exactly for this purpose. It is intended to be efficient and proportionate.

I do need to record a general concern about proportionality in this process as I do feel that the level of detail and scrutiny that is being pursued here is now out of proportion with a domestic loft conversion, notwithstanding its location in a conservation area.

Please be aware that this is not a project by a developer for commercial gain, this is a project for a family who has lived in this house for 11 years and will be there long term. It arose from a requirement for essential repairs to the property, at great cost, and to use the upheaval and disruption and financial investment of that work to look at an opportunity, within the constraints of planning.

The roof needed to be replaced urgently, being 125 years old and in poor condition. High quality materials, natural slates, have been used and the roof is now the smartest in the road and the building that was in a state of disrepair is now secured for decades ahead.

Beyond our care for the house, the intention was to address the health and wellbeing of the family, and this is something that is ever more important in these difficult times.

So, while this was about wellbeing, this has been an extraordinarily long process that has caused some considerable stress to my family and me during a difficult time, as I am sure you can imagine.

Please note that we have worked with you proactively and responded to queries promptly to LBC's requests for clarification. We made the previous NMA application prior to knowledge of the third party letter that has prompted your queries, not after, in order to regularise matters that arose during construction.

Beyond proportionality, I have two further concerns with the process to date that I would like to respectfully raise please.

There is particular concern that perception of images acquired through aerial drone photography and google earth images sets a bias away from the material concerns that should be related to streetscape and character of the area.

It is understood that appearance must be assessed in relation to the host building and terrace row, and how it would preserve the character and appearance of host building and wider conservation area. It is understood that the definition of "appearance", in this context, does not extend to appearance from drone photography.

We trust this will be acknowledged in your assessments which should be fair and reasonable and proportionate.

As mentioned previously, we have worked with LBC proactively and responded to all queries promptly and have every desire to see this process concluded as soon as possible.

The other point to be made flows from that and is prompted by the recent email from Ramesh Depala, that was assertive in applying a deadline (and made reference to consequences of missing that deadline).

In that context, there is concern regarding the extraordinarily long timeline of the processing of this NMA application, and also with regard to due process. While there is universal sympathy with the disruption caused by the pandemic the length of the process has added to the stress of this situation.

Please see summary timeline attached for ease of reference.

There was an interval of 7 months when there was no communication from LBC on the application, between September 2021 and April 2022.

Of particular concern is that the period of 19 weeks between Validation (25.11.21) and contact by LBC (07.04.22) requesting clarification which does seem unreasonable. It is respectfully noted that there were multiple unsuccessful attempts by the applicant to contact LBC Planning by email and by telephone during that period.

It is noted that the Planning Portal is clear in reference to NMA applications that "Decisions should be made within 28 days of an application being deemed valid by the Local Authority. This may be longer if the two parties agree to extend the period during the application process." No extension was agreed. In fact there was no contact or correspondence at all from LBC until 19 weeks after the date of Validation, and that contact concerned additional queries.

There is also of concern that a response was received from a third party on 05.04.22 (and accepted by LBC and uploaded to the planning portal) some 116 days (nearly 17 weeks) after the published Target Date for a decision. This does not appear to be correct procedure and representation should not have been accepted at that point in the process and certainly should not have been uploaded to the portal.

There are two representations listed on the portal from third parties marked as "Consultation Response." We are not aware of a consultation process (as there would not normally be on an application of this type) and enquiries suggest this has not happened. Recording of these representations as a response to consultation seems to be incorrect, but we would be happy to receive clarification.

Altogether, these appear to amount to divergence from procedure, but notwithstanding that question, we respond to the representations as follows:

Representation 06.12.22: This refers to rooflights. There is clearly a misunderstanding that the term "rooflights" refer to lights (luminaires) that would be mounted on a roof. This is incorrect, the term rooflights refers to velux type window mounted into a roof. Certainly the proposal would have no impact, adverse or otherwise, on residents of South End Close as it is located to the south side of Constantine Road, not adjacent, and far from South End Close. It is assumed that the respondent believes, erroneously, that the property backs onto South End Close.

Representation 05.04.22: Notwithstanding the principle as to whether this representation should have been accepted, the roof ridge and dormer are not "significantly" higher than the dimensions approved in the NMA 2020/1776/P. The dimension in question is 40mm. A minor amendment is required now, as detailed in the attached report, but this is de minimus and imperceptible and certainly not "significant." The simple flat rooflights would not be clearly visible, and any oblique views would certainly not have a detrimental effect on the character of the area.

Finally, it is important to assure you that a key dimension provided as part of the NMA 2020/1776/P was provided in good faith, having been given as a dimension by the builder who was the very person to send a letter seeking to identify negative issues. It was assessed that there was no reason to question the dimension provided by the builder for three reasons; firstly, there was no reason to doubt it, secondly the perception through a visual assessment from afar was that this looked correct and thirdly that access was almost impossible. Nevertheless, this has now been surveyed as requested.

I really do hope that this will allow the matter to be concluded swiftly now, but remain available should further discussion be required.

Your sincerely

James Dilley

Timeline for NMA Application 2021/3465/P

16.07.21	NMA application
02.09.21	Query from LBC received
10.09.21	Response to LBC query issued by applicant
25.11.21	Application validated
06.12.21	Representation received by LBC (uploaded to LBC planning portal)
09.12.21	Target date for decision (as per LBC planning portal)
02.22 – 04.22	Multiple telephone messages left at LBC requesting information as to progress of application
28.02.22	Email from applicant requesting information as to progress of application
21.03.22	Email from applicant requesting information as to progress of application
05.04.22	Representation from third party received and accepted by LBC and uploaded to LBC planning portal)
07.04.22	Email from applicant requesting information as to progress of application
07.04.22	Email from LBC requesting additional information.
07.04.22	Email from applicant to LBC requesting telephone call to clarify content of LBC email of 07.04.22
08.04.22	Telephone conversation between LBC and applicant
19.04.22	Email from LBC requesting clarification on 3 points.
20.04.22	Email from applicant requesting clarification on LBC email oof 19.04.22
04.05.22	Email from LBC in response to applicants email of 20.04.22