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**FULL PLANNING APPLICATION FOR PLANNING PERMISSION**

**CAMDEN REFERENCE: 2022/0330/P**

**PROJECT: PROPOSED REMODELLING OF EXISTING RESIDENTIAL MAISONETTE FLAT 2 ACCOMMODATION ON THE FIRST, SECOND & ROOF ATTIC FLOORS. NEW REAR SECOND FLOOR ADDITION WITH NEW ROOF TERRACE OVER. CHANGES TO REAR & SIDE FENESTRATION. NEW REAR DORMER TO THIRD FLOOR WITH PHOTOVOLTAIC CELL PANELS OVER. NEW PHOTOVOLTAIC CELL PANELS TO EXISTING PROPERTY FRONT PITCHED ROOF.**

**LOCATION: 87 CONSTANTINE ROAD, LONDON NW3 2LP.**

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**FULL GROUNDS FOR APPEAL DOCUMENT: 87CR/FGA-01: Revision 03**

Read in conjunction with Appendices document: 87CR/A-01

**Date:** Monday 2nd December 2022

**Important: LPA shall provide all drawings & documents listed in Decision Notice 6th September 2022 to Planning Inspectorate.**

**Determination: Decision – Full Planning Application Reference 2020/2419/FUL Refused 6th September 2022.**

**In response to the Refusal decision are the following Reasons why this is not an acceptable determination decision and should be reversed**

Reason(s) for Refusal

The reasons for a refusal listed below were not all issued to the applicant during the processing of the application

The LPA concerns raised in determining the refusal notice are as follows:

1 The proposed rear dormer, roof terrace and fenestration changes as well as the photovoltaic cells on the front roof slope, by reason of their location, size, design and materials would result in unsympathetic and bulky additions creating visual clutter that would be detrimental to the character and appearance of the host building, the street scene and the Mansfield Conservation Area, contrary to policies D1 (Design) and D2 (Heritage) of the London Borough of Camden Local Plan 2017 and policies 2 DH1 and DH2 of the Hampstead Neighbourhood Plan 2018.

This is not accepted as Reason 1 is not the case so the determination decision should be reversed.

Reason1 is not an acceptable reason for Refusal as explained in the developed design intent for the Full Planning Application, Substituted developed design intent,

supporting drawings and email and letter issue during the application process listed in this paper.

The 'Google Earth' photographic extracts at the 10th October 2022 comprising:

Rear dormers Plan Nos 133, 137, 139 & 145 Constantine Road.

Close up rear dormer 35 Constantine Road.

No. 87 to no. 35 rear views Constantine Road.

Rear Dormers at numbers 77, 83 and 85 Constantine Road.

Numbers 51 and 53 Nassington Road full width dormers facing the Overground Railway.

Number 123 Constantine Road rear full width dormer with access to terrace

Rear view numbers 95 and 97 Constantine Road.

These photographs show rear of Constantine Road properties with a number of full width dormers overlooking the historic rear view to the wooded railway cutting and dormers to the flats north of number 87 which do not have the historic view.

With reference to the street scene and Mansfield Conservation Area – No comments raised during the Planning Application internal consultation progress by the group; see

Informatives: Also the rear proposed development does not go against any of the Mansfield Conservation Area policies and is not seen by the public or other dwellings; to the rear of the property there is a mature tree boundary to the over-ground rail way track.

The only proposed front property change is the photovoltaic cells on the front slope which are a part of Camden policy for energy saving, accepted in the Pre-Planning Application advise - see Advice report dated 04/06/2021 reference 2021/1829/PRE together with Architect drawing pmrca 87CR-P 50. Also No 145 has photovoltaic cells on the front slope approved by Camden Planners; see email 2 of 2 16th May 2022 to Camden case planning officer with street record photographic view attachment of no. 145 Constantine Road. Also no. 37 Constantine Road has photovoltaic cells on the front roof slope. Both street views to no. 145 and no.37 included in the Appendices .

2 The proposed roof terrace at second floor level, by virtue of its location, layout and relationship to neighbouring properties, would allow for direct overlooking into windows of 85 Constantine Road to the detriment of the amenity of its occupiers, contrary to policy A1 (Managing the impact of development) of the London Borough of Camden Local Plan 2017 and policy DH1 (design) of the Hampstead Neighbourhood Plan 2018.

This is not accepted as Reason 2 is not the case so the determination decision should be reversed.

The developed design of the proposed rear terrace at second floor level has angled decorative safety glass guarding at the perimeter for safety and prevents persons standing at the terrace perimeter ensuring no overlooking into windows of no. 85 together with no.89 so is not at detriment of the amenity of its occupiers. Also it therefore not contrary to policy A1 (Managing the impact of development) of the London Borough of Camden Local Plan 2017 and policy DH1 (design) of the Hampstead.

Attached is a supporting letter dated 10th October 2022 from the property resident of no. 85C confirming that there would be no amenity loss caused by the proposed development at no. 87.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraph 38 of the National Planning Policy Framework 2021.

This is not accepted so the determination decision should be reversed. Meetings have been requested together with site visits with Camden Planners with the Client and Architect. Please refer to email and letter requests listed in the Appendices.

Other reasons why this determination decision should be reversed are as follows: Excessive time lapse from determination, agreed extension, and the refusal decision. The two flats have not been treated as two separate applications – see the initial pre-planning application advice paid as two separate applications but not responded or treated respectively by Camden Planners. Then followed on with two separate Full Planning applications again treated by Camden in the same manner – this is not acceptable practice.

Importantly Camden refer to the Mansfield CAA whom have not made any comments or input on the proposed flat 2 development. The only streetscape development is the introduction of the photovoltaic cells to the front roof which are already in place on other street scene properties, an example is no. 145 approved by Camden Planning office and number 37.

The Case Planning officer should be taking the lead on the development proposals decisions on the planning application. Reference made regarding all the internal meeting reviews for the scheme the applicant has been informed by Camden that they have taken place with Heritage and Conservation bodies. This proposed development is not of any concern from these groups. The proposed development is a Planning Officer driven decisions. Any other group / body is limited to observations / advisory roles only and should not be a part of a concluding planning decision in this instance. It would be illegal for these ‘bodies’ to have any material decision making input on this planning application determination outcome.

The application design access statement paper clearly states the forward thinking of the household with the proposed development to conserve the fabric of the building to mitigate the effects of Global Warming and extreme weather as far as possible. In terms of energy by the use of heat pumps and solar panel in the proposed development put forward and supported in detail in the statement paper. This is a Camden strategy / policy proposed and supported for future Camden Households. Camden Planning Office and perhaps other bodies have gone out of their way in the Full Planning Application submitted to resist the introduction of these energy saving elements in the proposed property development. Camden Planning Office and the other bodies have completely ignored or not read the application design access statement paper. Would the Planning Inspectorate ensure the paper is not ignored in the decision making process to overturn the incorrect decision concluded by Camden Planning Office.

#### **Combined Architect and Client responses to the Full Planning Application Refusal letter dated 6th September 2022:**

In the Decision letter authored by Daniel Pope, dated 6th September 2022, paragraphs 1 and 2 are merely regurgitation of the claims made in the Delegated Report. However, the penultimate paragraph states that “in dealing with the application the

Council has sought to work with the applicant in a positive and proactive way in accordance with paragraph 38 of the National Planning Framework 2021.”

Firstly, a review of the email exchanges between the Planning Officer and both my Architect and myself show that Camden did not interact with us in a positive and proactive way. In fact this has been a very painful experience. The Officer had to be persuaded several times to actually read the Access Statement, gave ultimatums and ignored the information provided to him.

Paragraph 38 of the National Planning Framework 2021 states:

“Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.”

The photovoltaic panels and exterior insulation contribute to a sustainable project; however, as can be seen above Camden has used them as a justification to reject this Application.

Paragraph 39 states:” Early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality pre-application discussion enables better coordination between public and private resources and improved outcomes for the community.” I wrote a 51 page response to the pre-application report and this was included in the Design Access Statement and neither my Architect nor I received any reply to the response. In fact it was ignored by both the author of the pre-application report and the Planning Officer. What Mr. Pope also does not address are the following clauses from the National Planning Framework which are very relevant to this application:

#### Planning for climate change

153. Plans should take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk, coastal change, water supply, biodiversity and landscapes, and the risk of overheating from rising temperatures. Policies should support appropriate measures to ensure the future resilience of communities and infrastructure to climate change impacts, such as providing space for physical protection measures, or making provision for the possible future relocation of vulnerable development and infrastructure.

155. To help increase the use and supply of renewable and low carbon energy and heat, plans should:

- a) provide a positive strategy for energy from these sources, that maximises the potential for suitable development, while ensuring that adverse impacts are addressed satisfactorily (including cumulative landscape and visual impacts);
- b) consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure their development; and
- c) identify opportunities for development to draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers.

156. Local planning authorities should support community-led initiatives for renewable and low carbon energy, including developments outside areas identified in local plans or other strategic policies that are being taken forward through neighbourhood planning.

191. When considering the designation of conservation areas, local planning authorities should ensure that an area justifies such status because of its special architectural or historic interest, and that the concept of conservation is not devalued through the designation of areas that lack special interest.

With respect to 191, the rear facades of the houses along both Constantine Road and Savernake Road have no special architectural or historical interest, and by imposing metal railings and denying an amenity terrace, Camden IS devaluing the concept of conservation, particularly since the rear of the houses on both streets is a mixture of differing architectural details and styles as can be seen on the video of the Overground trip from Gospel Oak to Hampstead heath and photos from Google Earth included in the Appendices.

I also do not see an Camden Planning Officer Code of Conduct such as those issued by the Royal Borough Of Kensington and Chelsea, Dorset Council, and Newport City Council, which indicate their high professional and ethical aspirations, aspirations that Camden obviously does not share. Code of conduct included in the Appendices.

### **Informative(s)**

- 1 Planning Portal Reference PP-10583940v1
- 2 Camden Planning Application Reference 2022/0330/P
- 3 Application Received by LPA 26-01-2022 & Registered 25-03-2022
- 4 First Advertised by LPA 24/09/2020
- 5 Site Notice by LPA 02/03/2022
- 6 Consultation comments until 18/03/2022 Actual notice displayed comments by 26/03/2022
- 7 Decision Expiry date 22/04/2022
- 8 Application Checks by LPA - validated
- 9 Application Meetings LPA – none
- 10 Site Visits by LPA – none
- 11 LPA Application Constraints
- Article 4 direction Basements Development (effective from 1 June 2017)
- Community Infrastructure Levy Zone C
- Mansfield Conservation Area
- Consultees – Mr Steven Adams – no comments.
- 12 Related Documents – Architect office Full Planning Application documents submission.

### **National Planning Policy Framework paragraphs 186 & 187**

The Architect view is that the LPA throughout this application process has not been positive or proactive. No site visit requested or made by the LPA.

### **Delegated Report**

Report not released to Architect office to review until Determination Notice issued for refusal.

No objections or comments received during the consultation period noted in the Delegated Report.

### **Mansfield Conservation Area Advisory Committee comments**

No objections or comments issued by the MCAA.

### **Assessment of Impact on Host Building and Surrounding Area**

Term 'host building' is used as a rather negative descriptive statement as extensions for a development can be outwards and upwards.

The design impact of this proposal is an enhancement to 'host building'

The proposed development is high quality design, which respects local character and provides an enhancement to existing property building types.

### **Amenity**

Amenity there is no adverse impact on amenity of occupiers of neighbouring properties.

### **Daylight/Sunlight**

No issues

### **Overshadowing**

No issues

### **Overlooking/Privacy**

No issues

### **Outlook/sense of enclosure**

No issues

### **Combined Architect and Client responses to the Delegated Report:**

Conservation is defined as: the act of conserving; preservation of the environment and natural resources. (New England dictionary)

Careful preservation and protection of something especially : planned management of a natural resource to prevent exploitation, destruction, or neglect. (Merrian Webster)

The act of preventing something from being lost, wasted, damaged, or destroyed to encourage the conservation of water/fuel energy conservation see conserve (See conservation in the Oxford Advanced Learner's Dictionary.)

Conservation n. Preservation, esp. Of the natural environment. [latin: related to \*conserve] Oxford English Dictionary

Under Relevant History it states:

#### **35 Constantine Road**

The proposed full width, full roof height rear dormer, by reason of its size and bulk, would be detrimental to character and amenity of the Mansfield Conservation Area and is contrary to policies EN19, EN23 AND EN31 of the London Borough of Camden Local Plan Unitary Development Plan 2.

This project is not an applicable comparison to 87 Constantine Road as:

1. The design of the house is different to number 87. Number 35 Constantine Road was built prior to 1894; number 87 wasn't built until 1898. In fact between number 35 and number 87 there are five different architectural styles, indicating the successive stages of development of the street.
2. It faces the block of flats which block the view of Hampstead Railway Embankment, and is visible from them.
3. It has a terrace that is accessible.

4. The London Borough of Camden Local Plan Unitary Development Plan 2000(EN 19, 23 and 31) is not a policy listed under Relevant Policies applicable to the Rejection of number 87. However, the following addresses the concerns expressed.

1. The London Borough of Camden Local Plan Unitary Development Plan states:

In particular, authorities “should consider the relationship of planning policies and proposals to social needs and problems, including their likely impact on different groups in the population, such as ethnic minorities, religious groups, **elderly and disabled people**, single parent families, students, and disadvantaged people living in deprived areas”. The Client and owner of the property is an elderly (76 years old) retired and disabled Civil Servant paying for this project from his retirement savings.

**Relevant extracts from the Plan to 87 Constantine Road that support Approval of this application:**

SEN2: The Council will seek to ensure that all development maximises the conservation of resources and energy. (Note Solar panels)

SEN4: The Council will protect and enhance the Borough’s heritage of townscape, buildings, landscape, archaeology and strategic and local views (hence full dormer). This document lists Hampstead Railway Embankment as a private open space; EN43, Page 93 and (Number 248 Page 147) of importance to views, (pages included in the Appendices). Thus the dormer should be treated the same as dormers facing Hampstead Heath such as the rear of houses on the rear of Tanza Road and South Hill Park Road, and number 51 and 53 Nassington Road, (photographs included in the Appendices), which is on the opposite side of the railway embankment and faces the railway and its embankment and numbers 133, 137, 139 and 145 Constantine Road, (photographs included in the Appendices), which have full dormers facing the railway.

EN12 The Council will welcome proposals which facilitate the use of renewable energy, are energy efficient, and reduce the overall demand for new and non-renewable resources. (solar panels) also: while buildings and landscapes can be designed to make best use of sunlight, conserve energy, reduce waste and to exploit a site’s distinctive microclimate and physical character.

EN 12 paragraph 4.38 PPG22 Renewable Energy (1993), (page listed in the Appendices), states that renewable energy has an important role to play in reducing greenhouse emissions. Use of solar energy, recycling of heat and grey water can be incorporated in building design. The acceptability of a specific proposal will be assessed within the context of other policies of the Plan.

EN19: In assessing the impact of development, the Council will take into account the following considerations:

- a: the implications for daylight and sunlight into and between properties;
- b: the extent of any loss of privacy; and
- c: the degree of visual intrusion

There is no loss of privacy, reference Mr. Clark’s letter dated 10th October 2022, (listed in the Appendices), occupier of the top two floors of no.85. Ingress of daylight is one of the design features of this proposal – the glass doors, and the dormer.

EN23: The Council will seek to ensure that extensions do not materially reduce the amenity value of existing open space as a result of their siting, size and form. In areas of open space deficiency or where an individual garden or yard is already very small, the Council will resist any extension that would lead to a further loss of open space.

I do not see how this clause is applicable to this project.

EN31: The Council will seek to ensure that development in conservation areas preserves or enhances their special character or appearance, and is of high quality in terms of design, materials and execution. Applicants will be expected to provide sufficient information about the proposed development and its immediate setting to enable the Council to assess the potential effect of the proposal on the character or appearance of the conservation area

We have provided Camden with full drawing information and statements in the Application. This design does not contravene this clause for the reasons we have already given. However, out of 73 houses between number 1 Constantine Road and number 147 there are 27 that have terraces of which 4 (Numbers 133, 137, 139 and 145), that have full dormers leading onto a terrace. Photographs included in the Appendices.

## **Assessment**

### **1.0 Proposal**

1.2 The Revised Access Statement issued to Camden addressing their concerns.

### **2.0 Design and Heritage**

2.1 This is merely a reiteration of the Council's obligations under the Plan, but does not state if the application design is in compliance or contravention of these criteria. What the report does NOT mention is the Council's following obligations under clause D1 which support approval of this application:

*c. is sustainable in design and construction, incorporating best practice in resource management and climate change mitigation and adaption;*

The solar panels are to mitigate the use of power from the grid which reduce the effect of climate change and contribute to Camden's zero carbon initiative. Camden's Retrofitting Planning Guidance states: "Planning permission is not required for the works, including solar panels as they are 'permitted development' (Subject to General Permitted Development Order Regulations and conditions)". It is also recommended numerous times in Camden's "Energy Efficiency Planning Guidance for Conservation Areas" as a means of energy saving that should be utilised. Solar use is a major initiative by Camden and the Nation to reduce carbon emissions, and the Borough has an extensive webpage devoted to its implementation and use (<https://www.camden.gov.uk/solar-panels-planning-permission>).

*h. promotes health*

Daylight into the house promotes health, reduces vitamin D deficiency, and connects the residents to the nature outside. Hence the use of sliding glass doors and a full size glass fronted dormer.

*l. incorporates outdoor amenity space*

The garden terrace is such an amenity space.

*m. preserves strategic and local views*

The Hampstead Railway Embankment is a local view as defined in EN43 on page 93 of the The London Borough of Camden Local Plan Unitary Plan and number 248 on page 147 both included in the Appendices.

2.2 This paragraph is a reiteration of the CPG which is a guide and not Policy. As such the recommendations are not mandatory. They should be flexible enough to accommodate the specific requirements of the design intent. In this case other Policies requirements such as views and ingress of daylight override this recommendation in the order of precedence and that should be recognised by Camden Planning.

This design does not affect the building roofline, and can only be seen by my immediate neighbours and CANNOT be seen either by the General Public or by the wider townscape.

Furthermore there are four existing full width dormers with access to terraces along the rear of Constantine Road, numbers 133,137,139 and 145. There are also three full width dormers on numbers 77,95 and 123. Photographs included in the Appendices.

2.3 The roofline is not altered by this proposal. The Mansfield Conservation Area Appraisal and Management Strategy also states “Successful modern design can be of the 21<sup>st</sup> century and enhance the conservation area by carefully assessing and responding to the form and qualities of surrounding buildings and spaces”. And “roof alterations or additions are likely to be unacceptable where the building forms part of a complete terrace or group of buildings that is largely unimpaired by alteration or extensions.” The majority of the rear of the buildings on Constantine Road HAVE been altered as can be seen on the excerpts from Google Earth photographs in the Appendices.

2.4 and 2.5 are missing.

2.6 The dormers on numbers 77,83 and 85, (photographs included in the Appendices), face the blocks of flats and have overlooking from them, which number 87 does not. Number 95 has a full width dormer with steps to access a terrace. The pre-planning report stated that steps from the dormer to the terrace would be unacceptable. Hence the dormer in this proposal avoids steps by having it reach the eaves.

2.7 The Planning Officer here admits that the roofline is unimpaired, however the statement that “the proposed dormer would not follow the pattern of neighbouring dormers and thus would be out of character with surrounding properties” is not true. Along the rear of Constantine Road there is no discernible pattern to the dormers as can be seen on the excerpts from Google Earth photographs in the Appendices. The claim that “It would neither preserve nor enhance the character and appearance of the roofscape in the conservation area” is also false. There are as previously stated dormers that follow the same pattern as this one. Furthermore The Hampstead Railway Embankment is a local view as defined in EN43 on page 93 of the The London Borough of Camden Local Plan Unitary Plan and number 248 on page 147, both included in the Appendices), and should follow the same pattern as numbers 133,137,139 and 145, number 51 Nassington Road on the opposite side of the Railway Embankment, the rear of the houses along Tanza and South Hill Park roads, which are in the wider townscape.

My reply to Camden Planning re the pre-application report, for which I received no reply, and in the proposal access statement, it was stated that this dormer is NOT visible from dwellings and public views from the rear of the application site. My Architect pleaded with the Planning officer to visit the project site which he adamantly refused. So his claim that the dormer is visible from dwellings and public views from the rear of the application site is totally disingenuous.

2.8 The statement that the dormer “is considered to be a bulky and over dominant feature” is the personal opinion of a laymen architect, and does not address any Planning Policy statement. Again this is the personal opinion of the author and not

based on policy. Rejection of Planning Approval should be based on contravention of Planning Policy, not on personal bias. [One man's clutter is another man's heirloom. And this is my heirloom.] Furthermore, this project was designed by a highly experienced architect with over 30 years' experience in Camden. This design is an outstanding solution to the requirements for renovations. It also addresses the following which are embedded in numerous Camden Planning Policies and recommendations:

- Increases living space
- Improved interior circulation and skylight
- Quality 21st Century Modern Design
- Conservation of the rear façade
- Ingress of daylight and ventilation
- Health and life safety
- Exterior Amenity
- Views of the Railway Embankment
- Sustainability
- Reduction of carbon footprint which is both a National and Camden Policy

All of which would be lost if this application is rejected.

Camden states that “the terrace would add further bulk and clutter. An extensive search of all of Camden's Planning Policies did not reveal the terms “bulk and clutter”. As above this is a personal opinion of the author with no reference to any particular Policy. Also, this ignores paragraph 7.23 of the Design and Heritage requirement to provide outdoor amenity space including gardens, balconies and roof terraces. The expanse of the terrace is similar to no. 89 Constantine Road right next door. In fact it complements the rear facades at nos. 85 and 89, and will in my opinion enhance the appearance of my home. I am opposed to reducing the size of the terrace to a modest balcony as then it would seem at odds with the rear facades of nos. 85 and 89. Photographs included in the Appendices. Furthermore as previously stated out of the 73 houses between number 1 Constantine Road and number 147 there are 27 that have terraces of which 4 (Numbers 133, 137, 139 and 145), that have full dormers leading onto a terrace.

The author now reverts to his negative personal opinion of the dormer, which I have already addressed.

The balance of this paragraph addresses “excessive amounts of glazing”, and the use of aluminium frames. The glazing is in response to Camden's requirement outlined in the CPG for ingress of daylight and ventilation, bring daylight into dark areas of the house, and connect the residents to the world and nature outside. The Juliet balcony is addressed in Camden Planning Policy, Amenity which states:

2.12 ‘Juliet’ (or ‘French’) balconies are balconies that do not project far enough for an occupant to stand on. Where these are proposed, as the occupants using the balcony are still within the building, the extent of overlooking will be considered in the same way as would a normal window.

Also I dispute that the glazing is excessive. That is a matter of personal opinion and not policy. The glazing system is a modern design using modern materials.

I responded to the Pre-application advice with a 51 page paper, to which Camden ignored. They also ignored the contents of the Application Design Access statement, both of which addressed the concerns in the Pre-application report. The Planning Officer also refused to visit the project site so we could discuss those issues. Of course a member of the Council's Conservation Team would support his colleague. What the Planning Officer did not do is seek the advice of a qualified Council Architect. I requested information by email 4th July 2022 with regarding the role of the 'moderator' and Camden issued a reply 5th July 2022 both included in the Appendices, summarised as follows:

Hodgson:

The moderators have delegated power on behalf of the Council to sign off on applications. If they don't consider the application to be suitable to sign off on, then revisions need to be made or the application be refused.

Moderators are not in a position to hold meetings as they aren't in a position to negotiate on applications. We are therefore in a position now where either revisions are submitted in line with the recommendations or we will have to recommend to refusal.

Statement in response from Borak:

So, in the labyrinth offices of Camden Council there is an anonymous person who may or may not have the relevant qualifications or experience in "conservation" or architecture or engineering, who has undocumented powers to alter a planning submission based on their personal opinion and on unknown Policies or criteria. You, the applicant has no right to question or even meet this individual because the Delegated Powers do not allow them to discuss their opinion with you. Therefore you do as he/she wants or we shall threaten you with a refusal.

I think NOT. That is not Democracy that's Authoritarianism (think Putin)

2.9 The photovoltaic cells on the front roof slope are a permitted development. Camden's Retrofitting Planning Guidance updated October 2013 states: "Planning permission is not required for solar panels on the front roof slope (of a property in a conservation area) as this is 'permitted development' for flats, subject to the General Permitted Development Order and conditions". There are two houses on Constantine Road that already have such panels, number 37 and 145, photographs included in the Appendices, neither are causing harm to the conservation area as they are barely visible from the streetscape.

The statement that "That less than substantial harm is not outweighed by the public benefit of delivering renewable energy to this private property, particularly in view of the fact that cells could be sited elsewhere" is also disingenuous. Yes, this is a private property and not a public building such as a hospital or old people's home, however solar is a National Strategic Policy as outlined in the Department of Energy UK Solar Strategy (October 2013), and Camden Policy as outlined in Camden's Energy Efficiency and Adaptation Planning Guidance (January 2021), Camden's Energy efficiency planning guidance for conservation areas (undated), the London Plan (March 2016) and several other Government papers. The word "private" implies there is no public benefit to this photovoltaic proposal, ignoring its help in reducing CO2, alleviating the load on the electrical grid, and other public benefits.

The author states the cells could be sited elsewhere, but does not state where.

2.10 I have addressed the application at 35 Constantine Road above under relevant history. What would have been far more relevant would have been the Planning Application of number 85 Constantine Road next door, which in 1990 was a mirror image of number 87 and followed the pattern of dwellings to the West of Constantine Road, not the East. The renovation number 85 was completed in 1991.

2.11 The “squaring off” is said to be acceptable, yet the author states terrace would add “bulk and clutter”. These are incompatible claims.

2.12 This paragraph is designed to give the reader a negative view of the proposal and it has no validity. The author has not stated what harm this outstanding design is causing to the character and appearance of my property. By its very nature an exterior renovation will change the properties appearance, particularly since it will be insulated which is an imperative to save energy. The author has admitted that the roofline is unimpaired and has not demonstrated any harm to the roofs cape and surrounding conservation area. He has misconstrued the aims of “conservation” which is to protect the fabric of the building, which this proposal achieves, and to preserve the frontscape of the building, as outlined in the Mansfield Conservation Area Appraisal and Management strategy which is unimpaired by this design.

2.13 This is not a listed building and the legislation cited has no relevance to this proposal.

2.14 NPPF (2021) Section 16 addresses the steps a local planning authority should take to protect a designated heritage asset, in particular a grade II listed asset. This property is neither grade listed nor a heritage asset. Nor does this legislation relate to the application itself, only to the responsibility of the local authorities towards the application. It is therefore not applicable to this application, only to the duties of the local planning authority. Its negative tone is also designed to influence the reader against this outstanding design.

The following paragraphs from the NPPF (2021) are however relevant to this application:

39. Early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality pre-application discussion enables better coordination between public and private resources and improved outcomes for the community.

Sadly Camden did not engage with my Architect or me in a positive discussion. Their attitude was authoritarian and inflexible.

152. The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to:

Shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.

Camden attitude towards the photovoltaic panels in this proposal contravenes this paragraph with respect to greenhouse gases and low carbon energy.

Section 191 of the NPPF states: “When considering the designation of conservation areas, local planning authorities should ensure that an area justifies such status because of its special architectural or historic interest, and that the concept of conservation is not devalued through the designation of areas that lack special interest.” The rear of this property has no special architectural or historical interest, and by imposing metal railings and denying an amenity terrace, Camden IS devaluing the concept of conservation, particularly since the rear of the houses Constantine

Road is a mixture of differing architectural details and styles as can be seen on the excerpts from Google Earth photographs in the Appendices.

2.15 The author has not demonstrated that this proposal contravenes policies D1, D2, DH1 and DH2. In fact the opposite is true. I have already addressed the many negative and misleading claims in the above. Constantine Road is a named street in the Mansfield Neighbourhood Plan and is located in the Mansfield Ward: It is NOT a named street in the Hampstead Neighbourhood Plan and is not located in the Hampstead Ward. Hampstead Neighbourhood Plan is therefore not applicable to this Application.

3 Impact on neighbours.

3.1 This is merely a statement of the policy A1, which is a clause in Camden's Planning Guidance Amenity and is correctly stated. However, Constantine Road is a named street in the Mansfield Neighbourhood Plan and is located in the Mansfield Ward; it is NOT a named street in the Hampstead Neighbourhood Plan and is not located in the Hampstead Ward, hence the Hampstead Neighbourhood plan is not relevant to this proposal.

3.2 The author states that the roof terrace and Juliet balcony, would not have an adverse impact on the privacy of neighbouring occupiers. However, he claims the roof terrace would introduce new opportunities for overlooking into the existing rear dormer at number 85 and that standing on the path and observation area would provide a clear line of sight into the existing dormer at no. 85 and would significantly impact on the privacy of the neighbouring occupier. This is not true. There is a skylight which prevents access to a direct line of site.

Please also refer to the letter from Mr Clark dated 10th October 2022 included in the Appendices, who is the occupier of the top two floors of number 85 that states he has no objection to this proposal on the grounds of overlooking. Again this negates the claim that the terrace is contrary to policy A1 and as previously stated this property is in Mansfield Ward and not Hampstead Ward, and so the Hampstead Neighbourhood Plan 2018 has no relevance to this proposal and should not be used as justification for a Rejection of the Planning Application.

3.3 Not true. See above. Furthermore there are numerous existing terraces along Constantine Road and Savernake Road (a continuation of Constantine Road) that have exactly the same configuration. Again, Constantine Road is a named street in the Mansfield Neighbourhood Plan and is located in the Mansfield Ward; it is NOT a named street in the Hampstead Neighbourhood Plan and is not located in the Hampstead Ward. Hence the Hampstead Neighbourhood Plan has no relevance to this proposal and should not be used as justification for a Rejection of the Planning Application.

#### 4 Sustainability

4.1 I have addressed the photovoltaic cells above. Suffice to say that they are permitted development as stated under the London Borough of Camden Retrofitting Planning Guidance Updated October 2013 pages 13 and 30 included in the Appendices.

### **THE PRE-PLANNING ADVICE DESIGN & ACCESS STATEMENT**

### **DOCUMENTPMRCA/87CR-DA 01 (SUPPORTED WITH DRAWINGS & DOCUMENTS LISTED IN THE APPENDIX)**

(EDITED REMOVING FLAT 1 STATEMENTS FOR THIS APPEAL)

## **PROJECT PROPOSED REMODELLING EXISTING**

### **RESIDENTIAL FLAT 2 AT 87 CONSTANTINE ROAD, LONDON NW3 2LP.**

#### **DETAILS OF EXISTING PROPERTY:**

The residential property is owned by the Client, Bill Borak.

The property is mid terrace, late Victorian dwelling house dating from about 1889.

Arranged on ground, first, second, third/roof floors with a two storey rear addition.

Front and rear gardens.

The original Freehold single family dwelling which internally has been re-configured as two self contained flats, one on the ground floor and the other (maisonette) on the first/second/third/roof floors.

The ground floor entrance hall is common to both flats with the ground floor flat entrance door off the hallway and the maisonette flat entrance door is at the head of the connecting ground to first floor staircase.

Total gross internal area of 153.7 sq m (1654 sq ft)

Ground floor 57.42 sq m (618 sq ft)

First floor 57.42 sq m (618 sq ft)

Second floor 38.86 sq m (418 sq ft)

Third floor/roof 36.72 sq m (390 sq ft)

#### **ACCOMMODATION:**

##### Maisonette flat 2:

##### First floor

Bedroom 1 (front)  $3.49 \times 4.65 = 16$  sq m

Kitchen  $1.53 \times 2.73 = 4$  sq m

Bedroom 2 (rear)  $3.30 \times 3.34 = 11$  sq m

Bathroom and separate toilet

Bedroom 3  $3.29 \times 3.38 = 11$  sq m

##### Second floor

Bedroom 4 (front)  $5.23 \times 3.94 = 21$  sq m

Bedroom 5 (rear)  $3.33 \times 3.37 = 11$  sq m

##### Third floor/roof

Attic room  $7.2 \times 5.1 = 37$  sq m

The building is constructed in 343mm and 225mm solid brickwork with red brick to the front elevation, stone mullions, arches and sills to the bays and stone surrounds to the main entrance door. The windows are timber box frame double hung sliding sash windows.

The main property roof is a double pitched roof (front to back) clad in blue slates with two roof windows to the front and two to the rear.

The rear fenestration is constructed in a mix of red brickwork with mainly timber box frame double hung sliding sash windows and glazed timber framed double doors leading from the rear addition from the ground floor flat to the rear garden

The first floor rear addition fenestration is finished with self coloured smooth render and has a glazed timber single door leading onto the timber balcony/platform and staircase which provides access to the rear garden for the maisonette flat.

#### TOWN PLANNING & STATUTORY MATTERS:

Planning authority London Borough of Camden.

Relevant Planning Applications comprise:

The conversion of no.87 Constantine Road, Hampstead into a self contained flat and self contained maisonette – permission decision granted 17-02-1954.

The erection of a staircase from the first floor and the rear extension at 87 Constantine Road, N.W.3 to provide access to the garden – permission decision granted 02-05-1972.

Not a listed building.

Located in the Mansfield Conservation Area.

#### DESIGN INTENT:

The Freeholder, Bill Borak, would like to remodel, extend and enhance the maisonette flat 2 on the first, second and third/roof floors. Improve daylight transmission throughout the property accommodation. Also incorporate sustainable design strategy with the introduction of photovoltaic cells providing property power/storage and split unit air conditioning with heat pumps for flat 2 accommodation.

The enhancements take into account the Mansfield Conservation Area criteria in the following ways:

Modern design elements of the 21st century added to the rear additions of the property which address and respond to the form and quality of the surrounding properties and spaces.

Quality materials and detailing are to be used and incorporated with modern design elements/components.

The original two storey rear addition is added to create a new three storey rear addition type which exists to no. 85 and no. 89. The addition does not diverge from the historic pattern to the character of the area.

The third floor/roof space increased by the addition of a full width glazed dormer to increase habitable accommodation and provide rear stepped access to the new astronomical observation flat roof platform, which incorporates angled glass guarding with photovoltaic panels and the split unit air conditioning consoles. The angled guarding system design prevents any overlooking issues to the rear.

The rear roofs of the Constantine Road properties incorporate every variety of roof dormer designs all as viewed in the photographs and videos on the overground journey from Gospel Oak to Hampstead Heath stations. The rear Constantine Road roofs are all altered so the proposed development at no. 87 does not undermine any uniformity of the terrace rear roofline.

#### MAISONETTE FLAT 2 ON THE FIRST, SECOND, THIRD/ROOF FLOORS, REMODELLING, EXTENSIONS & ENHANCEMENTS COMPRISE:

The property main staircase finishes upgraded to the first floor flat 2 entrance.

First Floor - New glazed internal flat 2 entrance door and glazed screen. The existing rear addition bathroom and bedroom 3 remodelled to create new bathroom, dining and

kitchen with new side windows. The rear balcony platform is now the new flat roof over the single storey rear end curved addition with new glazed sliding double doors to the roof with a new spiral staircase accessing the rear garden.

The existing kitchen becomes a new first floor wet room with storage wall.

Second Floor – New rear third floor addition to the existing rear two storey addition for new bathroom and living room accommodation, new side windows with new glazed sliding double doors with Juliet balcony to the end fenestration. The two existing bedrooms retained.

Third Floor – New dog leg staircase system introduced from the second floor landing connecting the third floor new master bedroom and new ensuite accommodation with new full width rear glazed dormer addition. The full width dormer has fixed glazing with a single sliding glazed door leading out to the astronomical platform with angled perimeter glazed guarding/photovoltaic panels and split air conditioning unit consoles. The new flat platform roof incorporates a new longitudinal glazed skylight over the new second floor living room accommodation.

#### **MATERIALS:**

Existing rear first floor.

Existing enclosing walls new insulation and new coloured rendered system finish applied.

New coloured proprietary windows and sliding doors system.

New rear second floor addition.

New masonry enclosing insulated walls coloured rendered system.

New coloured proprietary windows and sliding doors system with new Juliet balcony.

New rear third floor/roof dormer addition.

New dog leg hardwood finished staircase with glazed guarding. New full width rear double glazed dormer, fixed glazing and single sliding glazed door with enclosing natural finish zinc cladding to cheeks and roof.

New green coloured GRP flat roof system with angled perimeter glazed guarding/photovoltaic panels and split air conditioning unit consoles. The new flat platform roof incorporates a new longitudinal glazed skylight with coloured glazing bar system.

**PLANNING APPLICATION ADVICE (EXTRACT FROM PAPER  
PMRCA/87/CR-DA 02 REV 03) (SUPPORTED WITH DRAWINGS &  
DOCUMENTS LISTED IN THE APPENDIX)**

**DESIGN & ACCESS STATEMENT DOCUMENT MAISONETTE FLAT 2 ON  
FIRST, SECOND, THIRD & ROOF PMRCA/87CR-DA 02 REV 03**

**PROJECT: PROPOSED REMODELLING OF EXISTING RESIDENTIAL  
MAISONETTE FLAT 2 ACCOMMODATION ON FIRST, SECOND, ROOF  
ATTIC WITH A NEW REAR SECOND FLOOR ADDITION WITH NEW  
ROOF TERRACE OVER, CHANGES TO REAR FENESTRATION, NEW  
REAR DORMER TO THIRD FLOOR WITH PHOTOVOLTAIC CELL  
PANELS OVER & NEW PHOTOVOLTAIC CELL PANELS TO FRONT  
PITCHED ROOF TO PROPERTY. LOCATION: 87 CONSTANTINE ROAD,  
LONDON NW3 2LP.**

**Statement:**

This is a design access statement for the whole residential property owned by the Client, Bretislav Borak, which comprises two flats. It is important that the proposed separate two flat developments are read in conjunction with the whole property statement and therefore each planning application uses the same statement with the relevant specific matters \*\* marked where specifically applicable to Flat 2.

**The property details, existing accommodation, materials section details not included and available in the download documentation listed in the Appendix:**

**Town Planning & Statutory Matters:**

Planning authority London Borough of Camden.

Relevant Planning Applications comprise:

The conversion of no.87 Constantine Road, Hampstead into a self contained flat and self contained maisonette – permission decision granted 17-02-1954.

The erection of a staircase from the first floor and the rear extension at 87 Constantine Road, N.W.3 to provide access to the garden – permission decision granted 02-05-1972.

Not a listed building.

Located in the Mansfield Conservation Area.

Planning history of Nos. 85 and 101 Constantine Road. E9/2/10/18654

The conversion of No. 87, Constantine Road, Hampstead, into a self contained flat and a self-contained maisonette – Granted 17/02/1954

2015/6381/P - 86 Constantine Road - Erection of rear dormer window, creation of terrace at 3rd floor level with installation of a metal balustrade and access door and 3 front roof-lights. – Refused 23/03/2016 – Appeal allowed 27/04/2016

2017/2650/P – 82 Constantine Road - Erection of rear dormer window with access door, creation of roof terrace with balustrade at 3rd floor level and installation of two front roof-lights. – Granted 21/08/2017

STATEMENT IN RESPONSE TO PRE-PLANNING APPLICATION ADVICE  
 DATED 04/06/2021 REFERENCE 2021/1829/PRE FROM THE LONDON  
 BOROUGH OF CAMDEN, PLANNING SOLUTIONS TEAM: This is a statement  
 for the whole property which comprises two flats. It is important that the proposed  
 two flat developments are read in conjunction with the whole property statement. The  
 specific statements for each flat is: Flat 2 specific content marked \*\* Flat 1 specific  
 content marked \*

Dear Ms. Constantinescu,

My client Mr. Bretislav Borak, has read your review of my submission for pre-planning advice for his property at 87 Constantine Road, NW3 2LP, and has written the following paper in response with independent copies to Cllr Sian Berry and Cllr Jenny Mulholland Cllr Marcus Boyland, Cllr Lorraine Revah Bethnay Cullen and Jennifer Walsh to clarify his deep misgivings. The submitted concept design was produced with extensive input from my client. Please understand that his response is not intended to be an attack on the reviewer, but is using the review to illustrate areas where he feels that Camden's planning policies and procedures conflict with the needs of both the elderly, the medically vulnerable. He also aims to illustrate areas where the Borough of Camden could improve its services to its residents, and to express his interests in sustainability, energy conservation, health, and his house and home of 50 years.

Dear Councillors,

I am resident and owner of 87 Constantine Road, NW3 2LP, and have decided to undertake a major renovation of the home that I have owned since 1972. My Architect Mr. Philip M Roys RIBA, submitted a pre-planning document to Camden Planning, and the responding report was deeply disappointing. I have therefore, written the following paper to clarify my deep misgivings with its content and to illustrate those areas where I contend that Camden's planning policies and procedures conflict with the needs of both the elderly and the medically and mentally vulnerable. I also aim to illustrate areas where the Borough of Camden could improve its services to its residents, and to express my interests in sustainability, energy conservation, health, and my house and home of 60 years.

I beseech you to read it to the end, as I am deeply concerned that several of Camden's planning policies are dangerous to the health and wellbeing of the elderly and vulnerable citizens of our borough. In addition, several of these policies make it difficult to integrate energy saving and sustainability measures into renovation projects involving Victorian houses.

I am giving you a new USB flash drive (no viruses) with the appendices and references to the paper, so you may view them on a laptop or desktop computer as you read the paper document. To access the references you will need an internet connection, open the 'References' file which I have saved in both Microsoft Word and

PDF formats, place your mouse cursor on the reference address, hold down the CTRL key on your keyboard and click your left hand mouse button and it will take you to the original reference document. I would welcome your feedback and comment on my paper.

### **Confirmation of Design Intent:**

The Freeholder, Bill Borak, would like to remodel, extend and enhance the maisonette flat 2 on the first, second and third/roof floors. Improve daylight transmission throughout the property accommodation. Also incorporate sustainable design strategy with the introduction of photovoltaic cells providing property power/storage and split unit air conditioning with heat pumps for flat 2 accommodation.

The enhancements take into account the Mansfield Conservation Area criteria in the following ways: Modern design elements of the 21st century added to the rear additions of the property which address and respond to the form and quality of the surrounding properties and spaces. Quality materials and detailing are to be used and incorporated with modern design elements/components.

Flat 2: The original two storey rear addition is added to create a new three storey rear addition type which exists to no. 85 and no. 89. The addition does not diverge from the historic pattern to the character of the area.

The third floor/roof space increased by the addition of a full width glazed dormer to increase habitable accommodation and provide rear access onto a small decking area with a pebbled pathway to the new astronomical observation decking area within a new wild flower and herb garden flat roof terrace. The terrace is enclosed with a low parapet wall with 60 degree angled pervoskite panels over to provide safe/protected guarding. The angled guarding system design prevents any overlooking issues to the rear terrace sides. The double glazed roof lantern full width to the boundary of no. 85 provides daylight to the maisonette flat 2 new living room accommodation under also prevents any overlooking issues to no. 85. The rear roofs of the Constantine Road properties incorporate every variety of roof dormer designs all as viewed in the photographs and videos on the Over-ground journey from Gospel Oak to Hampstead Heath stations. The rear Constantine Road roofs are all altered so the proposed development at no. 87 does not undermine any uniformity of the terrace rear roofline.

### **Maisonette Flat 2 on the first, second, third/roof floors remodelling, extensions and enhancements comprise:**

The property main staircase 1 finishes upgraded to the first floor maisonette flat 2 entrance.

First Floor - New glazed internal flat 2 entrance door and glazed screen. The existing front kitchen is changed into a Utility room. The existing rear addition bathroom and bedroom 3 remodelled to create new bathroom, kitchen and dining with new side windows. The existing rear balcony platform is retained with access from the new

kitchen /dining accommodation through new glazed sliding double doors to maintain access from Flat 2 to the rear garden.

Second Floor – New rear third floor addition to the existing rear two storey addition created for the new bathroom and living room accommodation, new side windows with new glazed sliding double doors with Juliet balcony to the end fenestration. The 11 two existing bedrooms retained. New staircase 2 incorporated from hallway 2 leading up into the new third floor/roof accommodation

Third Floor – New dog leg staircase 2 introduced from the second floor landing connecting the third floor new Master Bedroom 5, new Ensuite accommodation, new storage with new full width rear glazed dormer addition. The full width dormer has fixed glazing with sliding glazed double doors (only one slides at a time) leading out to the small decking platform, pebble pathway leading to the new astronomical decking platform and new wild flower, herb garden green flat roof system. The green flat roof has a low parapet enclosing wall over with 60 degree angled perimeter perovskite guarding/panels. The new flat roof incorporates a new longitudinal glazed skylight over the new second floor living room accommodation adjacent to the raised parapet wall to no. 85.

**The new accommodation area details not included and available in the download documentation listed in the Appendices:**

**Proposed Materials:**

**Existing rear addition first floor to maisonette flat 2:**

Existing exterior enclosing walls to side and rear shall have a new red coloured insulated rendered system finish applied.

New anthracite coloured proprietary bottom hung 2no.windows installed to the side yard fenestration with new sliding double doors system to the end fenestration.

**New rear second floor addition to maisonette flat 2:**

New wall fenestration comprises new external red decorated insulated render system, blockwork, insulated cavity, blockwork internally plaster finished enclosing wall.

New anthracite coloured proprietary bottom hung 2no.windows installed to the side yard fenestration with new sliding double doors system to the end fenestration with new Juliet balcony decorative glazed screen.

**New rear third floor/roof dormer addition to maisonette flat 2:**

New full width rear double glazed dormer, anthracite coloured fixed glazing and double sliding glazed door with enclosing end walls matching red brick masonry finished internally with insulated dry lining system. Natural finish zinc cladding to dormer facade soffit and roof. 10no. photovoltaic cell panels located over the new zinc finished dormer sloping down to the property main roof.

**New rear flat roof terrace over new rear addition to maisonette flat 2:**

New wild flower and herb garden, decking platform, pebble pathway and astronomical decking platform green roof terrace

New perimeter perovskite guarding/screen set at 60 degrees above the new enclosing parapet walls. The new parapet walls comprise new external red decorated insulated render system, blockwork, insulated cavity, blockwork render finished enclosing wall. New zinc capping to top of the new parapet wall.

The new flat roof incorporates a new longitudinal glazed skylight with anthracite coloured glazing bar system against the parapet wall to no. 85.

New split air conditioning unit consoles serving flat 2 second and third floors accommodation.

**Existing front pitched roof to property:**

14no. new Photovoltaic cell panels introduced, centrally located over the retained existing blue slate roof.

**EMAIL & LETTER ISSUE**

Applicant email issued to Camden dated 6th April 2022 requesting update from public consultation. Camden email response to applicant 7th April 2022 raising concerns over the proposals. Applicant email response to Camden 8th April 2022 expressing disappointing responses issued from the Camden office. The application not dealt with as a separate application as submitted through the Planning Portal. No dialogue with Camden Planners on the submitted proposed development. No site visit requested which undoubtedly is required for the application to be viewed in context. No acknowledgement of the design changes made with reference to the Pre-Planning Application advice given. A meeting requested at your office or at the property to determine a way forward.

Applicant letter issued to Camden dated 13th April 2022 stating that the planning application target determination date of the 22nd April 2022 shall be extended by two weeks to the 6th May 2022 in order to conclude agreed design amendments to gain a supporting approval decision.

Camden email response to applicant 14th April 2022 confirming agreement to extension.

Email from applicant issued to Camden 3rd May 2022 confirming issue of considered design amendments and four number rear property record photographs.

Camden email response to applicant 4th May 2022 acknowledging receipt of email and would be having internal consultation from colleagues from (Conservation – why with Conservation who have no comments to make see earlier consultation statement) and let the applicant know of the consensus.

Email from applicant to Camden 5th May 2022 stating the proposed consultation outcome shall be Planning Officer led not Conservation led decisions for this development which has not had any comments issued by Conservation.

Email from Camden to applicant 13th May 2022 with proposed conclusions following input from Conservation stating the proposals are still unacceptable.

Emails 1 of 2 and 2 of 2 from applicant to Camden 16th May 2022 1 of 2 request review of an agreed dormer proposal within this application. 2 of 2 PV cell issue

attached street record photograph of no.145 Constantine Road solar photovoltaic panels to front roof slope.

Email from Camden to applicant 17th May 2022 stating the dormer is not in accordance with Camden guidance on dormers (Please note the dormer design is explained in the addendum document statement below which is a function of the top floor accommodation design and provides safe access out onto the roof terrace which is a safe place of refuge in case of fire). Camden state the PV cells on the front roof slope to no. 145 Constantine Road were installed under permitted development with a certificate of lawfulness issued. (Please note under Planning Law permitted development rights not allowed in a Conservation Area). Camden state that due to the number of revisions submitted for this planning application they can not accept further revisions. This is totally unacceptable as the Full Planning Application has been revised only once by the substitution of documents and drawings.

## **THE PLANNING APPLICATION SUBSTITUTED SCHEME ADDENDUM**

### **REVISION 01 TO DESIGN ACCESS STATEMENT**

### **PMRCA/87/CR-DA 03 REV 03 INCORPORATING CAMDEN EMAIL**

### **ADVICE/COMMENTS**

### **(SUPPORTED WITH DRAWINGS & DOCUMENTS LISTED IN THE**

### **APPENDIX)**

**PROJECT: PROPOSED REMODELLING OF EXISTING RESIDENTIAL MAISONETTE FLAT 2 ACCOMMODATION ON THE FIRST, SECOND & ROOF ATTIC FLOORS. NEW REAR SECOND FLOOR ADDITION WITH NEW ROOF TERRACE OVER. CHANGES TO REAR & SIDE FENESTRATION. NEW REAR DORMER TO THIRD FLOOR WITH PHOTOVOLTAIC CELL PANELS OVER. NEW PHOTOVOLTAIC CELL PANELS TO EXISTING PROPERTY FRONT PITCHED ROOF.**

**LOCATION: 87 CONSTANTINE ROAD, LONDON NW3 2LP.**

#### **PRE-PLANNING APPLICATION ADVICE:**

Drawings and documents submitted 13th April 2021 showing proposed development. Advice statement issued by Camden 04/06/2021 with matters requiring addressing in Camden view for proposed development of Flat2.

#### **FULL PLANNING APPLICATION:**

Drawings and supporting design Access statement paper issued for Flat 2, 25th January 2022 which addressed Camden advice for the Flat 2 proposed development.

#### **EMAIL ISSUE**

Applicant email issue 6th April 2022 to Case Officer request update on closure of public consultation. Camden email issue 7th April 2022 to Applicant informing Camden have concerns. Applicant email issue acknowledgement questioning why the two separate planning applications for flat 1 and flat 2 are not addressed separately.

No dialogue from Camden. No site visit made by Camden. The pre-planning application advice has been addressed in the Full Planning Application which Camden have not recognised.

#### CAMDEN PLANNING OFFICE ADVICE/REVIEW 7TH APRIL 2022:

One statement issued 7th April 2022 for the application issued refereeing back to the advice statement. No comments or objections from the Public consultation phase.

#### 1 - Camden review comments 7th April 2022:

*Camden concerns - It appears that these latest proposals have not addressed the issues highlighted in the pre-app and these issues still stand.*

*The proposed dormer is excessive in size and overly dominant and out of keeping with the dormers on neighbouring properties. The increased height of the roof parapet would be unacceptable.*

*The proposed third floor extension is higher than the neighbouring outriggers and is thus out of character.*

*The proposed glazed double doors on the rear elevation would be unsympathetic to the host property and surrounding area.*

#### ARCHITECT AND CLIENT CONSIDERED RESPONSE:

Proposed development drawings amended for Flat 2 to address Planning office concerns are as follows:

New dormer to roof moved inboard from the property roof parapet walls and reduced in width accordingly - (Proposed Flat 2 rear elevation drawing number P-34 revision 3, proposed Flat 2 roof layout plan drawing number P-33 revision 3, proposed Flat 2 third floor layout plan drawing number P-32 revision 3, all three attached).

No increased height of the two abutting roof parapet walls – (Proposed Flat 2 rear elevation drawing number P-34 revision 3, proposed Flat 2 roof layout plan drawing number P-33 revision 3, both attached).

In addition i) New reduced terrace area at third floor level to the new rear addition roof over the new second floor rear addition - (Proposed Flat 2 roof layout plan drawing number P-33 revision 3, proposed Flat 2 third floor layout plan drawing number P-32 revision 3, proposed Flat 2 rear elevation drawing number P-34 revision 3, all three revision attached). ii) The guarding reduced to guard the reduced terrace area - (Proposed Flat 2 roof layout plan and proposed rear elevation drawing numbers P-33 & P-34 both revision 3 attached).

The new rear addition outriggers reduced in height and in alignment with the rear property roof fenestration - (Proposed Flat 2 rear elevation drawing number P-34 revision 2 attached).

The existing rear addition first and new rear addition second floors rear doors width reduced from pairs of 900mm sliding double doors to 760mm sliding double doors which are a requirement and function of the rear accommodation use / comfort of natural daylight / ventilation. The sliding double doors match the original first floor opening height - (Proposed Flat 2 proposed rear elevation drawing number P-34

revision 3, proposed first floor layout plan and proposed second floor layout plan drawing numbers P-30 & P31 both revisions 2 attached).

CAMDEN PLANNING OFFICE ADVICE/REVIEW 13TH MAY 2022:

*Flat 2:*

*Unfortunately we believe that the proposals are still unacceptable, as the dormer still appears dominant and should be set back further in from the parapet and roof edge. Conservation suggested that PV cells on the front roof slope should not be supported however would be acceptable on the rear. Squaring off the outrigger is acceptable and would bring consistency to the rear elevations on the terrace. Therefore a smaller and more subordinate dormer and removing the front roof slope PV cells would make the scheme acceptable.*

*Given the time that has elapsed, I would suggest withdrawing the second application and resubmitting proposals with the tweaks outlined above. In the meantime we can proceed with approving the application at flat 1.*

ARCHITECT AND CLIENT CONSIDERED RESPONSE:

The Planning and Conservation office appear to have lost sight of what the re-modelling works function.

The reduced size new dormer provides access to the new roof terrace so indeed because of its function it is not set back from the roof edge. If the new dormer was set back in line with adjoining properties dormers, steps would be required internally and externally which is not desirable; the introduction of steps was discouraged by the Planning office at the early stage. The new rear roof terrace accessed by the new dormer provides a means of escape and is a safe place of refuge for the third floor accommodation in case of a fire. The adjoining properties set back dormers do not serve a roof terrace so should not be a relationship to follow on the new dormer proposed. The new dormer is lower than the main roof ridge which is a Planning requirement and indeed is subordinate to the property pitched rear roof. Also the adjoining properties dormers are all in line with the main property roofs ridge which goes against the Planning office design strategy.

PV cells were incorporated in the proposed development for Flat 2 as a sustainable requirement/improvement/energy provider. In the Pre-Planning Advice written response 4th June 2021 solar panels proposed for the front roof slope were stated as acceptable subject to conditions being met. The PV panels would not be a part of the proposed development Planning Application if this was not the case.

Flat 2 Planning Application has had one round of revisions so the statement by the Planning office is incorrect The Planning office should be able to review a further update as this is only fair and reasonable; the only means of a meaningful dialogue without making a new Planning Application.

The above statements are made as no direct dialogue provided by the Camden Planning office, however these proposals are in line with Camden latest email issues to date.

A statement response to support the amended development proposals requested from Camden in order to substitute the original application drawings.

My office notes that no comments released in the public consultation and the proposals are minor amendments which can be progressed for an early approval determination.

### **Confirmation of Design Intent:**

The Freeholder, Bill Borak, would like to remodel, extend and enhance the maisonette flat 2 on the first, second and third/roof floors. Improve daylight transmission throughout the property accommodation. Also incorporate sustainable design strategy with the introduction of photovoltaic cells providing property power/storage and split unit air conditioning with heat pumps for flat 2 accommodation.

The enhancements take into account the Mansfield Conservation Area criteria in the following ways:

Modern design elements of the 21st century added to the rear additions of the property which address and respond to the form and quality of the surrounding properties and spaces.

Quality materials and detailing are to be used and incorporated with modern design elements/components.

### **Flat 2**

The original two storey rear addition is added to create a new three storey rear addition type which exists to no. 85 and no. 89. The addition does not diverge from the historic pattern to the character of the area.

The third floor/roof space increased by the addition of a full width glazed dormer to increase habitable accommodation and provide rear access onto a small decking area with a pebbled pathway to the new astronomical observation decking area within a new wild flower and herb garden flat roof terrace. The terrace is enclosed with a low parapet wall with 60 degree angled pervoskite panels over to provide safe/protected guarding. The angled guarding system design prevents any overlooking issues to the rear terrace sides. The double glazed roof lantern full width to the boundary of no. 85 provides daylight to the maisonette flat 2 new living room accommodation under also prevents any overlooking issues to no. 85.

The rear roofs of the Constantine Road properties incorporate every variety of roof dormer designs all as viewed in the photographs and videos on the Over-ground journey from Gospel Oak to Hampstead Heath stations. The rear Constantine Road roofs are all altered so the proposed development at no. 87 does not undermine any uniformity of the terrace rear roofline.

### **Maisonette Flat 2 on the first, second, third/roof floors remodelling, extensions and enhancements comprise:**

The property main staircase 1 finishes upgraded to the first floor maisonette flat 2 entrance.

First Floor - New glazed internal flat 2 entrance door and glazed screen. The existing front kitchen is changed into a Utility room. The existing rear addition bathroom and bedroom 3 remodelled to create new bathroom, kitchen and dining with new side windows. The existing rear balcony platform is retained with access from the new kitchen /dining accommodation through new glazed sliding double doors to maintain access from Flat 2 to the rear garden.

Second Floor – New rear third floor addition to the existing rear two storey addition created for the new bathroom and living room accommodation, new side windows with new glazed sliding double doors with Juliet balcony to the end fenestration. The two existing bedrooms retained. New staircase 2 incorporated from hallway 2 leading up into the new third floor/roof accommodation.

Third Floor – New dog leg staircase 2 introduced from the second floor landing connecting the third floor new Master Bedroom 5, new Ensuite accommodation, new storage with new full width rear glazed dormer addition. The full width dormer has fixed glazing with sliding glazed double doors (only one slides at a time) leading out to the small decking platform, pebble pathway leading to the new astronomical decking platform and new wild flower, herb garden green flat roof system. The green flat roof has a low parapet enclosing wall over with 60 degree angled perimeter perovskite guarding/panels. The new flat roof incorporates a new longitudinal glazed skylight over the new second floor living room accommodation adjacent to the raised parapet wall to no. 85.

**The new accommodation areas not included and available in the download documentation listed in the Appendices:**

**Roof**

Pitched roof (front) existing blue slate pitched roof

Existing 2no. roof-lights front roof retained

Pitched roof (front) New photovoltaic cell system, 14 panels fixed over blue slates

Pitched roof (rear) ridge tiles and part retained existing blue slate pitched roof

New zinc clad dormer full width

New photovoltaic cell system, 10 panels fixed over new zinc clad dormer roof

**Proposed Materials:**

**Existing rear addition first floor to maisonette flat 2:**

Existing exterior enclosing walls to side and rear shall have a new red coloured insulated rendered system finish applied.

New anthracite coloured proprietary bottom hung 2no.windows installed to the side yard fenestration with new sliding double doors system to the end fenestration.

**New rear second floor addition to maisonette flat 2:**

New wall fenestration comprises new external red decorated insulated render system, blockwork, insulated cavity, blockwork internally plaster finished enclosing wall.

New anthracite coloured proprietary bottom hung 2no.windows installed to the side yard fenestration with new sliding double doors system to the end fenestration. with new Juliet balcony decorative glazed screen.

**New rear third floor/roof dormer addition to maisonette flat 2:**

New full width rear double glazed dormer, anthracite coloured fixed glazing and double sliding glazed door with enclosing end walls matching red brick masonry finished internally with insulated dry lining system. Natural finish zinc cladding to dormer facade soffit and roof. 10no. photovoltaic cell panels located over the new zinc finished dormer sloping down to the property main roof.

**New rear flat roof terrace over new rear addition to maisonette flat 2:**

New wild flower and herb garden, decking platform, pebble pathway and astronomical decking platform green roof terrace

New perimeter perovskite guarding/screen set at 60 degrees above the new enclosing parapet walls. The new parapet walls comprise new external red decorated insulated render system, blockwork, insulated cavity, blockwork render finished enclosing wall. New zinc capping to top of the new parapet wall.

The new flat roof incorporates a new longitudinal glazed skylight with anthracite coloured glazing bar system against the parapet wall to no. 85.

New split air conditioning unit consoles serving flat 2 second and third floors accommodation.

**Existing front pitched roof to property:**

14no. new Photovoltaic cell panels introduced, centrally located over the retained existing blue slate roof.

**EMAIL & LETTER ISSUE**

Email issue from Client 15th and 19th April 2022 with email response 19th April 2022:

**From:** Bill <[bborak08@gmail.com](mailto:bborak08@gmail.com)>

**Sent:** 15 April 2022 14:07

**To:** Marcus Boyland (Cllr) <[Marcus.Boyland@camden.gov.uk](mailto:Marcus.Boyland@camden.gov.uk)>

**Subject:** Planning application for 87 Constantine Road

Dear Mr. Boyland,

I am the resident and owner of the above property and recently my architect submitted a planning application to improve the amenities and living conditions in my home of 60+ years. The responses I and my architect have received from the planning department have left me confused and depressed. I am a 76 year old, disabled retired civil servant, and would like to discuss the project process I need to follow so that I and my architect can achieve a successful planning approval from Camden. I am therefore requesting an appointment with your surgery to gain clarification.

Yours Sincerely and Respectfully  
Bretislav (Bill) Borak Bsc. FRICS (ret.)

On 19/04/2022 11:39, Marcus Boyland (Cllr) wrote:  
Hi Bill - Sorry about this!

I deal with the Planning team almost on a daily basis and I know they are extremely conscientious and responsive - I can ask them to get in touch with you to discuss - they might be better placed than me to advise

Surgeries are also in limbo given that we are in an election period.

Best, Marcus

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**Councillor Marcus Boyland**

**Labour Member for Gospel Oak Ward**

London Borough of Camden

T: 020 7974 2976

M: 07815 032 923

E: [marcus.boyland@camden.gov.uk](mailto:marcus.boyland@camden.gov.uk)

Dear Mr. Boyland,

Many thanks for your reply. The reason I wrote to you is that the case officer (Mr. Edward Hodgson) dealing with my planning application is using what I consider spurious, arbitrary and capricious reasons to deny my application; he has refused to meet with me and my architect to resolve the issues he has raised (either in person with a mask, by Skype, or by telephone) and has refused to provide us with the basis of his assertions which flies in the face of Camden's Constitution statement that Camden is a Democratic council whose "procedures are followed to ensure that these are efficient, transparent and accountable to local people." I and my Architect have provided written and photographic evidence that his assertions are invalid which he has conveniently totally ignored.

I have been involved at a Senior level in the planning design and construction of Diplomatic facilities worldwide for 20 years and am of the opinion his approach to my case is unprofessional and in violation of his duty of care. To paraphrase this approach:

"I am the man in power and you do what I say or I will not give you your planning permission. So there. Have a nice life."

I am willing to compromise on certain aspects of the design, but am not willing to change other elements which are an essential part of the design.

Shortly I will sending Mr. Hodgson a registered letter with a copy to his supervisor, expressing my deep concerns to his approach and intended refusal of my (Architects) planning application. Any assistance you could provide to resolve this impasse would be greatly appreciated.

Yours Sincerely

Bill Borak Bsc. (Building Economics), FRICS

Email issue to Camden 26th May 2022 stating the applicant addressed matters raised by Camden for the proposed development.

Flat 2 Planning Application - Your update on this submission very disappointing as we have addressed both matters raised in the proposed development, see i) and ii).

i) The new dormer serves the new roof terrace which is also a safe haven in the case of a fire on the first or second floor, also the pre-planning advice asked for a green roof, which would need maintenance and require access and which can serve as an amenity for the residents; therefore an alignment /set back matching the adjoining properties is not applicable for this proposed development.

ii) The new PV cells to the front roof agreed in the Pre Planning Application Advice consultation.

You have not informed my office/client which of Camden's Planning Policies and their respective paragraphs the proposed development is not compliant with and how this design contravenes those policies.

Please make the correct decision and determine with an approval.

If the application is refused we will implement the appeal process with the Planning Inspectorate as my client and I strongly believe this design complies with Camden's Planning Policies, and that we have complied with all your offices previous design amendment requests.

Email issue to Camden 4th July 2022 stating:

Dear Mr. Hodgson

The pre application advice called for a heat pump. This is the external unit of the heat pump requested.

Once again I ask who or what is a moderator and what is his/her legal right to demand changes to our design?

The authoritarian tone of your email not helpful in bringing this application to a successful conclusion.

Both my Architect and I have requested a meeting with you resolve the remaining issues and your refusal to visit the property or meet with us is unethical.

Please answer me on my questions re the moderator.

Yours sincerely

Bretislav Borak , Bsc., FRICS (ret.)

Email response from Camden 5th July 2022 stating:

Dear Bill,

To confirm, would this be an air source heat pump?

The moderators have delegated power on behalf of the Council to sign off on applications. If they don't consider the application to be suitable to sign off on, then revisions need to be made or the application be refused.

Moderators are not in a position to hold meetings as they aren't in a position to negotiate on applications. We are therefore in a position now where either revisions are submitted in line with the recommendations or we will have to recommend to refusal.

Kind regards,

Edward Hodgson  
Planning Officer

**Client statement 19th October 2022:**

So, in the labyrinth offices of Camden Council there is an anonymous person who may or may not have the relevant qualifications or experience in "conservation" or architecture or engineering, who has undocumented powers to alter a planning submission based on their personal opinion and on unknown Policies or criteria. You, the applicant has no right to question or even meet this individual because the Delegated Powers do not allow them to discuss their opinion with you. Therefore you do as he/she wants or we shall threaten you with a refusal. I think NOT. That is not Democracy thats Authoritarianism (think Putin)

Email to Camden 1st September 2022 with letter attachment dated 1st September 2022 stating:

Following the successful determination approval for Flat 1 of this proposed property development please now consider the remaining determination for the proposed development Planning Application for Flat 2 in light of this.

My office and Client appreciate the time spent by your office on the Flat 1 Planning Application and would appreciate a similar input on the Flat 2 Planning Application.

To this end please provide a review update from your office and assist with negotiations if required in order to gain an approval for the composite property development. The development can only commence once both approvals in place.

Email from Camden to applicant dated 15th September 2022 with attachments:

Decision Note for Refusal and Report.

Email from applicant to Camden dated 15th September 2022 with letter attachment dated 13th September 2022 stating:

Following on from my letter 1st September 2022 which has not received any response from your office please note in Planning Law you are required to carry out determination within 8 weeks from receipt. An extension was agreed by my office to conclude a satisfactory conclusion.

Therefore my office is writing to confirm this has not occurred so Camden Planning Authority are in default therefore this application has full approval.

Please confirm this conclusion by formal letter.

Would you please refer this matter to your line manager and confirm the concluding action.