

March 2023

**4 Copperbeech Close,
London, NW3 5RB**

*Enforcement Notice Appeal
Supplementary Statement*

LBC REF: EN19/0315

PINS: APP/X5210/C/22/3313568

Jason Clemons

BA(Hons) MA MSc MRTPI IHBC FRSA



Supplementary Statement

1.0 The Enforcement Notice & Appeal

1.1 Vitruvius Heritage Limited have lodged an appeal against an Enforcement Notice (ref. EN19/0315) dated 8th November 2022 and served by the London Borough of Camden on our client, Mr Jonathan Gould. The appeal was lodged on 20 December 2022 and the Local Planning Authority submitted their completed questionnaire on 27 January 2023.

1.2 A full Enforcement Appeal Statement was submitted to the Planning Inspectorate when the appeal was lodged. This supplementary statement is intended to provide any further information arising subsequent to the lodging of the appeal and the receipt of the questionnaire.

2.0 Additional Information

2.1 Since the lodging of the appeal additional information has come to light which should be taken into account when determining the appeal. This includes:

- a) An exchange of e-mails (up to 3 October 2022) (**Document 1**) between Ms Watson, Camden Council's Planning Department, and the Appellant, which indicated that the matter was likely to be concluded without any further action by the LPA. The e-mail sting sets out the Appellant's position, that the house had already been extended when he purchased the property, and that the works undertaken by him to enhance the quality of the extension had already established a reduced garden area.
- b) An e-mail (**Document 2**) from Matthew Wheeler of London Building Control (Corporate Approved Inspectors) confirming that an application under the Building Regulations was registered on 8th December 2017, for internal works to the building. Mr Wheeler, who is MRICS and MCABE, observed that these were internal works only, as the existing structure was in place before the application, including the rear area, what is now the kitchen and its roof structure.
- c) The Appellant took a high level of care and attention in protecting the character and appearance of the existing building. This is demonstrated by the quality of the works of the refurbished dwelling and the fact that he made the first contractor undo works to the windows

(their location and size) which were carried out without the Appellant's instruction or desire. Some of the scars to the brickwork are still evident, where the contractor cut through existing brickwork with the intention of enlarging and relocating windows. That contractor's work on the project was terminated when these works became apparent, and the subsequent contractor has remedied the unauthorised works.

3.0 Summary

- 3.1 This additional information supports that already provided in the Enforcement Appeal Statement, that the property had already been extended at ground floor level prior the Appellant's purchase of it, resulting in the enlarged built form of the dwelling and its reduced garden area being established for over 4 years and therefore free from any enforcement action from the Local Planning Authority.
- 3.2 The abrupt termination of communication between the Appellant and the Council would also suggest that the Council was very much aware that the 4 year period necessary for established a lawful construction had or was very close to reaching that period at the time the communication ceased in October 2022.

Document 1 – E-mail string between the LPA and Appellant

From: [Jonny Gould](#)
To: [Jason Clemons](#)
Subject: Fwd: 4 Copperbeech Close
Date: 24 December 2022 09:50:16

I've found Jennifer Watson's email to me where she was looking to "close the case" but then suddenly changed tune and issued the enforcement.

This is the high handed treatment I have received from Camden the whole way.

Kind regards,

Jonny.

Jonny Gould.

Begin forwarded message:

From: Jennifer Watson <Jennifer.Watson@camden.gov.uk>
Date: 3 October 2022 at 14:18:41 BST
Subject: RE: 4 Copperbeech Close

Hi Jonny,

I'm looking to close the case but will need to ensure that the extension in the garden is not harmful to occupiers. Would you be able to send over a few photographs in order for me to access the design and size?

Best wishes,
Jennifer

From: Jonny Gould <Jonny.Gould@sportsmedia.co.uk>
Sent: 29 April 2022 07:24
To: Jennifer Watson <Jennifer.Watson@camden.gov.uk>
Subject: Re: 4 Copperbeech Close

[EXTERNAL EMAIL] Beware – This email originated outside Camden Council and may be malicious Please take extra care with any links, attachments, requests to take action or for you to verify your password etc. Please note there have been reports of emails purporting to be about Covid 19 being used as cover for scams so extra vigilance is required.

Hi Jennifer,

As promised, here are answers to each of your numbered questions:

1. Where is the original garden to the rear as per the photos?

There was no garden. There was a badly maintained room with a permanent corrugated opaque plastic roof with wood beams support, which I can best describe as a utilities room-cum-greenhouse.

The corrugated opaque plastic roof and wooden beam structure was rotten and leaking and was dangerous for the electrics which were supposed to be undercover.

There is a similar structure made of the same materials still attached to the side of the house ready for your inspection. It likely dates from the same time as the former roof over the utilities room because it is in similar decaying condition.

There was an electric 60-40 fridge freezer nearside and overgrown plants/weeds around the perimeters. There was a wall light and a row of light bulbs draped along a cable wire attached to one of the roof's wooden beams.

The Philip Arnold floor plan of the ground floor completely omits it altogether.

It shows a whole area opened upto the common-space of the alleyway. This is completely wrong.

There is however, a continuous outer brick wall leading from the rest of the house and joins up with my neighbour's greenhouse.

The Philip Arnold floor plan is out of scale and best described as sales particulars, rather than an accurate reference.

There was a courtyard/garden/outside space to the far-right side of the plot. It's still included in the Land Registry title plan of the property. However, I understand it was built over by a neighbour in 1984.

Instead, I am now left only with an L-shaped alleyway around the side and back of the house.

The carport to the left of my plot was included within the title plan. However, I was told by the lawyer who worked on my purchase that even that big outdoor space also didn't belong to me.

In other words, I didn't buy a plot/house reflected in the title plan.

2. Windows are larger and have been opened up as per the photos plus additional windows have been created to the sides.

The windows are precisely like-for-like. Each one is wooden, spray painted for long term protection and "tilt and turn". For me, this is a safety imperative, as Building Control told me they satisfied issues of escape from each room in case of emergency.

I am acutely aware of the fire tragedy at nearby 31, Daleham Gardens and wanted my windows to be a non-negotiable safety issue.

I have Fensa guarantees and the precise measurement and specification for each window from the original quote. When I employed my new contractor I asked specifically for the windows to be designed like the neighbouring Copperbee Close houses.

I also ordered my new contractor to keep the external dimensions and shapes precisely as they were.

I sacked my first contractor for a multitude of reasons. He failed to fully consult with me about windows at all times and made a risible attempt to use UPVC windows at the sides. He started cutting window spaces out of the brick and even wanted to place a rooflight into the master bedroom (which would have impacted negatively on neighbours), all without my consent.

This was totally and utterly unacceptable.

He seemed not to know/care that this was a conservation area and a building of special interest.

I ordered the new contractor, who I'm working with now, to restore the window positions to exactly as they were and not to include the rooflight in the master bedroom.

The brick scars of where the first contractor attempted to change window space are still there for your inspection. The scars where he attempted to start cutting new window spaces can be clearly seen on both the ground floor and first floor.

4. There were never any roof lights in the kitchen roof, the kitchen was not in the garden location as per the existing photos

The kitchen was originally in a room at the front of the house now designated as a study or a child's bedroom. The utilities room had a wall light and a row of light bulbs draped along a cable wire which was attached to one of the roof's wood beams.

6. The ground floor looks to have been dug out

The house was built around 1978 and appeared to never have had any interim maintenance or repairs.

The ground floor was dug at the wall perimeters only when I was advised by my first contractor that a complete underpinning of the house was required. We further found there were no brick foundations underneath the front elevation where a garage entrance had been replaced by a brick wall and a window. The historical colour of the different bricks are still clearly visible as is the new concrete boundary around the perimeter for your inspection.

8. The existing terrace/garden is now the kitchen?

As mentioned in my answers to your points 1 and 4.

9. The windows do not appear to be like-for-like

As mentioned in my answer to your point 2, I have the Fensa guarantee and the original quotes which detail the specification.

This is a "Ted Levy" house, which I know is unique and

distinctive architecture to Hampstead (and Highgate). The refurbishment improves and restores the immediate area.

I've turned the house from an uninhabitable hovel into a first-class property befitting a Hampstead road. Camden Council have been very supportive of me from the start, confirming its uninhabitability by suspending council tax for the first period of the refurbishment. I appreciated the gesture as we partner to improve the area.

I look forward to meeting you.

Kind regards,

Jonny.

Jonny Gould.

On 28 Apr 2022, at 13:36, Jonny Gould <jonnygould@hotmail.com> wrote:

Thanks Jennifer,

Yes, I'll clarify everything by answering your email in advance of your visit.

Kind regards,

Jonny.

On 28 Apr 2022, at 12:40, Jennifer Watson <Jennifer.Watson@camden.gov.uk> wrote:

Hi Jonny,

I can visit but could you address the points below first?

What appears in the photographs doesn't seem to correspond with what I've found online:

https://www.philliparnoldauctions.co.uk/property_details.php?results=1&auctionid=61&id=2465&list=1

Best wishes,
Jennifer

From: Jonny Gould <jonnygould@hotmail.com>
Sent: 27 April 2022 14:34
To: Jennifer Watson <Jennifer.Watson@camden.gov.uk>
Subject: Re: 4 Copperbeech Close

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Hi Jennifer,

Thanks very much for your numbered points.

Knowing Olu came down in your absence because of illness, please may I invite you to the site?

I think it's really important you inspect the whole site - instead of from photos and notes.

I am available tomorrow morning until midday and Friday until 2 pm. Alternatively, are you available early next week?

Kind regards,

Jonny.

On 27 Apr 2022, at 13:10, Jennifer Watson <Jennifer.Watson@camden.gov.uk> wrote:

Hi Jonny,

I have now reviewed Olu's notes and photos and have a few questions.

1. Where is the original garden to the

rear as per the photos?

2. Windows are larger and have been opened up as per the photos plus additional windows have been created to the sides

4. There were never any roof lights in the kitchen roof, the kitchen was not in the garden location as per the existing photos

6. The ground floor looks to have been dug out

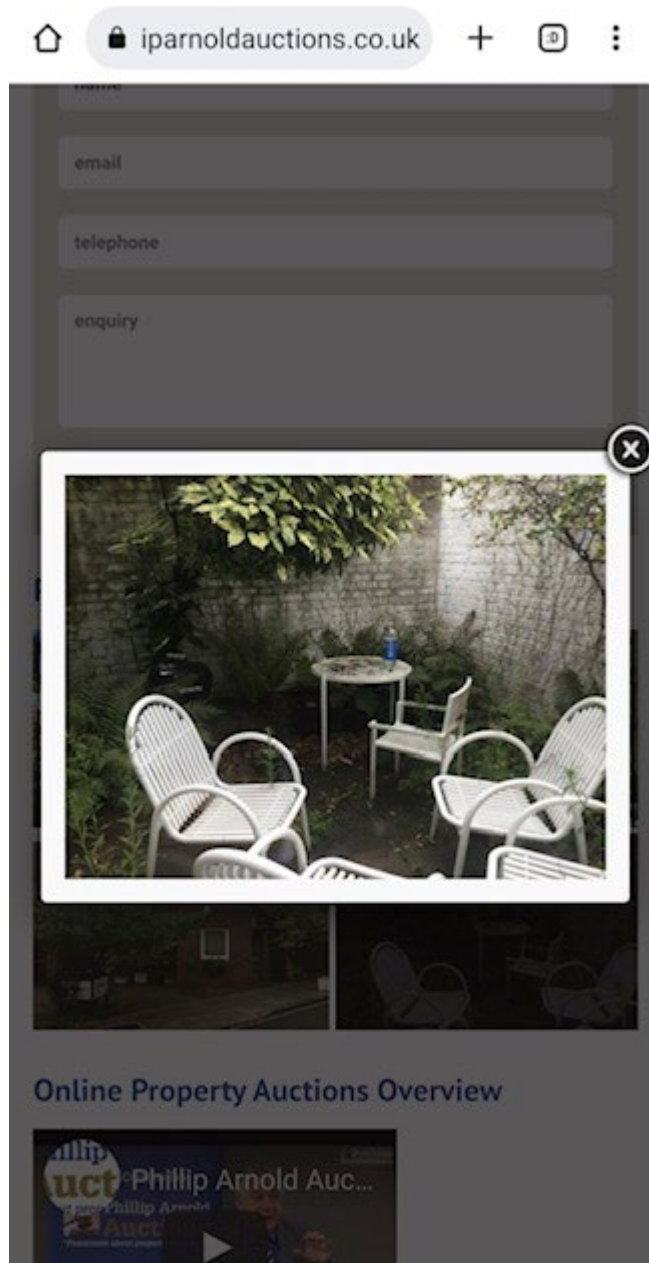
8. The existing terrace/garden is now the kitchen?

9. The windows do not appear to be like-for-like

Best wishes,
Jennifer

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**Document 2 – E-mailed statement by Matthew Wheeler MRICS
MCABE**

From: [Jonny Gould](#)
To: [Jason Clemons](#)
Subject: Fwd: 17/37677/MYDDA/MW, 4 Copperbeech Close, London, NW3 5RB
Date: 21 December 2022 08:38:15
Attachments: [image289360.png](#)
[image455703.png](#)
[image322278.png](#)

Morning Jason,

Here is a statement from London Building Control's Matthew Wheeler.

Kind regards,

Jonny.

Jonny Gould.

Begin forwarded message:

From: Matthew Wheeler <matthew@londonbuildingcontrol.co.uk>
Date: 21 December 2022 at 08:20:54 GMT
To: Jonny Gould <Jonny.Gould@sportsmedia.co.uk>
Subject: 17/37677/MYDDA/MW, 4 Copperbeech Close, London, NW3 5RB

Hello Mr Gould,

I hope you are well.

Following your recent inquiry, I confirm an application was registered on 08/12/2017 with the following description of works;

'Internal Refurbishments'


The Final Certificate was issued 09/06/2022.

The works observed were internal works only, as the existing structure was in place before our application, including the rear area, what is now the kitchen and its roof structure.

Many thanks

Matthew Wheeler MRICS, MCABE
Senior Building Control Surveyor



Email: matthew@londonbuildingcontrol.co.uk
London Office: 0207 099 3636 | Mobile: 07931 958 723
Web: www.londonbuildingcontrol.co.uk
 13 Woodstock Street, Mayfair, London, W1C 2AG

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