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Planning application ref 2023/0419/P: Erection of an additional storey (part of which was granted as Prior Approval ref. 2021/4368/P)

Mr and Mrs Havakuk

2 Quickswood

London NW3 3SJ

I object to the proposed extension of the second floor/third storey to 2 Quickswood on the grounds that:

1. There will be a significant detrimental impact on the amenity of 2 Conybeare due to a substantial reduction in daylight;
2. There will be a significant detrimental impact on the amenity of the garden of 2 Conybeare due to a substantial reduction in sunlight;
3. There will be a significant detrimental impact on the amenity of 2 Conybeare due to substantial overshadowing.

Amenity

The Daylight Sunlight and Overshadowing Report submitted as a supporting document to this application is dated 12th April 2022. It was commissioned by the applicants in response to my objection in relation to their previous application ref 2021/4368/P. The resulting delegated report of the planning officer concluded:

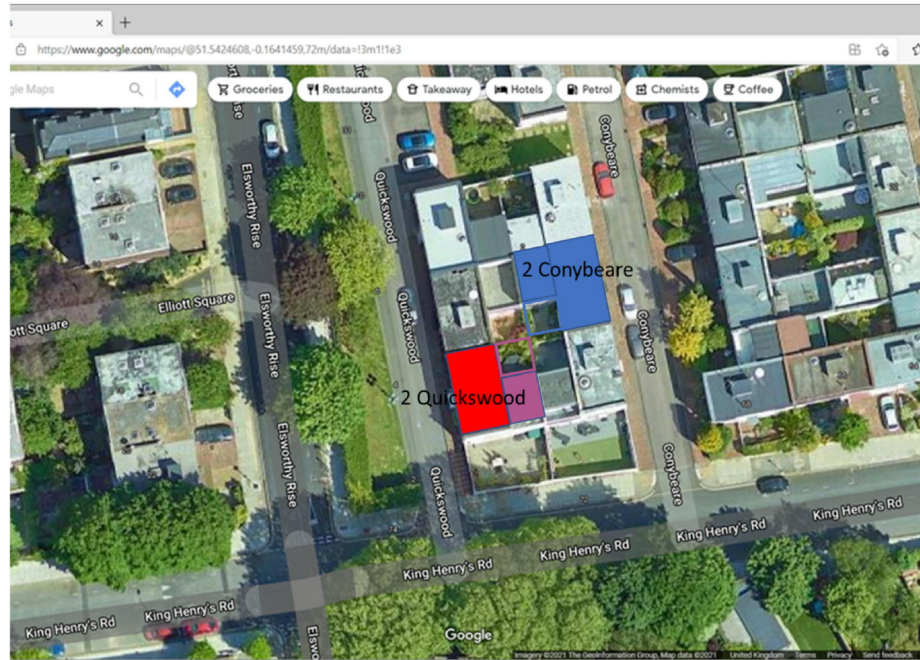
Loss of daylight, sunlight and privacy to no. 2 Conybeare.

(Officer response: the applicant has submitted a daylight and sunlight report, showing that the proposed works would not lead to any unacceptable loss of daylight or sunlight to no. 4 Quickswood and nos. 1 and 2 Conybeare. In terms of overlooking, the new rear windows to the additional storey would present a similar view to adjoining properties as the existing rear first floor windows, and therefore not lead to any additional overlooking compared to existing).

The report does not take account of the extension to the second floor/third storey proposed in this application: the applicants therefore need to commission a new report repeating the calculations in relation to the increased configuration of their proposed extension.

Daylight and Sunlight

Q2 EX0 LOCATION PLAN 20210308 shows that the courtyard garden at the rear of 2 Conybeare faces southwest which means that the sun moves from the northeast-facing front of the house in the morning to the southwest-facing back of the house in the afternoon and evening. The proposed extension of the second floor/third storey by 2.7/2.8 metres would obstruct even more daylight and sunlight to the house and garden than the partial second floor/third storey for which permission was granted in a decision notice dated 19th May 2022. 2 Quickswood has a southeast-facing front garden giving on to King Henry's Road and the north-facing garden at its rear is used comparatively little. 2 Conybeare has only the one, small, southwest-facing patio garden at the rear. (See photo)



The 12th April 2022 report concluded:

The results of the analysis demonstrate that in all instances the numerical values set out in the BRE guidelines are achieved. The proposals will therefore not have a significant effect on the neighbour's enjoyment of daylight and sunlight.

This conclusion was based on calculations undertaken with reference to the previous application, not the current application: it would therefore be **unreasonable** for permission to be granted without a revised assessment being undertaken and commissioned by the applicants. Such an assessment would likely be based on *Application of BRE Site Layout for Daylight and Sunlight: A guide to good practice*. The BRE guidelines state:

Note that the numerical values given here are **purely advisory**. Different criteria may be used based on requirements for daylighting in an area viewed against other site layout constraints. Another important issue is whether the existing building is itself a good neighbour, standing a reasonable distance from the boundary and taking no more than its fair share of light.

The Mayor of London's Supplementary Planning Guidance for Housing states:

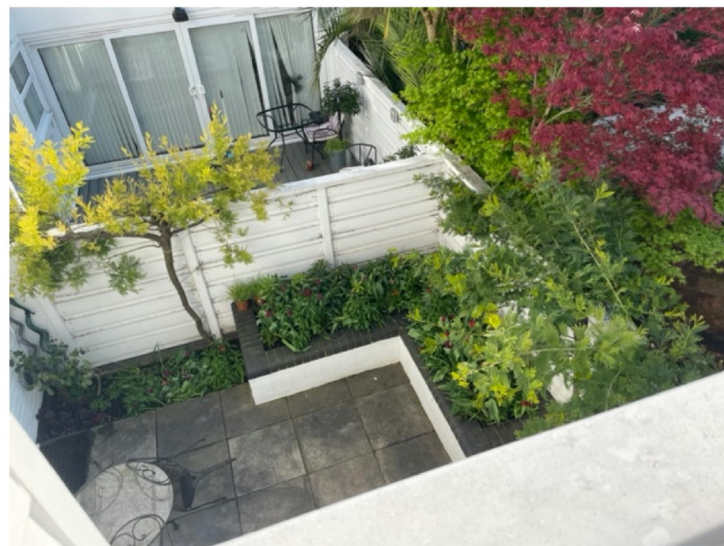
Quantitative standards on daylight and sunlight **should not be applied rigidly**, without carefully considering the location and context and standards experienced in broadly comparable housing typologies in London.

The proposed extension is out of proportion to this configuration of four two-storey courtyard houses backing onto a small shared open space: it would radically alter the special

character of the small open space shared by the four properties backing on to it. It would also result in a substantial loss of amenity, particularly in respect of the garden at the rear of 2 Conybeare which is used extensively for a large part of the year, and which provides light to most of the habitable rooms of the property all year round. The two photos below show the views from the 2 Conybeare first floor balcony towards the rear of 2 Quickwood:



and down into my garden towards the rear of 2 Quickwood and 1 Conybeare:



Overshadowing

The extension of the second floor/third storey to an L-shape covering the whole of the built part of 2 Quickswood would result in a considerable feeling of oppression, particularly during the winter and on cloudy days. My estate agent reported on 3rd April 2023 that prospective purchasers of 2 Conybeare:

have decided to regrettably withdraw their offer due to the uncertainty of the other properties extending further in the future and therefore impacting their light, which is the main reason that they wanted to buy the house.

The prospective purchasers said:

Our solicitor has raised the question of planning applications for nearby properties. One recent one has just been submitted (registered 21 March 2023) which is rather worrying to us. 2 Quickswood which backs on to 2 Conybeare had been granted permission for an extra storey. They have now applied to increase the size of the extension which, if granted, would further impact the light on the small patio. I'm afraid this would be a deal breaker if approved.

A further loss of light might not lead to an 'unacceptable' loss of daylight or sunlight from a **technical** point of view; however, the BRE guidelines set the bar for loss of light at a level acknowledged within the document itself as not being the sole criterion to be considered in relation to housing development (see above).

Precedent

The DESIGN AND ACCESS STATEMENT 20230320(2) to this application states:

There are a number of similar extensions already permitted on the estate, these include 22 Quickswood (ref. 2022/2259/P and 2 Lyttelton Close (ref. 2022/4234/P).

It should be noted that there are substantial differences regarding the development of the above two properties from that proposed for 2 Quickswood, resulting in less impact on the amenity of adjoining properties: both 22 Quickswood and 7 Conybeare at its rear are end of terrace houses whose gardens enjoy the benefit of light from the adjoining communal garden (moreover 7 Conybeare had already been granted prior approval for a partial second storey extension at the time of the application in respect of 22 Quickswood); whilst 2 Lyttelton Close is a mid-terrace house, the garden of 108 King Henry's Road at its rear faces northeast so has never received any direct sunlight, and the neighbouring houses at 110 King Henry's Road and 1 Lyttelton Close each have gardens facing southeast which receive light from the open space above King Henry's Road.

This planning application is the first in respect of a house in either Quickswood or Conybeare to have a substantial negative impact on the amenity of the completely enclosed garden of a mid-terraced house which receives direct sunlight. Therefore 22 Quickswood and 2 Lyttelton Close are **inappropriate** comparators. Moreover, the delegated report of the planning officer regarding the previous application ref 2021/4368/P answered my own objection on the grounds of precedent:

Proposal creates precedent, leading to cumulative impact in terms of overshadowing and overlooking.

(Officer response: the proposal would not create a precedent as each application received would be assessed on a case-by-case basis, with every applicant required to demonstrate that their proposal would not lead to any negative impact on neighbouring residential amenity.)

This application should therefore be considered **on its own merits** without regard to any other third storey applications in Quickswood and Conybeare.

Planning application process

There are two shortcomings in the current planning application process:

1. At the time of writing, the owner of 2 Conybeare has received no letter from the planning authority regarding this application.
2. The notice displayed on the lamp-post on the private road opposite 2 Quickswood was turned away from King Henry's Road, and not visible to people walking along King Henry's Road (see photo below).



Following my objection to the previous planning application, the planning officer did not request to view the site of the proposed development **from the garden of 2 Conybeare**, despite the applicants' Daylight Sunlight and Overshadowing Report making it very clear that the main impact of the proposed third floor extension to 2 Quickswood would mainly impact on the garden of 2 Conybeare. I therefore request that the planning officer make an appointment to **view** the garden of 2 Conybeare, at a mutually convenient time, to assess

the situation after the applicants have commissioned a new report and before the application is considered by the planning committee. The photo below shows the current view of the rear of 2 Quickswood from the garden of 2 Conybeare: the proposed L-shaped second floor/third storey extension would result in a looming mass overshadowing my garden.



Conclusion

Having reviewed the planning submission, the absence of an updated daylight, sunlight and overshadowing assessment has been noted. Given the scale of the proposed third storey/second floor extension and its proximity to the main habitable room windows and garden of 2 Conybeare, a further assessment is needed in order to properly consider the impact on three separate material planning considerations: namely daylight, sunlight and overshadowing, particularly on the garden. I request that no decision is made in favour of the application until:

- a. the applicant has submitted a new complete and accurate daylight and sunlight assessment prepared in accordance with the BRE guidelines, and
- b. proper consideration is given to the substantial impact of the proposed development on the garden of 2 Conybeare on its own merits, and
- c. that such consideration include a site visit to the garden of 2 Conybeare by the planning officer.

██████████
██████████ Conybeare NW3 3SD
17th April 2023