

From: Heather Murton
Sent: 17 May 2023 14:33
To: Planning Planning
Subject: 2022/5392/P Searle House and Benjamin House Cecil Grove London NW8 7EB
Attachments: Planning Application - 2022.5392.P Searle House and Benjamin House Cecil Grove London NW8 7EB.pdf

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Dear Ms Quigley,

Please find attached a letter of objection to the above submission on behalf of Avenue Close Tenants Association Limited, who would appreciate your consideration of their concerns.

Yours sincerely

Heather Murton BA (Hons) MRTPI



Elaine Quigley
Senior Planning Officer
Planning Solutions Team
LB Camden
17th May 2023

Dear Ms Quigley,

Application 2022/5392/P: Searle House and Benjamin House Cecil Grove London NW8 7EB

GPDO Prior Approval Part 20, Class A - dwellings on blocks of flats

Erection of an additional storey on Benjamin House (Block B) to provide 4 self-contained residential flats with associated external terraces and erection of an additional storey on Searle House (Block A) to provide 2 self-contained residential flats with associated terraces.

Please find attached an **objection** to the above submission on behalf of Avenue Close Tenants Association Limited.

Avenue Close Tenants Association Limited represent the residents who occupy the blocks of flats located immediately adjacent to the site to the north and northwest.

The original planning application for the construction of the buildings on the site Searle House (Block A) and Benjamin House (Block B) 2009/0135P was for 73 residential units and was approved in May 2009. Local residents objected to the proposal on the grounds of overdevelopment-the density too high, too tall, incongruous and bulky, does not reflect or enhance local area, increase in traffic, lack of public transport facilities, lack of on-site parking, impact on on-street parking, loss of privacy, overlooking, loss of daylight, noise and disturbance and the impact on local services.

A second application was submitted under reference 2010/4850/P at a reduced scale and with a number of amendments for 64 residential units. This approved the existing buildings on the site Searle House (Block A) as a 6-storey block (with a setback 6th storey) and Benjamin House (Block B) a four-storey block with a 2 storey element to the north. The buildings are predominantly constructed in London Stock and dark blue engineering bricks with a lightweight glazed top floor on each.

The area surrounding the application site is characterised by blocks of flats which vary in age, height, bulk, elevational detailing, and materials, interspersed by short terraces of Victorian and more contemporary houses.

It is noted that this submission is made as a notification for Prior Approval for the proposal under Schedule 2 Part 20 Class A Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

It is further understood that an application for prior approval is not the same as for planning permission and the GDPO 2015 has specified the planning matters for which approval must be sought and obtained and it is against these matters the objection is made.

The criteria by which the development can be considered to be permitted development is noted as are the submitted comments from the applicant that the proposal does not fall at the criteria set out in Section (A.1)

It is assumed that the Local Planning Authority (LPA) will take reasonable steps to satisfy themselves there is no reason to doubt the assertions made or the conclusions of the structural engineer's report, and acknowledging if the local planning authority is not satisfied, they may refuse prior approval.

Section (A.2) sets out the matters that must receive Local Authority approval and the applicant needs to apply to the LPA with respect to the following issues and comments are made in relation to each:

- Transport and highways impacts.

It is noted no additional provision is to be made within the proposal for on- or off-site vehicle parking for the new residents of the additional 6 flats. Concern regarding the lack of parking provision in the original scheme have proved true and this is a significant problem in this poorly serviced area. Anecdotally there is insufficient parking on site and this leads to inconvenience to not only residents of Searle House and Benjamin House but also to those in the locality. The addition on 6 new households is likely to exacerbate the problem to the detriment of the amenity of all residents.

It is also noted that the area is not served well by public transport and when permission was originally approved for the site its Public Transport Accessibility Level (PTAL) was 1b categorised as very poor. Unfortunately, the optimism that car ownership would be low has not materialised.

The provision of additional cycle storage facilities is also unlikely to assist the families particularly those with children who are most likely to be the targeted tenants.

- Air traffic and defence asset impacts.

Not applicable here.

- Contamination risks.

The submission of the Desktop Contaminated Land Report by GeoSmart is noted and it is assumed the LPA will take reasonable steps to satisfy themselves there is no reason to doubt the conclusions of the report and if the LPA is not satisfied with the expertise of the author of the report, they may refuse prior approval.

- Flooding risks.

The submission of the Flood Risk Assessment by RIDA is noted, and it is assumed the LPA will take reasonable steps to satisfy themselves there is no reason to doubt the conclusions of the report and if the LPA is not satisfied with the expertise of the author of the report, they may refuse prior approval.

- The external appearance of the building. (in this case buildings)

The response to this matter is guided by case *Cab Housing Ltd & Ors v Secretary of State for Levelling Up, Housing and Communities & Ors* [2022] EWHC 208 (Admin) (03 February 2022) where Mr Justice Holgate was asked to determine three conjoined applications under S.288 of the Town and Country Planning Act 1990 against the dismissal of three appeals by Planning Inspectors against the refusal of prior approval under Class AA of Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 ("GDPO") for the enlargements of a single dwelling house by the upwards addition of up to two storeys, or one storey above a single-storey building. Although the case centred on Class AA.2 of Part 1 of Schedule 2 of the GDPO the findings are generally accepted to be applicable to Class A as well. The judge found that in interpreting the "external appearance of a dwellinghouse" one is not limited to its' principal elevation and any side elevation fronting a highway or the design and architectural features of those elevations and the control of the external appearance of the dwelling house is not limited to impact on the subject property itself but also includes impact on neighbouring premises and the locality.

In considering the resultant external appearance of the buildings it is worth confirming that Searle House (Block A) is currently a 6 storey block (with a setback glazed 6th storey) and Benjamin House (Block B) is currently a 4 storey block with a glazed 4 storey and a 2 storey element to the north as the submitted reports appear to vary in their description of the existing appearance of the buildings on site.

Permission was originally granted for the buildings at this height given the context of the site, which was and remains on the whole surrounded by 3 and 4 storey buildings. Whilst Benjamin House (Block B) just about assimilated into the context Searle House at 6 storeys remained an outlier. The set-in single storey element of the 6th storey on

Searle House and its lightweight glazed design managed, to a degree, to reduce the impact of its scale and size, particularly necessary given the bulk of the building.

Policy D1 of the Camden Local Plan 2017 requires all new developments to be of the highest standard of design. They should respect local character and context and should comprise details and materials of a high quality that complement the local character, and consider the setting, form and scale of neighbouring buildings, and the character and proportion of the existing building.

However, the proposal now is to increase the buildings so they will stand and dominate at 7 and 5 storeys, over and above the character of the area which is of smaller 3 and 4 storey residences. The acceptability of the relationship between the size and bulk of the new buildings and the context of the location is lost by the construction of an additional storey on each.

Not only does this increase the size and bulk of the individual buildings but given their interconnectivity it creates a more dominant incongruous element within the street scene to the detriment of the character of the area as a whole.

It remains the case that brick is the predominant building material in the immediate vicinity, and the nearby blocks are frequently ornamented with strong horizontal banding patterns, either expressed through balcony slabs, string courses or arrangement of windows.

The proposed increase in the lightweight glazed element of each building dilutes the design of the buildings themselves, to a detrimental degree, particularly prevalent on Benjamin House (Block B) where 2 of the 6 storeys will now be conspicuously in a material alien to the building. But also, it no longer respects the character, context or form of the neighbouring buildings.

This is the wrong design solution that will create buildings that no longer respect the local character and will create an incongruous highly visible and harmful addition to both buildings which causes serious harm to the character of the area. Of further concern would be if repeated elsewhere it would further harm the character of the area on a wider scale. We therefore request the LPA refuse prior approval on this matter.

- *"the provision of adequate natural light in all habitable rooms of the new dwellinghouses"*.

The submission of the Detailed Daylight, Sunlight and Overshadowing Report by Avison Young is noted, and it is assumed particular attention will be paid to the conclusions considering the content of Section 4, which sets out where the existing/surrounding building information was obtained from, it appears to be largely from the applicant. It is assumed however that the LPA will take reasonable steps to satisfy themselves there is no reason to doubt the conclusions of the report and if the

LPA is not satisfied with the expertise of the author of the report, they may refuse prior approval.

- *"impact on the amenity of the existing building and neighbouring premises including overlooking, privacy and the loss of light"*.

The response to this matter is guided by case *Cab Housing Ltd & Ors v Secretary of State for Levelling Up, Housing and Communities & Ors* [2022] EWHC 208 (Admin) (03 February 2022) where Mr Justice Holgate was asked to determine three conjoined applications under S.288 of the Town and Country Planning Act 1990 against the dismissal of three appeals by Planning Inspectors against the refusal of prior approval under Class AA of Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 ("GDPO") for the enlargements of a single dwelling house by the upwards addition of up to two storeys, or one storey above a single-storey building. Although the case centred on Class AA.2 of Part 1 of Schedule 2 of the GDPO the findings are generally accepted to be applicable to Class A as well. The judge found that in interpreting "impact on amenity" it is not limited to overlooking, privacy or loss of light.

The residents of Avenue Close will experience greater overlooking and lack of privacy into their homes due to the proposal. The submission is keen to promote the degree of natural daylight prospective residents will enjoy however the converse impact is mutual overlooking and lack of privacy for the existing residents of Avenue Close.

The Block A "existing 5th floor plan" shows bedrooms and bathrooms currently on the northern elevation so the degree and consistency of overlooking to the residents of Avenue Close is mitigated by the room uses. However, the "proposed 6th floor plan" shows the main living/dining area and terrace all on the northwest elevation facing into the residents of Avenue Close creating greater and consistent harm from overlooking and certainly more than currently exists.

Block B is also proposing living/dining accommodation and a bank of glazing, and outdoor terraces on the northwest elevation, directly facing existing residents. This elevation is proposed to be predominantly a glazed elevation, a significant change to the existing character and appearance of the approved elevation but also with substantial implications for mutual overlooking and the privacy of residents.

Furthermore, the private amenity space provided for the residents of Avenue Close will be overlooked to a greater degree than currently exists, from the cumulative impact of the additional residents.

It is noted that the current waste and recycling facilities will not be upgraded despite the proposed additional 6 households. Anecdotally there is an existing over capacity issue here which is likely to be exacerbated by the proposal. This will result in a detrimental impact on the amenity not only of the existing residents of Searle House and Benjamin House but a knock-on impact for all residents in the locality due to smell and likely vermin infestations.

It is likely that the proposal and the resultant 6 additional households will create greater activity and noise on the site in the form of residents, visitors, and deliveries. This not only will adversely impact on the amenity of those within the site but also those in neighbouring residences to a detrimental degree.

We therefore request the LPA refuse prior approval on this matter.

We would request that clarification is sought that the proposed flat roof on Block A and Block B would not be used as a roof terrace, to prevent overlooking to the neighbouring properties, but only to be accessible for maintenance purposes. Additionally, that the extended area of flat roof created would also not be used as additional amenity space by residents.

- *Whether because of the siting of the building the development will impact on a protected view identified in the "Directions Relating to Protected Vistas" dated 15/03/2012 .*

It is assumed that the LPA will take reasonable steps to satisfy themselves there is no reason to doubt the assertions made and acknowledging if the local planning authority is not satisfied, they may refuse prior approval.

- *[If the existing building is 18m or more in height]: "the fire safety of the external wall construction of the existing building" and*

- *[If the development meets the "fire risk condition"]:* "the fire safety impacts on the intended occupants of the building".

The submission of the Searle House Fire Strategy and Fire planning Statement and Benjamin House Fire Strategy and Fire Planning Statement is noted, and it is assumed the LPA will take reasonable steps to satisfy themselves there is no reason to doubt the conclusions of the report and if the LPA is not satisfied with the expertise of the author of the report, they may refuse prior approval.

For the reasons set out above we consider the proposal raises significant issues sufficient for the prior approval to be refused and Avenue Close Tenants Association Limited would request the LPA do so.

Yours sincerely

Heather Murton BA (Hons) MRTPI