

Application No:	Consultees Name:	Received:	Comment:	Response:
2022/5392/P	Neighbour	16/05/2023 16:47:21	OBJ	Tuesday 16th May, 2023

Comments regarding Application No: 2022/5392/P.

This application does not meet the criteria of § GPDO Prior Approval Part 20, Class A - Dwellings on Blocks of Flats, for the following reason:

§ The proposed development cannot satisfy condition A.2.g - Impact on the amenity of the existing building and neighbouring premises including overlooking, privacy and the loss of light.

The application should therefore be rejected, and any appeal should equally be rejected. Explanation as to why it cannot satisfy condition A.2.g is as follows:

§ Pre-application planning meetings held in April 2008 with Camden Council in relation to the original application (2009/0135/P) for Benjamin House and Searle House, Cecil Grove determined the proposed five storey and seven storey buildings to be excessive and out of context with the surrounding area. As a result of the Council's concerns, the buildings were reduced to four and six storeys respectively and permission was then granted for an amended application (2010/4850/P). Case law confirms that there is an allowance for scope of appearance to take original planning application decisions into account when determining permitted development; surrounding buildings have not changed in the thirteen years since the 2010 planning application was granted therefore the Council's original concerns of 2008 should continue to be upheld. The proposed development would, by reason of its massing, scale and design, detract from, and fail to integrate effectively with the design of the host building and would therefore have a detrimental impact on the external appearance of the building

Yours faithfully,

A Direct Neighbour

2022/5392/P	Diana Munn	16/05/2023 09:04:47	COMMNT	<p>I object to the proposed construction of an extra storey on top of Benjamin House (Block B).</p> <ol style="list-style-type: none"> 1. People on this new terrace would be able to look directly into my bedroom on the 2nd floor and into the bedroom and bathroom on the floor above. 2. The amount of natural light coming into the rooms would be seriously reduced and would have a negative effect on our daily lives. <p>At the moment we are afforded some privacy from the residents of Benjamin House because some of the windows have been frosted over.</p>
-------------	------------	---------------------	--------	--

Application No:	Consultees Name:	Received:	Comment:	Response:
2022/5392/P	Dr M Rothschild	14/05/2023 18:43:54	OBJ	<p>We live at 27 St Edmund's Terrace, a house which looks out onto the Cecil Grove site. We have lived here since 1980. We object on the following grounds:</p> <p>A. DAYLIGHT & SUNLIGHT</p> <p>The daylight and sunlight assessment is defective. To explain why, we need to set out the complicated history. In summary:</p> <ul style="list-style-type: none"> - From the late 1960s until the 2010s, the Cecil Grove site contained a residential development of contiguous blocks comprising flats and a residential care home known as Guinness Court. It had been constructed in the late 1960s by the Guinness Trust as part of a scheme of development including our house and 14A-H Avenue Road (which remain). The buildings were designed by well-known architects to complement each other aesthetically from the perspective of landscaping and daylight/sunlight. - In 2009, the then owner of the site decided to demolish Guinness Court and submitted a planning application for the erection of two very large blocks of flats (ref. 2009/0135/P). The application included a daylight and sunlight report by RYB:Konsult which, although limited in scope, showed that the proposal would have a detrimental impact beyond BRE guidelines on daylight reaching our house. This impact was trivialised, resulting in planning permission being granted on the basis (in our view) of an elementary error or (at the very least) a serious misunderstanding. - We were compelled to commission our own daylight and sunlight assessment and commence judicial review proceedings to quash the planning permission (court ref. CO/8817/2009). - The owner then commissioned a thorough daylight/sunlight survey by Savills. Savills visited our property for full measurements and thorough 3D modelling so as to assess the correct building envelope pursuant to BRE guidelines. - As a result, the owner scaled back the development and submitted a fresh planning application respecting the BRE guidelines for the development that was then built (ref. 2010/4850/P). This met with our and Camden's approval, the new application was granted, and the owner covenanted with Camden Council by deed dated 13 December 2010 not to implement the planning permission which was the subject of our judicial review claim (as recorded in a recital to a court order to which the Council was party, sealed on 7 July 2011). - Building commenced in 2012 and the approved development was completed in late 2015. - These events caused substantial inconvenience to all concerned and we hoped they would never be repeated. <p>The daylight and sunlight assessment by Avison Young which is included with the latest planning application is defective because:</p> <ol style="list-style-type: none"> 1. It uses the wrong comparator. It compares the current Cecil Grove property with the proposal. In this unusual case where the current Cecil Grove property is not even 8 years old, the relevant comparator is what existed before Cecil Grove. The proposal is effectively a continuation of the same Cecil Grove building project.

Application No: Consultees Name: Received:

Comment: Response:

Indeed, there have almost continuous planning applications and increments to the Cecil Grove building throughout the period 2015 to 2023 (see further below). In other words, the right assessment of daylight/sunlight for Camden now to make is the one which would have been needed for planning application 2010/4850/P if that planning application had included an extra storey. We understand from Savills' work in 2009/2010 that the current Cecil Grove property was constructed at the absolute limits of the building envelope permissible under BRE guidelines. It would obviously be wrong to allow this latest proposal on the basis that it is just a small incursion on daylight/sunlight. Our point is that it is a further incursion on what was already assessed to be at the very limit. Where the BRE guidelines give figures for acceptable reductions in daylight/sunlight, they plainly do not intend that such reductions can be repeated every few years by additions to the very same newly constructed building. Otherwise, neighbouring properties could grow and grow forever. Camden should therefore require the planning applicant to re-do its daylight/sunlight assessment comparing the latest proposal with the old Guinness Court site.

2. It makes incorrect assumptions about our property (and therefore most probably about other properties too). The assumed room dimensions for our property are completely wrong in every case (see page 51 of 93 of Avison Young's report). We do not know if this is deliberate or accidental, but we suspect that the errors favour the developer. We also doubt that Avison Young have taken into account property features such as eaves which affect daylight to and VSC viewed from our upper windows. We would expect the site owners to have access to Savills' measurements from their visit to our property in 2009/2010. Camden should therefore require the planning applicant to re-do its assessment using correct room and window measurements for our property as well as other structural features (and for the other properties affected).

3. Even despite the incorrect measurements, it is plain from Avison Young's report that we would suffer some loss of VSC/daylight/sunlight through every one of the windows supposedly assessed (as would other properties). See the results for our supposed windows W1/80, W2/80, W1/81, W2/81 and W2/82 on pages 65-66 of 93 of the report. This means that Camden should insist upon a more thorough survey being conducted, particularly given the past errors in such assessment described above in our summary of the history and the judicial review claim.

B. OVERLOOKING/PRIVACY

No consideration is given in this planning application to overlooking of neighbouring properties from the proposed new terrace on the roof at the South-Eastern end of Benjamin House. That area has a direct view into our toilet when we open our window. As required by Camden when granting previous planning permissions, the existing South-Eastern elevation of Benjamin House ("block B") has frosted glass in the windows, and the ground floor patio is shielded by a trellis screen, in order to avoid overlooking and enhance privacy.

C. AMENITY / POPULATION DENSITY

The local area is already overpopulated. These 6 additional dwellings would exacerbate the strain on local infrastructure (e.g. by adding to traffic in St Edmund's Terrace). Since planning permission 2010/4850/P was granted for the Cecil Grove development, when many neighbours complained similarly, the following additional developments have taken place in the immediate vicinity:

Application No:	Consultees Name:	Received:	Comment:	Response:
				<ul style="list-style-type: none"> - the conversion of the bin store in Cecil Grove to an additional dwelling (1A Benjamin House); - a significant expansion of pupil numbers and premises at St Christina's School which is ongoing (25 St Edmund's Terrace); and - an expansion of Barrie House which is currently underway (29 St Edmund's Terrace). <p>D. LANDSCAPING</p> <p>The Cecil Grove development which was "completed" in late 2015 involved the loss of a large number of mature trees. There was a landscaping plan for Cecil Grove which was the subject of a planning condition requiring trees and planting to be maintained for at least 5 years (planning permission 2010/4850/P condition 17). In fact, the quality of the green landscaping has been gradually eroded. This, coupled with noise and dirt from incessant building works, has spoiled neighbours' enjoyment of the local area:</p> <ul style="list-style-type: none"> - A large planter in the central courtyard at Cecil Grove containing six trees (and green plants) was replaced with a giant and unsightly bin store which often overflows with rubbish (see planning application 2016/2974/P). - Additionally, two of the four trees in the parking courtyard were removed to facilitate access to this giant bin store. - The green landscaping at the entrance to Cecil Grove alongside Broxwood Way between the car lift and the pillar box was replaced with a wooden shed for cycle storage at around the same time. - When the area within Benjamin House originally designated to have been the bin store was converted into a small house (see planning application 2017/1465/P), more green landscaping was removed when they mined to create a basement for the new house. - Large parts of the planting areas which were not removed are now devoid of vegetation (e.g. the area between 26 St Edmund's Terrace and Benjamin House used to be filled with shrubs, and many of the shrubs alongside 28A St Edmund's Terrace and the car lift have died through neglect). <p>If Camden grants any further planning permission for the site, Camden should require additional green landscaping and ongoing maintenance of that landscaping.</p>

2022/5392/P	Nicholas Service	16/05/2023 08:23:32	OBJ	<p>I object to the proposed construction of an additional storey on the roof of Benjamin House (Block B).</p> <p>A) It would significantly reduce the amount of natural light entering our flat, which would affect the wellbeing of our tenant who is a 90-year-old woman.</p> <p>B) People on the proposed terrace would be able to look directly into the two bedrooms of our flat, which would seriously intrude into the privacy of our residents.</p> <p>The windows of Benjamin House that face towards our building are opaque, so as to protect the privacy of the residents of both buildings. From our point of view, the construction of an additional terrace on top of Benjamin House would negate this protection of the privacy of the residents of 26c St Edmund's Terrace.</p>
-------------	------------------	---------------------	-----	--

Application No:	Consultees Name:	Received:	Comment:	Response:
2022/5392/P	Sam	14/05/2023 20:24:28	OBJ	<p>I wish to strongly object to this application on the grounds of the following:</p> <p>Detailed Daylight, Sunlight & Overshadowing The report by Avison Young fails to acknowledge that our small house - No. 26 St Edmunds Terrace has a 2nd Floor. Our house is directly behind Block B (Benjamin House) and is already in a highly dense and built-up area. Our 2nd Floor room that faces Benjamin House is used as a home study/office by our disabled son during the day and evening, and the light impact will be felt.</p> <p>Overlooking Our house is directly behind the proposed development of Block B and the proposed balcony which can be used for entertaining, will be able to overlook our room and property.</p> <p>Density The current blocks are already in a highly dense area. Taking into account new development of the adjoining Barrie House that has been approved, and which provides 9 self-contained residential flats and associated works, and also a new residential block added to the north side of St. Edmunds Terrace. Similarly on the Westminster side of St. Edmunds Terrace, there has been extensive development to Saint Cristina's school. Overall, because of the separated nature of planning applications applied to St. Edmunds Terrace because it is a boundary road, there fails to be oversight at all of the combined developments that the road has to accommodate.</p> <p>Based upon the impact of light levels, overlooking and density, we strongly oppose this planning application.</p>
2022/5392/P	Latika melwani	16/05/2023 13:40:18	OBJ	<p>This new storey will completely block my light. I will have no sunlight coming in. We are at avenue close and already have been blocked by the few storeys. This cannot happen. I am happy to provide pictures or for someone to come see that already I have to shut my curtains incase I want to change but if there are more floors, not only will there be no light, but I will have no privacy</p>
2022/5392/P	Diana Munn	16/05/2023 09:04:49	COMMNT	<p>I object to the proposed construction of an extra storey on top of Benjamin House (Block B).</p> <ol style="list-style-type: none"> 1. People on this new terrace would be able to look directly into my bedroom on the 2nd floor and into the bedroom and bathroom on the floor above. 2. The amount of natural light coming into the rooms would be seriously reduced and would have a negative effect on our daily lives. <p>At the moment we are afforded some privacy from the residents of Benjamin House because some of the windows have been frosted over.</p>

Application No:	Consultees Name:	Received:	Comment:	Response:
2022/5392/P	Kim	14/05/2023 20:28:10	COMMNT	<p>I wish to strongly object to this application on the grounds of the following.</p> <p>It will overlook dwarf our small house and create unnecessary density and noise - particularly as the proposed floor will have open balcony's.</p> <p>the design is also not in keeping with Camden's design policy.</p>

Application No:	Consultees Name:	Received:	Comment:	Response:
2022/5392/P	David & Christine Gowers	17/05/2023 00:14:08	OBJ	<p>MY OBJECTION TO PLANNING APPLICATION: 2022/5392/P</p> <p>We will begin with the covering letter of the 5/4/2023. On page 2, under the heading 'The Site' it states: "...Searle House is 6 storeys and Benjamin House is 4 storeys. However, still on page 2, under 'Proposals' 'Additional Residential Units' it states: "The new dwellings will occupy the new 4th (Seale [sic] House – Block A) and 6th (Benjamin House Block B)". Which one of the above statements is correct?</p> <p>We have concerns if Callidus are unable to get these simple facts correct, it does not fill one with confidence about their findings. On page 6, F; it states: "the provision of adequate natural light in all habitable rooms of the new dwellinghouses". The Callidus statement states: "The new accommodation will enjoy excellent amenity, with high levels of daylight and sunlight, and a good outlook".</p> <p>Then still on page 6, G; Callidus states: "impact on the amenity of the existing building and neighbouring premises including overlooking, privacy and loss of light". Their statement says: "by virtue of the existing building separation from surrounding development, neighbours' amenity will not be significantly affected".</p> <p>Since the building of Searle House, we do not open our bedroom or living room curtains. This is because we are already overlooked.</p> <p>What is clear from the Callidus statement is that it will be affected in some way and that is not acceptable.</p> <p>Avison Young compiled the above named report in September 2022. On page 25, under: "Assessment Results and Commentary: Existing Neighbours"; 6.2 states: "A plan showing the assessment scope is below, with a list of properties assessed beneath".</p> <p>We are concerned about Kingsland; Block 1-16, which is where we live, and the site of the new build in Barrie House; Broxwood View, with planning application reference: 2023/1065/P.</p> <p>We live at Flat 9 Kingsland, opposite Searle House; we are absolutely affected by this application. We are going to be 'closed in' by Broxwood View, when construction is completed and affected by a complete new build on top of Searle House. We reiterate, we are already overlooked by Searle House and this just makes it worse. We are not going to see the sky when we sit on our sofa and for a disabled man with very limited Mobility, this is not acceptable.</p> <p>On page 28, 6.22 The VSC analysis shows that 69 of 70 windows assessed (99%) would meet the page default BRE guidance, despite the dense context.</p> <p>Page 28, 6.23 One window (W24/40) would experience slightly greater than 20% change, however this is a heavily self-obstructed window which would see a fractional absolute change of 0.21%VSC, which is not significant.</p> <p>Page 28, Daylight Measure 2: NSL 6.24 The assessments show no noticeable NSL change to the assumed rooms analysed.</p>

Application No: Consultees Name: Received:

Comment: Response:

On page 28, 6.26: The results confirm that all potentially affected southerly facing windows would satisfy the default BRE recommendations for APSH, despite the dense context.

Page 29, 6.28: The results confirmed these would satisfy the default BRE recommendations post development, despite the dense context.

Overall Conclusion 1-16 Kingsland

Page 29, 6.29: The assessments confirmed no unacceptable effects to existing natural light amenity.

Broxwood Way Barrie House Front:

Page 29, Daylight Measure 1: VSC

6.30 The VSC analysis shows that all windows assessed would meet the default BRE guidance, despite the dense context.

Sunlight Measure: APSH

Page 29, 6.33 The results confirm that all potentially affected southerly facing windows would satisfy the default BRE recommendations for APSH, despite the dense context.

Callidus in their: Overall Conclusion 1-16 Kingsland; say, in 6.29: The assessments confirmed no unacceptable effects to existing natural light amenity. This is clearly not true. Please see page 28, 6.23.

6.24: What is an assumed room?

Callidus admit that there is already a dense context in the area of the proposed building works. Why make it worse for my home for 2 flats?

I believe Avison Young should do another DETAILED DAYLIGHT, SUNLIGHT AND OVERSHADOWING REPORT that includes Broxwood View.

In the DESIGN & ACCESS STATEMENT, 4.0 PERMITTED DEVELOPMENT CRITERIA; it states: "f. The new dwelling houses are not flats";

The response given by Callidus is below:

"The proposal is for 6 new flats that are located within the additional storey for each block. Block A will include 2 flats while Block B will include 4 flats."

How can it say not flats, and Callidus admit they are?

The 6 flats that are proposed are, in my view, unnecessary. Are they going to help with the lack of housing in Camden? I would say yes if people on the Camden housing waiting list were going to benefit from them. However, these will be sold to the better off in our society and not the people that really need them.

This proposed development will take Searle House above Avenue Close in height and that is not in keeping with the layout of the local area. Please do not count Barrie House, as it is built on a hill.

6.29: Any effect on natural light or outlook is unacceptable.

Application No: **Consultees Name:** **Received:** **Comment:** **Response:**

We ask that this application is refused for the reasons stated in my objection.

Mr. & Mrs. Gowers, Flat 9 Kingsland, Broxwood Way, London NW8 7QJ.
