

From: Stella Lowy
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To: Planning Planning
Subject: Planning application 2022/5568/P

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OBJECTION TO PLANNING APPLICATION 2022/5568/P ON BEHALF OF:

HOUSE 1, Mr and Mrs Vicki and Jacques Stern

HOUSE 2, Mr and Mrs India and Colin Sargent

HOUSE 3, Mrs Lily Zhang

HOUSE 4, Mrs Stella Lowy

HOUSE 5, Mrs Anna Yu

HOUSE 6, Mr and Mrs Jennifer and Deniz Akgul

Camden's Local Plan states: "Living in satisfactory housing conditions is a key element of quality of life. As well as shelter, a home should provide a place for rest, relaxation, safety, privacy, and to raise a family."

The Plan also states: "The Council will attach equal weight to the quality and quantity of new homes proposed in the borough and will not sacrifice housing quality in order to maximise overall housing supply."

The proposed building of Planning Application 2022/5568/P would severely impact many neighbours' rights for rest, relaxation, safety, and privacy and would sacrifice the housing quality of multiple families in the area.

It would also breach this statement in Camden's Local Plan: *"Health should not be seen as an isolated topic when assessing planning applications, rather it should be integrated as per the areas noted above. This approach has been adopted in this Plan where we have considered the impact of our policies upon the physical and mental health and wellbeing of those living, working and visiting the borough."*

In Camden's Local Plan, you emphasise that Camden Council will:

1. *seek to ensure that the **amenity** of communities, occupiers and neighbours is **protected**.*
2. *seek to ensure development contributes towards strong and successful communities by balancing the needs of development with the needs and characteristics of local areas and communities.*
3. *resist development that fails to adequately assess and address transport impacts affecting communities, occupiers, neighbours, and the existing transport network.*
4. *require mitigation measures where necessary.*

The factors we will consider include:

5. ***visual privacy, outlook;***
6. ***sunlight, daylight and overshadowing;***
7. ***artificial lighting levels;***
8. ***transport impacts, including the use of Transport Assessments, Travel***

The Plan also states:

*Protecting amenity is a key part of successfully managing Camden's growth and ensuring its benefits are properly harnessed. **The Council will expect development to avoid harmful effects on the amenity of existing and future occupiers and nearby properties or, where this is not possible, to take appropriate measures to minimise potential negative impacts.***

*Loss of daylight and sunlight can be caused if spaces are overshadowed by development. **To assess whether acceptable levels of daylight and sunlight are available to habitable, outdoor amenity and open spaces, the Council will take into account the most recent guidance published by the Building Research Establishment (currently the Building Research Establishment's Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice 2011).***

Additional Planning Guidance states:

"The Council aims to protect the quality of life of occupiers and neighbours through Local Plan policy A1 Managing the Impact of Development, which seeks to ensure that development does not cause unacceptable harm to amenity, including in terms of daylight and sunlight."

"The BRE guidance contains numerous tools, techniques and recommended standards relating to daylight and sunlight that are relevant to both minor and major developments. Officers will use the 45-degree and 25-degree assessment to make an initial judgement on the impact of a proposal."

The proposed building is gravely in breach of all these statements in Camden's Local Plan regarding visual privacy and outlook, sunlight, and daylight, overshadowing and the BRE's twenty and forty-five-degree assessments.

Further, any daylight assessment needs to include the impact of the new development on 104a Finchley Road, which will also take daylight and sunlight from the immediate area.

39 College Crescent was designed with south-east facing windows that absorb sunlight, effectively reducing using fossil fuels to heat the properties. Removing sunlight from this building would severely increase the use of fossil fuels to heat these properties and increase their CO2 footprint.

Camden's Local Plan states:

*"Development within **rear gardens** and other undeveloped areas can have a significant impact upon the amenity and character of the area. **The Council will protect such spaces** in accordance with paragraph 74 of the National Planning Policy Framework."*

The proposed designs show that the developer is planning to build over and excavate the back garden of the existing building, which is out of line with the rear façade of the rest of the parade. This design isn't only removing back green areas, it is also overshadowing the rear gardens of the neighbouring properties.

The Local Plan states:

*"Applicants will be required to take measures to the Council's satisfaction to **minimise any adverse impacts from development on retained and proposed trees and vegetation**. This includes the potential risk of damage arising from demolition or construction works and development which fails to allow sufficient space above and below ground to prevent damage to root systems or facilitate future growth."*

The siting, location, scale and design of basements must have minimal impact on and be subordinate to the host building and property. Basement development should:

- 6. not comprise of more than one storey;*
- 7. not be built under an existing basement;*
- 8. not exceed 50% of each garden within the property;*
- 9. be less than 1.5 times the footprint of the host building area;*
- 10. extend into the garden no further than 50% of the depth of the host*

"The Council will expect developers to follow the principles and practices for tree care set out in BS 5837. An RPA is the area around a tree in which roots are found, which needs to be protected during development. The radius of an RPA is calculated by measuring the diameter of the stem at 1.5m above ground

level and multiplying it by 12 or, in the case of veteran trees, by 15. The RPA may extend beyond the branch spread where there are barriers to development on one or more sides of a tree".

"Developers should avoid development within a Root Protection Area, including the routing of underground services and drains. The default position is that structures are located outside the RPAs of trees to be retained. Where there is an overriding justification for construction within, or in proximity to, the RPA, technical solutions to prevent damage should be explored."

The proposed building is less than two meters away from a significant mature sycamore tree that has been granted a TPO. The circumference of its stem is at least three metres, if not more, which would make the RPA 36 meters at a minimum. Unfortunately, the proposal does not include any measures to minimise the impact on this tree, especially regarding the excavation that would take place on the boundary line where the tree is located.

In Camden Council's supplementary planning guidance, it says:

"Interior and exterior spaces that are overlooked lack privacy, which can affect the quality of life of occupants. The Council will therefore expect development to be designed to protect the privacy of the occupants of both new and existing dwellings to a reasonable degree. Therefore, new buildings, extensions, roof terraces, balconies and the location of new windows should be carefully designed to avoid overlooking. The extent of overlooking will be assessed on a case-by-case basis. "

"The places most sensitive to overlooking are typically habitable rooms and gardens at the rear of residential buildings. For the purposes of this guidance, habitable rooms are considered to be residential living rooms, bedrooms and kitchens. The area of garden nearest to the window of a habitable room is most sensitive to overlooking."

"Developments should ensure that the proximity, size or cumulative effect of any structures avoids having an overbearing and/or dominating effect that is detrimental to the enjoyment of their properties by adjoining residential occupiers."

The proposed building, with 56 straight-on-facing windows, would be a meter away from the back gardens of 39 College Crescent. The back façade would be about seven meters away from all habitable rooms (living rooms, kitchens, playrooms and bedrooms) and create a severe privacy and safety issue for the residents, not to forget the impact on their mental health. Any mitigating measures suggested in the guidance would be impossible to implement due to the proposed building's monstrous height and extreme proximity.

In Camden's Local Plan, you say:

"We want to make Camden a better borough — a place where everyone has a chance to succeed and where nobody gets left behind. A place that works for everyone."

How can a development proposal that states about a neighbouring property: "The rooms fall significantly below this threshold, indicating that they are considered non-habitable and should not be afforded the same expectation of daylight amenity..", which basically means: "Poor" people with small rooms don't need to be considered in daylight calculations - be in line with Camden's policy mentioned above?

In Camden's Local Plan, you state under point 1.10,

"Communities can now influence the future of their local areas by preparing a neighbourhood plan that sets out their vision for the area and general planning policies to guide development. Neighbourhood plans are led and written by the community, not the Council".

We hope you follow your Plan and invite people in the community affected by this planning permission to be involved in this discussion.

With best wishes,

Vicki and Jaques Stern

India and Colin Sargent

Lily Zhang

Stella Lowy

Anna Yu

Jennifer Akgul

Deniz Akgul