

SMPlanning

London Office:
80-83 Long Lane
London, EC1A 9ET

21/06/2023

Sent via email only:

FAO Brendan Versluys

Dear Mr Versluys,

Application address: Flat 8, 70 Guilford Street, London, WC1N 1DF

Application reference: 2023/0808/P

Proposal: Infill roof extension to create a mezzanine level with habitable rooms, involving reconfiguration of the existing 2x third floor flats

I am writing on behalf of my client in objection to the above planning application. My client owns the freehold of the neighbouring property at No.68-69 Guildford Street of which their tenants would be both directly and detrimentally affected by the proposed development.

Summary of objection

This letter details objections based on the following material planning consideration:-

- i. Residential amenity

Legislation/Planning Policy

Planning (Listed buildings and Conservation Areas) Act 1990

Section 72 of the Planning (Listed buildings and Conservation Areas) Act 1990 requires the Council to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.

The requirement to give 'special regard' is not merely a matter of procedure. It requires considerable importance and weight to be given to heritage harm. Case law sets out that, where there is harm to a

designated heritage asset, it is not sufficient simply to balance that harm as another material consideration with the benefits of the proposal. It requires more.

These requirements are echoed in national and local planning policy guidance. The NPPF requires the decision maker to consider whether the proposal sustains and enhances the significance of the heritage asset, making a balanced judgement having regard to the scale of harm or loss and significance of the heritage asset. Decision makers are required to give great weight to any harm to the significance of a heritage asset.

Planning and Compulsory Purchase Act 2004

Section 38 of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

National Planning Policy Framework (2021)

Section 12 of the National Planning Policy Framework (NPPF) refers to well-designed places. Paragraph 130 (c) states that planning policies and decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.

Section 16 refers to the historic environment and requires the decision maker to consider whether the proposal sustains and enhances the significance of heritage assets, making a balanced judgement having regard to the scale of harm or loss and the significance of the heritage asset (paragraphs 199-202). Paragraph 202 states that where a development proposal leads to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

Local Planning Policy

The adopted Development Plan for the London Borough of Camden comprises of the London Plan (2021), the Local Plan (2017) and the Camden Planning Documents and Guidance.

Detailed Objections

i. Amenity

CLP Policy A1 seeks to protect the amenity of Camden's residents by ensuring the impact of development is fully considered. It seeks to ensure that development protects the quality of life of occupiers and neighbours by only granting permission for development that would not harm the amenity of neighbouring residents. Further guidance is provided in CPG Amenity which sets specific standards of development with regard to amenity.

Camden's Amenity CPG states that levels of daylight and sunlight within buildings are important for amenity, health and well-being, for bringing warmth into a property and to save energy by reducing the need for artificial lighting and heating. Also stating that the Council will carefully assess whether proposals have the potential to reduce daylight and sunlight levels for existing and future occupiers and to minimise overheating.

The proposed development seeks to block two windows which are owned by my client and concern two different studios and associated habitable rooms. These two windows hold great weight in terms of the amount of sunlight and daylight that these habitable rooms receive. The two top floor studios only benefit from one small rooflight each and therefore the east facing windows make an important contribution to the amount of sunlight and daylight, especially during hours before midday.

The existing layout is highlighted within the approved lawful development certificate application referenced 2016/3485/P. The lawful development was for an existing use and the existing plans show the two windows in place as of 2016. Please see the highlighted image below.

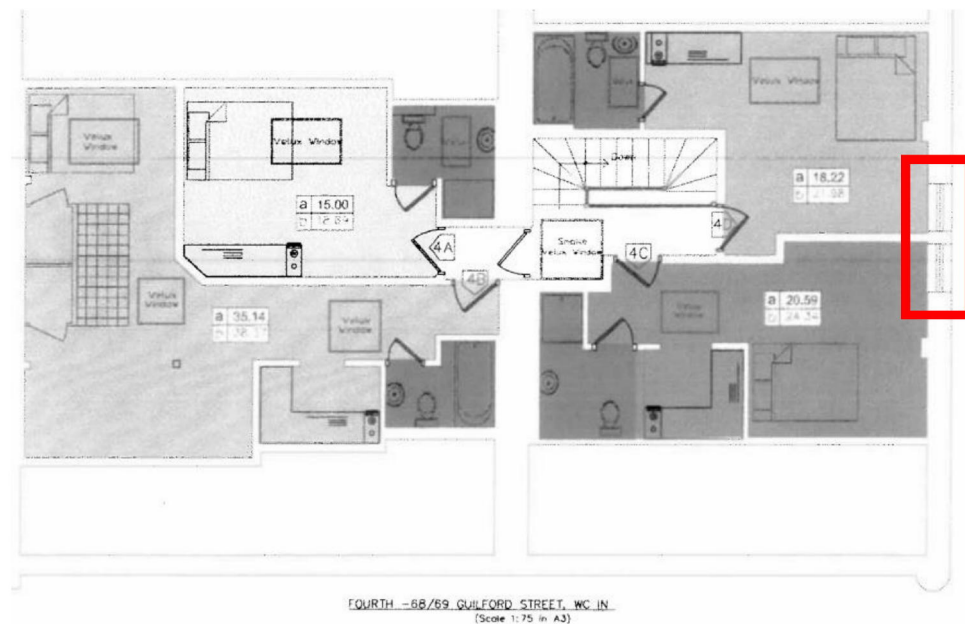


Figure 1 - Existing fourth floor floorplan, taken from application 2016/3485/P.

The removal or enclosure of these windows would create a negative impact on the living standard of the two studios. The proposed development would create a significant sense of enclosure as well as loss of outlook. These windows are the only elevation windows that provide units 4C and 4D with any meaningful outlook. The proposed development would therefore be contrary to Policy A1 of the Local Plan as well as paragraphs 2.13 to 2.15 of the Amenity CPG regarding outlook.

The loss of these windows would have a detrimental impact on the occupiers of these studios as the deficiency in natural light will lead to a negative impact on health and wellbeing. It will also increase the need for artificial light as well as heating and cooling as the windows serve as a significant

ventilation system for the top floor studios. In turn this will have a negative impact on the energy efficiency of the two properties.

The matter of sunlight and daylight or neighbouring amenity has not been addressed in the design and access statement nor is the application supported by a sunlight and daylight assessment and therefore a decision cannot be made until it is confirmed that these existing studios will not be detrimentally affected in regard to amenity.

Summary

For the reasons outlined above, the proposed development is considered to conflict with the adopted development plan. It has been demonstrated that the proposed works will have an unacceptable impact on the amenity of neighbouring properties. There are no material planning considerations that outweigh the identified conflicts with the adopted development plan.

The council are therefore respectfully requested to reject the application. If there are any questions or required points of clarification, please contact me as soon as possible.

We reserve the right to expand upon this objection letter in response, as necessary, to any further submissions made by the applicant.

Yours sincerely

Louis Brewer
Planner
SM Planning