

Camden Council
London

Via email:

Our ref: 14/CK/00193784/1

4 July 2023

Dear Camden Council,

**Objection to planning application 2023/1714/P
Flat C, No. 6 Caversham Road Camden NW5 2DU (the 'Property')**

1. Introduction

- 1.1. We refer to the planning application to install new French doors and a balcony at second floor level to the rear of the property located at Flat C, No. 6 Caversham Road Camden NW5 2DU (the Property) (planning reference number 2023/1714/P) (the Application).
- 1.2. We act on behalf of Alfred Chubb and Fiona Deans. Our clients are the owners and occupiers of a property at 26 Wolsey Mews, London, NW5 2DX, which adjoins the Property and is located to the North-west.
- 1.3. Our clients object to the granting of the Planning Application and seek that the application is refused for the following reasons:
 - a) The French doors and balcony at the second floor level will result in significant overlooking and consequential lack of [REDACTED] and noise disturbance directly into our clients home and outdoors area decreasing the amenity for the occupiers at number 26 Wolsey Mews.
 - b) It is contrary to various policies of the Local Plan relating to design, amenity and the conservation area, in particular, Policy D1 Design of the Local Plan and Policy A1 Managing the Impact of Development and the Bartholomew Conservation Area.
 - c) Overlooking and [REDACTED] are material planning considerations which are not met.Consequently the Council are unable to grant the Application which must be refused.
- 1.4. In the event that the planning application is granted then proposed conditions are attached, which relate to visual and noise mitigation as conditions to any planning permission in respect of the Planning Application. Our clients submit that without the imposition of these conditions, the grant of the Planning Application will result in an unacceptable overlooking from the Property causing adverse effects on surrounding properties, including their own, contrary to good practice guidance and policy. The conditions sought by our clients are necessary, reasonable, relevant to planning, precise and enforceable.

2. Background

- 2.1. Scaffolding was put up on the Property in September 2021 and not reported at the time as our clients naturally assumed that it was erected to assist with repair work being undertaken by the Council.
- 2.2. A complaint was first made to the Planning Enforcement team in September 2022 for the development of unapproved replacement of a small frosted window with French doors featuring clear glass and an unapproved door frame not in keeping with the look and feel of the local area, in particular the Conservation Area, at Flat C, No 6 Caversham Road, NW5 2DU.
- 2.3. The Property adjoins, and due to the second floor location is at a higher elevation than, our clients' neighbouring property. Concern has been expressed to the Council regarding the building of, and overlooking by the roof terrace into the living room of the neighbouring property, as illustrated in the photographs attached in Appendix A. This concern remains.
- 2.4. The Application has resulted from enforcement action and the enforcement officer confirmed that planning permission would have been required for the creation of the roof terrace and the associated works. As such, on 12/10/22 the Applicant was given the opportunity to submit a retrospective application for consideration of the development within 21 days from the date of the letter to enable the development to be assessed in detail. We note this deadline was not met and over six months passed before an application was submitted.

3. Policy Context

- 3.1. The policy context for this application has not been assessed by the applicant within the Application documents. Therefore the Application should not have been validated, particularly as the Property is located within the Bartholomew Conservation Area and lacks Conservation Area assessment. The relevant Council policies are:
 - a) The Local Plan, in particular, Policy D1 Design, and Policy A1: Managing the impact of Development.
 - b) Supplementary Policy Documents: Design and Amenity dated January 2021: and
 - c) Bartholomew Estate Conservation Area.
- 3.2. The **Camden Council Local Plan**: in particular, Policy D1: Design, and Policy A1: Managing the impact of Development are relevant to the Application.
 - 3.2.1. Policy A1: Managing the impact of Development: Amenity is described in the Local Plan as "the features of a place that contributes to its attractiveness and enjoyment as a place to live" (page 18). The Local Plan continues to state that: *"We will require developments to avoid harmful effects on amenity of existing and future occupiers and nearby properties, or where possible, to take appropriate measures to minimise potential negative impacts."*
 - 3.2.2. The Local Plan states that Policy A1 (set out below for reference) *"seeks to ensure that standards of amenity" are protected* and states that:

†The Council will seek to protect the quality of life of occupiers and neighbours. We will grant permission for development unless this causes unacceptable harm to amenity. We will:

- a. seek to ensure that the amenity of communities, occupiers and neighbours is protected;*
- b. 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;*
- c. ...; and*
- d. require mitigation measures where necessary.*

The factors we will consider include:

- e. visual [REDACTED];*
- f. sunlight, daylight and overshadowing;*
- g. artificial lighting levels; ...*
- j. noise and vibration levels...†.*

3.2.3. Policy D1 Design of the Local Plan states that:

†The Council will seek to secure high quality design in development. The Council will require that development:

- a. respects local context and character;*
- b. preserves or enhances the historic environment and heritage assets in accordance with Policy D2 Heritage;†*

3.2.4. The Local Plan continues to describe the meaning of 'local context and character' as:

†The Council will require all developments, including alterations and extensions to existing buildings, to be of the highest standard of design and will expect developments to consider:

- † character, setting, context and the form and scale of neighbouring buildings;*
- † the character and proportions of the existing building, where alterations and extensions are proposed;*
- † the prevailing pattern, density and scale of surrounding development;*
- † the impact on existing rhythms, symmetries and uniformities in the townscape;*
- † the composition of elevations;*
- † the suitability of the proposed design to its intended use;*
- † ...†.*

3.3. The proposed development's impact upon [REDACTED] outlook and disturbance from overlooking and artificial light is not able to be altered by design and layout. The neighbouring residents are located within close proximity and the Property is elevated resulting in adverse effects and unacceptable harm to the amenity of the existing and future occupiers of 26 Wolsey Mews.

3.4. The Application does not conform to the Local Plan policies D1 and A1. Additionally it is submitted that these policies should be considered by the Applicant in an assessment of the Application.

3.5. Supplementary Planning Document: Design: Policies D1 and A1 of the Local Plan are supported through the design guidelines in the Supplementary Planning Documents Design and Amenity, dated January 2021. In particular, we bring to your attention the emphasis in

these guidelines to ensure that a proposal does not have detrimental effects on the amenity of adjacent residential properties with regard to daylight, sunlight, outlook, light pollution/spillage, privacy or the living conditions of occupants of adjacent residential buildings.

- 3.6. In particular the Application does not confirm with the SPG Amenity which states that: 'interior and exterior spaces that are [REDACTED] 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.' (paragraph 2.2). The proposed balcony will look directly into the living room of number 26 Wolsey Mews.
- 3.7. Paragraph 3 of the SPG Amenity confirms Policy A1 and states that 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.
- 3.8. It is submitted that the Application will result in unacceptable harm to the daylight and lack of privacy on our clients as the development will result in overlooking directly into our clients living room and outdoor space with resultant harm to their amenity.
- 3.9. Bartholomew Estate Conservation Area: The property is located within the Bartholomew Estate: Conservation Area. Therefore the Planning (Listed Buildings and Conservation Areas) Act 1990 (the [CA Act 1990]), places a general duty as respects conservation areas in exercise of planning functions. There is insufficient information in the planning application to enable the Council to discharge its duty in the CA Act 1990. The CA Act requires the Council to make an assessment and to 'pay special attention to the desirability of preserving or enhancing the character or appearance of that area'.
- 3.10. Inadequate Information: It is submitted that there is inadequate information supplied with the application to enable the planning application to be properly assessed. The information supplied includes plans only with no consideration as to any potential effects of the proposal such as overlooking, overshadowing, noise, light spillage and security on the neighbouring area, and design and character in the Bartholomew Conservation Area.
- 3.11. Additionally, whilst recognised that Building Act regulations do not form part of the planning assessment, it is submitted that the planning application as currently designed may not meet the Building Regulations and therefore the complete proposal is not before planners in the making of their assessment.

4. Summary

- 4.1. Our client has serious concerns in relation to this proposed inappropriate development which sits within the Bartholomew Conservation Area. The planning application should be refused for the following reasons:
 - 4.1.1. The proposal is not suitable for the closely bound neighbourhood due to the intrusion on the neighbours and resultant harm to their amenity.

- 4.1.2. It does not comply with Council Development Plan polices such as the conservation area, the design and managing the impact of development, and lacks sufficient detail to enable a proper assessment and determination.
- 4.1.3. Collectively the adverse effects resulting from the proposal may result in unacceptable adverse impact to the amenity of our client. Therefore the Council should consider the cumulative impacts which may arise from the Application upon the local vicinity.
- 4.1.4. It is submitted that the intrusion from overlooking, noise, security and light spill from artificial lighting, will result in unacceptable harm from the proposal, contrary to policies D1 and A1 in the Local Plan and the Bartholomew Conservation Area, and therefore the application should be refused.
- 4.2. For the above reasons our client respectively requests that the Council refuse the Planning Application.

Yours sincerely,



Catherine Knight
Senior Associate Solicitor
New Zealand qualified
RUSSELL-COOKE LLP
Direct: +44 (0)20 8394 6553
Email: Catherine.Knight@russell-cooke.co.uk

Suggested Conditions:

1. Prior to the construction of the outdoor area hereby approved, details and samples of the materials to be used are to be submitted and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
2. Details of the siting, height, design and materials of the treatment of all railings and balustrade which will be required to be opaque shall be submitted to and approved in writing by the local planning authority prior to first use of the development hereby approved.
3. Prior to the first use of the outdoor area hereby permitted, the doors shall be glazed with opaque glass.
4. No noise shall be emitted from the balcony area which is audible at the neighbouring properties between the hours of 22:00 and 8:00 inclusive.

APPENDIX A:
Photographs illustrating the close proximity and potential visual intrusion of the proposal



