

Printed on: 02/08/2023 09:10:09

| Application No: | Consultees Name: | Received: | Comment: | Response: |
|-----------------|------------------|---------------------|----------|--|
| 2023/1876/P | Paul Johnson | 28/07/2023 16:41:11 | OBJ | <p>Dear Sir or Madam, Planning Application 2023/1876/P - No 34 Meadowbank I should like to strongly object to the latest planning application submitted in respect of the above property which will transform an original 3 storey house constructed as part of an integrated estate into a 6 storey property that is a massive overdevelopment of the site and totally inappropriate for the facilities and infrastructure of the Meadowbank estate. The disingenuous piecemeal approach to planning applications being adopted seeks to minimise the overall impact of the developments since 2008 that have been undertaken or are currently being sought and I believe all the applications should therefore be considered in totality rather than as separate applications as is currently the case. Paul Johnson</p> |

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| 2023/1876/P | Paul Filer | 28/07/2023 11:07:52 | COMMMNT | 28 Meadowbank NW3 3AY |

The Planning Department
Camden Council
Judd Street
London WC1H 9JE

28 July 2023
Dear sir

Re Planning Application 2023/1876/P
34 Meadowbank

I wish to object to the above application for the following reasons:

1. Overdevelopment of the property

This application, following a previous roof extension applications and together with the already approved basement application, will turn what was built as a three storey house into a six storey one. If this precedent is allowed, then the consequences for the Meadowbank estate are serious. It is generally agreed that its original layout was high density, so to allow one property to double in size (by expanding up and down) will have a significant detrimental impact on the built environment. What will happen if all householders follow suit?

2. The application is for more than one storey

What is being proposed is either:

(a) The demolition of the existing fourth storey and replacing it with a new fourth storey and fifth storey in the roof, in which case it is a two storey development.

or

(b) The raising of the roof of the existing fourth storey and the creation of a fifth storey in the roof, in which case it is more than a one storey development, say one and a half.

In both cases it is more than a simple one storey extension as the applicant misleadingly claims. Thus there is good reason to regard this as excessive development.

3. Overlooking of neighbouring properties

Relevant to overlooking is the Camden Planning Guidance Amenity Statement section 1. It states:

Section 2.2. Interior and exterior spaces that are overlooked lack privacy, which can affect the quality of life of occupants.

Section 2.3. The places most sensitive to overlooking are typically habitable rooms and gardens at the rear of residential buildings.

Section 2.4. To ensure privacy, it is good practice to provide a minimum distance of 18m between the windows of habitable rooms in existing properties directly facing the proposed development...measured between the two closest points on each building (including balconies).

▼ Overlooking at the rear of the property

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Note that the applicants planning form at Page 6 Impact and Risks section states: 'There is a separation distance of approximately 17.5m from the principal rear building line of the property and the rear building line of 28 and 29 Meadowbank opposite.' Thus this ignores the balconies as required in Section 2.4 above, meaning the distance is well below the good practice figure of 18m. The whole terrace from 27 to 31 Meadowbank will find their houses overlooked by the proposed skylights/windows on the top storey, which is surely unreasonable intrusion. This is after having to accept being overlooked by the additional fourth storey for which planning was obtained a few years ago.

• Overlooking at the front of the property

Four photos were uploaded as part of the application in support of the double storey. The captions, all read:

Large tree obscures view of roof from neighbours gardens and windows

However, the large tree referred to is a deciduous tree and so sheds its leaves. Thus the view is not obscured for most of the year i.e. autumn/winter when no leaves and spring when in bud. The building of an extra storey will make the overlooking worse for these middle garden houses, not as written in the application. The nearest houses, 47, 48, 49, 50, 51 and 52 are really quite close and will definitely be overlooked for most of the year. The tree would not provide permanent year-round cover sufficient to mitigate the [REDACTED] arising from the proposed development.

Thus the application does not comply with Camdens Amenity Guidance Statement in that the separation distance is below the recommended level at front and rear. It also [REDACTED] the most sensitive places. Whilst this non-compliance should be sufficient to refuse this application, consider also the even more serious impact if the rest of the estate's householders took advantage of the precedent.

If you are unwilling to reject this application then please accept this compromise on the question overlooking and light into the top storey: permit light in through skylights/windows at the front but reject the skylights/windows at the rear. This will allow sufficient light into the floor, have some protection from overlooking for the houses at the front via the tree and no overlooking for the terrace of houses at the rear.

4. Loss of light to the neighbouring houses and communal gardens

The application states that the loss of light to the neighbouring houses and communal garden is within the prescribed limits. However, it is evident that if all the houses were to take advantage of this precedent then the result would be different. The overall effect on the neighbours and especially the communal gardens would be significant. Again, whilst the loss of light may seem acceptable for one householder application, it is clearly not if all take advantage of the precedent.

Also relevant is the Camden Planning Guidance Amenity Statement section 3. It states as a key message: Levels of reported daylight and sunlight will be considered flexibly taking into account site-specific circumstances and context.

And in 3.14: The Council notes the intentions of the BRE document is to provide advice to developers and decision makers and therefore it should be regarded as a guide rather than a policy.

Thus the potential cumulative impact should be taken into account, taking note, as the Amenity Statement provides, of the site-specific circumstances and context. On which basis this application should be refused.

5. Impact of roof line in the estate

Contrary to the suggestion in the applicants Planning Statement, the existing roofline of all the houses in

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Meadowbank originally built with a pitched roof has never been breached before. The roofline was variable in places as individual houses were built on different levels. However, each straight row (for example 46-50, 52-58, and most relevant here 33-38) was built and remains at the same roofline level. This application will set an unacceptable precedent for breaching the roofline of the existing terrace of houses
What is proposed here would extend by 2.1 metres above the roofline of 33-38. Even though that is within the 3.5 metres allowed by AA.1(g), matters like this can still be taken into account by the planning authority when considering the impact of the application for prior approval under AA.2(3) of the GDO (see CAB Housing Ltd v Secretary of State [2023] EWCA Civ 194 - Court of Appeal).

6. Impairment of built environment of Meadowbank
Camden has a responsibility to maintain the built environment in the borough. The Camden Planning Guidance Amenity Statement in Section 1.1 states it is a formal Supplementary Planning Document, which is therefore a 'material consideration' in planning decisions. It goes on in 1.3 to state: Standards of amenity (the features of a place that contribute to its attractiveness and comfort) are major factors in the health and quality of life of the borough's residents.

7. Conclusion
This application is a clear case of overdevelopment leading to excessive overlooking of neighbouring properties, loss of light to homes and communal gardens, all of which would be made even worse for the Meadowbank estate by the precedent set for others to follow. It is generally accepted that the estate was built as high density and Camden, at the very least, has a responsibility to prevent this from getting worse. Granting permission would demonstrate no concern for the built environment of the Meadowbank estate or its standards of amenity.

There was much concern expressed by the planning committee about the application by 34 Meadowbank's owners for a basement. I believe the above concerns about this loft extension are important matters of principle which are too important to be dealt with by delegated authority and should be debated by the full planning committee.

If you do not feel able to reject this application or bring it to the full planning committee, then at least consider a compromise solution for the top storey by permitting light in through skylights/windows at the front but rejecting the skylights/windows at the rear. This will allow sufficient light into the top floor, have some protection from overlooking for the houses at the front via the tree and no overlooking for the terrace of houses at the rear.

Yours faithfully

Paul Filer

Printed on: 02/08/2023 09:10:09

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| 2023/1876/P | Michael John Brace | 30/07/2023 15:03:31 | COMMNT | <p>27 Meadowbank London NW3 3AY 28th July 2023 Planning Department</p> <p>Dear Sir Re Planning Application 2023/1876/P We have lived at 27 Meadowbank, on Ainger Road for over forty years and our patio backs onto the same garden as No.34. We object to the application as above for the following reasons. From our patio it can be observed that the sun sets in line with and behind No.34 Meadowbank. If permission is granted for the fourth and fifth storey to be built the garden together with the patios of numbers 27 and 28 Meadowbank will be denied the late afternoon and evening sunshine which we have enjoyed these past forty years. In our view there is a purpose to the symmetry of the estate as a whole which was designed and built to provide high density accommodation, with communal gardens to provide privacy between houses and a place to enjoy fresh air and sunshine to all residents of the estate (66 houses have access to the gardens) . If the existing fourth storey at 34 Meadowbank is raised and a fifth storey (6 storeys including the basement) added then the symmetry will be broken. If a precedent is set other houses may decide to follow suit resulting in the present sunshine and light enjoyed by the gardens in the estate being lost forever. This is clearly an example of overdevelopment which would have a detrimental effect on the whole estate. Yours faithfully MJ and Mrs C Brace</p> |

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| 2023/1876/P | Tim Brinkman | 31/07/2023 13:14:02 | OBJ | Comments - Planning Application - 2023/1876/P 34 Meadowbank, Primrose Hill, London, NW3 3AY |

Respondent: Tim Brinkman
Resident of 36 Meadowbank

Dear Sir / Madam,
I wish to comment on the following aspects of Planning Application 2023/1876/P regarding 34 Meadowbank:

- (1) Amenity -> Overlooking & Privacy;
- (2) Amenity -> Daylight & Sunlight;
- (3) Amenity -> Outlook;
- (4) Amenity -> Noise & Vibration;
- (5) Discrepancies in the submitted application.

(1) Overlooking & Privacy

(a) The separation distance between 34 & the rear of 28 and 29 Meadowbank is specified in the para AA.2(3a) of the applicants Planning Statement as being 17.5m. This is less than the 18m expressed in para 2.4 Camden Planning Guide Amenity (a formal Supplementary Planning Document -> SPD) -> 'to ensure [REDACTED] it is good practice to provide a minimum distance of 18m between the windows of habitable rooms in existing properties directly facing the proposed (either residential or non-residential) development, assuming a level topography...The 18m should be measured between the two closest points on each building (including balconies).

(b) The development will afford enhanced views into the properties from 27 to 31 and 46 to 50 Meadowbank;

(c) The large cherry blossom tree in the communal garden at the rear of 34 Meadowbank is deciduous & therefore unable to provide year round privacy & screening for the residents of 29 and 30 Meadowbank.

(2) Daylight & Sunlight

(a) The applicants Planning Statement provides: 'A daylight and sunlight report has been included with this application, which assesses the impact on the rear of numbers 27 to 31 Meadowbank, the front of number 32 Meadowbank and the rear windows of number 46 to 32 Meadowbank as well as the communal gardens. The parameters assessed were the daylight (vertical sky component -> VSC), sunlight (annual and winter probable sunlight hours). The report follows BRE guidelines e.g. windows must be no less than 27% and less than 0.8 times its former value, a minimum of 25% annual probable sunshine hours, and at least 50% of any garden or open space receiving no less than 2 hours of direct sunlight on 21st March. The results of the analysis

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demonstrate that in all instances the numerical values set are achieved.

No details have been provided for the date at which the assessment was made, the number of assessments made so as to comply with the minimum of 2 hours direct sunlight for at least 50% of the communal garden on 21st March.

Cumulative Impact – if houses 32 to 38 all erected the same additional storey as 34 then it is arguable that the 21st March sunlight metric in the communal garden would not be met.

(b) The Camden Planning Guidance stipulates at :

Para 3.17 "The right to light is a legal right which one property may acquire over the land of another. If a structure is erected which reduces the light to an unobstructed property to below sufficient levels, this right is infringed. A right to light can come into existence if it has been enjoyed uninterrupted for 20 years or more, granted by deed, or registered under the Rights of Light Act.

Para 3.18 "Planning permission does not override a legal right to light. There also may be instances where development built under permitted development rights compromises light levels to an existing window. In both instances, where a right to light is claimed, this is a matter of property law, rather than planning law. It will be for the parties affected to seek legal remedy. The Council will have no role or interest in any private dispute arising and it will be for the owner or occupier affected to seek legal remedy."

It is arguable that this development impacts the quality & quantity of light in the communal gardens, a space owned by the Meadowbank Estate and enjoyed by its residents since 1972 (for more than 20 years) that thereby legally impacts the residents and owners of all 69 houses on the estate.

(3) Outlook

Camden Planning Guidance Para 2.14
"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."

If all the houses in the block, 32 to 38 Meadowbank are to be treated equitably then the cumulative effect of them all undertaking the development proposed in application 2023/1876/P should be considered at the outset. It would be inequitable to treat the first house to undertake this development any differently to the last one.

(4) Noise & Vibration

Camden Planning Guidance Para 6.1
"Noise and vibration can have a significant impact on amenity, quality of life and wellbeing."

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Para 5.12
'At any given time, there are likely to be areas of the borough with particularly high concentrations of individual construction sites. Collectively these have the potential to cause unacceptable adverse impact to amenity. The Council will therefore expect that CMPs should consider the cumulative impacts that could arise from the site and other construction sites within the vicinity. The Council has a good working knowledge of the extent of current and future construction activity within specific areas and developers are encouraged to work with the Council to identify potential problems'

Para 5.13
'In order to mitigate any cumulative impacts, the Council will encourage developers to co-ordinate their construction activities with other construction sites, such as managing noisy working hours and coordinating deliveries to minimise impact on the highway network.'

A number of residents in neighbouring houses work from home and carry out their professions. The potential cumulative effect of the proposed works under applications 2023/2723/P and 2023/1876/P is to result in levels of noise, vibration and reduced air quality which will have a quantifiable economic impact on residents carrying out professional services from their homes in addition to a reduction in the amenity value of their dwellings.

(5) Discrepancies in the Application

The submitted plan includes the following discrepancies which provide uncertainty as to outcome & raises questions as to which dimensions were specified in the BRE Light assessment especially the 25 and 35 degree assessments:

- (a) PD3210 02 → Proposed eaves height specified as 10.923m
- PD3200 02 → Proposed cumulative storey heights equate to an eaves height of 9.790m
- PD 2200 02 → Existing cumulative storey heights equate to a current roof ridge height of 8.860m
- PD3210 02 → shows the existing eaves height to 798mm lower than the proposed eaves height of 10.923m → this would imply that the existing eaves height is 10.125 m and not 8.860 as per PD2200 02
- PD3100 02 = shows the proposed roof ridge line to 3105mm above the existing ridge line → providing a new ridge height of 13.230m based on the existing ridge level 10.125
- PD3210 02 → shows the total height will be 13m which is inconsistent with the 13.230 which can be calculated from PD3100 02 or the 11.965m which can be calculated from PD2200 02.

Summary

- (i) Overlooking & Privacy – this development does not meet the good practice guidance in para 2.4 Camden Planning Guidance – Amenity;
- (ii) Daylight & Sunlight – the development does not consider the cumulative impacts of all house 32 – 38 undertaking the same development especially on the 2-hour sunlight requirement for at least 50% of the

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communal garden on 21st March;

(iii) Outlook - the application does not consider the visual impact on the terrace of this unique roofline or the cumulative impact of all the houses in the terrace undertaking identical development. This precedent could lead to the development of structures which have (para 2.14) "...an overbearing and/or dominating effect that is detrimental to the enjoyment of their properties by adjoining residential occupiers.1;

(iv) The cumulative effect of the works under applications 2023/2723/P and 2023/1876/P will be to cause noise, vibration and air quality impacts which could result in economic loss to neighbours pursuing their professions from home;

(v) Discrepancies in the plans submitted under application 2023/1876/P raise questions as to the accuracy of the light assessment and raise uncertainty as to the final dimensions of the completed project & therefore its impacts.

Regards,

Tim Brinkman

Application No: 2023/1876/P
Consultees Name: Barry Moody
Received: 28/07/2023 17:53:08
Comment: OBJ

Response:
 Planning objection
 34 Meadowbank
 Application 2023/1876/P

I am objecting to this application on the grounds set out below.

The proposed development does not fall within the definition of class AA (permitted development). Contrary to AA 1(d), the existing dwellinghouse has already been enlarged by the addition of one or more storeys above the original dwellinghouse. The applicant's Planning Statement seeks to argue that the loft does not constitute a 'storey' because of the definition in AA4(2), but that definition refers to any accommodation within the roof of a dwellinghouse. The existing loft is not within the roof - it may be the same height as the roofline, but it plainly sticks out from the original pitched roof.

The proposed development would have an adverse impact on the amenity of adjoining premises by reason of its design and external appearance.

If the local planning authority accepts (contrary to the above) that this proposal does fall within class AA permitted development, the applicant has to seek prior approval under AA.2(3). It is now established that the local planning authority has a very wide discretion when considering such matters, following the recent Court of Appeal decision in CAB Housing Ltd v Secretary of State [2023] EWCA Civ 194. I would ask for the following to be taken into account and given due weight:

1. The proposed development represents a gross over-development of the site. A property originally constructed on three floors will, following the implementation of the basement consent and the current application, become a six floor property on an estate (Meadowbank) which is already high density. This will impact adversely on the built environment.
2. Amenity will also be affected by [redacted] and light. All the considerations set out in paragraphs 2 and 3 of the Amenity CPG should be taken into account. In particular, close attention should be given to the recommended separation distance of 18m (referred to in paragraph 2.4). I do not believe the applicant can comply with this in relation to the rear building of 28/29 Meadowbank opposite.
3. The applicant's photos are captioned to suggest that the view of the extension will be largely obscured by a large tree. That tree is deciduous and will offer no protection during the winter months.
4. The suggestion in the applicant's Planning Statement that raising the height of terraced property should be uncontentious takes no account of the local planning authority's discretion, as confirmed by the Court of Appeal case. The existing roofline of all the houses in Meadowbank originally built with a pitched roof has never been breached, even by the existing dormers, as the photos confirm. The roofline is variable in places as individual houses were built on different levels. However, each straight terraced row (for example 46-50, 52-58, and most relevant here 33-38) was built and remains at the same roofline level. It should be maintained.
5. Inconsistent planning advice has been given by the local planning authority down the years regarding the status of the Meadowbank private roads and footways, and whether they are or are not 'highways'. The applicant's assertions on this should be treated with caution.

Barry Moody
 44 Meadowbank

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| 2023/1876/P | Michael John Brace | 30/07/2023 15:11:33 | COMMNT | <p>28/7/2023</p> <p>27 Meadowbank London NW3 3AY 28th July 2023 Planning Department</p> <p>Dear Sir Re Planning Application 2023/1876/P We have lived at 27 Meadowbank, on Ainger Road for over forty years and our patio backs onto the same garden as No.34. We object to the application as above for the following reasons. From our patio it can be observed that the sun sets in line with and behind No.34 Meadowbank. If permission is granted for the fourth and fifth storey to be built the garden together with the patios of numbers 27 and 28 Meadowbank will be denied the late afternoon and evening sunshine which we have enjoyed these past forty years. In our view there is a purpose to the symmetry of the estate as a whole which was designed and built to provide high density accommodation, with communal gardens to provide privacy between houses and a place to enjoy fresh air and sunshine to all residents of the estate (66 houses have access to the gardens) . If the existing fourth storey at 34 Meadowbank is raised and a fifth storey (6 storeys including the basement) added then the symmetry will be broken. If a precedent is set other houses may decide to follow suit resulting in the present sunshine and light enjoyed by the gardens in the estate being lost forever. This is clearly an example of overdevelopment which would have a detrimental effect on the whole estate. Yours faithfully MJ and Mrs C Brace</p> |
| 2023/1876/P | Miss M Feeny | 31/07/2023 16:16:54 | OBJ | <p>I live at no 39 Meadowbank. I have read all the objections made by my neighbours and I wish to support all the objections and in particular the detail provided in the objection from No 28</p> <p>Namely:</p> <ul style="list-style-type: none"> Overdevelopment of No 34 and the risk that this will set a precedent for other properties on Meadowbank which is already high density Overlooking of neighbouring properties Loss of light to neighbouring properties Impact of roofline in Meadowbank Impairment of the built environment in Meadowbank |

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| 2023/1876/P | Adrian Hollis | 31/07/2023 17:39:42 | OBJ | <p>Objection to Planning Application 2023/1876/P (It appears that my comments have not been processed and made visible please see below again) Meadowbank estate is recognised as being a high density development. This application has not considered the scale, massing or height in relation to the adjoining or similar buildings. Any additions should be subordinate to the original building in terms of scale to maintain continuity, rights of light and privacy.</p> <p>Properties within the central triangle in the same style as No34, which include but not exclusively Nos 46-51, none have extended above the original ridge line of the terraces.</p> <p>The two communal gardens to the front and rear of No34 have several properties adjoining the gardens some with 2nd floor private terraces all these properties will be hugely affected by any upward extension beyond the ridge line.</p> <p>Reference made to a tree acting as a barrier: The estate management maintenance plan includes pollarding and/or removal of vegetation as deemed appropriate therefore it is unreasonable to consider a tree which sheds leaves as being a permanent barrier and should be disregarded.</p> <p>The impact of such an over development in a densely packed estate will be untold if permission is given by setting a precedent for others to follow. The need for space cannot always be accommodated by expansion when moving would be a more appropriate solution.</p> <p>We request that this application be reviewed by a full planning committee and scrutinise in conjunction with the basement and rear extension planning application already made by owner/ developer of No34 Meadowbank.</p> <p>Please note that we are in agreement with all objections made in respect to Planning Application 2023/1876/P</p> |
