

Comment on planning application - objection

2023/2401/P Retrospective planning permission for enlarged decking area and two wall mounted security lights at Lower Ground Floor

We, Dr Anna Hurley and Dr Ioakim Raftopoulos, are the owners of the flat above Flat 1, 9 Belsize Square. We have serious concerns about the effect on our quality of life of the proposed development, particularly in relation to our privacy and enjoyment of the property, as well as the amenity of the area. Considered objectively, we also believe that the development proposals in this retrospective application are not compliant with national or local planning policy.

For these reasons, we are writing to object in the strongest terms to the above application, registered on 24 July. The Council's website states that comments can be submitted until 14 August.

We note that the applicant's Design and Access Statement sets out to justify the application in terms of the needs of a "3 year old boy and a mother who uses a wheelchair." However, and with respect to those involved, these alleged requirements in no way justify the intrusive lighting and the excessive decking which are at issue in this application.

"Security lighting"

The Design and Access statement gives some of the product specification for the security lights. Unfortunately, this in no way describes the real impact of this lighting. For one thing, it should be noted that as there are two lights, the impact is double. It is also not accurate to say that they are never left on at night, as the Statement indicates.

In addition, it should be noted that because of the existing rear extension, we experience the light shining less than 2 meters away and at the same level as our living room windows.

While some say that this is not a planning concern (and it belongs instead with environmental protection) it is clear from the National Planning Policy Guidance (NPPG) that lighting/light pollution must be considered a material planning consideration in these circumstances. This is because the NPPG states that where there is a proposed change to an existing site that will materially alter lighting levels, consideration must be given to managing the effects of light pollution. With regard to this development, the question of how much light is shining is a significant factor (see NPPG, Paragraph: 002 Reference ID: 31-002-20191101).

On a local policy level, the Camden Planning Guidance on Amenity recognises that domestic security lights can have a harmful effect on [REDACTED], outlook and disturbance. It states at Chapter 4, as the first key message, that artificial lighting should not affect the amenity of neighbours or wildlife.

To the best of our knowledge, no measures have been taken to avoid light spillage into neighbouring properties, as our experience shows.

The Camden Planning Guidance on Home Improvements (January 2021) also sets out the ways in which proposed changes should take neighbours into account. It states that excessive light pollution that adversely impacts neighbours contravenes policy.

We have considered the information provided by the applicant about the lights themselves. The manufacturer describes them as "floodlights" and "extremely bright illumination." They are suitable for driveways and large yard areas. At 4000k lumen they represent a synthetic light white light that is excessively bright and unnatural. It is a light that is said to "turn night into day." We have photos of the impact of these lights, which demonstrate how excessive they are.

We would like to point out that there are already another 6 pairs of garden lights scattered in the garden that light it up. Significant light also spills into the garden from the extension, which is glass fronted and has no curtains or blinds.

Like the applicant and all our neighbours, we also take the threat of crime seriously. However, we disagree with the applicant's assertion that there is an increased number of burglaries in the area. We have lived in Belsize Square for almost 20 years and no one uses this level of lighting. The house is opposite the Belsize Square Synagogue with excellent security guards every day looking at the house and, in the evenings, there are security cameras.

We do not believe that this problem can be solved by a planning condition because, quite simply, these floodlights are not suitable for this location. Retrospective planning permission should not be granted.

"Enlarged decking area"

First and foremost, we take this to be a question of design. We note that both at the level of national and of local policy, good design is considered to be very important.

Chapter 12 of the National Planning Policy Framework, Achieving well designed places, says:

"Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design" (paragraph 134).

Camden's Local Plan Policy D1 requires in design terms that alterations to existing development are sympathetic to the building's character and appearance. We believe that this enlarged decking area is excessive and overbearing, and that it does not comply with this policy.

Where the development proposals affect a conservation area, Local Plan Policy D2 states that "Development will not be permitted which causes the loss of trees or garden space where this is important to the character and appearance of a conservation area". We consider that this is relevant here, and we object to the loss

of garden space, which is over and above the garden space already taken up by the large rear extension.

Furthermore, in our view the proposal does not comply with the provisions of Camden Planning Guidance on Home Improvements. This is because the enlarged decking area will adversely impact not only the outlook from our flat, but also our privacy. It will lead to excessive noise experienced in the habitable rooms of our property. This will significantly exacerbate the impact of the large rear extension.

Gardens are described in the Home Improvements guidance as “an extremely important asset to the Borough’s attractiveness and character.” The guidance sets out that homeowners should consider maximising the areas for soft landscaping over hard landscaping. It also says that new materials should be complimentary to the host building, and should be permeable. It is not known whether the materials proposed are permeable, but we are concerned that natural timber is not being used. Together with the large areas of artificial grass, we take the view that the enlargement of the decking does not enhance the sustainability of the garden in terms of biodiversity or support wildlife. The applicant’s justification is merely that the enlarged area provides room for a dining table on the decked area. Compared with the significant adverse impact on the amenity of our flat and of the wider conservation area, we take the view that this proposal should be refused.

#### Conservation area

The Belsize Conservation Area statement mentions that it is a feature of the area that there are views from adjoining streets, including, “from Belsize Park Gardens to the rear of Nos. 9-17 Belsize Park and Belsize Square. Rear extensions and dormers are prominent from such locations”. This emphasises the fact that minor alterations can have wider significance in this conservation area.

This is a highly sensitive area, as the applicant acknowledges in their reference to the Article 4 direction in force in the Belsize Conservation Area, which seeks to ensure that even changes that are considered “minor” will require planning permission. This confirms that “Even minor changes to the appearance of residential properties can significantly detract from the character and appearance” of the area.

We note that the response that has been submitted by the custodian of the Conservation Area, the committee chair, is that there is no objection. It seems to us that this comment was possibly over-hasty and based on what appears to be a lack of information. As far as we are aware, the comment was made without any site visit to the Flat 1, and there was no visit to our flat. It is against this background that we respectfully ask that the planning officer gives little weight to this Chair’s response.

#### Conclusion

The adverse impact of both the so-called security lights and of the enlarged decking is unacceptable on near neighbours and causes harm to the conservation area. Therefore, we respectfully request that the retrospective planning application should be refused.

If the Council agrees with this objection and refuses the application, we respectfully request, too, that the property is kept under review to ensure that the development is restored to its authorised state, ie. the condition before these developments took place.