



Development Management Regeneration  
and Planning  
London Borough of Camden  
Town Hall  
Judd Street  
London  
WC1H 9JE

My reference:

Your reference:

**Kristina.smith@camden.gov.uk**

For the attention of Kristina Smith

3<sup>rd</sup> November 2023

Dear Kristina,

**Town and Country Planning Act 1990**  
**Objections to application reference: 2023/3547/P**  
**Flat 5, 28 Well Walk, London, NW3 1LD**

1. I have been instructed by Oliver Clarfield, who owns a legal interest in this building and on behalf of occupiers living directly beneath the proposed roof and dormer extension, especially at Flat 4. They are extremely concerned at these proposals and wish to register their profound objection to this application.
2. The current proposals would represent a significant departure from similar proposals that were considered by the Council and granted on 24<sup>th</sup> January 2023 under application reference 2022/3884/P. The key differences between that proposal and this one relate principally to the degree to which it will alter the appearance of the building and street scene, and thereby harm the character of the area, compromising the character and appearance of the Conservation Area, as well as other neighbouring terraces and heritage assets.
3. As well as the adverse visual and character impact on the area, the proposal would also cause harm to the living conditions of immediate neighbours, particularly in terms of loss of light and general disturbance.

**Character and impact on heritage assets**

4. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the 'higher duty' of the local planning authority where an application proposes changes to a building in a conservation area, in that "special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

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5. The NPPF further notes that, where a proposal would give rise to 'less than substantial harm': *"this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use (paragraph 202)."*
6. Policy HC1(C) of the London Plan 2021 further states that:  
  
*"Development proposals affecting heritage assets, and their settings, should conserve their significance, by being sympathetic to the assets' significance and appreciation within their surroundings. The cumulative impacts of incremental change from development on heritage assets and their settings should also be actively managed. Development proposals should avoid harm and identify enhancement opportunities by integrating heritage considerations early on in the design process."*  
 [emphasis added]
7. The importance of these policies and the impact of proposals on heritage assets is further reinforced in the Camden Local Plan. Firstly, Policy D1 requires proposals to show 'respect for local context and character' and 'preserve and enhance the historic environment and heritage assets in accordance with Policy D2'. Secondly, Policy D2 states that:  
  
*"The Council will not permit development that results in harm that is less than substantial to the significance of a designated heritage asset unless the public benefits of the proposal convincingly outweigh that harm."* [emphasis added]
8. Camden's Design CPG (January 2021) provides further guidance and refers to the need to have regard to the local list, conservation area management appraisals and to provide an assessment of the likely impact of any proposals on the key characteristics of the heritage asset.
9. In the Conservation Area Proposals Statement (CAPS) for the Hampstead Conservation Area, the properties running from Nos.2-28 (even) on this side of Well Walk are all listed as 'positive contributors' to the Conservation Area.



10. The CAPS also specifically notes the concern that some proposals for roof alterations might appear to be intrusive or discordant and can cause harm to the character of the roofscape through the incorporation of intrusive dormers. The commentary in the CAPS (page 24) on this group of houses in Well Walk notes the harm that has already been done in terms of the design and appearance of some of the dormers:

*"Going east Nos.16-26 are 1860s semi-detached villas that sit back from the road slightly. Two storeys in gault brick with a parapet. The original small dormer has been replaced on many of them with differing designs, making the roof level slightly messy. No.28 may have been built slightly later but relates in scale and detail. The brickwork has been painted which detracts from its appearance." [emphasis added]*

11. The previous proposal that was granted at this address for a similar dormer sat at the same roof line as the existing dormers to the same building. However, the current proposal would increase the height of the proposed dormer by over half a metre (approximately 600mm, assuming a drawing scale of 1:100) over the current roof ridge. This would cause this part of the roof to abruptly pierce the harmony and rhythm of the existing consistent roofline to this building. As the building is also viewed in context with other neighbouring roof lines along Well Walk especially that share this characteristic, and the end building is positioned prominently at the end of the terrace, this would add further to the harm that would arise from this proposal.
12. The architect's Design and Access Statement includes a section on 'setting and character' but this makes no reference to the CAPS and falls short of a comprehensive assessment of the significance of the character of this part of the conservation area.
13. The lack of respect for the character of the Conservation Area and understatement of the proposals' likely harm is reflected in the absence of reference to Policies D1 or D2 of the Local Plan, as well as the NPPF and Policy HC1 of the London Plan. In particular, in respect of the latter, the CAPS already notes the harm arising from the differing designs of many of the neighbouring dormers and the painting of the brickwork to No.28. Policy HC1 references the need to avoid and manage the "cumulative impacts of incremental change", and it is clear that such incremental change has already caused some harm to the conservation area and these properties. Further harm should be avoided by refusing permission for this proposal, especially given the 'higher duty' under s.72 of the 1990 Act and the very significant weight that should be given to this duty in the context of proposals affecting a positive contributor to a Conservation Area.
14. Assuming that the likely harm that would arise would be at least 'less than significant', it is incumbent on the applicant to meet the relevant NPPF and Local Plan policy tests by providing justification that "convincingly outweighs the harm" in their proposals. No such justification has been provided and the application therefore fails to meet the NPPF and Policy D2 tests set out above. Paragraph 5.7 of the Design and Access Statement does not explain how this 'justification' for amenity space supports the need to raise the roof of the proposed dormer above its neighbours.

#### **Impact on Neighbouring Amenity**

15. Policy A1 of the Local Plan refers to the need to avoid harm to the amenity of neighbours from development, including the potential for loss of natural light and noise and vibration levels.



16. The footprint of the proposed roof extension would immediately abut to roof lights that serve the flat below, bringing in appreciable levels of natural light to the neighbour's flat and enhancing the sense of light and space in their own home.



17. There appears to be no acknowledgement of this potential impact in the applicant's submission, nor any assessment with regard to the BRE Sunlight and Daylight Guidance.
18. Furthermore, the neighbour directly below works from home much of the time and would therefore be potentially severely impacted through the disturbance arising from any planned construction works in respect of this proposal. Therefore, with regard to Policy A1, the potential construction impacts of this development would be of substantial concern in this case, and, if the Council is minded to approve this proposal, then the applicant should be required to provide a Construction Management Plan and follow this, through either a planning condition or a Section 106 Agreement.

### Conclusions

19. The current proposals should be refused as they would lead to a discordant and harmful new roof extension that would disrupt the harmony and rhythm of the street scene and the character and appearance of the Conservation Area and would be harmful to the existing house and setting of neighbours as positive contributors to the Conservation Area. Insufficient justification has been provided for this harm. This proposal is therefore in breach of the NPPF, London Plan and Policies D1 and D2 of the Local Plan and the Design CPG.



20. In addition, the proposals would be harmful to neighbouring amenity, failing to comply with Policy A1 of the Local Plan.

Please confirm receipt of this letter and we look forward to hearing from you.

Yours sincerely,

**David Kemp** [REDACTED]

[REDACTED]  
DRK Planning Ltd  
(\*non-practising member)