



Development Management
Camden Town Hall Extension
Argyle Street
London
EC1H 8EQ

3rd November 2023

Ref. SP20-1041

Dear Kristina,

9 Lyndhurst Terrace, London, NW3 5QA
Variation of condition 2 (approved plans) of planning permission Ref. 2020/2816/P – Application Ref: 2023/3689/P
Consultation Response in Objection

Introduction

We write on behalf of our client, Newmount Management Ltd (*'the residents'*), in our role as planning consultants, to **object** to planning application reference 2023/3689/P, which seeks planning permission for the following:

"Variation of condition 2 (approved plans) of planning permission ref. 2020/2816/P (dated 09/06/2021) for [demolition of existing dwelling and replacement with a three storey (plus basement) single dwelling house with terraces to front and rear and associated landscaping works], namely, to enlarge basement to front to include relocated ASHP's, enlarge rear garden terrace and amendments to landscaping and fenestration"

This variation of condition application is in regard to a previous planning permission Ref.2020/2816/P, of which sought the following development:

"Demolition of existing dwelling and replacement with a three storey (plus basement) single dwelling house with terraces to front and rear and associated landscaping works."

Our clients represent a group of residents group formed by the 10 flat owners contained within Newmount, 11 Lyndhurst Terrace which is the residential apartment block located directly to the north of the application site. The residents of this adjoining development have reviewed the proposals and have significant concerns in relation to the proposed development, Newmount Management Ltd raise an objection to. These material planning considerations are as follows:

- Loss of Privacy/Living Conditions for Future Occupiers; and
- Concern for the loss of light;

Our concerns are outlined in further detail below.

Planning considerations

Section 38(6) of the Planning and Compulsory Purchase Act and section 70(2) of the Town and Country Planning Act 1990 requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.



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The Development Plan, for the purpose of S38(6), is the Camden Local Plan (2017) ('LDP'). Other material consideration has been given to Camden Planning Guidance: Amenity (Adopted January 2021) ('SPG').

Impact to neighbouring amenity

Policy A1 the Local Plan relates to managing the impacts of development. This policy states:

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;*

The factors we will consider include:

- e. *visual privacy, outlook;*

Furthermore, Camden Planning Guidance on Amenity states the following in relation to overlooking and privacy:

"To ensure privacy, it is good practice to provide a minimum distance of 18m between the windows of habitable rooms in existing properties facing the proposed (either residential or non-residential) development, assuming a level topography. In instances where building heights, design or topography mean that opportunity for overlooking would be increased, it is advisable to increase this separation distance. The 18m should be measured between the two closest points on each building."

In the case of the application site, the proposed fenestrations proposed would result in window-to-window overlooking with the 11 Lyndhurst Terrace, with a separation of only 4 metres. This is clearly an unacceptable proposal and will result in overlooking and the loss of privacy for the residents of 11 Lyndhurst Terrace as well as the future occupiers of 9 Lyndhurst Terrace.

Furthermore, due to the extent of the proposal and close proximity of the proposed windows to 11 Lyndhurst Terrace, the use of mitigation measures such as obscure glazing will not be sufficient as the perception of overlooking will remain. Therefore, the proposed fenestrations are clearly not in accordance with the Camden Local Plan and accompanying guidance on amenity and should not be considered acceptable for this reason.

Daylight and Sunlight

Policy A1 of the local plan relates to managing the impact of development. This policy states:

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*

The factors we will consider include:

- f. *sunlight, daylight, and overshadowing;*



In addition, Camden Planning Guidance on Amenity states that daylight and sunlight levels are affected by the location of a proposed development and position in relation to the windows of neighbouring properties. The Council outlines that daylight and sunlight reports should be submitted for proposals that include new builds and should include any nearby existing residential properties that may be affected.

The amended plans that form this new planning application include an increased parapet height, therefore increasing the height of the building as a whole. In submission of this application, the daylight and sunlight report that was submitted was the same report as the original application and is dated April 2020.

Due to the increased height of the building, daylight and sunlight levels are likely to be impacted within the flats located in 11 Lyndhurst Terrace. As a result of this, the submitted daylight and sunlight report is now outdated and should not be considered in determining this planning application. A new updated Daylight and Sunlight report should have been submitted as part of the new planning application to confirm the impact of the proposed amendments on the neighbouring property.

For this reason, the planning application should not be determined until it is known what the impact of the proposed amendments will have on the daylight and sunlight levels on the neighbouring 11 Lyndhurst Terrace.

Conclusion

As set out above, our client objects to this application. The proposal would result in the loss of privacy in the form of window-to-window overlooking. Even with mitigations, such as obscure glazing, the proposal is located too close to the neighbouring property of 11 Lyndhurst Terrace that there would be the perception of overlooking which would not be acceptable. For this reason, the proposed fenestrations in the amended plans would not be in accordance with Policy A1 of the Camden Local Plan and should not be granted planning permission.

Furthermore, the submission has failed to provide evidence of the impact to daylight and sunlight levels on the neighbouring property as a result of the amended plans. Within the amended plans, the height is increased, despite this, the application was submitted with the original daylight and sunlight report and therefore the impact of the increased height has not been assessed. For this reason, it cannot be justified that these amendments are in accordance with Policy A1 of the Camden Local Plan because the amendments may have an unacceptable impact on neighbouring amenity and should not be granted planning permission.

As such, we conclude that the proposed development is contrary to the Camden Local Plan and should be refused accordingly.

Should you require any further information, please do not hesitate to get in contact.

Yours faithfully,



Joshua Cheatle

Assistant Planner