

# LETTER OF OBJECTION

re. 31 Daleham Gardens London NW3 5BU

**Planning Application no.: 2023/4241/P: application for full planning permission for the erection of a six-storey building to provide 14 flats and associated works**

**Linked application for permission to demolish: 2020/2087/P**

## Comments by Christopher & Jan Balogh

1. We start by declaring what might be considered an interest. We live at 30 Daleham Gardens, nearly opposite no.31. That said, we would not be as affected by no.31's re-development as many of our neighbours, or even much affected at all. Our flat is at the rear of no.30, with its principal windows facing East, away from the road and from no.31 and towards the rear of the houses in Akenside Road and Belsize Crescent. If the Proposal goes ahead we would neither see the new block of flats nor would our flat or garden be seen from or overlooked by it. From a purely selfish viewpoint, parking is not an issue for us: we have our own, double off-street parking.
2. It is obvious from the number of the comments about the Proposal on the website, both for and against, that it involves some very difficult issues. Everyone agrees about the importance of affordable housing. We therefore started by expecting to support it and have been saddened that in the end, considering it overall, we have reached the conclusion that we cannot.
3. Our comments are very long because the issues are so difficult and because, on examination, the benefit of the affordable housing offered by the Proposal seems to have been largely taken for granted and little considered. This offer is the Proposal's most attractive feature - in fact, its only one. We have therefore considered Camden's relevant housing policies carefully. We have also read the long and detailed letter of objection on Camden's website, *Objection Letter and Planning Report Prepared in Relation to the Proposed Development at 31 Daleham Garden Under Planning Application 2023/4241/P (Subject to a Shadow Legal Agreement Executed Under 2020/2087/P)*, to which we will refer as 'the Objection Letter'. The conclusion to which we have come is that on the one hand the element of affordable housing which the Proposal offers - 634 sq m GIA - together with an equal element of homes for sale on the open market - 626 sq m GIA - fails, for reasons we give below, to overcome or outweigh the many valid objections to it on planning grounds.
4. Just as the importance to be attached to affordable housing is common ground between supporters and objectors, so too it must be that the policy goal must be achieved in accordance with Camden's adopted planning policies and, in particular, those for the protection of the character of its conservation areas and local amenity. The Proposal fails this test.

## Affordable housing

5. The Proposal's only attractive feature is its offer of 8 units of affordable housing. This turns out to be less compelling than it first seems:

(1) only 2 of the 8 units would be for *rent* - significantly less than was provided by Camden in the old no.31. Camden's Local Plan (2017), its Intermediate Housing Strategy (2016) and its CPG Planning Guidance on Housing (2021) all make clear that it is social-affordable housing for *rent* for which there is the greatest need. It is extremely disappointing that Camden, which still owns the site, is not going to re-develop it as social-affordable homes for *rent*;

(2) the other 6 affordable units would be 'intermediate', aka 'market discount,' flats for *sale*. Camden's housing policies stress that while affordable homes *for sale* - 'intermediate' housing - are to be considered a form of affordable housing, it is different from and less needed than affordable homes *for rent*. Camden's policies emphasise that 60% of affordable housing should be for social *rent* or London Affordable *Rent* and 40% for intermediate *rent* but of the proposed 8 units of affordable housing only 25% of the affordable units would be for rent, 75% would be for sale. That, of course, is before account is taken of the 6 additional units proposed as part of the development which would be sold on the open market. We also note that the Proposal does not come within Local Plan para.3.105: the proposed element of affordable housing is not substantially more than 65% of the total number of homes being proposed; and that the proposed housing would not all consist in intermediate housing;

(3) Camden's Local Plan states that the Borough's stock of affordable housing is heavily skewed to 1- and 2-bedroom flats and that the greatest need is for 3-bedroom affordable homes: para.3.77. Of the Proposal's 8 affordable flats 5 would be 1-bed and 2 would be 2-bed. Only 1 would be 3-bed;

(4) This contrasts, uncomfortably, with the 6 flats for sale on the open market: 4 of these would be 3-bed, 2 would be 2-bed.

6. This reduces the benefit to the community - and the attractiveness - of the affordable housing offered by the Proposal; and affects the weight to be given to it when considering whether planning permission should be given: see para.1.7, *Camden's Planning Statement on Intermediate Housing and First Homes* (2022). This in turn focuses attention on the effect on the Proposal of its inclusion of 6 relatively large open market units and, in particular, the proposed development's resultant increased size. We consider this next.

**Site size, the proposed building's size, the quality of the proposed housing, its design and the impact on the conservation area**

7. The old no.31 had a GIA of 540 sq m, the proposed one would be 1260 sq m. Of this 626 sq m would be the open market flats - half the total size and volume of the proposed new no.31. Put another way, without these flats the building would be half the size.

8. There would be a cost to the community of introducing a 6-storey building into Daleham Gardens, a road described by Camden's conservation area statement as one in which the houses are predominantly 3-storey. In the planning officers' words, this would be "greater than the site can accommodate". The question for decision-makers is whether that is a price the community should pay in order to provide 8 units of affordable housing, including only 2 for rent.

9. Camden's Local Plan (LP) Policy H4, *Maximising the supply of affordable housing*, expressly makes the provision of additional affordable housing subject to site specific conditions and requires the striking of a balance: "In considering .....the scale and nature of [affordable housing] provision that would be appropriate, the Council will also take into account: [j]. the character of the development, the site and the area; [k]. site size.....".

10. The Proposal should therefore have started by considering no.31's small site size and the character of the surrounding conservation area; and by working from this to plan how most appropriately to use it. The issue may be illustrated by comparing no 31's with the site next door, no.31a. which is also council-owned. In 1976, before the conservation area was designated, Camden built a block of 6 flats on it arranged on 3 floors above lock-up garages. Although identified by Camdens's *Fitzjohns / Netherball Conservation Area Character Appraisal & Management Plan* (2022) as a building causing harm it benefits from a tiled roof with traditionally pitched roof; aligns with the street's building line, set back from the road; and has a relatively large rear garden. No.31a may reasonably be assumed to represent what Camden determined to be appropriate for its site in character and scale, given the site and the area.

11. No.31 has a narrower street frontage than no.31a. Despite this the Proposal is for a significantly larger block of flats than no.31a, with 14 flats on 6 floors. Unusually for Daleham Gardens, and for the wider conservation area, it would have a mansard roof pierced by windows. Also unusually, the flats on the upper floors (except the top floor) would each have a metal balcony resulting in 3 vertical lines of metal balconies, which are also very unusual in this area, on 4 floors and on 3 different sides of the building (front, side-middle and rear). The list of buildings causing the area harm referred to in the preceding paragraph also includes includes 11 Lyndhurst Terrace, describing it as "not synonymous with the established character of the area": like the proposed building, it is a modern block of flats on 6 storeys (but with the difference that it does not occupy

the greatest part of the site). By the same token, the proposed building would also cause harm to the area's established character.

12. In May 2021 Camden's planning officers assessed a first version of the Proposal as follows:-

Overall, the scale of the proposed development is considered too large for the site and creates a number of issues that are listed below.

The proposed building occupies most of the plot and reduces the ratio to open space from what is currently on site, also extending the mass further into the site towards neighbouring back gardens.

The depth of the building would be much greater than the adjacent ones and at the same time will greatly reduce the amount of open green space around the building....

By maintaining an adequate ratio between built and open space on site, the open space could be used as a shared amenity space and it would set the building further back from the neighbouring properties and gardens.

The proposed height is 6 storeys and sits between a four storey structure with pitched roof and a plot with a one storey building set away from the development boundary.

Although the building steps away from its adjacent building, the height is considered tall in relation to its surroundings, especially in its current form, and would work better if reduced by at least one storey.

Considering the proposed height and site occupation, the development appears to be greater than the site can accommodate....

In its current iteration – a block of flats with a regular grid and a mansard type of extension at top level - the proposed building typology would better suit a denser urban context and does not respond to the identified character of the area, which is leafy, with a more suburban feel and a predominant historic architecture with decorative qualities.

13. The necessary major revisions have not been made - on the contrary, the revised, final version of the scheme is substantially unchanged. The proposed building's height has not been reduced "by at least one storey" - the old no.31 was only 4 storeys - and would still be 6 storeys; and it would still occupy almost all of the site, with a depth much greater than the adjacent ones: see the Objection Letter.

14. Instead of designing a development based on the site's small size and its context within the conservation area, the applicant and its architects have set out to obtain the maximum possible floorspace of which it is theoretically capable. This is made explicit by their statement in the Design and Access Statement that "The scheme aims to maximise the development potential on the site..." (6. *Planning Assessment*, para.6.2). The proposal would increase the average floorspace of each flat by comparison with the flats in the old no.31 by 250%, from 28 to 70 sq.m.. To achieve this has required the architects (1) to extend the the building, including at basement level, the full depth of the site, to the rear boundary; and (2) to increase its height from 4 floors to 6. The resulting, greatly enlarged building is shown by Figure 21, p.11 of the Objection Letter.

The proposed building's impact would be all the greater as the result of its dominant position near the top of the long, straight hillside slope occupied by Daleham Gardens.

15. The Proposal is for 14 flats, almost the same number as the old no.31's 15. However, according to Camden's Local Plan what is to be protected is *floorspace*, not numbers of dwellings: see Policy H3 *Protecting existing homes* and Policy H5 *Protecting and improving affordable housing*. The Local Plan, para 3.77 explains that Camden's stock of existing affordable housing is heavily skewed to 1- and 2-bed flats and that it is 3-bed flats that are most needed. Policy H3 is amplified in Camden's CPG Housing (2021) under the heading *Adapting existing affordable homes*:-

“10.13 Local Plan Policy H3 also provides for developments involving the net loss of two or more homes where they would enable existing affordable homes to be adapted to provide the affordable dwelling-sizes most needed. In considering proposals to adapt existing affordable homes, we will have regard to the severe problems of overcrowding and the high proportion of one- and two-bedroom dwellings in the social rented housing stock (particularly Council housing). As indicated in Local Plan paragraph 3.77, we may permit three or more affordable homes to be combined where this will create a single affordable home with three bedrooms or more.” CPG *Housing* (2021)

16. Of The 15 flats in the old no.31, 14 were studios (bed-sits). To provide better quality housing of the size which Camden states to be most needed - 3-bed flats - the Proposal could - should - therefore have set out to increase the flats' floorspace. This could be achieved without increasing no.31's size by reducing the number of flats. Camden has made this practicable, having re-purchased the 8 flats which had been purchased under the Right To Buy (as it had to, before demolishing it). Instead, the Proposal would not only retain all but one of the previous 15 bed-sits but also increase the floorspace of each one by 250%, doubling - the proposed building's height and size, from 540 to 1260 sq m GIA; and from 4 floors to 6; and hence, too, the almost complete loss of no.31's rear garden and trees.

17. Daleham Garden and the surrounding area is described by Camden's *Fitzjohns / Netherhall Conservation Area Character Appraisal & Management Plan* (2022):-

“Daleham Gardens, Fitzjohn's Avenue, Maresfield Gardens and Netherhall Gardens have .....large open areas to the rear of properties, comprising an amalgam of rear gardens.... The general layout and landscape character create a green and leafy character.... based on properties with front and rear gardens.... Rear gardens are often very generously proportioned. The amalgam of rear gardens results in large open settings in many parts of the area, creating a semi-rural character. These amalgams of garden space are a very important characteristic of the area and, in the absence of public green space, have an important amenity value. A key characteristic is the range of mature trees.....”(para.3.4)

18. In direct conflict with this important part of the conservation area's character the Proposal would take a significant bite out of the 'amalgam of gardens' between Daleham Gardens and Fitzjohn's Avenue. This would significantly impact this open space; shift the balance in this part of the conservation area between built and unbuilt environment; and would cause direct harm to the conservation area.

19. The Proposal's retention of 14 units on the site coupled to its increasing each of them by 250% does not strike the appropriate balance required by Policy H4 (j) and (k).

### **Amenity, open space and play space for children**

20. The Proposal would result in the excavation and building-over of the greatest part of the old no.31's rear garden, leaving only a very small part as open space for the new no.31's residents' use and enjoyment, with no children's play space.

21. Local Plan Policy A2 *Open Space* states that "To secure new and enhanced open space and ensure that development does not put unacceptable pressure on the Borough's network of open spaces, the Council will: [m]. apply a standard of 9 sq m per occupant for residential schemes".

22. Assessed in accordance with usual standards, the proposed new no.31's 28 bedrooms translate into 49 occupants. To comply with Policy A2(m) the Proposal would therefore require 441 sq m open space. The Design and Access Statement's *Landscape Proposals* show a small open space but does not show its size. According to the Statement total site size is 700 sq m. The 441 sq.m. required by Policy A2 therefore equates to 63% - almost 2/3 - of the whole site but it is patently obvious that the small open space area on the plans falls far short of this. The Objection Letter calculates that, taking account of light wells, paths, retaining walls, steps, bin stores, and other comparable structures, all of which reduce open space available for residents' use in the Policy A2 sense, there would be only 1 sq m per resident: para.s 2.11, 4.9.

23. Contrary to Policy A2 the Proposal would therefore add to existing pressures on public open space. This is made more serious because, as the Local Plan notes, "There are particularly large areas of [open space] deficiency in the west of the Borough..." (*Amenity* para.6.52). 31 Daleham Gardens falls within one of the Borough's open space 'deficiency areas', defined as where the local population is farther than 280m (or a 5 minute walk) from a designated public open space. According to *Map 2: Locations deficient in access to open space*, Local Plan p.199 it is more than 400m distant (and according to Google, it is almost 1000 m). No.31's distance from public open space makes the deficiency in on-site provision more consequential. It is an important material consideration.

24. The Proposal would in addition fail to give its residents the standards of amenity to which they would be entitled in accordance with Camden's Local Plan. The Proposal's small garden area, the only private open space to which residents would have access

other than their balconies, would not consist of what most ordinary people understand by 'green space' but of a small paved area with outdoor furniture: see the Design and Access Statement, 5.0 *Landscape Proposals*. Contrary to Camden's Supplementary Planning Guidance '*Amenity*', para.s 2.2, 2.3 this terrace, or patio, because of its location adjacent to the site's south-west boundary, close to the rear of the site, would be directly overlooked by the rear windows of the 6 flats of the property next door, 31a Daleham Gardens.

25. The Local Plan, para. 6.31, informs that "Quiet areas of green space can enhance personal wellbeing and play space is an important tool in supporting the development of children and young people.". A development of 5 x 3-bedroom and 4 x 2 bedroom flats may reasonably be expected to be home to a number of children but the Proposal provides no children's play space whatever.

### **Amenity - Gloucester House**

26. We agree with the Objection letter conclusions regarding the Proposal's impact on the amenity of neighbouring properties. We wish here only to draw attention to the cavalier treatment by the accompanying Daylight and Sunlight Assessment Report of its impact on the single-storey schoolroom block and playground of the Tavistock and Portman NHS Trust's special school (Gloucester House, 33 Daleham Gardens), immediately adjacent to no.31's northern boundary; and the Proposal's omission of any play space for children.

27. The schoolroom block has windows facing south, east and west. Despite this the Report reaches the doubtful conclusion - seemingly, more an assumption than the result of measurement or calculation - that "these windows are close to the common boundary fencing between the Gloucester House School and the proposed building, they already receive a low level of sunlight, and it has been determined that the occupants of this room will not notice the loss of sunlight".

28. The proposed new 6-storey building would extend significantly beyond the schoolroom block immediately to its south side, both eastwards and westwards. It would significantly overshadow both playground and schoolroom block, making it highly probable that there would be significant loss of both daylight and sunlight and making them both darker and colder - it is inconceivable to us that it could be otherwise.

29. Additionally, Figure 21, p.11 of the Objection Letter illustrates the numbers of windows and balconies which would directly overlook playground and school building. The proposed building may therefore affect the ability of staff to safeguard the children in their care properly and even the school's long-term viability. The security and privacy of children attending a special school should in any case surely be safeguard.

30. The use of Gloucester House has a long history as a (very) scarce resource for child care resource. Before becoming part of the NHS Trust it was the home of London's

first Child Guidance clinic. It provides a unique service not just to Camden but also other North London Local Authorities:

<https://tavistockandportman.nhs.uk/services/gloucester-house/>  
<https://tavistockandportman.nhs.uk/about-us/our-history/>  
<https://www.tes.com/jobs/employer/gloucester-house-tavistock-children-s-day-unit-1061244>

31. In 2005 planning permission was granted to replace the single storey block adjacent to its boundary with no.31 with a 3-storey building, ref. 2005/0586/P. The permission was not implemented but would be a material planning consideration in any future application. It is however highly probable that the schoolblock's enlargement would be opposed as blighting the proposed building's windows and balconies overlooking the boundary.

### **Biodiversity**

32. The Council undertakes by Local Plan Policy A3 *Biodiversity* to “protect and enhance sites of nature conservation and biodiversity” and in particular to “c. seek the protection of other features with nature conservation value, including gardens, wherever possible”. Contrary to this the proposal goes a long way towards the complete removal of the old no.31's rear garden, excavating most of it for the new no.31's footprint and basement.

36. Additionally, Policy A3 (j), (k), (l) and (m) protect against the loss of trees. Contrary to this Policy, too, the Proposal involves the removal of *additional* mature trees - additional, that is, to the several mature trees removed, without tree consent, in the course of the old no.31's demolition, with the result that no mature trees would be left on the site.

### **Viability**

33. The application documents do not include a viability assessment, details of projected building costs nor information how these will be met during the construction phase. Given that 8 of the 14 proposed flats would be affordable, including 2 for social-affordable rent, it is unclear that the Proposal would be viable. The price of the 6 to be sold at a discount is capped at £420,000: if sold at this price level a household income of close to the income eligibility cap of £90,000 would be required (and see Camden's CPG *Housing* (2021), section 7). The greatest part of development costs, including the costs of purchasing the site, would therefore have to be found from the 6 open market flats. Even if Camden is willing to sell the site to the applicant purchasers at below market value it will presumably wish to recover its costs incurred since the fire in 2017, running into millions: scaffolding, re-purchasing the Right To Buy flats, demolition and the £1/2 million fine for breach of the fire regulations which caused the fire and the loss of the old no.31.



34. There is therefore a risk that planning consent might blight no.31's site for years to come. It has already been vacant and unused for 6 years. If the Proposal were to prove non-viable and development not progress it will continue so. Planning approval should therefore not be granted without a proper viability assessment, which should then be made public.

### **Precedent**

35. We have no doubt that if this application had been made by a private developer it would be refused. If consent is granted, contrary as this would be to important national and local plan policies, it would set a most unfortunate and damaging precedent and would likely result in their disregard whenever convenient, further loss of the conservation's tree cover and further encroachment upon its characteristic green spaces comprising house's rear gardens.

36. For all these reasons, and reluctantly and regretfully, we are unable to support the present Proposal. We very much hope that Camden will now come forward with an appropriate scheme to use no.31's site to re-provide properly affordable housing for rent.