

Our reference: OCON1  
Your Ref: 2023/4727/P



7<sup>th</sup> December 2023

Development Management  
London Borough of Camden  
Camden Town Hall Extension  
Argyle Street  
London  
WC1H 8EQ

## HLF PLANNING LTD

Suite 4E Pine Court Business Centre  
36 Gervis Road  
Bournemouth  
BH1 3DH

Dear Sirs

### **RE: 48-54 Charlotte Street: 2023/4727/P – Objection**

We have been instructed by Mr O’Connell, the owner to assess the current application at 48 - 50 Charlotte Street, reference 2023/4727/P, for alterations to include the creation of roof terraces at first floor, third floor and fifth floor. Having considered the proposal and adopted policies of the Local Development Plan, we write to object on his behalf.

The refurbishment of this building is welcomed, and the principle of these alterations have been assessed as suitable. Making a good use of the building for modern fit for purpose offices is supported. However, as transpires to be a growing trend in the borough the introduction of raised terraces will no doubt increase the attractiveness of leasing the offices, but at the expense of significant harm to neighbouring amenity.

Policy A1 of the Camden Local Plan (2017) makes clear that:

*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.*

Granting this application would result in an unacceptable harm to the privacy and light currently afforded to 16 Scala Street. This is a clear departure from the Local Development Plan and there are no material reasons to justify this departure.

The first criterion of Policy A1 commits the Local Planning Authority (LPA) to, through its decision making, seek to ensure that the amenity of communities, occupiers and neighbours is protected. This is achieved through four key considerations:

*e. visual privacy, outlook;*

- f. sunlight, daylight and overshadowing;*
- g. artificial lighting levels; and*
- j. noise and vibration levels;*

The considerations are expanded upon in the post-text to the policy and through supplementary guidance the Camden Planning Guidance Amenity (2021).

### ***Visual privacy and outlook***

The proposed third-floor terrace is located to the rear of the building, where at present there is a flat roof, believed to be only in use for emergencies and maintenance. It is noted that this terrace would be fitted with a high-level privacy screen on its side facing the rear of Goodge Street, however looking towards and into 16 Scala Street is not afforded the same consideration.

The distance between the terrace and the rear of 16 Scala Street is measured from the submitted plans as being less than 13m. The proposal therefore seeks to introduce a large terrace which will inevitably encourage people to gather a very short distance at a raised height from this residential home. The relationship is clearly illustrated below, with the ground-floor conservatory being looked down on from a distance less than 13m.



View from top floor



View from ground floor



The impact on privacy will demonstrably be significant and would impact upon every floor of 16 Scala Street. This visual connection works both ways, which would result in residents looking out from their private homes towards a gathering a short distance away. There is no mitigation that could overcome

this, a similar high privacy screen would effectively give the outrigger the appearance of having an extra storey.

### ***Sunlight, daylight and overshadowing***

The proposal seeks to install a cover over the existing fire escape to access the proposed fifth-floor terrace. There are no significant objections to this terrace in principle provided that the balustrade is set back a sufficient distance from the edge of the roof. However, the increase in use of these stairs (which can be concluded through the apparent need to cover it) will afford views into the rear curtilage of no.16. However, whilst this invasion of privacy is far less significant than from the third-floor terrace the new canopy will nonetheless reduce light reaching this amenity space.

The proposed south courtyard elevations show the canopy stretching from the fourth-floor doorway to a new entrance to the proposed fifth-floor terrace. However, this part of the development is absent from the east courtyard elevations. This needs to be corrected for consistency and the value of this design feature balanced against the resulting harm. It is assumed that the cover is designed to protect from the elements, but surely in bad weather the roof terrace would not be in use.

### ***Artificial lighting levels***

There are no details of lighting positioning or illumination levels. This is particularly concerning for the third-floor terrace and what restrictions on hours of use would be proposed. Clearly, if this terrace was permitted and was illuminated at night there would be a significantly harmful impact on the living conditions of properties facing towards it.

### ***Noise and vibration levels***

A similar concern to the light pollution from the third-floor terrace is the potential for noise and disturbance caused by people using the terrace. As explained above, the distance is noticeably short and uncontrolled noise would be noticeable and be classified as Significant Observed Adverse Effect Level, which is defined as:

*The noise causes a material change in behaviour, attitude or other physiological response, e.g. avoiding certain activities during periods of intrusion; where there is no alternative ventilation, having to keep windows closed most of the time because of the noise. Potential for sleep disturbance resulting in difficulty in getting to sleep, premature awakening and difficulty in getting back to sleep. Quality of life diminished due to change in acoustic character of the area.*

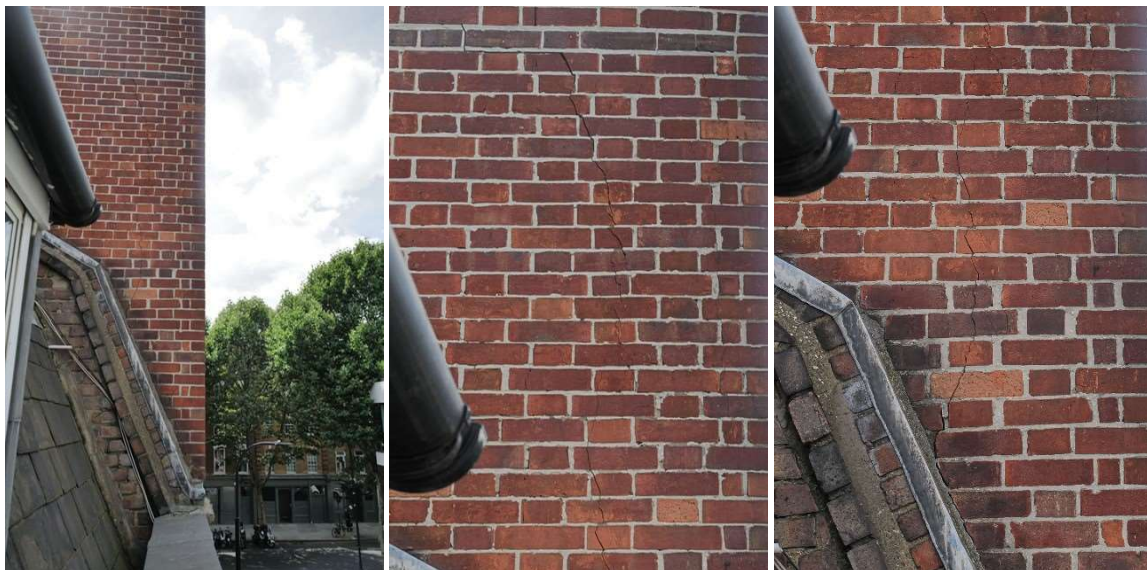
## ***Conclusion***

Any raised terrace has the strong potential to impact upon neighbouring amenity and privacy. The assessment of the application has concluded clearly that if this proposal were to be permitted that the development would be contrary to the adopted Local Development Plan and Policy A1 specifically.

The principle of the refurbishment is supported, but the introduction of an invasive terrace and the light blocking cover are not. There is no material justification for this departure from policy and therefore the LPA are urged to either seek amendments to remove the conflicting elements or refuse the application.

## ***Informative for the Developer***

Whilst not a planning consideration, the application will involve a party-wall agreement with 16 Scala Street. It is an appropriate opportunity to highlight an existing structural defect at the application site. As can be witnessed in the below images, there is visible cracking evident on the property and the applicant is therefore encouraged to have this investigated prior to the commencement of any work.



Should you require anything further from us at this time please do not hesitate to contact me.

Yours faithfully

David Bevan **MRTPI AMIMA**  
**Managing Director**  
On behalf of HLF Planning Ltd