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Mr P Hodgson  
Camden Borough Council



**Via Email: [planning@camden.gov.uk](mailto:planning@camden.gov.uk)**

**Date:** 15<sup>th</sup> December 2023  
**Your Ref:** 2023/4661/P  
**Our Ref:** 187

Dear Mr Hodgson

**39 TWISDEN ROAD NW5 1DL – APPLICATION REFERENCE 2023/4661/P – Objections on behalf of Mr Charlie Jackson 37 Twisden Road**

I write on behalf of the Mr Charlie Jackson, 37 Twisden Road to object to elements of the application submitted on behalf of Camden Council at 39 Twisden Road. Whilst objecting to elements of the scheme, Mr Jackson is supportive in principle of the Council's proposals to bring back into use a single-family dwelling that has been vacant since 2018 and renovate it. The crux of the objections lies in the details of the scheme proposed.

The objections in summary concern the following points:

1. Over occupation of the property and noise disturbance and the potential to remove the impacts now by the imposition of a condition to address this;
2. The impact of the rear second floor terrace on residential amenity, [REDACTED] and security and the ability of the Council to remove this impact now by condition and amended plans to address this;
3. Whether the Council is meeting its own policy objectives to fully modernise and future proof the building in respect of sustainable development policies;
4. Whether the correct planning application has been made as a Householder Application;

These points will now be elaborated upon below.

**1. Over Occupation and Noise Disturbance**

It is important for the Council to consider the limitations of this single-family dwelling, which whilst a valuable family home, is constrained in occupation by the small garden and the noise that transfers between the existing terraced dwellings. The application drawings show 8 beds equating to 8 people (or more with bunk beds).

Twisden Road properties are modest sized three storey Victorian terraced houses. They are compact with back gardens approximately 3-4 metres in depth and equate to 15- 20sq metres maximum. This is particularly so on the odd number side of the road with back-to-back gardens with Chetwyn Road and garden sizes reducing as Twisden Road curves to join this road to the east.

The last family to occupy number 39 was the McEntee's. At most they were a family of six living in the property although it was largely occupied by two people before the property was left vacant in 2018.

Whilst not a planning matter, Mr Jackson, calls upon the Council to act as a responsible landlord and limit the occupation of the property to families **not exceeding six persons**. Due to the close proximities of garden boundaries and the limited size of them, the properties in Twisden Road do not lend themselves to occupation by large families.

Related to over occupation is noise that transfers between these existing terraced properties. Existing residents can hear neighbours conversations between the walls. The Council could do more to sound-proof the property particularly linked to future proofing the property against heat and energy loss required by the Council's own corporate commitments and planning policies required of all other applicants – see section 3 below.

Noise can have a significant impact on amenity, quality of life and wellbeing. Local Plan Policies A4 Noise and vibration and A1 Managing the impact of development, seek to protect residents of both existing and new residential developments from the adverse effects of noise. The Council should therefore introduce sound insulation between the party walls of 37 and 41 Twisden Road, albeit that such measures can be introduced without the need for planning permission.

The Council will know that if amenity impacts are not addressed at the planning stage with the imposition of planning conditions and design solutions, that residents will be required to resort to noise abatement and enforcement type complaints, which could be avoided if the Council undertook positive noise insulation measures and limited the occupation of the house to a maximum of six residents.

The fact that the Council has not sought to remove the unlawful second-floor terrace/balcony indicates that the Council may also in the future seek to subdivide the property into two dwellings, retaining a separate terraced amenity area for a new separate flat. Under provisions the Government announced in the Autumn statement, it is seeking to introduce permitted development rights to allow the future subdivision of a single property into two homes providing that no changes are required to the external appearance of the property.

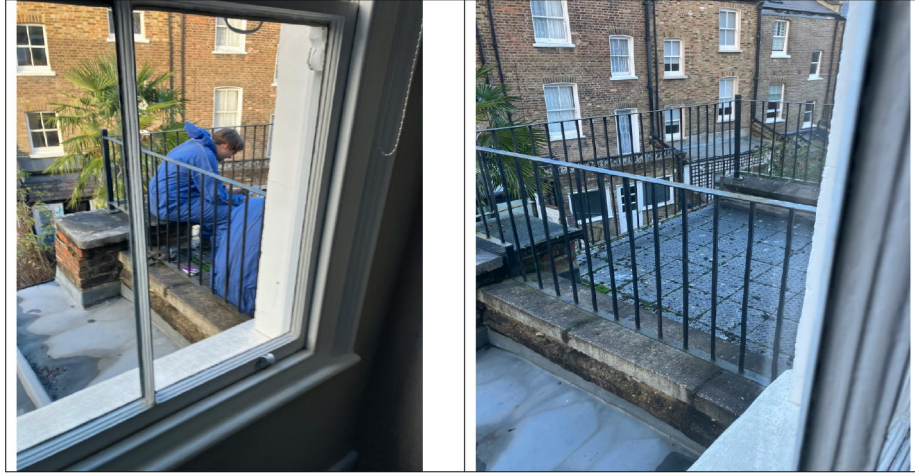
Such permitted development would remove the need for consultation with local neighbours and would detrimentally change the single-family dwelling characteristic of Twisden Road. As reflected in the Dartmouth Park Neighbourhood Plan and Conservation Area Appraisal, some of the most valued aspects of Dartmouth Park are that it is quiet, green and has a diverse population. The potential threat of intensified occupation of these single-family dwellings would detrimentally impact the valued character of the conservation area and neighbourhood, leading to harmful impact and conflict with the Dartmouth Park Neighbourhood Plan and Local Plan policies D1 and D2, and the NPPF paragraphs 189, 197 and 199. Any harm to a designated heritage asset must be given great weight in the planning judgement of an application.

In this case, the Council could impose a planning condition that could simply remove existing and future permitted development rights, removing this future risk and requiring that any future subdivision of the property is considered by the Council in full consultation with neighbours. Such a condition would tie in with the removal of the second-floor terrace referred to in section 2 below.

## **2. The impact of the rear second floor balcony on residential amenity, privacy and outlook**

The applicant does not explore or challenge whether the existence of the existing second floor flat roof terrace is lawful benefiting from planning permission or a use that has just materialised over time and not challenged. Existing residents can confirm that the use of the second-floor flat roof materialised over time, starting as a lean-to storage shed for the then occupiers. Camden built a shed in the garden to replace the storage area, removed the lean-to and erected safety rails. No planning permission has been granted for the use of this flat roof as a terrace.

At second floor level, the use of this terrace enables occupiers to see directly into number 37 Twisden Road, to overlook and loom over the rear gardens of 25 to 35, 37, 41 and 43 Twisden Road and 40, 42, 44 and 46 Chetwyn Road. With the open safety rails erected close to the edge of the flat roof with no design devices to obscure the view, this has a significant major amenity impact on the use of the rear gardens, loss of privacy and a looming sense of overlooking on existing residents. Photographs below show the proximity and impact.



**Photographs from 37 Twisden Road Second Floor Level**

This application however, is not for an existing resident as the property has been vacant since 2018. The use of the second floor terrace is not acceptable causing significant harm to residents amenity and should be removed to ameliorate the amenity impacts arising from it. As this is an application on behalf of the Council, the Council could readily remove the second-floor terrace and door, reinstate a window to address the harmful amenity impacts arising to adjoining residents amenity.

The Dartmouth Park Neighbourhood Plan (DPNP Made March 2020) states that the people of Dartmouth Park wish to ensure that the area's village character, rich architectural heritage, attractive green streets, open spaces and natural environment are not only maintained but enhanced.

Paragraph 3.7 of the DPNP states that Dartmouth Park is a mainly residential area, but it is also a cohesive locality with shared, well-used facilities. Some of the most valued aspects of Dartmouth Park are that it is quiet, green and has a diverse population.

DPNP Policy DC2 in line with the NPPF states that developments within the Dartmouth Park Conservation Area should preserve or enhance, historic buildings and buildings of architectural merit and their settings and preserve or enhance the character and appearance of the Conservation Area. Where development is proposed only permitting development that is designed to a high standard, or preserves or enhances the character or appearance of the conservation area and makes a positive contribution to local distinctiveness;

Policies DC3 and DC4 require that all developments demonstrate good quality design, responding to and integrating with local surroundings and landscape context, that small residential extensions, supports proposals for small residential developments (including roof, side and rear extensions), where the development does not harm the amenity of neighbouring properties (in particular in respect of privacy, overlooking and loss of light, respects the overall character and appearance of the street scene.

The adopted **SPG Amenity (Jan 2021)** states that developments should be designed to protect the privacy of occupiers of both existing and proposed dwellings. Mitigation measures should be included to reduce overlooking. The application does not include any mitigation measures for this second-floor terrace ie obscured glazing of at least 1.8metres or its complete removal from amenity use.

The SPG goes on to say that interior and exterior spaces that are overlooked lack privacy, which can affect the quality of life of occupants. The Council will therefore expect development to be designed to protect the privacy of the occupants of both new and existing dwellings to a reasonable degree. Therefore, new buildings, extensions, roof terraces, balconies and the location of new windows should be carefully designed to avoid overlooking. It is clear here, that the second-floor terrace is particularly harmful to existing residents amenity and should be removed from use with railings and door removed and a new window reinstated.

The Amenity guidance (paragraph 2.3), states that the area of garden nearest to the window of a habitable room is most sensitive to overlooking. It advises that balconies and roof terraces should therefore be carefully sited and designed to reduce potential overlooking of habitable rooms or gardens of neighbouring residential buildings. The second-floor terrace fails to accord with this guidance.

The second-floor terrace/ balcony is therefore unacceptable because:

- The location of the terrace/balcony at second floor level means keenly impacts the adjacent neighbours in terms of overlooking, loss of privacy and impact on amenity.
- The property as a single-family dwelling has an existing garden and like all other properties on Twisden Road this is sufficient for a 3/4 bedroom house in the urban borough of Camden.
- The distance between the rear of 39 Twisden Road and 40/42 Chetwyn Road is less than 10 metres. SPG Amenity states that it is good practice to provide a minimum distance of 18m between the windows of habitable rooms in existing properties directly facing the proposed (either residential or non-residential) development, assuming a level topography, measured between the two closest points on each building (including balconies). The terrace does not meet this minimum distance.
- There is an opportunity for the Council to use this flat roofed area as a green roof contributing to sustainability/biodiversity measures and restrict the use of it for amenity purposes by imposing a planning condition to this effect. This also requires the removal of the railings, ground floor tiles and replacement of the door with a window. This would remove the impact of it on adjoining residential amenity particularly the impact of overlooking, loss of privacy and security and the use of neighbours own amenity areas. It is highly unlikely that the Council would permit the use of the second-floor flat roofs of other properties on Twisden Road and the Council as planning authority has the ability to reinstate the flat roof and restrict access to it. As a responsible landlord this is what it should do.

The objectors request that the Council imposes a restrictive planning condition, which for the avoidance of doubt restricts the use of the first-floor roof over the new ground floor extension and the second floor terrace for private amenity use. This will protect existing neighbours from the harmful amenity impacts of the use of these flat roofs as amenity areas and the overlooking, loss of privacy and reduced use of their own back gardens arising from such a use.

### 3. Sustainable Development

The Council published its Climate Action Plan 2020-2025 in recognition that it must do more to tackle the effects of climate change and the achieve the Government's objective to meet net zero greenhouse gas target by 2050. The Climate Action Plan identified on page 6 that at that point the Council had reduced the carbon dioxide emissions from its own estate and operations across the whole borough by 44% and 39%, acknowledging that there was much more to do. This document concentrates on the commercial/corporate estate owned by the Council rather than residential properties.

Whilst it is accepted that the application is a minor application and does not meet the thresholds which require the submission of a formal energy statement (Local Plan CC1 and London Plan 5.2, 5.3), the Council should lead by example and be at the forefront of its own policies and demonstrate more about how the refurbishment of this valuable single-family home will be adapted for climate resilience ie be the standard to set the standard.

The Council's adopted Supplementary Planning Guidance (SPG) **Energy Efficiency and Adaption (2021)** states that all development in Camden is expected to reduce carbon dioxide emissions. All developments should demonstrate how sustainable design principles have been considered and incorporated. Sensitive improvements can be made to historic buildings to reduce carbon dioxide emissions. Warm homes and buildings are key to good health and wellbeing. As a guide, at least 10% of the project cost should be spent on environmental improvements.

Table 3 of the SPG says that it applies to all development and is a useful way to demonstrate which adaptation measures have been considered in a planning application. Measures to consider include:

- Draught proofing, Reflective radiator panels, Overhauling/upgrading windows, New boiler, LED lighting Meters, timers, sensors, controls on heating or lighting, Mechanical Ventilation with Heat Recovery, Insulation, Hot water tank & pipes, Renewable energy technology, Solar PV panels, Solar thermal (hot water) panels, Ground source heat pumps, Double glazed windows/

- Secondary glazing, Combined heat and power unit, Green or brown roof, Rainwater harvesting
- Other measures
- When dealing with historic buildings or buildings in conservation areas the guidance states that applicants should undertake the following:
    - o Assess the heritage values of the building;
    - o Assess the condition of the building fabric and building services;
    - o Assess the effectiveness and value for money of measures to improve energy performance;
    - o Assess their impact on heritage values; and
    - o Assess the technical risks.

The Council has a key opportunity to contribute to establishing an energy efficient building that creates a climate resilient property with better renewable energy technology but does not demonstrate how the property will contribute to the Council's policy objectives and climate commitments.

The Existing and Proposed Window P07 drawing lacks sufficient detail to understand the thermal performance of the proposed replacement windows, whether they are double glazed and whether that would be appropriate for this building within the Dartmouth Park Conservation area. For a full application, the Council expects applicants to provide sufficiently detailed drawings ie 1:50/1:20 scale drawings to view the profiles of the timber frames and exact design details. In fact, these drawings could be proposing UPVC windows, which would have a significant harmful impact on the character of the Conservation Area and are not acceptable for this building. More detail is required before the acceptability of the proposed replacement doors and windows are acceptable.

The **Dartmouth Park Conservation Area Appraisal 2009** sets out in respect of Twisden Road, including the positive contribution that 39 Twisden Road makes to the character of the area setting out the following descriptions:

***"Twisden Road** An exceptionally well-preserved street and roofline, exhibiting a pleasing sense of unity. Built in the 1870s the road forms a loop off Chetwynd Road, a particular feature of it being the way pairs of terraced houses step down the slope; the change in level occurring between the ground floor enriched bay windows, surmounted by first floor Venetian windows and a gable with decorative barge boards. They are generously spaced so that the paired and recessed front doors appear slightly cramped. The houses are predominantly two storeys, in stock brick with rusticated red brick quoins, roofed in slate with plain grey ridge tiles (except the post-war infill, Nos. 25-35, odd) with small front areas and low brick walls and some railings to the pavement. Nos 2-14 were built by Randall, 1875; 1-7 Hirst of Chetwynd Road, 1875; 13-51, odd, Callard and Gormley, 1876-7; and 40-74, even, Zegers 1876-7. At the west end of the street the long line of the gable roofs on both sides of the road is a significant feature of the townscape. The roofscape is highly visible from the top of Spencer Rise and Chetwynd Road and from the York Rise Estate; there are long and clear views of the rear of Nos. 16-72 (even) and Twisden Works from the path beside the York Rise Estate, and from the road itself to the intact roof profile of Nos. 1-51 (odd) and the back of the Chetwynd Road houses.*

***Buildings that make a positive contribution*** 1-23 (odd), ***37-51 (odd)***, 2-74 (even), Twisden Works"

Camden's Local Plan policies D1 and D2 and the **Design SPG (Jan 2021)** set out the need for and expectation for excellence in architecture and design in the borough, to maintain and secure a high-quality environment, including the replacement, extension or conversion of existing buildings. Paragraph 2.1 of the design guidance states that high quality design makes a significant contribution to the success of a development, of a place and the community in which it is located. The design of the built environment affects many things including the way spaces are used and interact with each other, comfort and enjoyment, safety and security, our sense of inclusion and our health and well-being. In addition, high quality design across the borough contributes to achieving, a high-quality, sustainable environment for all in the community to live, work, play and relax.

In accordance with Policy D1 of the Camden Local Plan, the Council will resist development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. It states the following principles should be followed:

**Adaptable** • Development should promote adaptability by being responsive to changing social, technological and economic conditions and community needs

**Liveable** • Development should be compatible with the surrounding area and be able to accommodate uses that work together and create viable places that respond to local needs • Development should promote health and wellbeing • Good design should contribute to making places better for people • Good design should create safe environments

**Sustainable** • Development should promote sustainability and efficient resource consumption • Development should make efficient use of the site • Development should make use of good quality durable materials

**APPLICANTS** - will need to show how the significance of a heritage asset, including any contribution made by their setting, has been taken into consideration in the design of the proposed works...

It is clear therefore, that the precise detail of the window and door replacements must be known before determining this application. This also enables neighbours to be consulted now, when at the discharge of planning conditions stage, neighbours are not automatically consulted and do not therefore have the opportunity to comment on the finer details that have a material effect on the character of an area.

Given that the property is a designated heritage asset with positive heritage aspects, the application should be accompanied by sufficient detail and analysis to demonstrate that the alterations to the existing property will not harm the character and appearance of the Dartmouth Park Conservation Area. A judgement cannot be reached on the basis of the information submitted with the application which is significantly lacking.

#### 4. Householder Application

Whilst the planning application route is a minor consideration, it is questionable whether the agent has used the correct application form for the submission of the planning application for determination of development on behalf of the Council. A householder application is pursued for improvements/alterations to or within the curtilage of a dwelling house for those living there. Camden Council is a local authority and whilst it may own the freehold title of the application property, the Council does not occupy and nor could it occupy the property as a dwelling house. It is therefore questioned whether the application should be made under a full application.

#### Summary and Conclusions

Neighbours to this property clearly do not object to the refurbishment and re-use of 39 Twisden Road as a single family dwelling, they welcome it. Summarised succinctly below are the key points why Mr Jackson objects to the current application but importantly it also sets out the positive suggestions put forward by residents that the Council could impose on any consent to mitigate and remove the substantial residential amenity impacts, these are set out below:

- **Over occupation and noise related impacts** – The Council as a responsible landlord could limit the occupation of the property to a maximum of six people. The Council controls who will be allocated this property and a planning condition could be imposed to this effect. Further insulation of the property could reduce the noise transference between the terraced houses and contribute to the Council's corporate and planning policies to retrofit the house to reduce its carbon impact and energy consumption;
- **Removal of the second floor terrace** – There is no permission in place for the use of this second floor terrace, which has major amenity impacts on neighbouring residents due to the close up and personal back to back distances and small rear gardens. The application is not on behalf of an existing resident and the remedy to the impact is to impose a condition to remove the railings, floor tiles and access door (replaced with a window) and a restrictive condition preventing the use of this flat roof for amenity purposes (including the ground floor roof extension).
- **Sustainable retrofit** – The Council could do more to sustainably retrofit this property to future proof its resilience to climate change and reduce the energy consumption of the property, which would in turn assist with noise impacts. It is corporately responsible for its estate including

residential properties and should lead by example to include sustainable energy solutions (the second-floor roof could be used for PVs for example).

- **Sub-division of the property** – Given the concerns about over occupation and the existing limitations of the property, the Council could readily impose a condition on the permission that removes existing and any future permitted development rights to sub-divide the house into two properties.

Please do keep me informed of the determination of this application particularly if it is to be determined at Committee. If determined at Committee Councillors should visit the property to see the impact of the second-floor balcony on neighbouring residential amenity.

Yours sincerely



**Mary Power**  
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