

12<sup>th</sup> January 2024  
Our Ref: 24.5001

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Dear Sir/ Madam

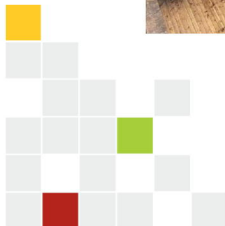
**Re: Objection to proposed development at 9-11 Flat 5 Belsize Grove, Camden, London, NW3 4UU (Ref: 2023/4603/P)**

We have been instructed by our client, Ms Jakki Lewis Evans, to prepare a representation in objection to the proposed development at 9-11 Flat 5 Belsize Grove, which seeks the erection of a summer house/ garden pavilion at the rear of the property.

It is our considered opinion that this application is contrary to planning policy and it must be noted that the gazebo has already been built without planning permission. This constitutes unlawful development and is a clear breach of planning regulations. To grant permission would set dangerous precedent which could result in similar, unsightly structures being put up at neighbouring properties.

Notwithstanding this, the application should not be granted planning permission as it would result in a detrimental and harmful impact to the surrounding character of the Belsize Park Conservation Area and the outlook and privacy of neighbouring properties. In addition, consideration must be given to the overall lack of documentation submitted in support of this application, notably a heritage statement has not been uploaded, which is required for any application being submitted within a conservation area.

Please see images of already built structure below:



We set out our clear objections below:

#### **Impact on Local Amenity**

Camden acknowledge within their plan that protecting the amenity of occupiers and neighbours is a key part of successfully managing Camden's growth. Policy A1: Managing the Impact of Development of the Camden Local Plan (2017) requires development to seek to protect the quality of life of occupiers and neighbours in terms of visual privacy and outlook. The policy states that privacy and outlook of neighbouring properties should be considered at the design stage of development to prevent potential harmful effects of the development being proposed.

In Camden's Amenity SPD (2021) privacy and overlooking is defined to comprise interior and exterior spaces that are overlooked, lack privacy, which can affect the quality of life of occupants. In addition, that the places most sensitive to overlooking are typically habitable rooms and gardens at the rear of residential buildings.

The proposal seeks retrospective permission for a gazebo to the far rear of the property which backs on to 49a Howitt Road, NW3 4LU (our client's property). The already erected structure alongside the loss of trees to enable its erection has resulted in a significant loss of privacy to the occupants at 49a Howitt Road. We question the positioning of this gazebo as it fails to consider the harmful amenity impacts this will have on the property in which it backs onto. The gazebo's location will result in overlooking into and the loss of privacy to both the property itself and the rear garden at 49a Howitt Road.

Please see images taken from the rear garden at 49a Howitt Road below. The image to the left was taken prior to the erection of the gazebo and the image to the right clearly shows the already built gazebo structure and the harmful impact it is having on the rear garden at 49a Howitt Road.



**Before**



**Present**

**Boyer**

To grant planning permission for the gazebo would significantly impact the occupier of 49a Howitt's quality of life and enjoyment of garden space and therefore, we gravely object to this application.

#### **Uncharacteristic Design**

Policy D1: Design of Camden's Local Plan requires development to respect the local context and character of the surrounding area. As the Site falls within the Belsize Park Conservation Area, Policy D2: Heritage is of relevance to this application. Policy D2 requires development where possible to preserve, or where possible enhance the character or appearance of an area.

Camden's Design SPD (2021) outlines key principles of high-quality design which the Council will assess planning applications against. The principles most relevant to this application include:

- Development should respond positively and sensitively to the existing context; and
- Development should integrate well with the existing character, place, building and surroundings.

The gazebo fails to respond to the predominantly Victorian architectural context of the surrounding conservation area and does not integrate well with its neighbouring properties along Belsize Grove. From a desktop view there is no precedent for rear outbuildings along Belsize Grove and therefore, granting permission to this application would be detrimental to preserving the character and appearance of the conservation area. Allowing this structure could result in setting a dangerous precedent for similar, uncharacteristic developments which would significantly and harmfully erode the long-established character of the conservation area. For this reason alone, the Council should look to refuse this application.

#### **Trees**

Regarding on trees, as the gazebo has already been built out, several trees have been removed without notifying the Council. As expressed on Camden's website, a six weeks' notice period must be given to the Council for any works to be carried out on trees in a conservation area.

Moreover, within the Trees CPG (2019), it clearly states that planning legislation makes special provision for trees in conservation areas and highlights that all trees which contribute to the character and appearance of a conservation area should be retained and protected. Predominantly, rear gardens along Belsize Grove comprise a canopy of trees. These trees acted as a natural screening between the garden at the Site and the rear garden in 49a Howitt Road. This natural screening has now been removed resulting in a significant impact on the amenity of 49a Howitt Road and further results in a negative impact in terms of ecology.

The Proposed Garden Plan submitted in support of the proposal excludes any reference to trees. The loss of the trees at the Site erodes the long-established character of the area and we would hope that some of the trees would need to be replanted to address the concerns raised in this letter.

#### **Conclusion**

To conclude, we strongly object to the proposed development at the Site and request that this current application is refused and that the existing, unlawful structure, is taken down as soon as possible.

**Boyer**

The Applicant has shown a complete disregard for planning regulations and has shown no consideration to the impact the development will have on the overall quality of life of the neighbouring properties. The Site falls within the Belsize Park Conservation Area and despite the fact the Applicant is applying for retrospective permission they have still failed to upload the required documentation to assess any application within this area.

The addition of the gazebo at the rear of the Site has negatively impacted on the amenity of neighbouring properties in terms of privacy and overlooking. In addition, the design of the development fails to respond to the existing character of the surrounding Victorian buildings and surroundings. The gazebo will be the first of this type of development along Belsize Grove and will set a dangerous precedent for allowing similar, unsightly structures to be put up in the surrounding area.

For the reasons outlined above, we respectfully request that the Council refuse this application as it is non-compliant with local policy. We suggest that replanting of lost trees to the rear of the garden be enforced to address the overlooking and loss of privacy concerns raised in this letter.

Going forward, we would appreciate to be kept updated on the progress of this application. We are also happy to discuss our concerns in more detail should this be required. We would ask that this letter is lodged as a formal objection against the application at 9-11 Flat 5 Belsize Grove.

Yours sincerely

[Redacted signature]

Fiona Duffy

[Redacted contact information]

[Redacted contact information]

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