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**From:** Tony Leifer [REDACTED]  
**Sent:** 17 February 2024 16:20  
**To:** Sam FitzPatrick; Planning  
**Cc:** Sue Leifer  
**Subject:** 2023/5059/P - 44 Downshire Hill, NW3 1NU - Planning application comments

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**FAO: Sam Fitzpatrick**

Dear Mr Fitzpatrick

We refer to the above planning application, on which we have tried to send our comments via the Council's online planning register. Unfortunately, after we completed the online comments form and pressed submit, we were blocked and so have no way of knowing if you received our comments. We therefore repeat them in italics, and our contact details, below:

*We are the residential owners of 45 Downshire Hill. We have no objection to this application per se, but we are extremely concerned about the proposals at the rear of the property; namely, the extension of a small, narrow, paved area close to the boundary of our house and its conversion into a large terrace. From its current condition being limited to narrow access utilitarian purpose and use, we are now faced (literally, if unchecked) with the impact of a new outdoor terrace which will undoubtedly impact on our privacy, create opportunities for overlooking and the quiet enjoyment of the rear garden area of our house.*

*The Council's Draft New Local Plan, which is currently out for consultation until 13 March 2024, nonetheless captures and sustains longstanding adopted development plan and national planning policy and guidance: specifically, the fundamental principle of protecting residential amenity, with the health and quality of life of the Borough's residents and families being acknowledged as of significance for the community.*

*Policy A1, Protecting Amenity, emphasises that in order to protect the quality of life of future and existing occupiers and neighbours in Camden, unacceptable harm to amenity from development will require mitigation measures where necessary (Part A, i and iv). Part B deals with the assessment of planning applications and specifies aspects of amenity which need protecting, including privacy, overlooking and outlook (i) and noise (vi). (See present and proposed plans for the extension of the ground floor.)*

*Paragraph 13.4, makes clear that the Council will expect all forms and scales of development must avoid harmful effects on the amenity of existing and future occupiers and nearby properties and take appropriate measures to mitigate potential impacts on amenity where necessary.*

*Regrettably, we found out very late in this process about the detailed proposals and certainly were not consulted by either the applicant or their advisers at any stage before the application's submission. We note in this regard, paragraph 13.5 states: Early consideration of neighbourly matters will be encouraged, Paragraph 13.6 notes: Where necessary, measures will be secured by condition and Paragraph 13.7 refers to Further information on the environmental standards and design guidance which should assist applicants to protect and achieve standards of amenity, and in turn help assess a developments' neighbourliness, is set out in the Camden Planning Guidance on amenity.*

*Privacy, overlooking and outlook is addressed by paragraph 13.8, A development's impact upon privacy, overlooking and outlook can be influenced by its design and layout. These issues can affect the amenity of existing and future occupiers. The Council will expect that these elements are considered at the design stage of a scheme to prevent potential harmful effects from the development on occupiers and neighbours.*

*Noise and vibration is addressed at paragraph 13.24, which states that Noise and vibration can have a significant effect on the environment, and on the health and quality of life enjoyed by communities and individuals.*

*Camden Planning Guidance, Amenity, January 2021, emphasises that Standards of amenity (the features of a place that contribute to its attractiveness and comfort) are major factors in the health and quality of life of the borough's residents, (Amenity in Camden, paragraph 1.3). Section 2, Overlooking, privacy and outlook, sets out its Key Messages including Developments should be designed to protect the privacy of occupiers of both existing and proposed dwellings and Mitigation measures should be included to reduce overlooking.*

*Although paragraph 2.11 relates to Balconies and roof terraces, the same principles apply to our circumstances given the proposed terrace is so close to and will have open, overlooking views of our property including its garden. The guidance states: Although ..... terraces can provide amenity space ..... they also have the potential to increase opportunities for overlooking. .... terraces should therefore be carefully sited and designed to reduce potential overlooking of habitable rooms or gardens of neighbouring residential buildings.*

*Section 6, Noise and vibration includes as its Key Messages: The Council will assess the impact of noise, Noise mitigation (where appropriate) is expected to be incorporated into developments at the design stage and the Council will secure mitigation measures through planning condition .... where necessary.*

*Mitigating noise impacts, paragraph 6.10 states: The implications of noise ..... should be considered at the beginning of the design process so that the impacts of noise ..... can be minimised. Examples of design features which could reduce noise impacts include (but are not limited to): noise barriers such as landscaping, fencing ..... to reflect sound. Paragraph 6.12 sets out Examples of mitigation including: screening by natural barriers.*

*Camden Planning Guidance, Design, January 2021, states at section 2, Design Excellence, its Key Messages as Camden is committed to excellence in design and schemes should consider: which includes The context of a development and its surrounding area.*

*We consider our concerns exemplify exactly the circumstances envisaged by longstanding and robust planning policy. As such, physical enhancement of the existing boundary treatment between Nos 44 and 45 Downshire Hill is clearly and justifiably necessary.*

*To mitigate our concerns, we therefore request that the application proposal drawings are revised to accommodate this modest but important updated detail or that conditions are imposed to this effect on a prospective planning permission and listed building consent, on the following lines:*

*Prior to commencement of the rear terrace of the approved development, details shall be submitted to and approved in writing by the Council, for new extended landscaped boundary treatment between the application site and 45 Downshire Hill. These details must demonstrate how use of the new terrace will ensure there is no loss of privacy, opportunities for overlooking or quiet enjoyment of the rear of 45 Downshire Hill including its garden.*

*Reason: To prevent harm to the neighbouring residential occupiers' amenity. We would be grateful for your urgent acknowledgement of receipt with your confirmation that you will be actioning this matter as we have requested.*

Thank you for your consideration.

Yours sincerely

**N A Leifer and S E A Leifer**

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