

Application No:	Consultees Name:	Received:	Comment:	Response:
2023/4409/P	Joanne Clement & Aaron Tunney	17/03/2024 22:19:28	OBJ	<p>OBJECTION TO PLANNING APPLICATION 2023/4409/P (36 SHOOT UP HILL)</p> <p>1. We are the owner/occupiers of 2 Zen Villas, 15 Kingscroft Road, NW2 3QE ('2 Zen Villas'). We are also shareholders (along with the owners of 1-5 Zen Villas) in the 15 Kingscroft Road Management Company Limited, which owns the communal garden referred to below ('the Garden'). Somewhat unusually, no application form is available online for this application - all that we have available to us are a series of proposed plans. We can only assume this was done to try to obfuscate the extent of the proposed changes.</p> <p>2. Shoot Up Hill is, as the name suggests, a hill (see photograph 7). 36 Shoot Up Hill is to the rear of 2 Zen Villas, at a 90 degree angle. We have emailed photographs taken from our property so that you can see how close 36 Shoot Up Hill is to the Zen Villa properties (see photograph 1, 2, 3 and 8). The Zen Villa patio gardens back directly on to 36 Shoot Up Hill. The rooms at the rear of 2 Zen Villas are extremely close to 36 Shoot Up Hill (approximately 3 metres away).</p> <p>3. 36 Shoot Up Hill is currently a two storey property, with a flat roof. However, as 36 Shoot Up Hill is built on a hill, the elevation means that its ground level is considerably higher than Kingscroft Road (see photograph 7). Photographs 4 and 7 demonstrate that 36 Shoot Up Hill's existing two storey property is already approximately the same height as the Zen Villas 3 storey properties. Permitting the owners to build an additional storey on top of their current property would allow 36 Shoot Up Hill to tower over all the properties on this side of Kingscroft Road, and to dominate all of these properties. It is impossible to know the extent to which the owners propose increasing the height of the property, as no application form or narrative is provided. From the 'scale' drawing, it would appear that they propose to add at least 2.5 metres to the current height. This will also include five dormer windows to the front elevation, which, as we understand it from the plans, will extend beyond the elevation of the roof. These windows will look directly into our property. This extension would block out almost all of the daylight to the rear of 2 Zen Villas. We attach as photographs 1, 2, 3 and 8 photographs from the rear to show the impact: photographs of our patio/living room, first floor bedroom and second floor bedroom. All of these habitable rooms will lose a significant amount of light and will all be overlooked by 36 Shoot Up Hill.</p> <p>4. Granting this application would mean that 36 Shoot Up Hill would dominate the landscape, would have an obviously detrimental impact on our access to light (blocking light to our patios and rear habitable rooms), and would directly overlook all rooms in the rear of our property, thereby amounting to a gross invasion of privacy. The development is completely unnecessary: the existing plans show that the property already affords the family a master bedroom (with ensuite and dressing room), two further bedrooms for each of the children, a family bathroom, a study, living room, and kitchen. It is already a comfortable family home.</p> <p>5. Further, 36 Shoot up Hill directly backs on to the Garden. The owners of 36 Shoot up Hill have never been permitted to have any windows in the rear of their property, so as to avoid them looking directly in to our Garden. (They have only an air block as shown in photographs 4 and 5). Yet this most recent application increases the height of the building by at least 2.5 metres (thereby having a considerable impact on the light/amenity value of the Garden). It also proposes to introduce three windows to the rear of the roof extension, which would look directly into the Garden, as well as the neighbouring gardens at 13 Kingscroft Road. It also appears that they are seeking permission to insert four windows at their existing first floor level, all of which would directly overlook the Garden. Planning permission has never been granted for any overlooking of the Garden. Granting this application would be a gross invasion of privacy.</p>

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6. This section of Shoot Up Hill, from Kingscroft Road to Fordwych Court, consists of large dominant properties facing Shoot Up Hill, each of which has small former carriage houses behind those large properties (see photograph 6). 36 Shoot Up Hill is located to the rear of 38 Shoot Up Hill. It was originally a small carriage house at the rear of that property. It has, over the years, been expanded massively by the owners. Planning permission was granted on 21 December 2016 to extend 36 Shoot Up Hill only on the basis that the extensions were 'subordinate to the main building', and that they did not 'harm the character or appearance of the host property nor the wider area'. The ground floor extension did not raise amenity concerns. Even though it caused us considerable inconvenience as a result of the construction noise, dust and privacy issues (which were never addressed by the owners) we did not object to the 2016 application. By contrast, this latest planning application would cause significant harm to the wider area and to the amenity of direct neighbours in particular. This development would have the family living at 36 Shoot Up Hill staring directly into my children's bedrooms, and would block off access to light from the rear.

7. This application for planning permission should be rejected. It contravenes all of the relevant planning policy documents for this area, as follows.

(1) Camden's Local Development Plan (the LDP), Chapter 6 (Protecting Amenity), Policy A1

8. Chapter 6 emphasises that standards of amenity are major factors in the health and quality of life of the borough's residents, and notes that amenity is a particularly important issue within the borough. Policy A1 confirms that the Council will seek to protect the quality of life of occupiers and neighbours, and that Camden will not grant permission for development if this causes unacceptable harm to amenity. Policy A1 confirms that the Council will seek to ensure that the amenity of neighbours is protected, and will consider visual privacy, outlook, sunlight, daylight and overshadowing.

9. Paragraph 6.3 confirms that protecting amenity is crucial and that the Council expect development to avoid harmful effects on the amenity of existing and future occupiers and nearby properties. Paragraph 6.5 confirms that loss of daylight and sunlight can be caused if spaces are overshadowed by development. To assess whether acceptable levels of daylight and sunlight are available to habitable, outdoor amenity, and open spaces, the Council must take into account the most recent guidance published by the Building Research Establishment. Further detail is provided in the supplementary planning document Camden Planning Guidance on Amenity.

10. Draft Policy D4 of the Council's draft New Camden Local Plan confirms that the Council will only support applications for extensions to houses where the proposed extension is designed to respect the residential amenity of adjacent properties in accordance with Policy A1 (Amenity). So far as relevant, this reflects the current amenity policy above, and will include reference to Camden Planning Guidance on Amenity (below). Draft paragraph 13.10 stipulates that any proposal with potential to negatively impact on existing levels of daylight/sunlight of other land uses near the application site, including gardens, will be expected to be accompanied by a Daylight and Sunlight Assessment prepared in line with the methods described in the Building Research Establishment's (BRE) 'Site layout planning for daylight and sunlight: a guide to good practice' 2011.

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(2) Camden Planning Guidance: Amenity (adopted January 2021) (ICPG: Amenity)

11. Paragraph 2.1 and 2.2 confirm that interior and exterior spaces that are overlooked lack privacy, which can affect the quality of life of occupants. Any development must protect the privacy of occupants, and extensions must be carefully designed to avoid overlooking. The places most sensitive to overlooking are typically habitable rooms and gardens at the rear of residential buildings (the rooms to be affected by this application are our residential living room, bedrooms and rear patio).

12. Chapter 3 is concerned with daylight and sunlight. The 'Key messages' section confirms that, 'The Council expects applicants to consider the impact of development schemes on daylight and sunlight levels', and notes that where appropriate, a daylight and sunlight assessment should be submitted which should follow the guidance in the BRE's Site layout planning for daylight and sunlight: a guide to good practice. Any development must not cause unacceptable harm to amenity, including in terms of daylight and sunlight. §3.2 confirms that the Council will carefully assess whether proposals have the potential to reduce daylight and sunlight levels for existing occupiers. A daylight and sunlight report should be prepared by a specialist surveyor or consultant, and assess the extent that the proposed development is likely to cause on levels of daylight and sunlight entering windows or neighbouring properties, gardens and open spaces.

(3) Fortune Green & West Hampstead Neighbourhood Plan, (Housing, Design & Character), Policy 2 vi and vii, as well as Policy A14

13. Policy 2 states that all development shall be of a high quality of design, which complements and enhances the distinct local character and identity of Fortune Green and West Hampstead. This shall be achieved by extensions 'that respect and are sensitive to the height of existing buildings in their vicinity and setting', and by 'extensions being in character and proportion with its context and setting, including the relationship to any adjoining properties'.

14. Policy A14 states that roof extensions and loft conversions 'should fit with existing rooflines and be in keeping with existing development'. Any extensions 'should be in proportion to the existing building and should not block views'.

Submissions

15. On any analysis, this application will cause unacceptable harm to amenity of neighbours in Zen Villas, and is contrary to the planning policies set out above.

(a) Height / Overbearing extension

16. The application seeks permission to increase the height of 36 Shoot Up Hill by at least 2.5 metres. As 36 Shoot Up Hill is at a higher elevation than Kingscroft Road, this is akin to constructing a four storey building. It would tower over the Zen Villas properties, and does not fit with existing rooflines in Kingscroft Road.

17. Further, it is not in keeping with the existing development. The extension (a whole new floor, with two large bedrooms, a study and another bathroom) is wholly out of proportion to the existing building. It will inevitably block views from 2 Zen Villas. It will result in the small carriage house at the rear of the plot being extended to the same height as the main property.

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18. The main property on the site (38 Shoot Up Hill) is already 3 stories high. However, this property is the main property on the curtilage, faces Shoot Up Hill, does not directly overlook 2 Zen Villas, and does not cut off the light to 2 Zen Villas. By contrast, the application from 36 Shoot Up Hill relates to a former coach house, which was designed as a very much smaller property. A three storey building in this location would be overbearing for the Zen Villas properties, and would be obviously detrimental to our enjoyment of our property. It will be out of proportion with the existing built environment.

(b) Overlooking, privacy and outlook

19. The added height would mean that the view from the ground, first and second floor windows at the rear of our property would be almost entirely blocked by this extension (see enclosed photographs 1, 2, 3 and 8).

20. The plan contains 5 dormer windows in the new storey to the front of the property. Every single one of these windows would look directly into our property, particularly the windows on the southern side. They would have a direct view into our ground floor living room, and our childrens bedrooms on the first and second floor. There is no proposal to frost these windows. In any event, the CPG Amenity (\$2.8) confirms that it will not be acceptable for habitable rooms to have windows glazed exclusively with obscure glass, and so it will not be possible to reduce the impact of this overlooking/invasion of privacy. Even with frosting, anyone standing in the top floor rooms would be able to see straight into our childrens bedrooms and our living room. we value our right to privacy, and peaceful enjoyment of our property. The proposed extension would destroy those rights. We are deeply concerned about the loss of privacy, and the intrusive impact of the proposed development on our daily lives

21. It is proposed to put frosting on the new windows to the rear of the property. However, again, this would not address the overlooking/invasion of privacy issue with respect to the Garden. Those in 36 Shoot Up Hill would also look directly into the windows of 13 Kingscroft Road (facing 38 Shoot Up Hill the other side of the Garden).

22. Further, it appears that the owners are seeking permission to remove the existing (complete) frosting from the ensuite bathroom window on the first floor. For obvious reasons, this should be retained.

(c) Loss of Daylight / Sunlight / overshadowing

23. 36 Shoot Up Hill is so close to the Zen Villas properties that it is inevitable that any increase in height of 36 Shoot Up Hill, let alone an increase as significant as 2.5 metres, will result in overshadowing, reducing daylight/sunlight to our home, our back patio, and the Garden. No daylight/sunlight assessment has been uploaded on the planning portal. Natural light is essential for maintaining a health and habitable living environment, and any reduction will diminish our quality of life.

24. We discussed our concerns about this application with the owner of 36 Shoot Up Hill when notices about this application were published (we note with some concern that it appears that these plans were devised some six months before that). We emphasised our concerns about overlooking and the impact on our right to light. The owner informed us that he had commissioned a light assessment and that he would provide a copy of this to us. We have repeatedly chased the owner for this, and no such assessment has been provided. In his last communication, the owner now seems to be saying he has not commissioned any assessment at all, saying that he had been advised that the impact on light would be minimal based on location. Not a shred of

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evidence has been produced to support this contention. It is obvious that increasing the height of a building, located only metres away from our property, by approximately 2.5 metres, is going to cut off the vast majority of daylight that 2 Zen Villas receives. Daylight to the rear of 2 Zen Villas is already limited by the current height of 36 Shoot Up Hill, and existing trees/planting necessary to preserve some level of privacy between the properties. A further storey on top would eliminate or significantly reduce the light altogether, particularly at ground floor/first floor level.

25. Further, it is obvious that this significant increase in height will have a significant impact on the sunlight the Garden receives.

26. From our communications with the applicant, it is far from clear whether the applicant has commissioned a light assessment, but is not prepared to disclose it, or has made this application without commissioning what is obviously an essential assessment. Whichever is correct, this application should be refused as no daylight and sunlight assessment that complies with the most recent guidance published by the Building Research Establishment has been produced. This application cannot be granted until such an assessment is produced, and the objectors have been given the opportunity to review such an assessment and respond to it.

27. While this is not directly relevant to the determination of the planning application, we note here that we reserve our rights to take legal action to protect our right to light. Further, under no circumstances would we be prepared to allow the owners of 36 Shoot Up Hill access over the Garden to carry out the construction works. We note that this access was requested (and granted) when they implemented the last planning permission.

Site Visit

28. We have attempted to discuss this application with the named planning officer (Sophie Bowden) by email and by telephone (having sent messages and left voice mails on a number of occasions). We have not yet had any response from any planning officer at Camden. As the layout of 36 Shoot up Hill and Zen Villas is so unusual, it is our submission that this application for planning permission should not be considered until a site visit has taken place. Please do not hesitate to contact us to arrange a site visit.

JOANNE CLEMENT
AARON TUNNEY

17 March 2024

Appendix 1: Photographs

(as it is not possible to upload photos to the planning portal, we will email these separately to the email address on the notice)

[1] Existing view from rear patio doors of ground floor of 2 Zen Villas, 15 Kingscroft Road, NW2 3QE. House in view is 36 Shoot-up Hill, NW2 3QB.

[2] Existing view from child's bedroom at rear of 1st floor of 2 Zen Villas, 15 Kingscroft Road, NW2 3QE. House in view is 36 Shoot-up Hill, NW2 3QB.

[3] Existing view from child's bedroom at rear of 2nd floor of 2 Zen Villas, 15 Kingscroft Road, NW2 3QE. House in view is 36 Shoot-up Hill, NW2 3QB.

[4] Existing view of 15 Kingscroft Road garden. Large brick building is the rear of 36 Shoot-up Hill, NW2 3QB.

[5] Existing view of 15 Kingscroft Road garden. Large brick building on the right is the rear of 36 Shoot-up Hill,

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				NW2 3QB. [6] 40 Shoot-up Hill (with equivalent carriage house). [7] 36 Shoot-Up Hill from the main road. [8] An additional view from the 2nd floor of 2 Zen Villas, 15 Kingscroft Road, NW2 3QE

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2023/4409/P	Anne Drakeford and Richard Leigh	17/03/2024 23:48:34	OBJ	<p>We are the owner occupiers of no 4 Zen Villas, 15 Kingscroft Road. We are concerned by the application to which we would object for the following reasons:</p> <ol style="list-style-type: none"> 1. There is a large crack in the end wall of No 36 Shoot Up Hill which backs directly onto 4 Zen Villas. Whilst this has been stable to date, this crack in the concrete fascia has been pointed out to the owners and no action has been taken. There is no telltale over the crack. We are concerned that building works to add an additional storey will create both vibrations and then add significant additional weight which will destabilise the concrete render causing it to fall from the building onto our property potentially causing significant damage to our property and to the conservatory at the back of no 5 Zen Villas. 2. No 36 Shoot Up Hill is situated directly behind our property at an angle of 90 degrees to our house. The ground floor of No 36 Shoot Up Hill is roughly 3 metres higher than the ground floor of our house and the end wall of no 36 Shoot Up Hill is approximately 2 meters from the back of our house. There is a risk that adding a further floor to no. 36 Shoot Up Hill could cause subsidence or landslip towards our property. There appears to be nothing in the application that addresses this risk. 3. The addition of another storey will significantly increase the height of the property at 36 Shoot Up Hill. As the properties are on a hill, the ground level of the property at no 36 shoot up hill is already much higher than the ground floor of our property. Adding a storey onto no 36 Shoot Up Hill will further reduce the available light for our patio and the back of our house, including our ground floor and first floor rooms. In addition it will significantly reduce the light available for our communal garden. 4. The proposal includes the addition of a number of windows at the rear of the property which will overlook both our communal garden and also the garden of No 13 Kingscroft Road. This will reduce the privacy we currently have and the attractiveness of the communal garden. In addition the extra storey will significantly decrease the amount of light that reaches the communal garden. 5. Building work to extend no 36 Shoot Up Hill was carried out in 2017. This increased the footprint of the property and caused us major disruption over a period of about 18 months. The scaffolding gave the builders a direct view into our property, including our bedrooms, and the noise and pollution by way of dust and building debris was significant. The owners did not live in the property while the work was being completed and we assume that if permission is granted they would need to move out for the duration of the works and therefore would not be subject to any disruption this time round either. We were also disappointed that despite having alerted the owner, the render on the side of that extension which faces our property is substandard and an eyesore. 6. We are currently suffering disruption from the building work being carried out by Brent Council on the opposite side of Shoot Up Hill due to noise and vibrations. <p>We would further note that the current owners of No 1 Zen Villas and No 13 Kingscroft Road, both of which will be impacted by the proposed development do not live in those properties and therefore may not be aware of the application. We would request the planning officer and building officer conduct individual site visits in all affected properties when considering this application.</p>