

Mayamiko Kachingwe & Barbara Storch  
21 Boscastle Road  
London  
NW5 1EE

Thursday, 21 March 2024

## **Objection to Application 2024/0306/P**

**Site Address: 23 Boscastle Road London Camden NW5 1EE**

**Description: Ground floor rear extension and associated rooflights, loft conversion, 3x rooflights on each of the existing front and rear roof slopes, rebuilding of the existing front boundary wall**

### **Introduction:**

This objection letter relates to application 2024/0306/P, which is a householder planning application for a ground floor rear extension and associated rooflights, a loft conversion, 3x rooflights on each of the existing front and rear roof slopes and the rebuilding of the existing front boundary wall at 23 Boscastle Road London Camden NW5 1EE.

The site sits within the Dartmouth Park Conservation Area.

Though there is an objection to the proposal as currently submitted, it is considered that the proposal would be acceptable if the height of the extension were reduced to match the height of the existing single-storey rear element, and the terrace were removed from the scheme.

### **Relevant Planning Policy:**

#### **National Planning Policy:**

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

National Design Guide (NDG)

#### **Local Planning Policy:**

**The London Plan (2021)**

**Camden Local Plan (2017)**

A1 Managing the impact of development

D1 Design

D2 Heritage

#### **Supplementary Planning Guidance:**

CPG Amenity

CPG Design

CPG Home Improvements

Dartmouth Park Conservation Area Appraisal (2009)

## Discussion of Scheme:

### Procedural Issues:

The general requirements for planning permission are defined by article 7(1)(c)(ii) of the Town and Country Planning (Development Management Procedure) (England) (Order) 2015. This article outlines that planning applications are accompanied by plans, drawings, and information necessary to describe the development which is the subject of the application.

Validation requirements as defined by Camden's "Local area requirements" state that elevation plans are required where the proposal will create, alter, or add elevations. No side elevations have been included, which show the site in context with adjoining properties and include details and measurements which show the relationship with adjoining sites, such as the location and height of any boundary walls and the total height of adjoining roofs and eaves.

The lack of this required information would be considered to render this application invalid, and means that the Local Planning Authority, Statutory Consultees, Local People, and other stakeholders in the Planning Process are unable to undertake a full and considered assessment of the scheme. The applicant should be required to submit this information to ensure robust decision making and full consideration of the proposed development.

Furthermore, there are concerns regarding the accuracy of the proposed elevation plans; the provided plans show that the height of the existing single-storey rear element is significantly taller than the existing rear extension of No. 21, which sits to the south east of the site; however, in actuality, they are of a similar height, with the rear extension of No. 23 being marginally taller. As such, there are concerns that the proposed extension would be much larger than represented in the plans, and that the height increase proposed is being understated. This inaccuracy in the plans makes it impossible to ascertain the true impact of the proposal, in relation to neighbouring occupiers. A photograph of the owner of No. 21, with a tape measure showing the proposed height of the new extension is shown below; this appears to be much taller than shown in the plans.



This also raises concerns regarding the veracity of the daylight/sunlight assessment, which appears to have been undertaken based on incorrect plans.

It is considered that the plans should be corrected and resubmitted, so that a full and accurate view of the impacts of the development can be undertaken.

Notwithstanding these procedural issues, objections to the plans based on more accurate direct measurements of the impact of the plans are set out below.

### **Design, Visual Amenity and Heritage:**

Paragraph 135 of the NPPF states that planning decisions should ensure that all developments will add to the overall quality of the area over the lifetime of the development, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, are sympathetic to local character and history, including the surrounding built environment and landscape setting, establish and maintain a strong sense of place using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit, optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development. Paragraph 139 of the NPPF goes on to state that development that is not well designed should be refused.

Paragraph 201 of the NPPF states 'Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal'.

Planning Practice Guidance (PPG) states that achieving good design "is about creating places, buildings, or places that work well for everyone, look good, and will adapt to the needs of future generations."

Policy HC1 of the London Plan outlines that development proposals affecting heritage assets, and their settings, should conserve their significance, by being sympathetic to the assets' significance and appreciation within their surroundings.

Policy D4 of the London Plan (2021) states that the design of development proposals should be thoroughly scrutinised by borough planning, urban design, and conservation officers, using the analytical tools set out in the London Plan, local evidence, and expert advice where appropriate.

Local Plan policy D1 seeks to achieve high quality design in all developments. Policy D1 requires development to be of the highest architectural and urban design quality, which improves the function, appearance, and character of the area. Through Local Plan policy D2, the Council will seek to preserve and, where appropriate, enhance Camden's conservation areas.

The Dartmouth Park Conservation Area Appraisal outlines 'Unsympathetic rear and side extensions inappropriate roof terraces and fencing' as negative features that can alter the harmony and balance of a property or group of buildings, as well as inappropriate roof terraces and fencing.

The proposal would result in further side extension of the existing ground floor rear element, as well as an increase in height by around 1m, resulting in a significant increase in bulk and massing to the rear of the dwelling, with significant amounts of glazing to the rear elevation.

It is believed that the planned height increase is inaccurately represented within the provided plans, which suggest the starting point of height of the rear extension at No. 21 is higher than is the case; and give the misleading impression that following the planned works the raised extension at No. 23 would be not be significantly above the extensions at No. 21 and No. 23. On more accurate measurements of the starting height of the rear extension of No. 23, the planned changes will result in a rear extension that would be out of character with other extensions within the locality due to its excessive height and domineering appearance

This impact would be exacerbated by the proposed rear awning; which when raised would appear as additional built form to the rear of the dwelling, which would extend significantly past the defined line of extensions to the rear of the terrace.

Furthermore, the proposal would introduce a high-level terrace above the existing two-storey outrigger element, which would appear as an incongruous and alien feature within the locality, as outlined within the Dartmouth Park Conservation Area Appraisal.

There is also a duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the preservation or enhancement of the character of the surrounding conservation area. This is not merely a matter of planning judgement but a statutory duty that should be afforded 'great' weight.

In undermining the setting of the Conservation Area, and in detracting from the quality of the historic buildings and the long-established historic townscape, the proposal would also detrimentally affect how the Conservation Area is experienced.

As such, the proposal fails to comply with Policies D1 or D2, or the relevant provisions of the NPPF and the Planning (Listed Buildings and Conservation Areas) Act 1990; as such, permission should be refused.

### **Residential Amenity:**

Paragraph 135 of the NPPF sets out six criteria against which planning decisions should meet to deliver well-designed places. This includes criteria (f), which requires development to "create places ... with a high standard of amenity for existing and future users."

Planning Practice Guidance (PPG) states that achieving good design "is about creating places, buildings, or places that work well for everyone, look good, and will adapt to the needs of future generations."

Local Plan Policy A1 seeks to protect the amenity of residents by ensuring the impact of development is fully considered. The quality of life of occupiers and neighbours are protected by only granting permission for development that would not harm their amenity. This includes factors such as loss of outlook, loss of light and privacy.

The proposal would introduce a new terrace, which would offer high level, uninterrupted views into the gardens of neighbouring properties, and the box window to the side of No. 21 Boscastle Road. The impacts of this raised terrace would be both through direct, and perceived overlooking.

The perception of being overlooked is a material consideration and is wholly different from overlooking; balconies result in an increased perception of overlooking as residents will be able to physically see balcony users which results in a sense of being hemmed in. This approach is confirmed in appeals APP/K3605/W/20/3254942 and APP/K3605/W/20/3257997, within which the inspector stated that:

*"The overlooking from a balcony in a raised position is more intrusive than that which would be experienced from a typical upper floor window, as it involves future residents sitting out at a raised level for long periods of time."*

The proposal seeks to limit this impact with a 1.5m "privacy screen"; this would not deter any overlooking impacts, and would still allow direct overlooking into the rear gardens of neighbouring properties; furthermore, this privacy screen introduces a high level, opaque feature at a high level above the raised box window of No. 21, leading to concerns relating to overbearingness, loss of outlook and potential loss of light.

While it is noted that No. 21 has a terrace in a similar location, it appears that this was made lawful through the passage of time, and was never granted permission; had planning permission been applied for, it is unlikely that permission would have been granted due to the residential amenity impacts. As such, it is not considered that the existence of a terrace in this location would make the provision of other raised terraces acceptable.

A photograph of the terrace area from the main living area within the house is included below:



There are also concerns relating to light pollution from the lights which would be located on the terrace, and the strong prospect that they would shine directly into the raised box window of No. 21, which would have unacceptable impacts on the residential amenity of the occupiers of this dwelling.

The proposal also seeks to erect a side return extension, and significantly raise the roof height of the extension to the rear of the dwelling. The extension sits within extremely close proximity to the raised box window, and the increased height of the extension would result in the siting of a new tall, blank wall within extremely close proximity to this glazing feature, which serves a number of habitable spaces. It is considered that this would result in a significant and unacceptable overbearing impact on the residents of No. 21 due to the enclosing nature of the wall, and a loss of outlook from the box window. As this box window provides light to a number of habitable rooms within No. 21, there are also concerns regarding the potential loss of light arising from the increased height of the extension.

Furthermore, the proposal seeks to provide an awning to the rear of the property, extending across the entire rear elevation; it is not clear how large this awning would be, but due to the significant height it would be situated at, and its proximity to the site's boundary, it is considered that when raised, it would result in overbearingness and enclosure, and a loss of light to the rear patio area and rear windows of No. 21; the rear patio area of a dwelling is generally considered to be the most tranquil and private area of the garden, and the enclosing nature of the awning would result in the rear-patio area being unusable.

The cumulative overbearing impact of the additions should also be taken into account; the proposal would result in a significant increase in the height and width of the extension, and a tall privacy screen to the side of the balcony, and a large awning to the end; the cumulative overall result is a large increase in bulk and massing, which has a significant and unacceptable overbearing impact on neighbouring occupiers.

As such, it is considered that the proposal would have a significant impact on the residential amenity of neighbouring occupiers, and as such, should be refused.

## **Conclusion**

It is considered that the plans should be corrected and resubmitted, so that a full and accurate view of the impacts of the development can be undertaken.

Based on more accurate measurements than contained in the plans, it is considered that the proposal would have significant negative impacts on the surrounding conservation area. Additionally, there would be unacceptable impacts on the residential amenity of neighbouring occupiers. As such, the application should be refused.

Yours sincerely

Mayamiko Kachingwe, Barbara Storch