

Application No:	Consultees Name:	Received:	Comment:	Response:
2024/0369/P	Richard Hutton	08/04/2024 20:40:28	OBJ	We object to this planning application for the following reasons.

> The application is not a lawfully made planning application.

The applicants have submitted Certificate A. Certificate A may only be submitted if the applicants are the sole owners of the land. It may not be submitted by the Leaseholders of a flat.

According to the Land Registry, Camden Council is the Freeholder of 43 Dartmouth Park Hill. The applicants are the Leaseholders of a flat.

Certificate B should therefore have been completed and Camden Council and the other Leaseholders in the building notified of the owners' intention to redevelop their flat and back garden.

As it stands a decision to approve the current application is likely to be unlawful and any decision on the application would be vulnerable to an application for a Judicial Review. Legal advice should be sought on this matter.

In our view the application should be withdrawn and resubmitted once the correct notices have been served.

> Other Errors contained in the application

Withdrawal and resubmission of the application will enable the applicants to correct other errors contained within their application notably:

- On their application form the applicants state that their development will not result in any loss of garden residential land. This is evidently incorrect. In addition to extending the building substantially beyond the current building line, the applicants will also be erecting a garden room. Both proposals will result in a significant loss of garden land that should be assessed when considering this proposal. See below.
- The Design and Access Statement is inconsistent with the proposed ground floor plan. The Design and Access Statement indicates that the rear extension will be three and a half metres long i.e. broadly the same length as the neighbour's extension at 45 Dartmouth Park Hill whereas the plans indicate that it will project beyond the neighbour's extension by 465 cm. All the approved documents must be consistent otherwise there will be confusion as to the extent of development that has been approved.
- On the application form, the applicants state that they are not increasing the height of their current building. Although the proposed plans are not very clear on this point, this does not seem to be the case. The Proposed Extension Will Block Light to our Neighbour's Sitting Room Window
Our neighbour's sitting room window is located on the side elevation of their extension at 45 Dartmouth Park Hill. Unfortunately, this window is not indicated on any of the plans submitted with the application. The proposed extension at 43 Dartmouth Park Hill will be three metres tall and four metres deep. It will project beyond the building line of 45 Dartmouth Park Hill by 465 cm. It will be less than two metres away from our neighbour's window. This will lead to a substantial reduction in light to our neighbour's sitting room window. For this reason alone, we believe that this planning application should be refused.

At the very least this application should be screened by the planning officer to determine whether a Sunlight and Daylight Assessment of that window should be carried out in accordance with BRE Guidance and a proper assessment carried out.

> Increased Sense of Enclosure

In addition, the proposed height and length of the extension will create an increased sense of enclosure for our

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neighbour and they will only be able to see a substantial brick wall when they look out of their sitting room window.

Paragraph 2.14 of Camden's Guidance on amenity states that development should be avoided where its size or proximity will have a dominating or overbearing effect to the detriment of neighbouring residential occupiers. These proposals are clearly contrary to that Guidance.

> Objections on Design Grounds

Section 2.1.1 of the Camden Design Guidance relates to extensions. It states that extensions should be carefully scaled in respect of their height, width and depth. In addition, this section of the Design Guidance states that extensions should have a height, depth and width that respects the existing common pattern and rhythm of rear extensions at neighbouring sites.

The proposed extension is not only overly tall and long it is taller and longer than the extension at 45 Dartmouth Park Hill. The proposals therefore contravene Camden's Design Guidance as they fail to respect the common pattern and rhythm of extensions in the local area.

> Overlooking from the Garden Room and Possible Loss of Trees

The garden room will directly overlook the garden of 45 Dartmouth Park Hill.

This overlooking could be mitigated by the screening that is currently provided by two trees as shown on the proposed plan for the garden room. See paragraph 2.9 of Camden's Guidance on Amenity that recommends screening by way of landscaping and tree planting.

Furthermore, a tree survey should be carried out by the applicants to demonstrate that the garden room will not interfere with these trees including their roots and canopies. These trees are automatically protected by virtue of their size and the fact that they are located in a Conservation Area.

Any planning permission should require the protection and retention of these trees by way of a Condition. See Camden's Guidance on Trees including paragraphs 2.24 and 2.25 and also Section 5.5 of Camden's Design Guidance.

To further reduce the risk of overlooking, the garden room should be provided with obscure glazing where it faces the rear garden of 45 Dartmouth Park Hill. This should not in any way be problematic as the room provides a gym space rather than habitable accommodation. See Camden's Guidance on Amenity at paragraph 2.8.

Loss of Garden Land and Open Character

We object to the loss of garden land and the open character of the area by virtue of the construction of the Garden Room together with an oversized and out of context extension. We consider this loss to be contrary to Section 5.5 of Camden's Design Guidance.

The Design Guidance at 2.1.1 requires developers to retain the open character of gardens including that of neighbouring garden.

> Summary of Objections

In summary:

- We consider the current application to be unlawful. It should be withdrawn and resubmitted.
- The application form and supporting documents also contain errors that inhibit a proper assessment of the

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application. These errors should be corrected if a new planning application is submitted.

- The proposals are contrary to Camden's Local Plan and Planning Guidance.
 - The proposed extension is harmful to the amenity of our neighbour particularly in respect of significantly reducing light to their sitting room window. This impact needs to be properly assessed and considered.
 - The proposals would lead to the creation of an unacceptable sense of enclosure for our neighbour particularly from his sitting room window.
 - The proposed extension is too tall and too long (extending half a metre beyond the neighbouring extension). It is therefore out of scale and context with neighbouring extensions and contrary to Camden's Design Guidance which states that extensions should be respectful of the built form of the surrounding area including neighbouring extensions.
 - The proposals would lead to an unacceptable loss of garden land and a loss of the open character of both the applicant's garden and our neighbour's gardens.
 - If the garden room is permitted measures are needed to protect and retain two trees that are located in close proximity to the garden room. Apart from their biodiversity value, these trees will screen the view of the garden room from our neighbour's garden.
 - If permitted the garden room should be obscure glazed on the elevation facing our neighbour's garden to protect their privacy.
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