

Further to all the objections noted, I would like to bring your attention to the following crucial concerns that the potential development would cause:

Planning Statement

1. The proposed development does not adequately address loss of privacy. The separation between the two buildings does not meet the recommendations in the Camden Planning Guidance which recommends that 18m be measured between the two closest points on each building (including balconies). The distance between the rooms of the existing buildings and balconies of the proposed buildings is less than 3 metres. The overlooking is unacceptably intrusive considering the number of children and disabled people inhabiting Palace Court, who are particularly vulnerable.
2. At paragraph 2.3 the applicant asserts

“The Site is located approximately 500m from Finchley Road and Frognal Station with a PTAL of 5, representing very good public transport accessibility. On this basis the Site is considered highly underutilised in this area of strong accessibility.”

The proposed development is for two residential houses with each house having two garages. Therefore, the proposed development provides for four cars. This means that the proposed development will continue to underutilise public transport. The PTAL of 5 has no relevance to the proposed development because the buyers of the proposed development will not replace the car owners (at Palace Court) who currently use the garages so there will not be a net reduction in the number of car owners.

3. At paragraph 4.7 in relation to the impact on daylight/sunlight on the neighbouring buildings the applicant states that at the pre-application meeting the transgressions were acknowledged as minor. This contradicts the written feedback from the council that said

“It would be expected that a revised full daylight and sunlight report be submitted with any full planning application. It is expected that there would be some impact to the lower-level rear windows to Palace Court.”

The transgressions from the BRE criteria are not minor.

4. At paragraph 5.7 the applicant asserts

“The Proposed Development comprises four garages which have been retained and will be re-provided for existing occupiers.”

This is not credible. It is not logical to have four garages underneath two houses, but with the garages not owned by the buyers of the two houses. The two houses are clearly set out as family homes, and it is normal for families to have cars. At paragraph 7.32, there is already a discussion on what to do with the garages once the leases

expire. This contradicts guaranteeing the garages to the current occupiers. The council should not be fooled here. It is clear that the end goal is to have two houses with their own garages. This will result in a net increase in car ownership of four (above the existing car owners at Palace Court).

5. At paragraph 7.6 the applicant asserts

“The existing site contains eight garages. The existing Site represents an unattractive gap in the townscape in terms of its use when compared to the adjoining properties.”

This is untrue. The current use of the garages is consistent with and integral to the use of the adjoining properties. The adjoining properties are occupied by families who have cars which are parked within the existing garages and in front of them.

6. At paragraph 7.10 the applicant relies on paragraph 11(d) of the NPPF:

“According to the NPPF, applications should be granted unless their adverse impacts significantly and demonstrably outweigh their benefits.”

The applicant cannot rely on paragraph 11(d) of the NPPF because the Housing Delivery Test was not below 75% over the previous three years (see the Camden Action Plan which states 76% was achieved).

7. If the applicant seeks to portray this proposal as sustainable then he does so without applying the economic, social, and environmental criteria set out in the NFFP. The proposed development is not a sustainable development. With reference to paragraph 8 of the NFFP, the proposed development has no economic benefit other than for the developer. It has no social objective given that there is no basis for suggesting that the provision of two multi-million pound semi-detached houses (without their own garages or gardens) is needed or beneficial to this area. There is currently an oversupply of such properties on the market. Two of the flats in Palace Court are currently empty on a long-term basis seeking buyers. There is no environmental objective given that the current users of the garages will continue to use their cars.
8. The proposed development exacerbates the current mismatch in housing provision which is contrary to the Camden Local Plan H7. The demand is for affordable housing, not luxury houses. The proposed development does not provide affordable housing and is therefore contrary to the Camden Local Plan H4.
9. At paragraph 7.12, the applicant asserts that the site is underutilised. Yet at paragraph 7.25, an Existing Use Value of £720,000 is proposed. This contradicts the assertion that the site is underutilised.
10. At paragraph 7.12, the applicant asserts

“The benefits of the scheme significantly outweigh any imperceptible harm caused by the Proposed Development.”

The harm is not imperceptible. There will be a significant loss of amenity and privacy for several properties. This is consistent with the applicant’s own daylight and sunlight study.

11. At paragraph 7.56 the applicant asserts that the proposed development protects the amenity of the neighbouring properties, and that this stance has been supported within the pre-application feedback. Both statements are untrue.
12. The proposed development is contrary to Camden Local Plan A2 and A3 because it places the private and communal gardens of Palace Court in shade. This has not been considered in the daylight and sunlight impact assessment.
13. The applicant seeks to rely on “appeal decisions” to justify non-compliance with the BRE guidelines. The applicant fails to mention what these appeal decisions are and how the decisions have any relevance to the present application.
14. At paragraph 7.62 the applicant proposes small efforts to enhance biodiversity. However, the loss of biodiversity from placing the private and communal gardens behind the development in shade is ignored.

Financial Viability Report

15. The financial viability report identifies unattractive features of the proposed development:

“the Site is hemmed in by residential blocks directly behind and therefore the houses will not have any garden space or terraces which has detrimental impact on values. It should also be noted that the residential units sit above two garages that the residents do not own and therefore they will not have full ownership of the free hold”

“the Site is located just off Finchley Road which experiences high levels of traffic as it is made up of six lanes”

These statements support the unsuitability of the proposed development.

16. The applicant has chosen to present a design that fails the financial viability assessment. The assessment is self-serving. It does not follow that alternative designs would also fail. The figures the applicant has presented in the financial viability assessment are easily manipulated. The Benchmark Land Value appears to be grossly overvalued. The author states

“In order to derive a value for the garages and parking spaces we have considered the following garage sale transactions. There is a dearth of sale transaction and have therefore relied upon marketing prices.”

The author has found a garage in a more expensive area advertised for £75,000 and has used this as a comparison. There is no mention as to whether the leases are comparable. The author accounts for the different location by proposing £55,000 as the value for each existing garage. Next the author adds £35,000 on top to account for the space in front of the garage. However, the author fails to realise that the garage advertised for £75,000 also had space in front. The next error is that each garage cannot be used if a car is parked in front. Viewed in that context the proposed valuation is unrealistically high.

The construction costs also appear to be grossly overvalued. The values are conveniently produced by the applicant himself. It is unclear how the author of the financial viability assessment has satisfied themselves with the adequacy of these costs. There is no independent and comparable evidence included in the assessment. It is unclear on what basis these costs are reasonable. For example, £82,316 is quoted for oak flooring and £36,075 for green privacy screens (yet this is meant to be a sustainable development). The proper purpose of the study should be to evaluate the costs of constructing an affordable and sustainable development.

Daylight and Sunlight Assessment

17. The daylight/sunlight report is incomplete. There should be an assessment of the ground floor flat at Palace Court and the private and communal gardens to the rear of Palace Court.

18. The results for the percentage loss of daylight at 250 Palace Court are not mentioned in the section covering 250 Palace Court (paragraphs 4.16-4.17). The percentage loss of daylight exceeds the BRE recommendation of 20% for three rooms.

19. At paragraph 3.3, the author states

“It is also well-established from Appeal Decisions and Case Law, that the flexibility should be judged against suitable and reasonable comparators exhibiting similar circumstances”

The author has not relied on any specific appeal decisions or case law that exhibit similar circumstances to the proposed development. The author makes reference to two appeal cases: 17-37 William Road (Ref: APP/X5210/W/21/3284957) and Graphite Square (APP/N5660/W/18/3211223 and APP/N5660/W/19/3225761). To the extent that these cases are relied on by the applicant as supporting a departure from the BRE guidelines, both are not factually relevant to his application, explained as follows.

20. The development at 17-37 William Road provided a very large number of affordable student rooms and affordable workspaces where there was high demand, and at a site which had not been used for four years and had no reasonable prospect of being used without redevelopment. These benefits were relied on to depart from the BRE guidelines. The same benefits are not present in the proposed development and the

applicant cannot rely on an appeal decision that has no factual relevance to his application. The lowest VSC in the appeal case was 15%, whereas in the present application there will be multiple single digit values of VSC. The VSC values between the two developments are not comparable. The maximum loss of daylight in the present application is 10% more than in the appeal case. Again, the two developments are not comparable. The appeal case had rooms of large depth for which the loss of daylight was considered less relevant. This is not true for the present application.

21. The development at Graphite Square provided a very large number of affordable housing, employment and retail spaces at a redundant office site. These benefits were relied on to depart from the BRE guidelines for daylight only. The same benefits are not present in the proposed development and the applicant cannot rely on an appeal decision that has no factual relevance to his application. The development at Graphite Square had negligible impact in terms of loss of sunlight. This is not the case in the present application.
22. The loss of light in some flats in Palace Court is substantially higher than the acceptable BRE standards of 20%. In one of the ground floor flat windows, the loss of light is 62.38% (Appendix 3: Light Assessment Report). Most ground floor, first floor and second floor flats are losing over 20% of light especially in bedrooms. This is a breach of The Right to Light under the Prescription Act 1832. Loss of light to this extent will cause serious impact on the mental wellbeing of the residents many of whom are young children. Camden Council must recognise that it has a duty of care towards all of its residents and must take adequate steps to safeguard the wellbeing of its residents.
23. The loss of light into the windows will also affect the plants that are placed on the windowsills relying on light to thrive. My mother, who has had multiple spinal surgeries mainly lives in her bedroom. Her mental health that has already been adversely affected due to her physical disabilities, may nosedive as a result of losing significant amount of light.
24. The report is not comprehensive and appears to be biased. There seems to be a deliberate attempt to undermine the actual loss of light which seems well over 33% in the living room of flat 11 with no such mention in the "Scheme Assessment" section.
25. The report fails to designate the windows of the flats correctly. The affected windows of the ground floor of Palace Court are in fact multi use rooms (bedrooms / studies / living areas), labelled incorrectly as kitchen and living room. There are multiple issues with the authenticity and genuineness of this report which Camden Council has then relied upon to deduce its assessment of the actual light reduction. Furthermore, these calculations cannot be relied upon fully in the absence of the full data that has been used to deduce the results.

26. At page 67, it is stated

“The majority of the garages are unused.”

This is not correct. All but two garages are being used to park cars, some cars being electric. Most garages have two cars, one being parked inside and another outside the garage. Only one of the garages has now been inhabited by an individual. The said individual is unable to find housing elsewhere after being evicted by the landlord and can no longer afford rent. Removing the garage spaces will not be appropriate use of the land as the cars will then be forced into the already crowded Frogal Lane causing significant congestion.

27. At page 67, it is stated

“The site could be utilised for a low-level residential development, subject to any impacts on amenity being satisfactorily addressed.”

The proposed development having four floors is not low-level. The impacts of amenity have not been satisfactorily addressed.

28. The rooms in the first floor flat at Palace Court facing the proposed development are highly utilised during the day for studying, working from home, and general living because the rooms on the other side of the flat (facing Finchley Road) are noisy from the traffic. The loss of sunlight, daylight, views, and privacy would make the living conditions unacceptable. It would affect the use of the rooms and make the rooms feel cold.

29. At paragraph 3.3 the author states

“This does not mean that the recommendations and targets within the Guidelines can be disregarded, but instead, the “flexibility” that should be applied should be founded on sound scientific principles that can be supported and justified.”

The author has not provided any “sound scientific principles” to justify departure from the BRE guidelines.