



6 September 2024

Camden Council
Development Control
Planning Services
Town Hall
Argyle Steet
London
WC1H 8ND

Dear Sir/Madam,

Top Flat, 14 Thurlow Road, London, NW3 5PL
Application Reference Number: 2024/3228/P
Objection on behalf of Ms. Michelle Katz & Mr. Simon Frank

We are instructed on behalf of Ms. Michelle Katz & Mr. Simon Frank (hereafter 'our clients') to object in the strongest possible terms to planning application reference no. 2024/3228/P for the following proposed development relating to the top floor flat at 14 Thurlow Road, NW3 5PL:

"Replacement of rear facing dormer with enlarged dormer with balcony, replacement of single glazed timber frame sash windows with double glazed units, installation of 3 replacement rooflights at front and rear, and installation of a new rooflight at side".

The application was submitted to the Council on 2 August and registered valid on 21 August. It is currently the subject of public consultation.

14 Thurlow Road comprises a 4-storey (above ground) semi-detached house containing three flats configured at ground and lower ground floors (owned and occupied by Ms. Michelle Katz), first floor (owned by Ms. Michelle Katz and occupied by Mr. Simon Frank) and second and third (roof) floors (owned by the applicant). Hence, our clients own the majority freehold interest in the building (comprising three of the four allocated shares).

The property is situated within the Fitzjohns/Netherhall Conservation Area, a designated heritage asset, and is identified in the associated Conservation Area Appraisal and Management Plan as a 'positive building' (i.e. a building which makes a positive contribution to the character and appearance of the conservation area), which includes nos. 1-10 (consecutive), 13-16 (consecutive) and 19-30 (consecutive) Thurlow Road. Accordingly, the subject property would constitute a non-designated heritage asset for the purposes of planning assessment, as it clearly has an element of acknowledged heritage significance contributing positively to the character and appearance of the conservation area.

A key element of the current application proposal is the replacement of the existing rear dormer with an enlarged dormer and balcony. The existing dormer is an original feature of the building contributing to its overall heritage significance. It is also a facsimile of the existing front dormer.



The submitted plans show the replacement dormer being substantially larger in scale and form than the existing. It has been designed with a double-door and Juliet balcony enclosed on both sides by a black metal balustrade. The applicant's Design and Access Statement references the external area as being a 'roof terrace' and so the clear inference is that is intended to provide a new private amenity space for the flat (a point also alluded to therein).

The Design and Access Statement further explains how the proposed roof terrace would *"match the one on the adjoining neighbour's property, No. 13 Thurlow Road"* and asserts that the proposal *"will therefore have a minimal impact on the character and appearance of the property and will not look out of keeping within the context of the site and the adjoining neighbours"*. However, there is no evidence to suggest that the adjoining dormer was ever granted planning permission. Hence, it cannot be considered to have set an acceptable precedent for the proposed development and in any event each case must be considered on its own individual planning merits according to the material planning policies in force at the time. Those policies are set out in the London Plan 2021 and Camden Local Plan 2017, which comprises the current statutory development plan for the area. Regard must also be had in decision-making to the National Planning Policy Framework (December 2023) and the provisions of Camden Planning Guidance relating to Design (January 2021) and Home Improvements (January 2021).

Our clients' main areas of concern with this proposal are as follows:

- 1) The overall size and scale of the replacement dormer and inclusion of a roof terrace which would inevitably contribute to increased overlooking and an unacceptable loss of privacy to our clients.
- 2) The complete absence of any heritage assessment undertaken by the applicant examining the cumulative impact of the proposed building alterations on the significance of the Fitzjohns/Netherhall Conservation Area as a designated heritage asset and the host dwelling as a non-designated heritage asset and a positive contributor to the character and appearance of the conservation area.

Amenity Impact

Policy A1 of the Camden Local Plan seeks to ensure that the quality of life for occupiers and neighbours is appropriately protected from the impacts of proposed new development. To this end, Paragraph 6.3 of the Local Plan states:

"Protecting amenity is a key part of successfully managing Camden's growth and ensuring its benefits are properly harnessed. The Council will expect development to avoid harmful effects on the amenity of existing and future occupiers and nearby properties, or, where this is not possible, to take appropriate measures to minimise potential negative impacts".

This objective is further reinforced in Camden Planning Guidance.

The proposed replacement dormer has been designed to incorporate a roof terrace (as so referenced in the applicant's Design and Access Statement), which is intended to provide a new private amenity space for the occupiers. The terrace would be sufficiently sized to be used as an outdoor seating area and is shown to be enclosed by a black metal balustrade to the front and each side. Hence, the terrace would inevitably result in increased overlooking of our client's rear garden and a resultant loss of privacy. The elevated position of the roof terrace could also conceivably result in unacceptable noise disturbance in circumstances where the Council would be unable to properly enforce any restriction on its use. This would have a significant adverse impact on our clients' quality of life and would be contrary to Council planning policy aimed at protecting residential amenity. Hence, permission should be refused on this basis.

Design and Heritage Impact

The National Planning Policy Framework (NPPF) advises that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve with good design being a key aspect of sustainable development (NPPF131). Hence, planning decision making should ensure, inter alia, that developments will function well and add to the overall quality of the area, not just for the short-term, but 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; and promote a high standard of amenity for existing and future users and do not undermine the quality of life or community cohesion and resilience (NPPF135). The expectation is that development that is not well designed should be refused (NPPF139). These objectives are reinforced through Policies D3, D4, D5, D10 of the London Plan and Policies D1 and D2 of the Camden Local Plan, which latterly seek to ensure that all new development respects local context and character, while preserving or enhancing the historic environment and Camden's rich and diverse heritage assets (including settings).

Section 16 of the NPPF outlines the protocols that are expected to be followed when assessing the impact of a proposed development on designated and non-designated heritage assets.

Paragraph 200 advises as follows:

"In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum, the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary".

This has not been done and it is instructive on the Council to ensure that proper planning process is followed in this respect by requesting the applicant to undertake the required heritage significance assessment. This is especially important in circumstances where the proposed development would result in the loss of an original rear dormer, which with the equivalent surviving front dormer, is a positive feature of the building contributing to its significance as a non-designated heritage asset and the wider conservation generally as a designated heritage asset. It should not be for the Council to undertake this assessment on the applicant's behalf.



The NPPF further advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation and the more important the asset, the greater the weight should be (NPPF205).

The NPPF also requires the impact on the significance of a designated heritage asset to be considered in terms of either 'substantial harm' or 'less than substantial harm'. Where a proposed development would lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities are expected (pursuant to NPPF207) to refuse planning permission, unless it can be demonstrated that that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all the following apply:

- a) The nature of the heritage asset prevents all reasonable uses of the site; and
- b) No viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- c) Conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- d) The harm or loss is outweighed by the benefit of bringing the site back into use.

Where a proposed development would lead to less than substantial harm to the significance of a designated heritage asset, the expectation is that this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use (NPPF208).

Finally, the effect of a development on the significance of a non-designated heritage asset should also be taken into account when determining an application with a balanced judgement required having regard to the scale of any harm or loss and the significance of the heritage asset (NPPF209).

These objectives are reinforced strategically under London Plan Policy HC5 and locally under Policy D2 of the Camden Local Plan.

Again, the applicant has failed to undertake such an assessment. Instead, the Design and Access Statement 'prays in aid' of an assumed precedent at the adjoining property which was evidently not the subject of a grant of planning permission and would carry little weight for the purposes of planning assessment in the context of current material planning policy.

In our opinion, the loss of an original surviving rear dormer would detract from the intrinsic quality of the building as a positive contributor to the Fitzjohns/Netherhall Conservation Area and its overall significance as a non-designated heritage asset. No assessment has been undertaken according to established planning policy protocol (and with the benefit of historical records) to determine otherwise. Hence, it follows that there would be an element of harm arising from the proposal to the conservation area equivalent to 'less than substantial harm' for which there is no demonstrable public benefit outweighing this identified harm. We would also maintain that the harm would also detract from the intrinsic qualities of the existing building as a non-designated heritage asset. Accordingly, it further follows that planning permission should also be refused on this basis.



We trust these representations will be afforded due weight in the Council's consideration of this application and we respectfully reserve the right to add to these comments should it be necessary to substantiate our client's strong objection to this planning application. However, if we can be of any further assistance in the meantime, please do not hesitate to contact the undersigned.

Yours faithfully,



Tim Waters
Director
RENEW Planning Limited