



STATEMENT OF OBJECTION

Lamorna, Dartmouth Park Road, London NW5 1SU
Application reference: 2025/1375/P

May 2025

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About Us

Paragon Planning trading as Lower Ley Ltd is a Town & Country Planning consultancy incorporated under the Companies Act 2006 as a private company, limited by shares, with a registered office in England (9670781).

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INTRODUCTION

- 1.1 This Statement of Objection (**‘Statement’**) is prepared by Paragon Planning in response to an application for planning permission for a five-storey residential tower block plus basement flat (**‘Application’**), following the demolition of an existing dwelling at Lamorna, Dartmouth Park Road (**‘Site’**).
- 1.2 This Statement is prepared on behalf of:
- Teofilo Lasarte and Elena Maurer, 3 Chetwynd Villas
 - Sophie Watson, 2 Chetwynd Villas
 - Nicholas Nichola, 1 Dartmouth Park Road
 - Jason and Sian Goodman, 11 Dartmouth Park Road
 - J Langham and V Van Pelt, 1 Grove Terrace
- 1.3 They are owners/occupiers of properties that are closely related to the proposed development. It follows that they are key local stakeholders in the planning process and their views should be treated with due care and attention.
- 1.4 They strongly object to this proposal which is inappropriate and wholly unacceptable in this sensitive location, for the following summary reasons that will be explained in this Statement:
- The Development is without clear and convincing justification and will cause unacceptable harm to the Dartmouth Park Conservation Area (**‘DPCA’**). The Application is contrary to policies D1, D2, DC2, and DC3 of the development plan.
 - The Application is also in breach of policy A1 of the development plan where it would lead to new opportunities for overlooking that would cause a harmful loss of privacy for nearby occupants, as well as being overbearing and providing an undue sense of enclosure for them.
- 1.5 Taken together, or individually, those reasons constitute a clear basis for refusing to grant planning permission. In those circumstances and for the reasons developed

below, the modest benefits of this scheme do not come close to outweighing the significant harm which would result. Permission should be refused.

- 1.6 This Statement should be read alongside the Heritage Statement prepared by expert consultancy Place Services (submitted with this Statement). That document clearly explains why the development would fail to preserve or enhance the character or appearance of the DPCA and would be harmful to it.

SITE AND SURROUNDINGS

- 2.1 The Site relates to an existing residential property, a modest two-storey dwelling known as Lamorna, which fronts Dartmouth Park Road to the north. Properties along Chetwynd Road, including Chetwynd Villas, run immediately adjacent to the south. The Site is within the DPCA, which is a statutory designation recognising the special architectural and historic interest that the character and appearance of the area provides.¹
- 2.2 The Heritage Statement prepared by Place Services provides an overview of the history of the Site and its surroundings through time, identifying that it is an inter-war period infill development, occupying part of a smaller parcel of land left over from the nineteenth-century development of Dartmouth Park Road.
- 2.3 Such an identification is important because at the western end of Dartmouth Park Road where the Site is located, it pinches closer to Chetwynd Road before terminating close to Highgate Road. Consequently, the size of the plot at Lamorna is constrained. Likewise, the gardens along this part of Chetwynd Road are smaller in comparison to surrounding properties such their amenity space is more precious.
- 2.4 Due to the considerably smaller size of the plot, the existing footprint of the Lamorna dwelling covers most of the Site. These spatial factors can be discerned from the aerial view shown below (Lamorna starred in red). The aerial view also shows the more intimate relationship between the Site and Chetwynd Villas, in comparison to adjacent properties on Dartmouth Park Road
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¹ S.69 of the *Planning (Listed Buildings and Conservation Areas) Act 1990*.



Fig. 1 – Aerial View, Google Earth (2025).

2.5 However, whilst a view in plan form gives an impression of plot-wide width, this is not apparent “on the ground” where the Lamorna building sits modestly within its plot with space on either side due to the single-storey nature of its garage and extension(s). This characteristic was recognised in an appeal for development at 5 Chetwynd Villas in 2018², where the Inspector stated:

‘The rear garden of the property backs onto the rear gardens of the opposing dwellings at Dartmouth Park Road. It is visible through the gap between the side of No. 1 Dartmouth Park Road and the driveway to the side of Lamorna, a detached property that is of twentieth-century construction. The DPCAA states that the “small but significant gaps between buildings and between parallel rows of house-backs provide important views of greenery and backs of houses”. I concur with that assessment and the greenery in rear gardens and the street trees on Dartmouth Park Road create a verdant and spacious atmosphere that enhances that part of the CA.’

² Appeal reference: APP/X5210/C/18/3199378.

2.6 It is clear that in reaching their decision the Inspector recognised this important characteristic and the contribution made by the relief provided either side of and around the Lamorna building, insofar as reinforcing a spacious atmosphere and affording views through to Chetwynd Villas behind. This point is also raised in the accompanying Heritage Statement (see §6.18).



Fig. 2 – View of the Site from Dartmouth Park Road.

2.7 The reference in the appeal to the ‘DPCAA’ relates to the *Dartmouth Park Conservation Area Appraisal and Management Statement* adopted by the Council in 2009 (**‘DPCA Appraisal’**). The DPCA Appraisal is an important material consideration, as recognised in other appeals including a decision from 2018³ where the Inspector stated:

‘I found the Appraisal to be a well-researched, comprehensive and informative document, defining the special interest of the area. Its content and proposals for the management of change attract significant weight in my deliberations.’

³ Appeal reference: APP/X5210/D/18/3208293.

2.8 It is therefore necessary that the DPCA Appraisal be taken into account in any decision.

2.9 The sensitivities of the Site can also be inferred from research of its planning history. In 2007, the Council refused planning permission for the erection of a two-storey extension to Lamorna.⁴ Permission was refused for the following reason:

‘The proposed extension, by virtue of its height and proximity to First House, Dartmouth Park Road would enclose a street gap at first floor level and result in a cramped form of development that would detract from the streetscene, would fail respect its site and immediate setting, and cause harm to the character and appearance of this part of the Dartmouth Park Conservation Area. As such the proposal is contrary to policies B1, B3 and B7 of the London Borough of Camden Replacement Unitary Development Plan 2006 and advice contained within Camden Planning Guidance 2006 and the Dartmouth Park Conservation Area Statement.’

2.10 Whilst that decision pre-dates the current policy framework, it nevertheless recognises the sensitivities of the site and the importance of supporting documents including the DPCA Appraisal and any design guidance in force.

2.11 Beyond the considerable importance of the Site being located within a statutorily protected area, it is also important to consider the existing living conditions of occupants neighbouring the Site, particularly those living in Chetwynd Villas. As mentioned above, the rear gardens of those properties are relatively small and therefore the space provided for amenity purposes is precious. The occupants at Chetwynd Villas are particularly susceptible to harm for this reason, by virtue of the risk of impact upon outlook and privacy, noting the proximity to the rear boundary of the Site. This is different to the situation at adjacent properties on Chetwynd Road because other neighbouring properties to the north, on Dartmouth Park Road, are set further forward or at an offset angle i.e., in those circumstances a greater degree of relief is available to those occupants. [see Fig. 1 above, and Figs. 3, 4, and 5 below]

⁴ Application reference: 2007/1042/P.



Fig. 3 – View of the Site from 3 Chetwynd Villas.



Fig. 4 – View of the Site from 4 Chetwynd Villas.



Fig. 5 – View of the Site from the north (Google Earth, 2025).

2.12 Fig. 5 above also assists in understanding the scale of development and its relevance in assessing the impacts of the proposed development in this case. This is because Lamorna provides a transition of scale between the grander Victorian villas to the east, and First House to the west before reaching the end of the road where it terminates (the narrowest point between Dartmouth Park Road and Chetwynd Road).

2.13 Indeed, it is evident from a review of the Council’s planning records that the scale of the building was an important consideration in permitting the construction of First House. In an appeal relating to the roof design of that dwelling⁵, the Inspector recorded in relation to the principle of development that (with *emphasis*):

‘The design of the house is considered to be appropriate, contemporary and understated, providing a *transition* between the Victorian villas down the street and on Highgate Road.’

2.14 Again, whilst it must be recognised that each case turns on its facts, consistency in decision making is important and similar material factors relating to the area exist here.

⁵ Appeal reference: I/APP/X5210/A/89/129018/P7.

PROPOSED DEVELOPMENT

- 3.1 The application proposes the demolition of Lamorna and the construction of a five-storey residential tower block plus basement accommodation. This would provide a total of six flats with accommodation provided over six floors (net gain of five units).
- 3.2 As the Heritage Statement prepared by Place Services observes, the development would substantially increase the bulk of the built form on the site compared to the existing dwelling. The building's footprint would be expanded to occupy the majority of the plot, and both the height and massing would be significantly increased.
- 3.3 The overall height of the building would be 15m from measured ground level. This would be significantly taller than the Victorian villas to the east where drawing A210 identifies the nearest property as being 12.7m above ground measured from the same point. Thus, the proposed development would be constructed at least 2m taller. This is over 7.5m taller than First House to the west and would be an increase of over 7m from the existing Lamorna building.
- 3.4 The rear elevation of the proposed block would be closer to the boundary with 3 and 4 Chetwynd Villas than the existing Lamorna building (excluding its single-storey element), being less than 1.9m away.
- 3.5 The proposed development therefore presents a significantly different impact upon the street scene, and to neighbouring residents, than the current baseline position.

Design Review Panel

- 3.6 The development has ostensibly followed an iterative process that has been informed by Design Review. The application material suggests that the proposed development was positively received. Since the application was registered, however, the final reports from those Reviews have been published on the planning portal. It is important that those responses be considered carefully.
- 3.7 The outcome of the most recent Review is dated 12th April 2024. It is evident that Council officers sought the Panel's views on potential impacts to the DPCA, among other matters. A number of points are noteworthy:

- Further refinements were sought to ensure a building appropriate for the Conservation Area.
- It was felt that the scale of the building “could” be acceptable but further measures were required to mitigate impact.
- The design would benefit from simplification.
- The rear elevation needs further work to mitigate overlooking.
- Dominance of vertical elements increased the impression of scale, and the building appeared commercial in character.
- The ground floor arches needed further work.
- The rear elevation felt significantly less resolved than the front elevation and it was difficult to understand how the building would appear.
- The need to represent the relationship between the new building and its neighbours clearly was emphasised. Sectional drawings were encouraged.
- It was recognised that measures to prevent overlooking would be important.

3.8 In cross-referencing the report from that Review, with the Applicant’s *Design and Access Statement* (**‘DAS’**) and section 2 of the submitted Planning Statement, it is evident that the scheme has not significantly evolved since that time and that, essentially, only changes in material finish have been proposed. It is disputed that the outcome of the Review was ‘fundamentally positive’ as claimed by the Applicant. The Council will reach its own view as to the accuracy of that statement, now that the originally confidential report has been placed in the public domain and can be compared against the application material.

3.9 Whilst the Review found that the scale of the development might be deemed acceptable, it is also evident that the Panel required further detail to better understand how the development would relate to surrounding properties. It is therefore unclear whether their view would remain the same with regard to the street scene drawings and measured model drawings that were prepared later, and which now form part of the Application (drawings are dated July 2024, and the Daylight and Sunlight Report (**‘DSR’**) is from September 2024).

3.10 The dominance of the building in relation to its neighbours is made clear from the DSR, and an extract from drawing P3789/05 is provided below:



Fig. 6 – Perspective of the proposed development from the north, based on modelled survey.

3.11 It is therefore unclear how, on that basis, the Applicant can claim that:

‘The height of the proposed buildings is either the same height, or lower in height than its neighbouring buildings.’

3.12 This is at best an extremely generous interpretation of the term ‘neighbouring’; otherwise, the claim is unsubstantiated and unsupported by the submitted evidence. It is trusted that the Council will carefully review all application documentation to establish whether claims made by the Applicant are substantiated.

Consultation

3.13 Neighbour consultation was undertaken for a period of two weeks in October 2024. It is not clear whether the Dartmouth Park Conservation Area Advisory Committee (‘**DPCAAC**’) or Dartmouth Park Neighbourhood Forum (‘**DPNF**’) were consulted.

However, at the time of preparing this Statement it is noted that both consultees object to the Application. Their views are endorsed and should be given due weight in any decision.

- 3.14 Noting the dates for key application documents prepared, including drawings (July 2024) it is apparent that the resident consultation made no material difference to the Application. Indeed, the DSR, prepared after the drawings were fixed (it states it was based on the July drawings), which found the basement flat to be substandard, did not lead to any changes to the final design either.

POLICY CONTEXT AND LEGAL FRAMEWORK

Statutory Duties

- 4.1 Section 70(2) of the *Town and Country Planning Act 1990* requires, in dealing with an application for planning permission, a local planning authority to have regard to the provisions of the development plan, so far as is material to the application, and to any other material considerations.
- 4.2 s38(6) of the *Planning and Compulsory Purchase Act 2004* requires that applications for planning permission under the planning Acts be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 4.3 Section 72(1) of the *Planning (Listed Buildings and Conservation Areas) Act 1990* ('**Listed Buildings Act**') is of direct relevance to the Application. It is a duty that has the force of statute and must be followed. It requires that in determining planning applications relating to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
- 4.4 The effect of that statutory provision is that the desirability of preserving or enhancing the character or appearance of a conservation area is a matter of considerable importance and weight, with such a duty regarded as presenting a strong presumption (and in this case a statutory rather than just policy based one) against a grant of planning permission where harm to such a designated heritage asset is identified. This duty is not to be discharged without the greatest of care and the Council will be well aware of the long line of legal authorities that support those propositions.

The Development Plan

- 4.5 Relevant to the Application the statutory development plan comprises the following:
- Camden Local Plan ('**CLP**', 2017)
 - Dartmouth Park Neighbourhood Forum Neighbourhood Plan ('**DPNP**', 2020)

4.6 In light of the main areas of concern raised, the policies most important for the determination of the Application are considered to be:

- Policy A1 – Managing the Impact of Development (CLP)
- Policy D1 – Design (CLP)
- Policy D2 – Heritage (CLP)
- Policy DC2 – Heritage Assets (DPNP)
- Policy DC3 – Requirement for Good Design (DPNP)

4.7 It is considered that those policies are up to date and should be afforded full weight in determining the Application. It is noted that the Applicant does not claim otherwise.

4.8 As noted earlier in this Statement, other Council documents are material in this case and should be taken into account. This includes:

- The DPCA Appraisal (2009)
- Camden Planning Guidance – Amenity (**‘APG’**, 2021)

4.9 Policy D2 also directs that the Council will take account of the relevant conservation area appraisal when assessing applications within conservation areas.

The National Planning Policy Framework (**‘NPPF’**)

4.10 The NPPF, most recently updated in February 2025, sets out the Government’s planning policies for England and how they should be applied. It is a material consideration for decision-making purposes and can affect the weight to attach to policies of the development plan. It cannot, however, alter whether there is a conflict with the development plan nor undermine the statutory primacy that a development plan holds.

4.11 The NPPF is supported and complemented by the national *Planning Practice Guidance* (**‘PPG’**). The guidance provided by the PPG is advice on procedure and elaboration of NPPF policies rather than explicit additional policy and is an online reference as a living document. It is a material consideration alongside the NPPF.

4.12 For the purposes of making decisions, the policies of the NPPF should be considered as a whole (including its footnotes and annexes). However, the following chapters are of particular relevance to the Application:

- Chapter 12 (achieving well-designed places)
- Chapter 16 (conserving and enhancing the historic environment)

4.13 The ‘Considering potential impacts’ subsection of NPPF chapter 16 is consistent with the statutory duties of the Listed Buildings Act. Therefore, the NPPF itself presents a strong presumption against the grant of planning permission or listed building consent where development or works would harm a designated heritage asset, ‘requiring particularly strong countervailing factors to be identified before [that presumption] can be treated as overridden’.⁶

4.14 The concept of ‘less than substantial harm’ relevant to paragraph 215 of the NPPF is a broad category which incorporates a wide range of degrees of harm. However, any material harm within the less than substantial range is capable of constituting a very serious consideration for the purpose of decision-making. A decision-maker must not fall into the error of treating a finding of less than substantial harm a designated heritage asset as equating to a less than substantial objection.

4.15 It is understood that the Applicant considers that the “tilted balance” under paragraph 11. of the NPPF is engaged due to the most recent Housing Delivery Test result. It should be made clear that where the development would give rise to unacceptable harm to the DPCA, this means that in accordance with paragraph 11.d)i. and footnote 7 of the NPPF there is a clear reason for refusing permission. Thus, there is no need to progress to consider the “tilted balance” operation under paragraph 11.d)ii.

4.16 An assessment of the proposal under the above policy context is detailed below and in consideration of the planning matters material to the application.

⁶ *Lady Hart of Chilton, R (on the application of) v Babergh DC* [2014] EWHC 3261 (Admin).

MAIN AREAS OF OBJECTION

Harm to the Dartmouth Park Conservation Area

- 5.1 Policy D1 of the CLP expects new development to be of a high quality of design that has regard to its context and preserves or enhances the historic environment, whilst policy D2 seeks to ensure that new development preserves or enhances the character and appearance of conservation areas. Like para. 139 of the NPPF, policy D1 states that the Council will resist development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 5.2 Specifically, policy D2 requires that development within conservation areas preserves or where possible enhances the character and appearance of the area and sets out that development which would result in less than substantial harm will not be permitted unless the public benefits convincingly outweigh that harm. This is a similar test to that provided at para. 215 of the NPPF.
- 5.3 Policies DC2 and DC3 of the DPNP require development to be of the highest architectural and urban design quality, including complementing and enhancing the distinct local character and identity of the area, and preservation of Camden's rich and diverse heritage assets and their settings, including conservation areas. Policy DC3 also states that in practice this means 'relating developments to established plot widths in the streets where development is proposed, particularly where they establish a rhythm to the architecture in a street.'
- 5.4 The NPPF states that great weight should be given to the preservation of heritage assets (para. 212) and requires clear and convincing justification where harm would arise (para. 213).
- 5.5 In relation to conservation areas, the NPPF also requires decision takers to take account of the desirability of new development making a positive contribution to local character and distinctiveness (para. 210.c)); and to look for opportunities for new development within conservation areas to enhance or better reveal their significance (para. 219).

- 5.6 Moreover, the imperative of giving considerable importance and weight to harm in a s.72 context does not mean that the amount of weight to be given to the desirability of preserving its character and appearance in a planning balance is “uniform”: it will partly depend upon the extent of any impact or harm. Thus, it would be a mistake to view the balance within local policy D2 and NPPF para. 215 as a simple and flat trade-off between harm and public benefit; it is the case that there is a strong presumptive tilt against a grant of permission or consent within that balance because of the considerable importance and great weight required to be attached to any harm found.
- 5.7 In this case, the Heritage Statement prepared by Place Services clearly articulates the likely impacts of the development upon the DPCA and explains why this would result in harm to its significance. The Council is asked to carefully review that document and in particular section 6 which sets out those impacts.
- 5.8 In summary Place Services find that:

‘The height and massing of the proposed development would not be in keeping with the prevailing character of the area. Some elements of the proposed design exacerbate the massing impact too. The principal significance in this part of the Conservation Area is derived from the nineteenth century building stock. The proposed development would present an incongruously taller building in a small plot (in fact the smallest plot) which is in contrast to the fundamental rhythm of development here.

Consequently, the proposed development would fail to preserve or enhance the character or appearance of the Conservation Area, which is non-compliant with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

With regards to the NPPF, the proposed development would result in harm to the significance of the Conservation Area. The harm is considered to be low to medium within the spectrum of ‘less than substantial’ and should be weighed against any public benefits of the scheme...’

- 5.9 The public benefits of the proposed development relate to its nature as a scheme for open-market housing. Those benefits are evaluated later in this Statement but for the purposes of the heritage balance required by local and national policy it is considered that the heritage harm identified, which must carry considerable importance and weight, and is of a notable level, decisively outweighs any such public benefits.
- 5.10 On that basis the proposed development, if permitted, would cause real and lasting harm to the character and appearance of the DPCA, and features that are identified as important to its significance. That harm is without clear and convincing justification. The Application is therefore contrary to policies D1, D2, DC2, and DC3 of the development plan and would be contrary to the development plan as a whole.
- 5.11 Planning permission should be refused for this reason alone and in those circumstances the “tilted balance” under the NPPF would fail to engage as a consideration.
- 5.12 As an aside, the Applicant’s Heritage Statement describes the proposed development as being a four-storey building, which is obviously wrong. This ought to be clarified given that its findings are at odds with the views of Places Services and the DPCAAC, and DPNF, and many others.

Harm to Residential Amenity

- 5.13 Policy A1 of the CLP seeks to protect the amenity of Camden’s residents and seeks to ensure that development protects the quality of life of occupiers and neighbours by only granting permission for redevelopment that would not harm the amenity of neighbouring residents. This includes privacy, outlook, daylight, sunlight and noise. This is entirely consistent with the NPPF; para. 135.f) requires planning decisions to ensure that a high standard of amenity for existing and future users is secured.
- 5.14 The Camden APG is of particular relevance. Section 2 deals with matters of privacy and outlook. Section 3 deals with daylight and sunlight.

- 5.15 In relation to daylight and sunlight, a DSR supports the Application following pre-application advice in February 2024⁷, where it was observed that the proposed development would fail the “25-degree test”. The officer considered that as a consequence the ‘loss of daylight will be noticeable’. That noticeable loss of daylight is duly recorded in the DSR, where this would amount to around a 10% loss for occupants at Chetwynd Villas (60% from one of the kitchen windows at First House). Whilst the DSR explains why, in the author’s view, this would be compliant with relevant BRE guidelines, this does not alter the fact that a loss would occur in comparison to the existing baseline position. The Council should also confirm to itself that all properties likely to be affected have been assessed.
- 5.16 Nevertheless, the primary amenity concern in this case relates to matters of privacy and outlook. Those issues will be dealt with in turn.

Privacy

- 5.17 The Applicant claims that due to the ‘significant separation distance’ between properties, there are unlikely to be direct views available into properties on Chetwynd Villas. This claim does not stand scrutiny.
- 5.18 It is disappointing that despite the comments of the Design Review Panel, whether by accident or design there remains scant information in the architectural drawings to assist in understanding the relationship between the proposed development and properties to the rear. There is no sectional drawing or site plan showing the development within its immediate context and its interaction with the rear elevation of Chetwynd Villas as the properties most significantly affected from an amenity perspective. Residents have been forced to cast around other documentation including the DSR and deduce from differences between existing and proposed drawings, and measurements taken within their own properties. That is not the sign of a positively prepared application, where the NPPF stresses that having the right information is crucial to good decision making (para. 44).

⁷ Pre-application reference: 2023/0595/PRE.

- 5.19 Paragraph 2.3 of the APG explains that the places most sensitive to overlooking are typically habitable rooms and gardens at the rear of residential buildings, and that the area of garden nearest to the window of a habitable room is most sensitive to overlooking. This is apt in consideration of properties along Chetwynd Villas, noting their internal layout and constrained garden sizes.
- 5.20 The APG also introduces guidelines for back-to-back distances and suggests a minimum of 18m between properties based on level topography. Paragraph 2.4 goes on to state that ‘in instances where building heights, design or topography mean that opportunity for overlooking would be increased, it is advisable to increase this separation distance’.
- 5.21 The existing gardens of Chetwynd Villas are approximately 14m deep. Thus, the existing back-to-back distances to Lamorna are likely to be at, or just under, the guidelines thereby heightening the sensitivity of relationship between properties. However, this is to a degree already mitigated given the ground level differences between them. Other properties including First House and villas to the north-east are set further away or at offset angles.
- 5.22 By deduction this means that the rear windows of any new development would need to be set into the Site by a minimum distance of 4m from the rear boundary. This is obviously not the case for the proposed development given that the rear terrace is less than 2m deep.
- 5.23 Quite simply, the proposed development is in obvious breach of the material guidance contained within the APG and introduces a development that is both closer and significantly taller than the existing Lamorna dwelling and the baseline position.
- 5.24 There is a hint of a suggestion that the development has been designed to prevent overlooking due to offset windows within the rear elevation. However, the effectiveness of such mitigation is dubious when in reality those offset projections would not prevent direct overlooking from the centre of the window (see Fig. 7 below). Indeed, the angle of offset in the rear bedroom windows would face down and into nos. 1 - 3 Chetwynd Villas.

5.25 The reality is that the proposed tall development would be closer than the guidelines permit, in a situation where the guidelines actually require those distances to be increased. Overlooking would be possible from multiple floors, and this would be a significant adverse change from the baseline position. This would affect habitable rooms within properties along Chetwynd Villas as well as their constrained and precious amenity spaces.

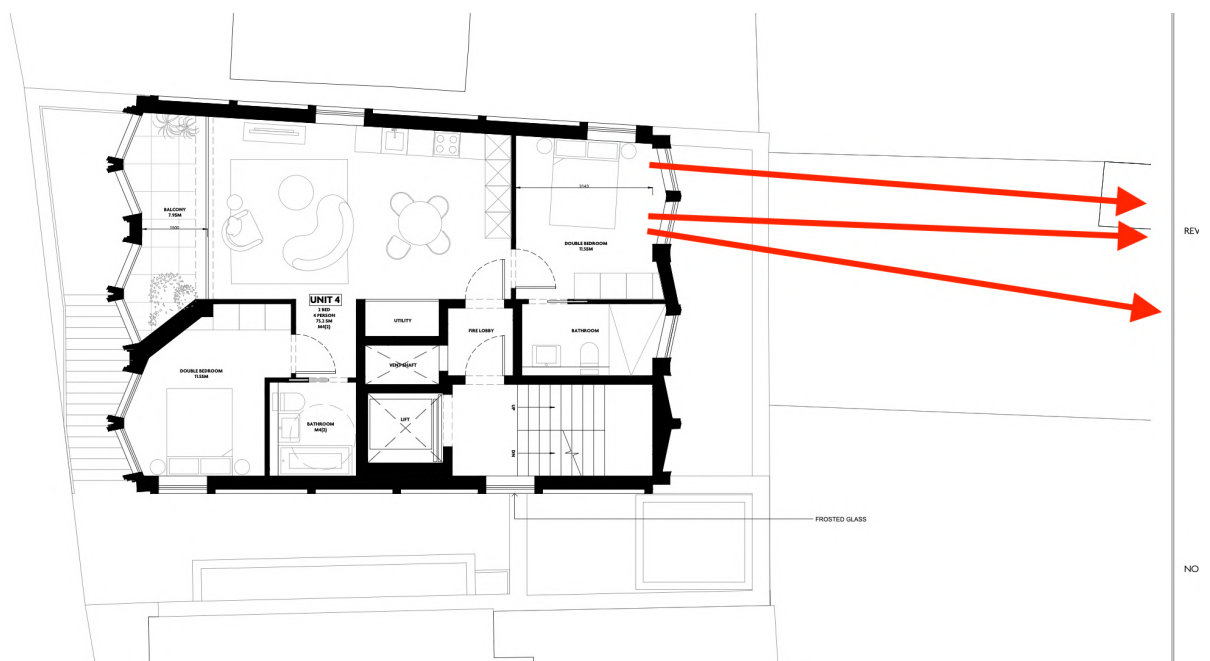


Fig. 7 – Extract of floor plan show example of view lines across and down into no. 4 Chetwynd Villas only.

5.26 The application would conflict with policy A1, where it would lead to new opportunities for overlooking that would cause a harmful loss of privacy for nearby occupants.

Outlook

5.27 In terms of the effect on outlook and general amenity, the proposed development would have a strong physical presence by reason of its sheer scale and mass across its plot. A significant part of the tower building would be elevated above Chetwynd Villas and their small, narrow gardens, its effects being accentuated by the limited degree of separation and proximity of the proposed development to the rear boundary.

5.28 The consequence for the occupiers of Chetwynd Villas would be a very overbearing development. The sense of enclosure, intrusion into their outlook and loss of general amenity around the home would be severe.

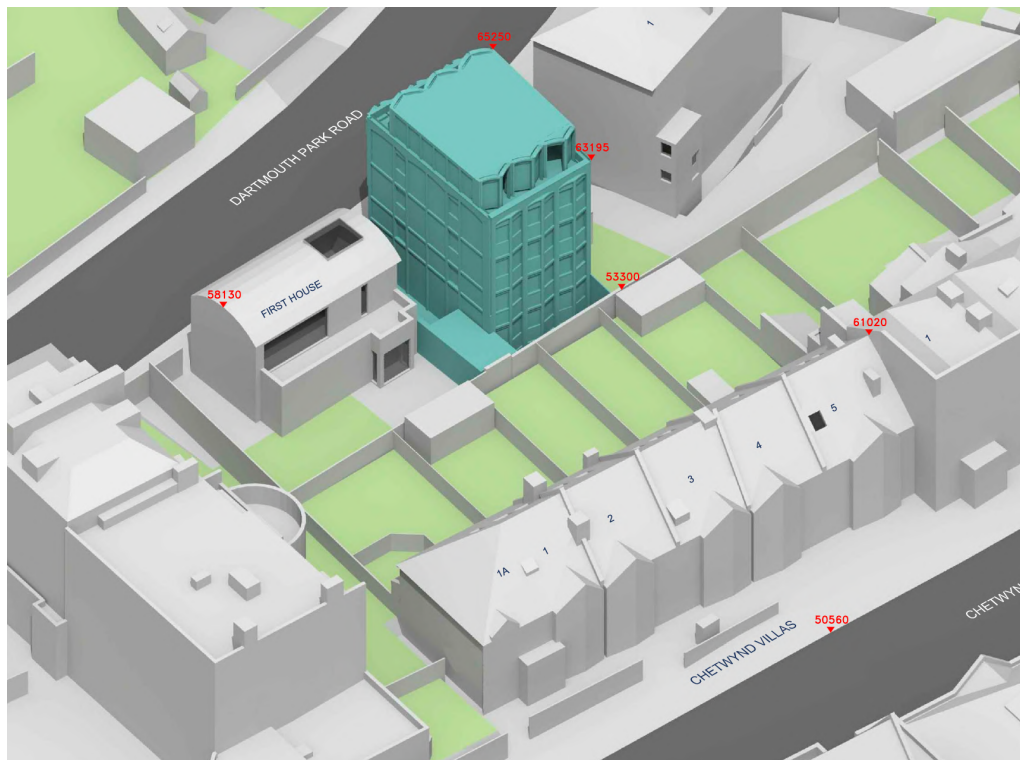


Fig. 8 – Perspective of the proposed development from the south, based on modelled survey.

5.29 The Application would therefore conflict with policy AG1 for those reasons, too.

5.30 Planning permission should also be refused for harm to amenity as an issue by itself.

Other Matters and Scheme Benefits

5.31 Residents raise concern in relation to potential impacts relating to noise and disturbance through construction. It is therefore important that the Council satisfies

itself that the conclusions within the submitted Noise and Basement Impact Assessments are robust, and that they are independently verified where necessary⁸.

- 5.32 It is recognised that in exercising the heritage and planning balances that some benefit would arise as a result of the development, and this would need to be factored into account. However, as a minor residential scheme for five dwellings the overall benefits would be relatively modest.
- 5.33 The pre-application advice from the Council considered the housing mix proposed at that time to be acceptable ‘on balance’. That is relevant because it impacts the weighting of the housing benefits. In giving their advice, and with reference to policy H7, the officer highlighted that 1-bedroomed units were a low priority.
- 5.34 A comparison between the mix considered by the officer at pre-application stage, and now at Application, is set out below.

Stage	1-bed units	2-bed units	3-bed units	Total units
Pre-application stage	1	4	1	6
Application stage	2	3	1	6

- 5.35 The Application therefore proposes an additional low priority unit at the expense of a high priority unit. It would not be unreasonable to suggest that if the original housing mix was only acceptable ‘on balance’, then the Application scheme should now tip that favour the other way. In any event, while recognising that all additional housing has value, it is clear that the current mix reduces the weight of policy support compared to the earlier iteration, given the emphasis in policy H7 on prioritising larger family units

⁸ The importance and reasonableness of independent verification of Basement Impact Assessments in Camden is dealt with in Appeal and Costs reference: Appeal Ref: APP/X5210/W/20/3261177.

5.36 Furthermore, in light of the viability case being pursued by the Applicant it is evident that no affordable housing contribution is being proposed; again, this tempers the overall benefits that the scheme might provide.

PLANNING BALANCE AND CONCLUSION

- 6.1 There is a statutory presumption both in favour of the development plan and in keeping designated heritage assets from harm. The NPPF, an important material consideration, reiterates these fundamental points.
- 6.2 The proposed development would harm the Dartmouth Park Conservation Area. The heritage harm would be of a serious level (approaching 'medium' when placed on a spectrum) and it must be afforded great weight. The harm is not outweighed by the modest public benefits of the proposed scheme. The Application is therefore contrary to policies D1, D2, DC2, and DC3 of the development plan and is contrary to the development plan as a whole, for this reason alone.
- 6.3 The Application is also in breach of policy A1 of the development plan where it would lead to new opportunities for overlooking that would cause a harmful loss of privacy for nearby occupants, as well as being overbearing and providing an undue sense of enclosure.
- 6.4 The very clear direction of the development plan is to refuse to grant permission.
- 6.5 Other material considerations do not point to a different conclusion but reinforce that direction. Assessed against the policies of the NPPF taken as a whole, the scheme performs no better where the application of national heritage policy provides a clear reason for refusing the development proposed. The finding on heritage matters is consistent with the s.72(1) duty of the Listed Buildings Act; that duty is not merely an 'other material consideration', it has the force of statute and must be followed. The application would also represent poor design in that respect and would not secure adequate amenity for neighbouring occupants.
- 6.6 The proposed development would be contrary to the development plan and national policy and there are no material considerations that justify a departure from those policies; the harm that has been identified is not outweighed by the public benefits.

- 6.7 Where there are no other considerations that would indicate a planning balance being struck any other way than to refuse planning permission, it is respectfully submitted that the Application be refused without delay.