

# Alpha Planning Ltd.

85 Friern Barnet Lane  
London  
N20 0XU

07594 189858

david@alphaplanning.ltd.uk

FAO Rachel Miller  
Development Management  
Planning Department  
6th Floor  
Camden Town Hall Extension  
Argyle Street  
London  
WC1H 8EQ



Date 13 December 2013  
Our ref APL/00047/PAR/DGu  
Your ref 2013/7039/P

Dear Ms Miller

## **Representations to Planning Application at 107 Gray's Inn Road, WC1X 8TZ**

Further to your consultation letter inviting comments by 19 December 2013 we are writing to object on behalf of the owner of 8 Brownlow Mews, Ms Jean Park, to the planning application at the above property for:

*"Erection of mansard roof extension including dormer windows to front & rear and skylights at rear to provide additional office space (Class B1). Replacement & relocation of air conditioning plant at rear. Alterations to front elevation at ground floor level including new entrance doors and rendered front facade."*

The National Planning Policy Framework sets out national planning policy for England and makes clear that the planning system is 'plan-led' and that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise (as set out in Section 38 of the Planning and Compulsory Purchase Act 2004).

For the purpose of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the development plan in force for the area is the London Plan (2011), the adopted Camden Core Strategy (2010) and the adopted Camden Development Policies DPD (2010). The Camden Planning Guidance 1 (Design) and 6 (Amenity) SPD adopted in 2013 are also material considerations.

Our client has a number of concerns in relation to the proposed development and we set them out below, making reference to relevant development plan policies.

## **Design and Appearance**

**Planning Policy:** Policy 7.6 of the London Plan not only requires the highest architectural quality in design, but also refers to considerations of form, composition, scale, and materials. Policy CS14 of the Camden Core Strategy requires development to be of the highest standard of design. Policy DP24 of the Development Policies DPD expands upon this, detailing how the Council will require all

developments to secure high quality design. The Camden Planning Guidance 1: Design includes further guidance and advice on good design.

**Comments:** The proposal to remove the pitched roof from the current building and replace it with a mansard roof with dormers on both the front and rear elevations will result in a much bulkier building and a roof form that is not sympathetic to the character and appearance of this building. Further, the proposal will exacerbate the impact of this already substantial building on the smaller scale mews properties located to its rear, resulting in a form of development that is unsympathetic and unneighbourly.

When viewed from Gray's Inn Road, the building subject to this application has strong vertical lines, with the existing roof not being readily visible, since it has a shallow pitch set back behind a low parapet wall. The proposed roof extension will alter this, appearing as an extra floor rather than a roof form, being much bulkier than the adjoining properties, and resulting in a building that would be considerably higher than the domestic scale of the properties in Brownlow Mews that it adjoins.

We are aware that the applicants in their Design and Access Statement have sought to argue that mansard roofs are appropriate in this area. However, the argument of precedent is not appropriate in planning, and where there is poor design (such as that at 123-131 Gray's Inn Road) this cannot be an argument for allowing development that further compounds the situation.

We contend that the proposed roof addition would be out of scale and proportion with the existing building and would present a very bulky and over-dominant building in relation to the smaller townhouses in Brownlow Mews. The proposal would not represent high quality design and consequently would be contrary to policies in the development plan.

## Conservation Area

**Planning Policy:** Policy 7.8C of the London Plan recognises that development should conserve the significance of heritage assets by being sympathetic to their form, scale, materials and architectural detail. Policy CS14 of the Camden Core Strategy seeks to conserve the Borough's heritage, requiring new development to preserve and enhance the Borough's rich and diverse heritage assets and their settings, including conservation areas.

**Comment:** The site is located within the Bloomsbury Conservation Area, first designated in 1968, with an up-to-date Conservation Area Appraisal and Management Strategy adopted in 2011. There is a duty on Camden to ensure that new development within conservation areas preserves or enhances the conservation area and planning policies should reflect that position.

Gray's Inn Road is one of the original north-south arterial roads, which was widened in the early 20<sup>th</sup> century but still retains the tree-lined character. Although many of the buildings have been altered or rebuilt, there are still buildings of merit and listed buildings in close proximity to the application site. To its west, Brownlow Mews contains some original mews buildings, with many of the buildings in the Mews being considered positive contributors to the conservation area.

The heritage impact assessment has sought to play down the impact of the development, arguing in relation to all impacts that they will be 'negligible' (devoting only one page to the actual assessment). However, the impact assessment does not indicate how the proposals will either preserve or enhance the conservation area. The conclusion is effectively that due to unfortunate

precedents this proposal will preserve the character of the conservation area. However, this is not an adequate assessment, and this bulky, ugly additional floor will detract from the appearance of the conservation area rather than either preserving or enhancing it. In particular when seen against the domestic scale of the mews properties in Brownlow Mews, the bulky extension will damage the character and appearance of the conservation area.

## **Residential Amenity**

**Planning Policy:** Policy 7.6 of the London Plan states that developments should “*not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy, overshadowing, wind and microclimate*”. Policy CS5 of the Core Strategy states that “*the Council will protect the amenity of Camden’s residents ... by making sure that the impact of developments on their occupiers and neighbours is fully considered*”. Camden Planning Guidance 6: Amenity SPD, provides guidance in relation to various amenity aspects, including: noise and vibration; daylight and sunlight; and overlooking, privacy and outlook.

**Comment:** Our client is concerned about the adverse impact of the proposed development on her residential amenities in relation to the following areas:

- a) Overlooking and loss of privacy;
- b) Overshadowing and loss of light; and
- c) Noise and disturbance.

With regard to overlooking, the application building is a four-storey building, situated only 6-7m to the rear of her property (a three storey town house). The proposal is to provide an additional floor with a number of windows and dormers facing west towards Brownlow Mews. We appreciate that the lawful use of the building as offices means that the distance of 18m back to back for habitable rooms does not necessarily apply. However, a distance of seven metres is not adequate to prevent overlooking and loss of privacy to our client’s property, even if the adjoining building were to resume use as offices (which it may not given the recent introduction of Class J [see later]). The additional floor will result in further overlooking of our client’s habitable rooms (ground floor bedroom, first floor kitchen/diner, second floor bedroom) and loss of privacy preventing her fully enjoying the peaceful enjoyment of her roof terrace/living room on the third floor.

We have reviewed the daylight/sunlight report that was submitted with the application, and whilst the consultant may conclude that the impact is ‘negligible’ in terms of loss of daylight, we would have to disagree. The BRE Guidance is exactly that, only guidance, and our client has windows that face east and already have restricted light due to the height of the adjoining building. The additional floor will result in further loss of light, the incremental change being such as to be significant to the occupiers of this property. An additional floor will make our client’s ground floor bedroom completely dark and detract considerably from the light coming to their first floor kitchen/diner, and second floor bedroom. A 25 degree line drawn from any of these windows would be subtended by 107 Gray’s Inn Road.

With regard to sunlight, the assessment has chosen not to assess this, arguing that this is not required since none of the windows face within due south. However, the additional floor will mean that no sunlight in the morning will fall on our client’s rear elevation (where the principle habitable

rooms are located) or on their garden. This will detract from their reasonable enjoyment of their property, adversely affecting their amenities.

The proposals also indicate that new double sliding doors will be created in the ground floor to the rear of their property, with what appears to be a seating/eating area being provided. This, together with the proposed new high level condenser units (shown at first floor level on the rear elevation) will have the potential to result in noise and disturbance to their property and detract from their reasonable enjoyment of their small rear garden and patio area and habitable rooms that lead onto this area. If the application building remains as an office, there is the potential for this area to become the outside smoking area, which will further detract from our client's reasonable enjoyment of her property.

## **Sustainability**

From the information submitted with the application we have been unable to determine how the application responds to Policy CS13 of the Camden Core Strategy, Policy DP22 of the Camden Development Policies DPD or Policies 5.2 and 5.3 of the London Plan. There is no indication that the development seeks to address issues of climate change, demonstrates sustainable development principles, or promotes higher standards of environmental design. As such the proposal is contrary to policies within the development plan.

## **Class J (Offices to Residential)**

We have one further area of concern and that relates to the fact that since 30 May 2013 it has been possible for owners of office buildings to apply to determine whether prior appeal is required for a B1(a) office building to change to C3 dwellinghouses. The only area of control appears to be in relation to contamination (unlikely to be relevant), flood risk (the property is within flood zone 1) and transport (the site has a PTAL rating of 6A).

We are concerned that if the proposed development is permitted there will be a significant likelihood that this property will convert to residential flats and that the overlooking and loss of privacy for our client will be further exacerbated.

We appreciate that the Council can only consider the application that is currently before it, however, if the Council is minded to grant planning permission (which we contend should not be the case) than conditions could be imposed that would reduce the potential for overlooking and loss of privacy. It is commonplace for Council's to impose conditions that restrict permitted development rights for valid planning reasons, and we would suggest that this would be appropriate in this case, since the additional 220m<sup>2</sup> of floorspace could be converted into a number of flats at fifth floor level, with significant overlooking and loss of privacy issues for our client. In addition, it would be worth imposing conditions to ensure that the new windows proposed are obscure glazed and non-opening below 1.6m.

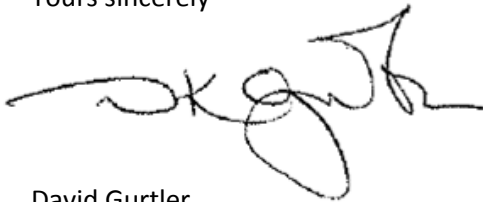
Our client has a further concern in relation to the potential for the building to be converted into flats and that relates to issues associated with bin storage, litter, odour and vermin. Already there are issues on Gray's Inn Road with commercial buildings lacking bin storage space, if the properties become residential, given that bins cannot be stored on the pavement, there is a likelihood that the rear yard will be used for this purpose.

## Conclusion

Having reviewed the planning application, we consider that the proposals will be contrary to policies within the development plan and that since there are no material considerations to justify departure from the development plan, that planning permission should be refused.

We trust that you will take our client's objections into account and look forward to hearing from you in the future that planning permission has been refused.

Yours sincerely

A handwritten signature in black ink, appearing to read 'D. Gurtler', with a stylized flourish at the end.

David Gurtler  
**Director**

cc. Ms Jean Park