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Camden Town Council
Miss K Byrne
Team Manager Fast Track &
Validations Team
Town Hall Extension
Argyle Street
London
WC1H 8NJ

Dear Miss K Byrne

**Town & Country Planning Act 1990 as Amended
21 Belsize Crescent London NW3 5QY**

I am instructed by Jane Boardman of 19A Belsize Crescent to review the planning application ref 2013/2986/P dated the 14th March 2013. Having reviewed the application I am of the strong opinion that the application must be rejected.

The application is described as:

Replacement of existing side extension, existing front pitched asphalt roof replaced with lead standing seam roof with new eaves and ridge parapet walls. New French doors to rendered front elevation. Rear Pitched roof replaced with flat sedum roof. New concertina doors to stone rear elevation.

The description is not accurate because the existing extension is unlawful and cannot be considered as a material consideration.

This objection letter is in a number of sections. The planning application and the plans have a number of errors which should mean that the application is invalid. The plans are insufficient, unclear and inaccurate and the application should not have been validated. This is a concern because the changes relate to the harm caused by the proposal.

The subsequent two sections of this objection letter test the application against the development plan policy and have regard to the statutory requirements for applications in conservation areas.

The planning application details that the existing side extension was previously used as an annexe, but has not been used by the current owners. The building is in a poor state of repair, and the roof is supported by acrow props. This extension does not have the benefit of a Planning Permission or a Lawful Development Certificate and therefore it must be considered unlawful. Whilst it exists it is clear from the letter dated the 18th March 2009 from the planning authority that the extension would not have been granted planning permission. This gives further weight to the point that even if the extension was lawful, certainly it is not to be seen as an extension that preserves or enhances the Conservation Area. This is a matter considered subsequently in this objection letter; however, the existing extension is therefore not a material consideration that can attract any weight.

Errors in the Application

First the application is submitted with Certificate A. However, part of the land and building, namely 19 Belsize Crescent is attached to the extension and therefore Certificate B should be served.

Secondly on plan 782/5/210 the elevation to 19 Belsize Crescent currently appears undersized in width. Furthermore the line between properties 19 and 21 is not correct.

The existing side elevation 782/5/211 appears to show both side fenestration details. The fenestration for 19 Belsize Crescent is incorrect.

The elevation 782/P/210 is inconsistent with 782/P/311.

The details on plan 782/P/311 show an increase in bulk adjacent to the side windows.

These are fundamental errors to the plans and are material errors to the consideration of the application. In view of the subsequent concerns raised the application needs to be withdrawn. It is not possible to merely correct the Certificate or the errors to the plans.

The applicant provides no context for the design in relation to the design of the extension having regard to the Conservation Area or the Development Plan Policies. The scheme appears to have been designed and then submitted without any reference to the development plan or statutory assessment of the proposal in the Conservation Area.

The Development Plan

The Policies of relevance are;

- CS5 Core Strategy
- CS14 Core Strategy
- DP24 Camden Development Policies
- DP25 Camden Development Policies
- DP26 Camden Development Policies

CS5 is a Core Strategy Policy supported by various development policies. CS14 seeks to promote high quality development and conserve the Boroughs heritage. The Core Strategy Policy relates to DP24, DP25 and DP26 of the Camden Development Policies 2010.

The development plan test in DP24 is of relevance to ensure that development is of the highest standard the policy makes reference to the character and setting of neighbouring buildings.

DP25 in conjunction with the statutory test details that development must preserve and enhance the conservation area.

Of particular relevance to the amenity consideration is policy DP26. DP26 requires;

The Council will protect the quality of life of occupiers and neighbours by only granting permission for development that does not cause harm to amenity, The factors we will consider include;

- a) **Visual privacy and overlooking**
- b) **Overshadowing and outlook**
- c) **Noise and vibration levels.**

In response to the proposal and the criteria the development is now tested against each criterion in DP26.

- a) The proposal by any reasonable alignment has a harmful effect on the amenities of 19 Belsize Crescent by reason of the increased vertical and horizontal height to the side windows which lights the downstairs hall, stairs and upstairs hallway.
- b) The increased height as built of the extension is causing further over shading and diminishes the outlook from the side window.
- c) The proposal by any reasonable alignment has a harmful effect on the amenities of 19 Belsize Crescent by reason of the increased vertical and horizontal height to the side windows which lights the kitchen, dining room, downstairs hall, stairs and upstairs hallway.
- d) The ground and basement of 19 Belsize Crescent is a maisonette, set over 2 floors. It is family accommodation with 3 bedrooms, with gardens front and rear. As end of terrace there are 2 flank wall west facing windows allowing light into the habitable space in the interior of the flat at the ground and basement levels. It is these windows that are threatened.

The application if approved would have a most serious impact on the quality of the living space for the entire flat, hence amenity and quality of light. It is difficult to see how it could possibly meet Camden's standards with respect to light and amenity of neighbours.

The applicant at 21 Belsize Crescent is a single-family dwelling set over 5 floors. The applicant proposed building is to house a library and a study. The proposed building would have a serious impact on my client's amenity and light in her living area.

No noise attenuation measures are detailed. The design is positioned unnecessarily close to a window opening.

In conjunction with DP26 the **SPD – Camden Policy Guidance 6** is also a material consideration. Regrettably this was not also considered by the applicant. Section 6 deals with sunlight and daylight. It is a concern that further to this guidance it suggests daylight and sunlight assessment should be included in the application. It needs to be clear in the assessment that the existing extension is irrelevant to this consideration. The test in the CPG6 makes no distinction between habitable and non habitable windows. This window provides light to the upper and lower hall and the habitable rooms downstairs. The vertical sky compartment is harmed as is the average daylight factor harmed. The Development Plan policies explain at 26.3 and that daylight and sunlight assessments are required for habitable spaces. The windows in the hall lights a number of areas on two floors, including habitable rooms. Paragraph 26.3 does not state that daylight and sunlight assessments are required for habitable rooms, it requires them for **habitable spaces** which is what the hall area is. Related to this the guidance in CPG6 this makes no distinction between habitable and non habitable rooms and therefore the guidance can be applied to this window. The definition on the portal of a habitable room is therefore largely irrelevant, because the Local Plan refers to habitable spaces.

This side window has a right to light from the 1959 Act and the owner can still seek a remedy for the unauthorised development and its impact.

Conservation Area Considerations

It is a legal duty under s. 72 and 73 of the Act to preserve or enhance the Conservation Area. The Conservation Area Statement, **Belsize Conservation Area** identified some of the key characteristics of the area. One of the key features is the limited palette of materials which gives The Crescent its unique considerable visual consistency. It is highly harmful to the character that the extension will be an alien feature, and promote a visual inconsistency in the street scene. The space between the properties offers an open view between the terrace along with a number of other spaces and gaps in the street scene. The terraces which set back are tall and imposing and these gaps provide in contrast an open and pleasant view into the street scene. Regrettably the development of one of these spaces would set a harmful precedent.

No case has been made by the applicant that the development enhances or preserves the Conservation Area.

The scheme has not been designed with any thought or assessment for the Conservation Area. Therefore the scheme does not preserve or enhance the Conservation Area. It fails the statutory test and is also contrary to DP25 in failing to protect Camden's heritage.

Unauthorised Extension

The applicant has sought to rely on an unauthorised development as a 'Fall Back' position or as a material consideration in the application. This is not correct. An unlawful building and as a result the recent changes to the localism Act (S124) it may still be unlawful. The planning history of the site may be a material consideration, however in the case of unlawful development and that its impact was assessed as being negative impact than this extension should have no weight or materiality in determining this larger and revised scheme. It does not follow that the existing scheme provides any benchmark for acceptability. It was previously not considered acceptable in planning terms and should not be used as a justification for what can only be described as a proposal that is harmful in its own rights.

Finally I note that the site address on the application is incorrect. The site address is stated as 21 Belsize Crescent, NW3 5QY. However the correct address is Avalon Cottage, Daleham Mews, NW3 5DB. The plot at 21 Belsize Crescent has been subdivided into 2 plots. The site of the proposed building is on a separate legal plot to 21 Belsize Crescent, with access to Daleham Mews. (title number NGL813954)

The application should be refused, if not it should be declared invalid.

Yours sincerely

Francis Caldwell

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Managing Director

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