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PLANNING HISTORY

Subject: Land adjacent to 1 Estelle Road, Hodes Row- Planning Application

The site has been subject to two previous unsuccessful applications and appeals. These have been similar, in terms of the proposed provision of a house in the airspace over the entrance to a back-land development of mews houses built on the site of an old dairy in the 1990s.

The first application was in 1998 with an appeal in 1999. The second application was in 2001 with an appeal in 2002. Both designs were basically pastiche in character.

The first application (see attached drawings) was originally refused for two reasons;

- The proposed building would result in significant loss of daylight and privacy to existing rooms served by windows on the flank wall of No1 Estelle Road (EN27).
- The development would result in relocation of a parking space to the western end of the adjoining site and that cars would not be able to enter and leave the entrance (in Courthope Road) in a forward facing manner (TR19).

The refusal was taken to appeal where the inspector concluded with respect to daylight and sunlight that the proposal would seriously diminish the provision of daylight on the ground and first floor flats, but that there was only a very limited loss of privacy in terms of overlooking.

With respect to parking, the Inspector concluded that the proposal did not represent a significant change to the existing situation.

The second application (see attached drawings) aimed to address the Inspector's views with respect to daylight and sunlight. The design showed a reduced depth of the building so as not to encroach on the existing side elevation windows and then commissioned a specialist was commissioned to provide a daylight/sunlight report that pointed out inaccuracies in the original appeal decision terminology in relation to the site and tried to show the limited impact of the proposal. It was refused again on the following grounds;

- Unacceptable detailed design considered to be historically inaccurate and therefore failing to preserve or enhance the conservation area (EN1, EN13, EN14 and EN41)
- Loss of daylight/sunlight, outlook and overlooking regards the existing windows on the flank elevation of No. 1 Estelle Road. Also it mentions outlook from the existing upper floor windows to the rear of 82 Mansfield Road (EN19).

This refusal was taken to appeal and this was again refused by the Inspector in Sept 2002. the main point was again the issue of daylight and sunlight and the conclusion was that the proposal would be "detrimental to the living conditions of the occupiers of No. 1 Estelle Road. The point relating to 82 Mansfield Road was not given further consideration and he acknowledged that the tests in the commissioned report showed that the existing windows of the flank elevation would continue to receive daylight and sunlight in excess of the minimum standards, but he stated that the significant reduction of daylight and sunlight to these windows that the proposal would cause "outweighed any compliance with generalized standards".

We assume that your records will allow you to access in more detail any of the above documents to which we have referred, but we have copies on file if they should be required.

The current design was born out of a very careful assessment of this case history along with a study of the UDP and led to an application that was registered in October 2005 and assigned to Mr. Nigel Granger. The full basis for the concept and design development can be seen elsewhere in the application documentation, but the fundamental principle was to;

- Satisfy the issues with respect to daylight/sunlight, outlook and overlooking to the flank wall of No. 1 Estelle Road, by providing a very strong rake to the rear elevation.
- To address the original objections to the inaccurate and pastiche nature of the first two designs in favour of something unashamedly modern, that draws references to the character of the locality.

Mr Granger asked that we back up our rationale of providing a raked rear elevation by providing a new daylight/sunlight report. A report was commissioned to Nathaniel Lichfield Planning Consultants and the results of the report were considered satisfactory in the first instance.

There were some queries regarding parking that were responded to and the conclusion at that stage was that if the scheme was ultimately approved, it would have an attached condition that it would not be granted resident parking.

Our discussions with Mr Granger were very positive and he stated that there was also a generally positive view from the conservation team that he was liaising with. At that time he suggested that Camden would look favourably on the scheme but that the application might not stand up against the objection that it would definitely receive from residents. We discussed design detail and materials and it was agreed that we would withdraw the application in order to develop the detail of the design in accordance with our discussions.

The application was withdrawn and is now being resubmitted in that context.

Mr. Granger also suggested a material sample of the polished lime render treatment to external elevations, which can be provided on request.

Our current proposal was particularly led by the following UDP policy;

- PPG15 para 4.16 - preservation or enhancement of conservation areas cannot realistically prohibit new development.
- PPG15 para 4.20 – the objective of preservation can be attained by development that has a positive effect on an area's character or appearance.
- PPG3 paras 2 & 21 – the need to make full use of previously used land within the urban area.
- PPG13 para 3.3 – local authorities should concentrate higher density residential development near public transport centres and corridors.
- SHG1 – with regard to land use, housing is the priority use of the UDP and net additions to the housing stock should be sought where possible.