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Rob Tulloch  
Regeneration and Planning  
Development Management  
London Borough of Camden  
Town Hall  
Argyle Street  
London WC1H 8ND

7 May 2013

Dear Rob Tulloch

**Re: Planning Application 1-8 College Yard, London NW5 1NX; No.  
2013/1873/P; related applications: 2012/6468/P and 2010/0550/P**

We are writing to object to the above planning application. We are owners of a property directly affected by the proposed demolition of the existing one-storey warehouse building and construction of a three-storey building with roof terraces to contain 9 flats. The building borders our garden.

This application is the second from the current owner (previous application: 2012/6468/P).

There have been four previous applications for this site submitted by a different developer resulting, in December 2010, in the dismissal of an Appeal by the Planning Inspectorate (Appeal Ref: APP/X5210/A/10/2130281).

Having examined the minor revisions made to the earlier application (2012/6468/P) it is our opinion that our original objections still stand. However, we should like to respond to the points outlined on p. 3, para 2.2 of the Design and Access Statement regarding comments made by Camden on the earlier application.

1. Roof design: tilting the photovoltaic panels at an angle of 10 degrees does not simplify the roof design. It is still out of keeping with the area (see section 6 below).
2. Zinc panels: introducing 2 small 100mm shadow gaps does not "rationalise" the size (the overall size is the same) so that "the facade reads at a more human scale". It is still very dominant and oppressive (see section 6 below).
3. Cantilevered section: the redesign still extends into the Yard far beyond the existing building and blocks the current outlook of some houses on Evangelist Rd.

4. Garden level: noted that the ground level has been adjusted but the road is Lady Somerset Rd, not Lady Margaret Rd.
5. Planting, including maintenance and irrigation: we are of the opinion that the plants listed (in the new Appendix item of the Design and Access Statement) will not provide the stated level of screening. For example, from the Evangelist Road elevation (north east), only 2 of the 7 plants listed are evergreen – this is unacceptable. Also, many of these plants are slow growing and we will not get cover for some years to come. It is stated that beds would be placed on the flat roofs. However, the most northerly planted panel on this elevation is mostly positioned above a terrace not a flat roof. On p. 18 of the Design and Access Statement there is an illustration which shows a completely different type of green wall for the Evangelist Rd elevation – one which would more likely provide instant cover.  
Further, the screening on the College Yard side (south west) between the flats' front terraces at ground level is a hornbeam hedge – this is not evergreen. Also, the proposed tension wire screening on this elevation, in order to be dense enough to prevent overlooking, would block light from the flats themselves. It would also take some time to grow. There are similar problems (deciduous versus evergreen) regarding some of the plants chosen for the roof level planting. There is no mention of how the irrigation would be achieved in any of the locations.
6. Access to garage business: we still feel that the proposal to extend into and over the yard will cause considerable inconvenience for this valued local business.

Finally, we have noticed that the north east elevation drawing is a misrepresentation. This was not picked up in the earlier application. It shows the site, and current and proposed buildings, extending into gardens in Lady Somerset Road. This is incorrect and gives an inaccurate picture. *A correct drawing should be submitted immediately to enable all parties to consider it.*

As stated above, the minor revisions do not address our main concerns. Our grounds for objection can be grouped under 6 main headings:

1. Harmful to Outlook/Loss of Amenity
2. Harm to the Character and Appearance of the Area
3. Impact on Dartmouth Park Conservation Area
4. Daylight and Sunlight
5. Construction Issues
6. Design

#### **1. Harmful to Outlook/Loss of Amenity**

In her letter to the former applicant of 5 March 2008 regarding the first application (2007/5031/P), Victoria Lewis made it clear that the *“building should be no higher than the existing building to ensure there would be no adverse impact”*. The new proposed design does not meet this requirement as it is still substantially higher than the existing building.

Camden's Planning Guidance 6, para 7.9 states that developers should *"ensure the proximity, size or cumulative effect of any structures do not have an overbearing and/or dominating effect that is detrimental to the enjoyment of their properties by adjoining residential occupiers"*.

The bulk (increased height and length) of the proposed building is such that it creates *"an overbearing and dominating effect"* and the outlook of all the houses in the area bordered by Evangelist Rd, Lady Somerset Rd, Highgate Rd and Burghley Rd will be significantly harmed. In Camden's refusal of the previous application (2010/0550/P) they state: *"The proposed development, by reason of its increased height and bulk, would result in a dominating and overbearing development within a compact urban context, resulting in ... loss of outlook and an increased sense of enclosure to neighbouring residential properties"*. We believe this still to be the case.

The current open outlook in what is a densely populated urban area is a great amenity for the local residents and should not be altered in any adverse manner. The Inspector, in his report on the previous application, comments *"the increased wall height and building's proximity would result in a development which is harmful to outlook of neighbouring occupiers"*. We believe this is still the case for the new proposal.

**Overlooking** – attempts have been made on all sides to mitigate overlooking issues. From the perspective of Evangelist Road properties, large, two-storey high slanted zinc panels have been incorporated behind which there will be opening full height windows with Juliet balconies. However, this does not remove the overlooking issue as can be seen from the applicant's drawings which indicate that the gardens of many properties will still suffer overlooking. Again, Camden's Planning Guidance 6, para 7.4 states: *"Spaces that are overlooked lack privacy."* Such overlooking goes against Camden's stated 'Key Message': *"Developments are to be designed to protect the privacy of existing dwellings."*

To prevent overlooking from the 5 roof terraces, we note that a 1.8m-high planting screen is planned. However, we are very concerned that this will not be maintained sufficiently throughout the life of the building to ensure that no overlooking from such terraces takes place on any side (see comments above to point 5). Even if a planning condition is attached, enforcement would be difficult. We do not feel this is an adequate solution to the overlooking problem from both the roof terraces and the terraces on the College Lane aspect.

**Noise** – the proposed development of 5 x 2-bed and 4 x 3-bed apartments, all with either a roof terrace and/or other patio/terrace space, will impact greatly on the noise levels in the surrounding houses and gardens. The requirement to provide amenity space for the occupants of the new building will, in this way, considerably detract from the existing amenity of the residents in the surrounding area, which goes against Core Strategy 5.8 – *"we will expect development to avoid harmful effects on the amenity of existing and future occupiers and nearby properties"*.

Also, it should be noted that it is intended, on the Evangelist Rd garden side, that in addition to the 4 ground level terraces, all the 2-storey full height windows will be opening with Juliet balconies. This increases the potential for noise disturbance substantially.

## **2. Harm to the character and appearance of the area**

We believe that this proposal will harm the character and appearance of the area as the previous applications did. (See Inspector's Report: *"8. I conclude that the proposal would harm the character and appearance of the area."*)

As Victoria Lewis noted in her letter to the previous applicant of 5 March 2008, this is *"an extremely constrained site"*. Katrina Christoforou reiterated this point in her email of 1 June 2009 (App ref: 2009/1329/P): *"The site is so constrained it may be that achieving this density ... is not achievable in this location."* Two sides of the building are bordered by private gardens in Evangelist Road and Lady Somerset Road. A third side borders a narrow historic pedestrian public right of way, College Lane, which is itself bordered by the rear entrances and garden walls of houses (some Grade II listed) in Highgate Road which are in the Dartmouth Park Conservation Area. The new proposed building would have an adverse effect on the character and nature of the whole area bordered by Evangelist Rd, Lady Somerset Rd, Highgate Rd and Burghley Rd as it amounts to overdevelopment of a very constrained site.

The proposal is for a building that will be not only substantially taller but also considerably longer than the existing. It will extend into College Yard affecting two properties in Evangelist Road (nos 9 and 7) that currently do not abut the existing building. The Inspector commented on the previous proposed structure that it *"would be horizontal in appearance.... [and that] this is predominantly at odds with the vertical rhythms of buildings in the surrounding context"*. In our view, the new proposal would be even more "horizontal" owing to its increased length resulting in a very "box-like" (the Inspector's words) building.

## **3. Impact on Dartmouth Park Conservation Area**

We should like to draw your attention to the fact that the houses on Highgate Rd bordering the site are in the Dartmouth Park Conservation Area. Camden Planning Guidance 1, para 3.7 states: *"[the Council] will only permit development within conservation areas, and development affecting the setting of conservation areas, that preserves and enhances the character and appearance of the area"*. Further, the Dartmouth Park Conservation Area Appraisal and Management Statement (p. 53) states: *"Development proposals will be expected to preserve or enhance the character or appearance of the Dartmouth Park Conservation Area. This also applies to developments which are outside the conservation area but would affect its settings or views into or out of the area."* See also Development Policy 25.9: *"Due to the largely dense urban nature of Camden, the character or appearance of our conservation areas can also be affected by development which is outside of conservation areas, but visible from within them. This includes high or bulky buildings, which can have an impact on areas some distance away, as well as adjacent premises. The Council will therefore not permit development in locations outside conservation areas that it considers would cause harm to the character, appearance or setting of such an area."*

A development such as this one would not preserve or enhance the character and appearance of the area and would have a very harmful effect on the nature, character and setting of the conservation area.

We should also like to draw your attention to a decision by The Planning Inspectorate, ref. T/APF/X5210/A/96/271338/P2, concerning an appeal by ourselves for a roof

extension at our property (Application no. P9600100R1). The appeal was dismissed and we would refer you, in particular, to paras 16 and 18 of the Inspectorate's decision. To quote para 16: *"the site [15 Evangelist Rd] is in close proximity to the south-eastern tip of the Dartmouth Park Conservation Area, and is in an area which forms part of the townscape in which this Area is set. As such, even though it would be far less visible from within the Conservation Area than from private vantage points beyond, the proposed extension would nevertheless have an adverse effect on the character and appearance of the Conservation Area rather than preserving or enhancing it."*

The proposed development would be much closer and much more intrusive than our extension would have been and, consistent with this decision, should not be allowed.

Further, in July 2012 an application to install double-glazed PVCu framed windows at 54-6 Highgate Rd and 9 College Yard (Ref. 2012/2590/P) was refused on the following grounds: *"The proposed windows, by virtue of their materials and finished appearance (in particular the use of PVCu frames), would be harmful to the appearance of the host building, streetscene, and to the setting of the Dartmouth Park Conservation Area."*

In Camden's refusal of the previous developer's proposal in March 2010, they state: *"[it] would represent a convoluted and contrived form of development which fails to respond effectively to its context and is harmful to the character and appearance of the area, the setting of neighbouring listed buildings and the character and appearance of the adjacent Dartmouth Park Conservation Area."* We believe that this is still true of the new proposal.

#### **4. Daylight and Sunlight**

The applicants have undertaken a daylight survey. A number of the houses on Highgate Road (58, 60, 62, 62a and b) and 9 College Yard (misnamed as 9 Highgate Rd) have rooms that fall below the acceptable levels of loss of VSC. Such negative impact on existing properties should not be permitted.

It should also be noted that in undertaking the survey no allowance was made for the 1.8m-high planting screen proposed at rooftop level to mitigate both overlooking and noise. Such screening, to achieve its purpose, would necessarily be evergreen and dense and therefore will further block daylight and sunlight to surrounding properties and their gardens.

From the perspective of Evangelist Road, even though apparently no discernible loss of light impacts on the houses (with the possible exception of no. 9), the increased height and bulk of the proposed building will have a negative impact on daylight and sunlight in our gardens. And Camden Planning Guidance 6, para 6.5 states it will *"view results flexibly ... to address specific circumstances of a site"*.

#### **5. Construction Issues**

The access to the site is extremely constrained and there would be concern about construction vehicles and plant entering and leaving via the narrow entrance on to Highgate Rd. Although this is mentioned in the Construction Management Plan we do not feel that it is adequately addressed.

Hoarding and scaffolding – it indicates that the hoarding would be inside the perimeter of the site. It does not indicate where the limit of the scaffolding would be.

There is no specific mention of the asbestos on the roof and of how it would be safely removed and disposed of.

## **6. Design**

As has been indicated elsewhere, we do not feel that the design of the block is in keeping with the surrounding area. From the perspective of Evangelist Road, we have particular concerns regarding the facing sheer wall. The large 2-storey zinc panels are very dominant and create a very oppressive enclosed feel. The minor revisions suggested will not change this. The outer edge of these panels will be only a few feet from our garden wall. They will be taller than the existing building and, as already mentioned, will extend further lengthwise. The small bits of 'green wall' in between will do little to mitigate the overall effect. (As already mentioned we would have concerns about the ongoing effectiveness and maintenance of all such green walls.)

From the College Lane perspective, white render is again, out of keeping with the neighbourhood.

And the roof design is not harmonious with the roofscape in the surrounding area.

Finally, the overhanging extension into College Yard will cause great inconvenience to a local, independent garage business by restricting access to vehicles of a certain size and reducing the turnaround space. Despite assurances that it is acceptable (see point 6 of p. 3, para 2.2 of Design and Access Statement) we do not feel the impact on this important local business has been fully considered.

## **Conclusion**

In the light of all the points detailed above we urge the Council to reject this application outright. It is completely inappropriate for this area.

However, we recognise that Camden's planning priority is in favour of residential development. In the light of this we feel that this site could lend itself to a sensitive development of a small number of low level mews-type houses. This would create an environment more reflective of the cottages at the lower end of College Lane north of Lady Somerset Road and so enhance the character of the surrounding area in general and that of the Dartmouth Park Conservation Area in particular.

Were such a development to be proposed, we would be willing to enter into discussions to ensure, as far as possible, that it would be mutually acceptable. However, we wish to make it clear that, contrary to the applicant's assertions, we do not regard the consultation referred to in the Design and Access statement as satisfactory. In particular, 3 days notice of a neighbourhood meeting was given in the summer half term and Jubilee week. Due to such short notice a further meeting was requested by residents at which a further commitment to show residents revised plans before submission has not been honoured.

To assess the full impact, we would urge you to come and visit the site from the neighbours' aspect.

Please notify us of the Committee date in due course.

Yours sincerely

Belinda and Mark Wakefield

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