

The Director of Culture and Environment  
Regeneration and Planning  
Development Management  
The London Borough of Camden  
Town Hall, Judd Street  
London  
WC1H 8ND

20<sup>th</sup> February 2015

**FAO: Olivier Nelson**

Dear Sir,

**Town and Country Planning Act 1990**  
**Application by CISCO Property Limited**  
**England's Lane Residence, England's Lane, London, NW3 4XY**  
**Application Reference 2014/7803/P**

We act both for Haverstock Hill Flats Management Company Limited, the managing agents for Walham Court, 109-111 Haverstock Hill and Antrim Mansions Limited the managing agents for Antrim Mansions, Antrim Road. We are instructed to make representations on behalf of the residents of those two apartment buildings to the above planning application. Walham Court comprises a block of 20 flats to the immediate north of the application site while Antrim Mansions is to the north-west. Our clients object in the strongest possible terms to the application and urge that planning consent be refused to the proposal.

In summary, the grounds of objection are:-

- The unacceptable impact of the proposal on the living conditions of nearby residents by reasons of scale, sense of enclosure, loss of privacy and overlooking contrary to Policies CS1 and CS14 of the Camden Core Strategy, November 2010 and DP24 and DP26 of the adopted Development Policies.
- Overlooking and loss of privacy to the rear gardens of Walham Court and Antrim Mansions.
- The unacceptable impact of the proposals on sunlight and daylight received by residents of flats in Walham Court including to the rear garden contrary to the guidance in the Building Research Establishment's: '*Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice*'.
- Impact on important trees.
- The unacceptable intensity of use of the site having regard to the policies of the Core Strategy and the London Plan (Table 3A.2) and to the site's location with an area designated for limited or restrained growth (reference: Policy CS1).
- The loss of existing on site car parking and therein increased demand for on street parking in an area of acknowledged parking stress.
- The poor standard of proposed accommodation including lack of private amenity space, poor outlook and inadequate room sizes.

We expand on these objections below.

**(a) Overarching Policy Context**

The overarching policy context against which the proposals should be judged is set by the Government's NPPF, the London Plan and the Camden Core Strategy and Development Policies as adopted in November 2010. The latter three documents comprise the statutory Development Plan for the application site.

All of the above documents place considerable emphasis on the need for good design and the importance of new development responding to and respecting neighbouring developments.

At its outset the NPPF, in defining 12 core principles that should underpin plan making and decision taking, confirms that one of those principles is:-

- ***"Always seek to secure high quality of design and a good standard of amenity for all existing and future occupants of land and buildings" (our emphasis).***

Thus whilst the NPPF encourages sustainable development it does so within a context of ensuring high quality in design and a recognition of the importance of preserving the amenity of existing residents. This proposal fails in this regard.

The NPPF continues at paragraph 56 to advise that:-

***"The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people."***

In a similar vein the Core Strategy sets as one of its objectives the following:-

***"To promote high quality, sustainable design and physical works to improve and enhance the unique character of Camden and the distinctiveness of our many conservation areas and other historic and valued buildings, spaces and places."***

The application proposals fail to accord with these overarching themes. They are an inappropriate form of development which will have an unacceptable impact on the amenities of adjoining residents most notably for reasons of scale, proximity, overshadowing and overlooking leading to a loss of privacy. They represent poor design which, rather than making the place better for people (paragraph 56, NPPF), will lead to direct harm for which there is no justification. The protection of existing residential amenity is a principle the NPPF expressly endorses. On this basis alone they should be refused planning consent.

Policy CS1 of the Camden Core Strategy sets out the Borough's overall approach to growth, recognising that the challenge is to deliver sustainable growth while improving and protecting the environment and quality of life of its residents. Against this context, the policy directs growth, which includes new housing in all its forms, to defined growth areas across the Borough (e.g. Kings Cross and Euston) and to other highly accessible locations (e.g. Camden Town and Kentish Town). In the other areas of the Borough, which includes the application site, the policy indicates there will only be '*more limited change*'. The explanation to the policy (paragraph 1.6) confirms that the approach to growth will:-

- *“Focus growth on places that can support high density development, reducing pressure for substantial development in predominately residential areas....”.*

The application site falls in a predominately residential area and is not one of those areas defined for significant growth. It is an area where, as CS1 indicates, only ‘*limited change*’ is expected. It is not an area suited to high density development which is what the application proposals comprise.

The application proposals on any analysis are significant development, and as such, by definition inappropriate to the area. They will result in an additional 9 new flats together with enlarged hostel rooms at this already intensively used site. This scale of development is not appropriate to this residential area which does not benefit from good public transport accessibility. Consistent with the policy approach enshrined in Policy CS1 the proposal would be more appropriately located in one of the defined growth areas or the Borough’s town centres.

If permitted, the resulting accommodation at the site would comprise the following:-

Floor	Number of Hostel Rooms	Number of Resident Flat Habitable Rooms
Ground	30	4
First	33	6
Second	33	6
Third	33	7
Fourth	33	1
<b>TOTAL</b>	<b>162</b>	<b>24</b>
<b>TOTAL HABITABLE ROOMS</b>		<b>188</b>

As shown, the total number of habitable rooms at the site would be 188; a 15% increase over what currently exists.

The application site area comprises 2,377m<sup>2</sup> or 0.2377ha (Application Form, question 21). Accordingly, the density of the resulting development would be 791hrha. There can be no better nor simpler illustration of the gross overdevelopment this proposal represents. By way of illustration, the London Plan’s recommended density range for a site in this location (which has a relatively low PTAL of just 3) would be just 200 to 450hrha (London Plan – Table 3.2). As both the London Plan and Camden Core Strategy recognise high density development such as this are appropriate to areas of good or excellent public transport accessibility. This is not such an area. It has relatively poor public transport accessibility. There is no justification for allowing such a dense development particularly when the consequences of doing so will be significant harm to existing local residents.

Quite simply the proposal seeks to achieve too much accommodation on an already intensively used site. The consequence will be an unacceptable impact on nearby residents and cramped living conditions for those on site.

**(b) Policy CS14 – Promoting High Quality Places and Conserving our Heritage**

Within the defined areas of ‘*limited change*’ (the application site) the Core Strategy (paragraph 4.10) envisages there will only be small-scale development and incremental change. A key part to the overall strategy is to manage growth in a way that conserves and enhances the features that make the Borough such an attractive place to live and work. Core Strategy CS14 is, as paragraph 14.2 indicates, a key part to achieving that aim. The policy indicates:-

*"The Council will ensure Camden's places and buildings are attractive, safe and easy to use by:-*

- a) Requiring development of the highest standard of design that respects local character and context;*
- b) Preserving and enhancing Camden's rich and diverse heritage assets and their settings, including conservation area, listed buildings, archaeological remains, scheduled monuments and historic parks and gardens.....".*

Paragraph 14.7, in expanding on this policy, advises that:-

*"...as Camden is a densely built-up borough where most development involves the replacement, extension or conversion of existing buildings, taking account of context and local character is particularly important. The Council will therefore expect the design of buildings and places to respond to the local area and its defining characteristics and reinforce or, if appropriate, create local distinctiveness."*

The application proposals, given their wholly unacceptable relationship to adjoining residential properties fail to pay due regard to local context and character. Rather than preserving and enhancing the character and heritage of the local area they detract from it through the creation of an unacceptable relationship between the proposed development and existing properties. The proposals, as such, are in conflict with the aims of Core Strategy Policy CS14. They do not demonstrate excellence in design.

**(c) Development Policies DP24 and DP26**

Camden's Development Policies were adopted at the same time as the Core Strategy and form part of the Borough's Local Development Framework. The policies help to deliver the Core Strategy by setting out detailed policies against which development proposals will be judged. Policies DP24 and DP26 are particularly relevant to any consideration of the application proposals.

Policy DP24 is concerned with securing high quality design in all development across the Borough. It indicates, in part:-

*"The Council will require all developments, including alterations and extensions to existing buildings, to be of the highest standard of design and will expect developments to consider:*

- a) Character, setting, context and the form and scale of neighbouring buildings;*
- b) The character and proportion of the existing building, where alterations and extensions are proposed: .....".*

The policy is directly applicable to proposals for alteration and extension such as this. When assessed against the policy the proposals conflict with it because:-

- (i) They fail to have regard to their setting and context and in doing so create an unacceptable relationship between the proposed extension and adjacent properties, particularly to Walham Court.
- (ii) Are of an inappropriate form, height and massing in relation to those adjacent buildings such that problems of unacceptable loss of privacy, overlooking and sense of enclosure will arise.

Policy DP26 is concerned with managing the impact of development on occupiers and neighbours and is, as such, directly relevant. It indicates:-

***“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 protection of amenity is, as such, embodied in adopted Development Plan policy and where, as in this case, there is unacceptable impact on amenity there is prima facie conflict with the Development Plan and, consistent with paragraph 11 of the NPPF, consent should be refused.

Policy DP26 then lists factors ((a) to (g)) which will be considered in assessing impact on amenity. The first two are highly relevant.

(a) Visual Privacy and Overlooking

The proposed infill extension where the replacement hostel rooms will be provided will create an unacceptable relationship between the application building and neighbouring residential blocks and in particular Walham Court. In particular it will result in separation distances between windows to habitable rooms in the hostel rooms and to windows to habitable rooms in Walham Close being unacceptable close. The recommended separation distance is 18m. The actual separation will be just 11m at its closest. Furthermore, the proposed hostel room windows will be just 6.5 to 7.0m from the boundary with the rear garden to Walham Court and therein will afford significant overlooking of that private garden area.

From Walham Court itself the proposed development will appear unacceptably close and therein oppressive. This will be compounded by the large number of new hostel room windows that will face directly towards Walham Court. The proposed extension will in fact have a total of 66 windows facing directly towards Walham Court, its garden and the garden of Antrim Mansions. Each hostel room has two large windows, which contrasts with just one window in existing hostel rooms. The resulting effect is that the proposed elevation facing the adjacent residential properties is effectively a wall of glass just 6.5m off the common boundary (or 4.5m closer to the boundary than existing).

Furthermore, so far as we can see, the submitted drawings do not include the existing north elevation where the building faces Walham Court. This drawing is essential to fully appreciate the extent of change proposed.

The previous proposal for this site (reference 2012/0916/P) which proposed a new extension wing of right angles to the main building was refused consent because of its impact on the amenities of nearby residents and Walham Court. This latest proposal, whilst set slightly further back than that earlier proposal, compounds and worsens the impact on amenity because it is a full width extension across the whole width of the existing rear courtyard. Effectively, the whole extent of the building adjacent to Walham Court comes closer and is extensively glazed.

Consistent with the decision on that earlier proposal this application should be refused because of its unacceptable implications for privacy and overlooking.

(b) Overshadowing and Outlook

Again, the proposal is unacceptable when judged against these factors. The proposed development, by coming significantly closer to the common boundary (just 6.5m off it) and because of its extensive use of glazing (see above), will lead to an



oppressive outlook for both occupiers of Walham Court and for residents of both Walham Court and Antrim Gardens when using the private rear gardens. The extent of overlooking from the new hostel rooms will be excessive and oppressive.

**(d) Impact on Trees**

The proposed development will, as the applicant's Arboricultural Report accepts, have an impact on the root zone of the London Plain tree on the boundary between Walham Court and the application property. That tree is a fine specimen which is viewed both from Haverstock Hill and from the extensive residential properties that surround it. It is an extremely important tree in general views in the area. It should be protected at all cost. Any potential harm to the tree should be resisted.

The proposed rear extension to the property will bring built development significantly closer to the tree and our clients are concerned that it will impact on the tree both in terms of the root zone, but more significantly will involve pruning of the tree either during the construction process or at a later date as residents of the proposed hostel rooms seek to have the tree cut back to improve lighting to their rooms. Quite simply, the scheme brings the proposed development too close to this highly important tree such there will be an inevitable demands for pruning at a later date.

**(e) Parking**

The proposed development will result in a reduction of on-site parking from 16 spaces to one disabled space. This combined with the increased accommodation on the site can only lead to an increased demand for on-street parking in an area that is acknowledged to be at parking stress (see Report to previous Committee).

It is of note that whilst the applicants indicate the development will be car capped whereby residents of the new flats and new occupiers of hostel rooms will be precluded from obtaining Resident Parking Permits, it does not appear that a similar restriction will be placed on existing hostel tenants nor is it easy to see how such a limitation could effectively be introduced on such tenants retrospectively. Removing on-site parking is therefore likely to increase the demand from existing tenants for parking permits thereby increasing demand for on-street parking which would exacerbate an already unacceptable situation.

**(f) Lack of a Hostel Management Plan**

No Hostel Management Plan (HMP) is submitted as part of the application and accordingly there will be no guaranteed control over the use and operation of the hostel which given Camden's potential vacation of the building may be occupied by new or different tenants. Hostels can vary significantly in their operation, intensity of use and associated activity.

Given the proposal provides a significant number of new hostel rooms it is legitimate to require a HMP so that, should consent be granted, the activities at the site can be monitored and controlled.

Commenting on the same issue with the 2012 application officers said:-

*"Whilst it is acknowledged that the proposal is for extensions to an existing hostel and not a new hostel, the proposal does not relate to the current hostel operator and the principle of the development should therefore, in officer's opinion, be treated as a new hostel. In light of the above, officers are not satisfied that an intensification of the use on the site can be supported in lieu of information which is considered imperative in the decision making of a hostel on the site of which the exact nature and management is unknown."*



25 Manchester Square, London. W1U 3PY. [REDACTED]

A similar situation exists with this proposal. The hostel use is unknown and in the absence of a HMP consent should be refused.

**(g) Lack of Amenity Space for Family Sized Flats**

The proposal provides 3no. family sized flats (three bedrooms). Contrary to London Plan Housing SPG guidance neither are provided with private external amenity space.

**(h) Conclusion**

For all of the reasons set out above, it is concluded that the proposed development is unacceptable primarily because of its impact on the amenities of nearby residents and also because its failure to either preserve or enhance the character of the Belsize Park Conservation Area. Accordingly, on behalf of my clients we urge you to refuse consent to the current proposals.

Please keep us informed of developments on this planning application including the date of any relevant Planning Committee meeting.

Yours sincerely,

[REDACTED]

Roger Birtles  
Director