

Mr Raymond Yeung
Planning Department
Camden Council
5 Pancras Street
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N1C 4AG

Date 20 February 2015
Our ref 10887/01/SB/NW/MPH/8442531v1
Your ref 2014/7969/P

Dear Mr Yeung

44 Queen's Grove

Single storey extension with a top terrace and the enlargement of the two storey rear extension, incorporating a glazed structure in between to accommodate a new staircase to the lower ground

I refer to our 16 February 'holding' representation, on behalf of our client, Mr Stuart Levy, and his family, residents at No. 45 Queen's Grove, and to your conversations with my colleague, Matt Pochin-Hawkes.

On behalf of Mr Levy, we object to this application (as amended on Tuesday 17 February) due to the harm the proposal would cause to the residential amenity of 45 Queen's Grove, by way of significant overlooking, loss of privacy and harm to visual amenity. The application proposal therefore conflicts with Policies CS5 and DP26 (and Camden Planning Guidance 6). We would urge you to refuse it in that basis.

Proposed Development and Its Amendments

The proposed development at No. 44 involves a single storey rear extension with a roof terrace adjacent to No. 45, and the enlargement of the existing two storey rear extension adjacent to No. 43 to accommodate a new staircase to the lower ground floor.

We understand that amended plans were submitted to address Council Officer design and residential amenity concerns comprising: overlooking into No. 45 caused by the extent of the terrace; the scale of the rear extension; and inappropriate fenestration.

From our review of the plans we note that the key scheme changes include:

- Reducing the depth of the terrace from 3.8m to c. 2.5m
- Reducing the size of the ground and lower ground floor extension



- Changes to the fenestration and use of materials, including a reduction in the amount of glass

We also understand that an obscure glazed screen (minimum height 1.8m) is proposed to the east of the terrace along the boundary wall between Nos. 44 and 45 in order to prevent direct views into the rear rooms and garden of No. 45, and that this is to be secured by way of planning condition. However, this is not detailed on the amended plans.

Policy Context

The Camden Core Strategy (adopted 2011) and Development Policies 2010-2015 document (adopted 2011) sets out the relevant policy considerations for considering amenity impacts on neighbours at Policies CS5 and DP26.

Policy CS5 states that the Council will protect the amenity of Camden's residents by (e) *"making sure that the impact of development on their occupiers and neighbours is fully considered"*. The supporting text (para 5.8) details the Council's expectations of development proposals, stating that the Council expects developments to *"avoid harmful effects on the amenity of existing and future occupiers and nearby properties or, where this is not possible, to take appropriate measures to minimise potential negative impacts"*.

Providing further detail, Policy DP26 states that the Council will protect the quality of life of neighbours by *"only granting planning permission for development that does not cause harm to amenity"* (including through visual amenity and overlooking). The supporting text (para 26.3) goes on to state that the Council expects amenity considerations to be *"considered at the design stage of a scheme to prevent potential negative impacts of the development on occupiers and neighbours"*.

Both policies are supported by Camden Planning Guidance 6 (adopted 2011). In relation to overlooking, privacy and outlook (section 7), the 'Key Messages' state that development should be designed to protect the privacy of existing dwelling and that *"mitigation measures are to be included when overlooking is unavoidable"*. The guidance (7.3) further states that the most sensitive areas to overlooking are living rooms and parts of a garden nearest the house.

Notwithstanding that Nos. 44 and 45 are adjoining residential properties (rather than properties that directly face one another), the 'Good Practice' guidance states that there should normally be a minimum distance of 18m between windows and habitable rooms to ensure privacy – i.e. the distance being measured between the two closest points (including balconies) on each building.

Design and Amenity Concerns

Our client does not object to the principle of his neighbours extending their property and does consider the amendments made to be an improvement on the scheme originally proposal – which was wholly unacceptable. There are two objectionable aspects to the amended design: the terrace and the side elevation to that terrace, which would create significant overlooking, loss of privacy and harm to visual amenity.



Terrace

Our client does not have an in principle objection to the proposed terrace, but is concerned that, due to its height, depth and proximity to No. 45, the terrace would result in significant overlooking of his garden and would enable occupants of No. 44 to look directly into the rear study / work room (i.e. daily living space) of No. 45 – this room is identified as the ‘piano room’ on the applicant’s drawings.

Screening could mitigate the overlooking. However, a modern glazed feature to the existing boundary wall, such as high glazed screening, would create an inappropriately dominant feature to the property when viewed from Mr Levy’s rear garden.

The potential for overlooking from the proposed terrace at No. 44 into the garden of No. 45 is significant because not only does the proposed terrace adjoin the boundary of No. 45, but it is marginally higher too. This situation is different to the balcony at No. 45, which is a lower level and there are no direct views into the neighbours’ properties. We suggest a similar outcome should be secured through redesigning the proposed terrace at No. 44.

CPG6 states that mitigation measures are to be included when overlooking is *unavoidable*. In this case, the overlooking is not unavoidable, and the proposals could and should be amended to negate the need for mitigation. This could be achieved by reducing the depth of the terrace to that of the existing balcony. Whilst we contemplate such mitigation, it should only be considered where the impacts from overlooking are *unavoidable* (CPG6). In this case, overlooking is avoidable as the design of the scheme can be amended to negate the need for mitigation.

Our client is also concerned with the proposed planting on the roof of the lower ground floor extension, directly in front of the terrace. If uncontrolled, it could result in adverse visual amenity impact. The vegetation should be restricted to low level planting, with a planning condition imposed to limit any vegetation to be kept below (say) 0.5m. We appreciate that this is difficult to control, but that also serves to highlight the unacceptability of the extent of terrace proposed.

Proposed Side Elevation

The proposed window and door on the side elevation of the two storey extension in the area of the staircase would (without mitigation) allow direct views into the study / work room of No. 45, located 10 to 11 meters away to the west (i.e. much less than the CPG 6 good practice minimum distance of 18 meters). This would result in unacceptable overlooking and loss of privacy in the study / work room.

The introduction of a large glazed window and door would also represent an unnecessary and inappropriate feature. We would question the necessity for the window and glazed door, as (1) the proposed stairwell would be well lit by the proposed skylight and windows in the north elevation and (2) the main access to the terrace is from the ‘reception room’. Such large glazed elements would also be out of character with the existing appearance of the building.

To address these concerns, we suggest that the glazed window and door are removed entirely, and replaced with a continuation of brickwork. This would ‘design out’ that overlooking of No. 45 from within No. 44.



Concluding Remarks

We consider that the proposed development at No. 44 would have an unacceptable impact on the amenity of No. 45 through the significant overlooking, loss of privacy and harm to visual amenity. The application proposal therefore conflicts with Policies CS5 and DP26 (and Camden Planning Guidance 6) and we would urge you to refuse it in that basis.

Contrary to the supporting text of Policies DP26 and CS5, the applicant's approach to the design process highlights that the amenity implications and potential mitigation have been considered as an afterthought, rather than as an integral part of the scheme design. In this case, overlooking is avoidable as the design of the scheme can be amended, as we have suggested (or otherwise), to negate the need for mitigation. These issues, if not addressed, would have a detrimental impact on the amenities currently enjoyed by our client and his family in the home and garden of No. 45.

Accordingly, the application should be refused, unless the proposed scheme is amended to satisfactorily resolve the above concerns.

Mr Levy would be happy to allow the applicant's architect and Council Officers to assess these impacts on his amenity from his property, so as to inform further design amendments that would hopefully lead to an acceptable design for both the applicant and Mr Levy.

Please contact Matt Pochin-Hawkes or myself to discuss our client's objections and your next steps, including potential further design changes.

Yours sincerely

Steven Butterworth
Senior Director