

3a King Edward Mansions
8 Grape Street
London WC2H 8DY

Regeneration and Planning Development Management
London Borough of Camden
Town Hall
Judd Street
London WC1H 8ND

Attention: Mr Gideon Whittingham

By email and mail

18th March 2015

Dear Sirs,

PLANNING APPLICATION CONSULTATION
Erection of roof extension and change of use at 9-13 Grape Street, WC2H 8ED
APPLICATION REF.:2015/0695/P
ASSOCIATED REF: 2014/5566/P

Thank you for your letter advising that a planning application has been received for work to the above property, and inviting comment on the application so that my views may be taken into consideration before the application is decided.

Opening statement

I am the leaseholder and resident at 3a King Edward Mansions, directly opposite the proposed development. I have lived here since 1987. Grape Street is normally a peaceful haven between the busy streets of Shaftesbury Avenue and High Holborn. My living rooms (sitting room and dining room) currently look out over sloping roofs, and enjoy direct sun in the morning and sunlight reflected from the Travelodge building behind the proposed development in the afternoon and evening.

I object to the proposed change of use and the extension works on the basis of loss of privacy, overlooking, loss of reflected light, and potential for noise nuisance in the final as-built condition; and, during the proposed construction programme of one year, the loss of privacy, overlooking, loss of light in the flats and street due to the 20m high temporary roof above the whole construction, demolition noise, construction noise, dust, dirt, plant fumes, danger to pedestrians from numerous heavy lorries travelling down Grape Street, disturbance due to site lighting, risk to the security of our building, potential for

street dwellers and junkies to occupy and foul the street within and around the scaffolding, restricted access for deliveries and pedestrians including residents to come and go from King Edward Mansions and other Grape Street addresses due to road closures and loading and unloading operations, potential damage to our building's listed façade including windows, potential danger of the complete collapse of the scaffolding due to unprotected stanchions outside 8-14 Grape Street being vulnerable to vehicle strikes, and inevitable damage to the pavement due to traffic movements. Because of the proximity of the site, only 7 metres from our windows (and immediately adjacent in the case of the 1st floor) it will be like living in a dirty, noisy construction site for the duration of the work. Thereafter, the quality of life in our flats will be permanently degraded for the reasons given above at the start of this paragraph.

It is my contention that the scale of the proposed works is inappropriate and excessive in this extremely narrow street where access to the site is difficult and restricted. The proposed works will cause untold stress, disruption and intrusion to residents and businesses during the one year of demolition and construction; will cause a permanent diminution in quality of life for the residents in King Edward Mansions and be detrimental to the businesses in Grape Street, and all for the sake of creating six new apartments of which all but the top mezzanine floor will have substandard levels of natural light; all will have a lack of privacy; and none will have a satisfactory outlook.

Introduction

A similar planning application was considered by Camden's Development Planning Committee at a public hearing on May 1st 2014, and was rejected.

Since then, the proposals have been modified to omit flats in the basement and ground floor, modify the 4th floor, and introduce the concept of fritted windows. Not a lot else appears to me to have changed, but the developer has now provided more information about proposed construction methods which gives rise to acute anxiety, as will be explained.

Issues of concern connected with the proposed final as-built condition include:

- Camden's own guidelines specify a minimum of 18m between facing habitable rooms in residential properties, in order to preserve privacy which is a fundamental human right. There is only 7m to 8m between opposite buildings in Grape Street, which is presumably a major reason why 9-13 Grape Street has never been a residential block, and I contend it never should be.
- Fritting of the new windows has been proposed to mitigate the loss of privacy, but its extent is partial and limited to the upper and lower edges of each large window panel, and still would allow views into, and overlooking between, the opposing habitable rooms. No effort has been made to demonstrate its efficacy in practice, despite residents' requests for a mock up panel to show the effect from within King Edward Mansions and from within 9-13 Grape Street. I believe that obscured glass (as in the

King Edward Mansions bathroom windows facing Grape Street) would be needed in all the new apartment windows facing Grape Street to protect all parties' privacy, in which case the new flats would have no outlook at all.

- A new 4th floor is planned as an extension, and will not be entirely contained within the current roof envelope, contrary to claims in the application, but would project higher than the current roof ridges at the south end by an amount which it is not possible to determine from the submitted drawings, and would also fill the triangular space above the currently sloping roof adjacent to Queen Alexandra Mansions. Any increase in height at such close quarters to the windows of King Edward Mansions will block some of the sunlight currently reflected into the upper floors of King Edward Mansions by the tall, white, reflective Travelodge building behind the proposed development, and the infill of the triangular area mentioned will block a view of sky.
- With only 7m-8m between facing windows, there will inevitably be nuisance from noise between the opposing flats when the windows are open and music and loud voices prevail. This has already been experienced with the Live-In Guardians who occupied the building until February 2015. The windows of the proposed flats will be opened for ventilation. Office use would not cause such noise issues, therefore I again contend that the requested change of use to residential is inappropriate.

Issues of concern connected with the demolition and construction include:

- The Construction Management Plan (CMP) fails to demonstrate a safe and workable method of achieving the construction
- Proposed use of a truck mounted mobile crane standing in Grape Street, to unload lorries, would block access for fire appliances and endanger the theatre and other properties in the event of a fire
- Weak pavement above basements on the west side of Grape Street could collapse under loads from crane supports, lorry loading or gantry loads
- Not feasible for lorries 14m long, as mentioned in the CMP, to turn into the northern end of Grape Street
- Overlooking into flats by site operatives and loss of privacy
- Loss of light to flats and street because the height of the temporary roof over the whole construction would be significantly higher than the existing roof level (the scaffolding would be 20m high)
- Demolition, removal and loading noise
- Dust from demolition
- Dirt from demolition
- Plant fumes (particularly compressors)
- Construction noise generally
- Construction noise from use of the proposed gantry across Grape Street causing working within some 2m of King Edward Mansions' first floor windows

- Grape Street exhibits a “canyon effect” due to the tall buildings and narrow width which makes noise reverberate along the street, so the effect of all noise will be amplified
- Danger to pedestrians from heavy lorries (6 per day) plus other heavy goods vehicles, but with limited pavement area
- Incompatibility of heavy lorry traffic with the 5 parking spaces outside the Cuban Consulate and Embassy at the south end of Grape Street, particularly in light of the Stage Door of the Shaftesbury Theatre being close by, so that theatre staff making an exit will be in real danger of emerging into the path of a heavy goods vehicle
- Site lighting keeping residents awake at night
- Scaffold alarms going off at night and waking residents
- Risk to the security of King Edward Mansions, especially first floor flats, where access could be gained by intruders climbing the scaffold on the west pavement adjacent to the building
- Scaffolding on both sides of the street (supporting a gantry over the street) providing an invitation to street dwellers and junkies to gather and disturb residents, foul the street, etc.
- Restrictions on access to all Grape Street addresses due to heavy demolition, construction activities, deliveries of heavy site materials, road closures
- Potential damage to the façade of King Edward Mansions, due both to the planned drilling and securing the gantry scaffold supports to the façade (an assumption as the drawings and description mention drilling but fail to make it clear where drilling is proposed), and any accidental spillage of debris or falling materials hitting the façade (most likely to occur during loading of lorries to remove demolished materials and when lifting in new steelwork) including potential to break windows
- Potential collapse of the whole scaffold due to vehicle strikes of the unprotected stanchions on the King Edward Mansions side (presumably there is insufficient road width to accommodate wide vehicles plus baulk timbers on both sides of the street, otherwise it is assumed they would have been shown on the construction plan drawing)
- Anticipated damage to pavements when lorries mount the kerbs which already occurs at the south end of Grape Street when vans ride the pavement to get past the Cuban Embassy cars, but will be much worse with heavier loads and high frequency of occurrence

Issues of concern connected with the presentation of supporting documents by the Developer’s team include:

- Planning Statement which is highly selective in what it reports and in its conclusions, and fails to acknowledge the key planning failures of the development which will be explained below. I can not agree with the overall finding that the development meets the Camden development plan
- Misleading material quoting my response to an invitation to attend a question and answer session, but failing to make any mention of major

- issues and concerns discussed, such as demonstrating the efficacy of fritting, and the lack of information on construction planning
- Suggestion that residents have been fully consulted, when in fact we have not been shown the current proposals for the permanent or temporary works and were unaware of the plan to crane in materials from Grape Street
 - Data on daylight and sunlight which prove that the light levels in the new apartments would be below BRE recommended levels, but the report's conclusions simply state the levels "will be commensurate to the occupants' expectations.....".
 - Inaccurate statement that there are double yellow lines the length of Grape Street; in fact there are 5 parking spaces reserved in Grape Street for the Cuban Embassy and Consulate, and the construction proposals make no mention of their removal
 - Inclusion in the planning application of outline design plans for minor modifications to my own flat which were never implemented (I fail to understand why the Developer felt these were worthy of inclusion in support of his own planning application in the first place)
 - I have been unable to find anything in the documentation to address fire safety and means of escape from the proposed flats. At King Edward Mansions we have rear balconies leading to an external rear fire escape. The configuration of the flats at 9-13 Grape Street prevents this, so it would be helpful to understand how the occupants would escape if the front entrance was impassable.

Issues of concern connected with the technical data and professional reports supporting the application include:

- **Planning Statement**
Although DP26 is mentioned, the key point about privacy and overlooking for this development is that CPG6 paragraph 7.1 requires that the amenity of neighbours, in terms of protecting their privacy, must be **successfully** addressed. I do not accept that has been demonstrated.
- **Daylight and Sunlight Report**
The report appears to demonstrate at page 7 and page 14 that all the apartments fail to meet BRE criteria for internal daylight and all but one fail to meet the sunlight criteria,.
- **Energy Statement**
The Energy Statement is based on superseded building regulations, and contains a statement that it is due to be updated. Therefore it cannot be relied upon.
The basis for the calculations to support the claim of BREEAM Excellent target rating is queried, because the starting point of calculating the "base carbon dioxide emissions" assumes the building is already residential, which it is not, The report also mentions that all the apartments were analysed to identify the base carbon emissions, but the 4th floor does not

exist yet, so again the base is questionable. The proposed change of use and extension will surely add to the building's carbon emissions and not reduce them as required.

- **Sustainability Report**
The report summarises findings on daylight and sunlight in a selective manner, as it fails to mention the substandard internal daylight and sunlight levels of the new apartments, only mentioning surrounding properties.
The report uses the same approach to BREEAM as the Energy Statement, and I question the validity of the assumed base CO2 emissions

Discussion of particular issues of concern

Privacy and overlooking

Camden Council's Policy DP26 - Managing the impact of development on occupiers and neighbours states:

“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.....”

I make no apology for reiterating an argument I presented to the Council Hearing on May 1st 2014.

I refer to the advice received by Camden Council at Agenda Item 5 of that meeting, concerning legal issues around converting offices to flats: Ms Natalie Lieven QC has stated that the impact on existing occupiers' amenity can still be considered in circumstances where the proposal would result in significant harm which would contravene Article 8 of the European Convention on Human Rights (Right to respect for private and family life). This definitely applies at both King Edward Mansions and at 9-13 Grape Street.

We are not in a 3rd world city; we are not in a slum, where perhaps 7 metres between residential buildings might be allowed. We are in the beautiful conservation area of Bloomsbury, in a cleverly designed building dating from 1908, which maximises the light reaching flats of King Edward Mansions by use of projecting bay windows, but which bring us yet closer to the buildings opposite than even the narrow width of the street below. That, as well as reasons of limited light reaching 9-13 Grape Street, is, I believe, why mansion flats were never designed opposite our building, and that is why we expect Camden to follow its own planning standards in any development in Grape Street, to preserve our quality of life and at the same time avoid giving planning consent to conversions and extensions which produce flats which themselves lack privacy and proper levels of natural light.

Fritting

The argument promoting the effectiveness of fritting in safeguarding privacy, included in the Design and Access statement at 7.03 about the drawing showing an overlay of the King Edward Mansions window locations on to the façade of 9-13 Grape Street, is specious in my opinion. It relies on residents not only looking straight ahead out of their windows, but also limits their aperture of sight to the width and height of the window they look out from, which is not the case when the distance across the street is 7m-8m. The human eye gathers a width of several metres even when looking straight ahead across 7m, so the argument collapses. Add the movement of the eyeball plus the swivelling of the head of a curious viewer, and the argument becomes ridiculous.

The drawing of the windows arrangement prepared by the Developer's team demonstrates the sensitivity of the overlooking and privacy issue, because it shows that the 3rd and 4th floor flats in King Edward Mansions have never previously been overlooked by the windows of 9-13 Grape Street. The living room and dining room of Flat 3a and all of the Grape Street frontage rooms of Flat 3b will be overlooked if the 4th floor extension is built; and the Grape Street frontage rooms of Flats 4a, 4b, and 4c will also be within clear view.

The partial fritting appears to be a sop to address residents' concerns, and I contend that it will be ineffective in protecting anyone's privacy in any of the flats at 1st, 2nd, 3rd and 4th floors of King Edward Mansions, and in any of the flats proposed for 9-13 Grape Street. There has been no response to residents' requests for a mock up to demonstrate the fritting in situ, which could be done by placing fritted panels inside the present windows.

The visual benefit to the flats in King Edward Mansions of having commercial premises opposite, is that they would not generally be occupied in early morning, in the evening, at night, and at weekends. Therefore residents of King Edward Mansions would enjoy privacy and respite at those times

Finally on this topic, I ask the question, what protection would King Edward Mansions residents have from an exhibitionist in an opposite flat only 7m away?

CONCLUSIONS

The change of use to residential is inappropriate because Grape Street is so narrow that habitable rooms only 7m -8m apart across Grape Street will afford clear views into people's private lives, in contravention of their human rights which should protect their privacy from overlooking.

The 4th floor extension is inappropriate because the demolition of the roof and the new construction work will create massive disruption, noise, dust, heavy traffic and temporary works problems and hazards in a tiny street. The

extension would also block reflected sunlight to parts of King Edward Mansions from the reflective Travelodge building, and the 20m high temporary roof will block light generally and darken the street and most properties in it during the construction period.

The Construction Management Plan appears unworkable and unsafe and fails to demonstrate the feasibility or safety of using Grape Street as the only access to the construction site.

I believe the proposals contravene a number of Camden's Planning Guidelines and Development Policies in terms of the amenity of neighbours, the quality of the new apartments, and the amenity of their occupants.

REQUESTS

Please advise me of the date of any hearing for this planning application as I would like to attend.

Please also advise me of any changes or additional information provided by the developer's team prior to a hearing.

Thank you.

Yours faithfully

Ms Helen Stone OBE FREng BSc CEng FICE