

2 Walham Court
111 Haverstock Hill
London NW3 4SD

March 21 2015

West Area Team
Regeneration and Planning
6th Floor
Camden Town Hall Extension
Argyle Street
London WC1H 8EQ

FAO: Mr Olivier Nelson

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

Dear Olivier

Objection 5 - Daylight, Sunlight, Overshadowing, Privacy, Sense of Enclosure

I am writing this not as a member of the ELR Group but as a private individual. I have lived for almost twenty years in flat 2 Walham Court, which would be the flat most affected by this proposal, especially as regards daylight, sunlight, overshadowing, privacy and sense of enclosure.

Below is an extract from the above planning application.

Planning Statement: Section 5 – Planning Considerations

Amenity

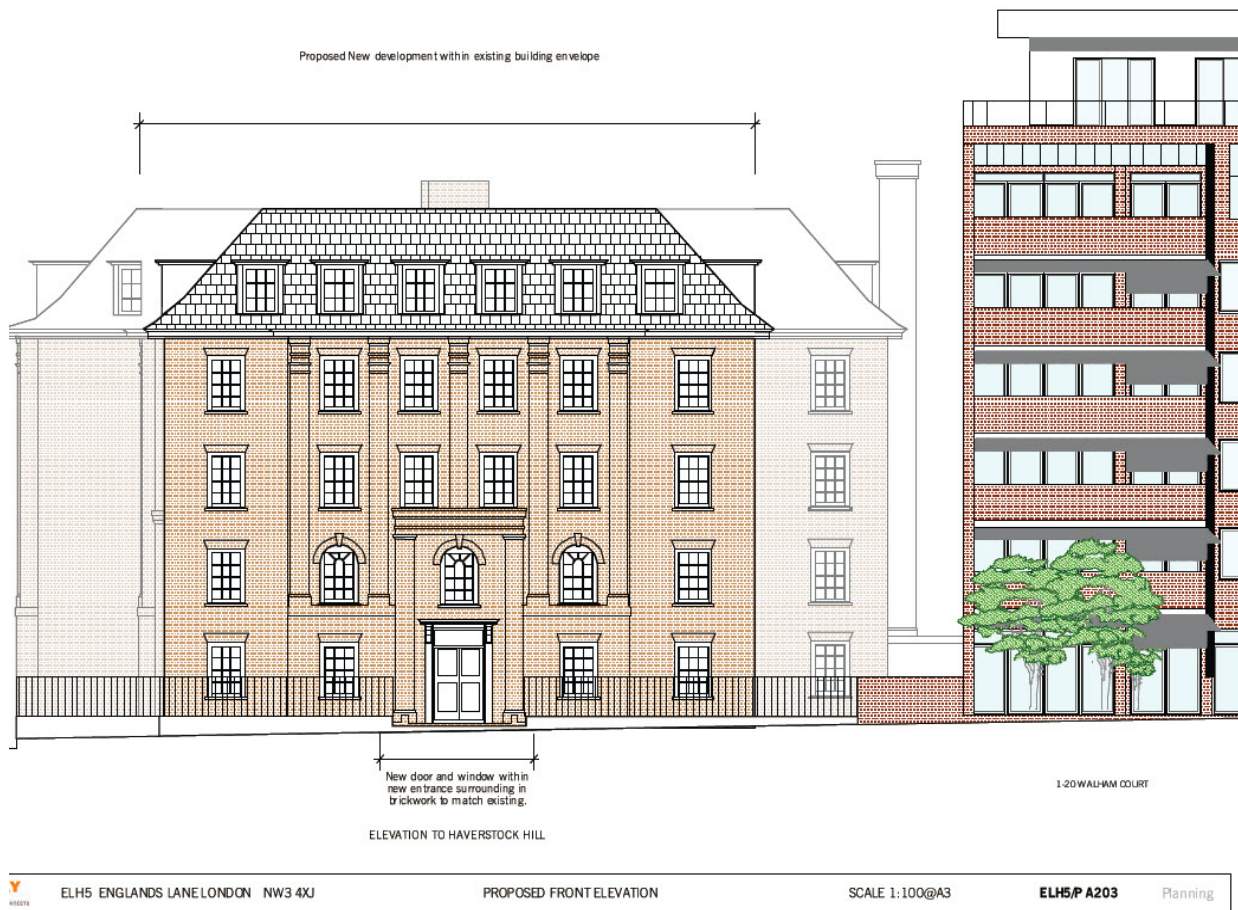
5.64. At ground floor level, the existing brick boundary wall restricts direct overlooking of the neighbouring property to the north.

Point 5.64 of the Planning Statement is incorrect. The existing brick boundary wall does not, as stated above, restrict direct overlooking of the neighbouring property to the north. The mistake has arisen because although the boundary wall is 2.7m high on the Englands Lane Residence side, on the Walham Court side it is only 1.1m high, which permits direct overlooking by the first floor windows and above, and by the staircase windows of ELR (see photos below).

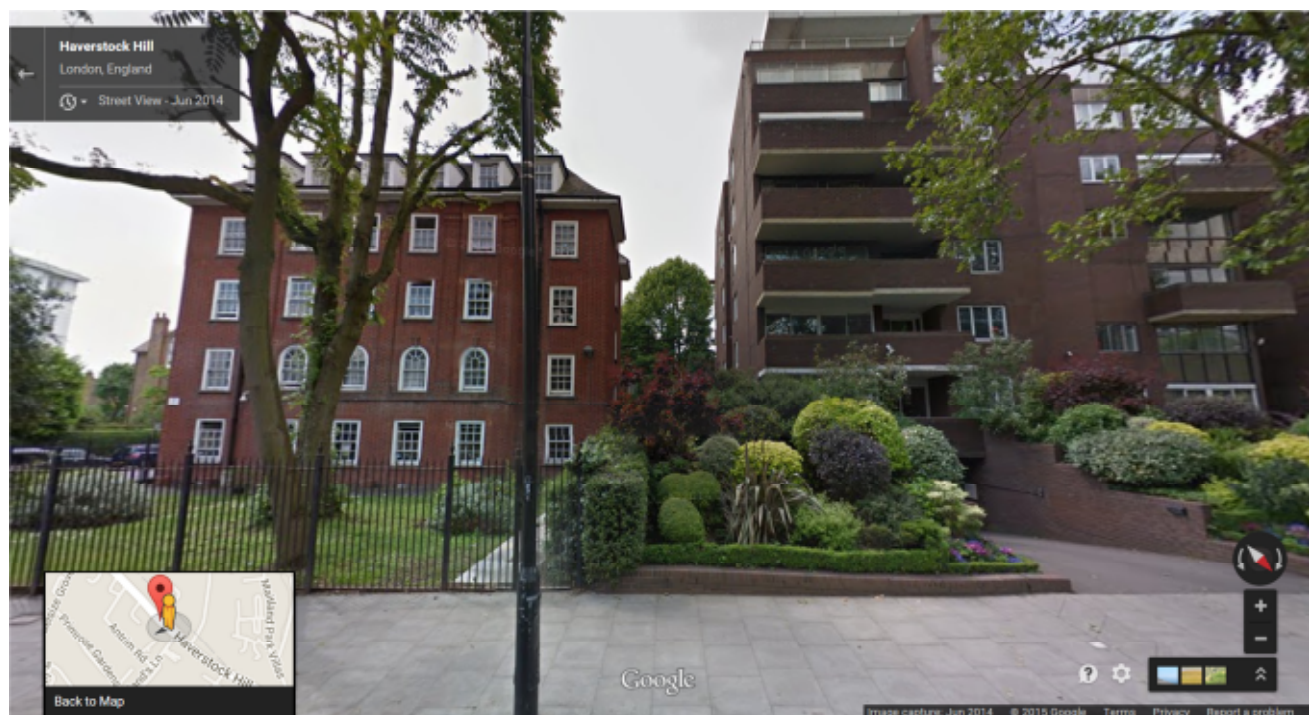
Proposed ground floor plan ELH5/P A101/ REV B (in consultation responses, March 10) shows that the existing brick boundary wall is 2.7m high on the Walham Court side. It is in fact 1.1m high on the Walham Court side.

The error can also be seen in the Haverstock Hill (north) elevation drawing ELH/5 A203, (below) which shows the tops of the ground floor windows in ELR as being level with those in Walham Court. The Google street view (below right), shows that the Walham Court ground floor windows are in fact higher than those in the Englands Lane Residence ground floor by about 1.6m.

This discrepancy is also illustrated by the lower photograph on page 6 of the Planning Statement.



The elevation shown above is inaccurate. Compare with Google street view below.



The error has arisen because no account has been taken of the fact that Walham Court's ground floor is raised above the basement garage, which is not shown in the north elevation ELH/5 A203. The ground floor of Walham Court is represented as being on a level with the ground floor of Englands Lane Residence, whereas it is approx. 1.6m higher.

The Daylight, Sunlight and Overshadowing report prepared by Deloitte does not state whether the assessments have been made on the assumption that the ground floors of the two buildings are level. If this error has been factored into the computer calculations the results will be invalid. The Deloitte report must be reviewed to find out whether this is the case.

Also, if the architect's drawings have been made, as they seem to have been, without awareness of the existence of the Walham Court garage, a structural engineer's report may be required.

Below is an extract from the Deloitte Report:

Daylight, Sunlight and Overshadowing

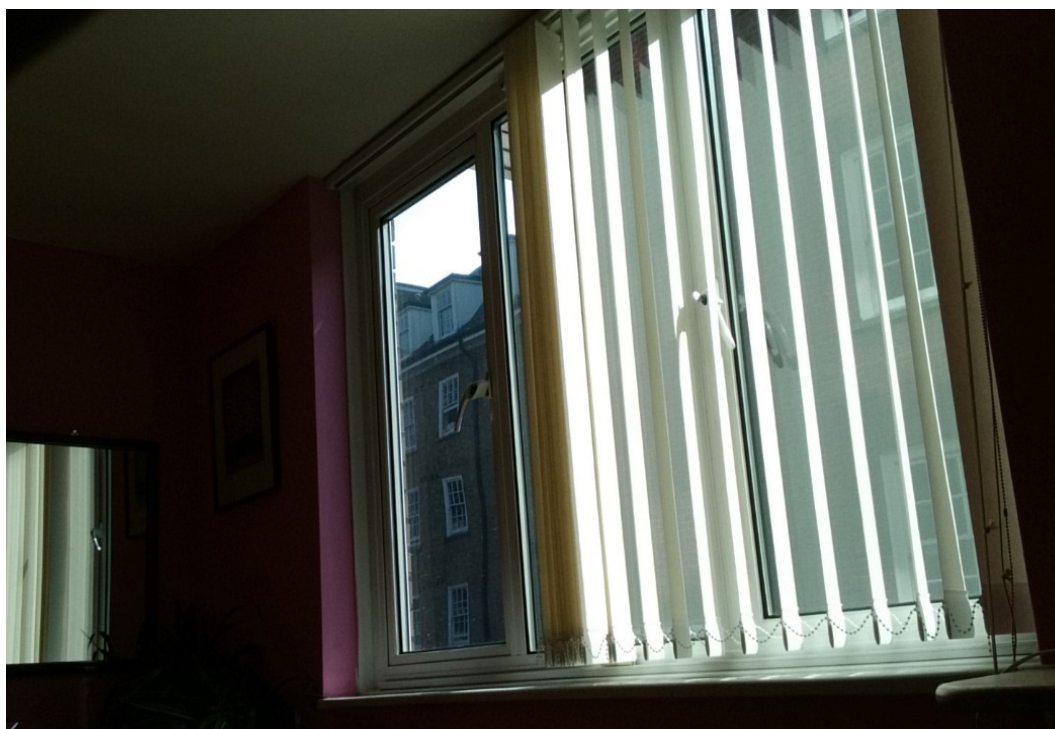
Executive Summary - paragraph 4

The results of the assessments show that any reduction of daylight and sunlight to the surrounding residential properties will be within the recommendations set out within the BRE Guidelines. It is therefore considered that the reductions of daylight and sunlight are unlikely to be noticeable by the occupants.

On the contrary! I would notice these reductions every day of my life, for the rest of my life.

The photographs below were taken on a sunny morning between eleven and twelve, a week before the spring equinox.

The first picture shows the view from my bed, with the blind slightly open. In the top left corner of the window is about a square foot of sky, reflected in a mirror glued to the outside wall in the window alcove. This patch is all the sky I can see from my bedroom, unless I sit in my wheelchair very close to the window.



View from bed

I have had this tiny reflected view of the sky for the almost twenty years I have lived here.

If the extension were built, I would no longer be able to see any sky at all, reflected or real, from my bedroom. I would see a brick wall, five stories high, with a large window directly facing, seven metres away.

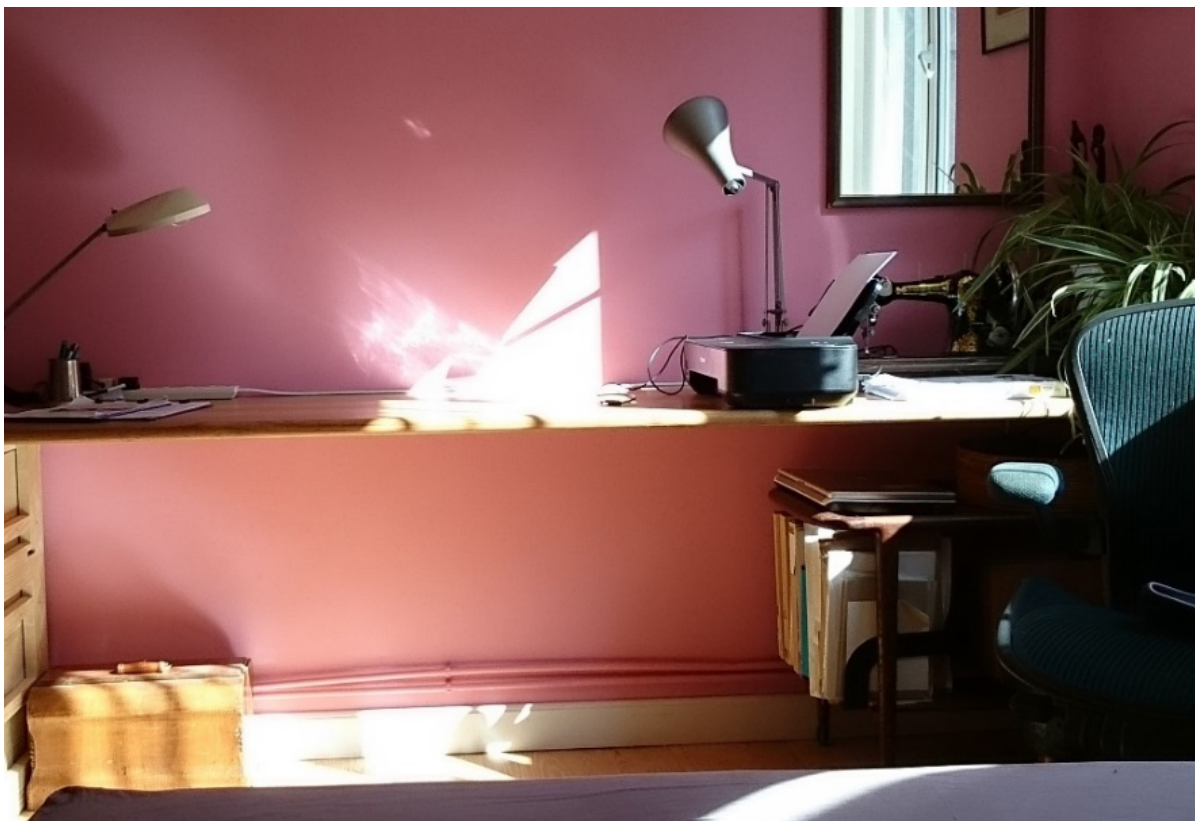
In the kitchen I would no longer be able to see the narrow strip of sky which is currently visible when I sit at the sink in my wheelchair. The new proposed new elevation would be as close as the first window past the drainpipe on the left, and fill the window, ten metres away, giving an undeniable increase in the sense of enclosure.



Sky from kitchen window

The pictures below of my bedroom, kitchen and living room, and of the communal garden area, all show patches of morning sunlight, which are familiar to me at different seasons and times of the day. These were all taken between 10.30am and 11.30am on March 16th.

If the extension were to be built, all of these patches of sunlight would disappear. The rising of the sun over the roof line would be delayed by about two hours, by which time the sun would be behind the London plane, which in midsummer gives total shade, so that the garden and I would see no sunlight until well on in the afternoon.



Morning sun in bedroom



Further extracts from the Planning Statement:

5.56. The 2014 pre-application response discusses this, and states:

“The privacy distance floor plans submitted show the distances from the boundary to the properties on Walham Court. The existing distances range from 1.8m to 2.2m for the rooms which are to be converted to residential. The extension to the hostel rooms would result in a privacy distance range between 5m to 6.95m which is significantly less than the minimum separation distance of 18m particularly at the upper levels. Given the above, the proposal is still considered unacceptable given the impact on overlooking and sense of enclosure.”

5.57. Further discussions were held with the case officer following the pre-application feedback. Specifically, we would highlight that in terms of the upper floors of the proposed elevation facing Walham Court, only one window on each floor is proposed on the side elevation of the extension (the corner living areas), and these windows are obscure glazed. The next windows along are at least 11 metres away from Walham Court, and in any case Walham Court does not have windows at this point in its elevation.

5.58. As such, there is no part of the proposed elevation which features windows which look onto a window at Walham Court, as such there is no potential for impact on privacy on Walham Court.

The photos above and below show that many of the present windows of the Englands Lane Residence look directly into my bedroom, kitchen and living room, as well as overlooking the gardens, which invalidates the points made in 5.57 above. Thus, the proposal is still “unacceptable given the impact on overlooking and sense of enclosure.” as stated in 5.56. **See Appendix A**



Overlooking and present sense of enclosure in bedroom

These Englands Lane Residence windows currently overlook my bedroom window, but at such a distance that in daytime there is only a minor privacy issue. The proposal would create an undeniable increase in the sense of enclosure, with wall five floors high, across the width of the bedroom window, less than seven metres away, and a large window directly facing, looking on to a staircase.

The existing ELR, windows, as can be seen in other photographs, also overlook my living room, and the Walham Court gardens.

Further extract from Planning Statement:

5.59. In terms of overlooking to the gardens of Walham Court, we would highlight that these gardens are largely shielded by the London Plane tree in the garden of Walham Court, as such it is considered that there is only limited potential for overlooking.



Proposed ground floor plan ELH5/P A101/ REV (above) shows that more than half the units in the proposed extension would directly overlook the gardens of Walham Court. For six months of the year the tree is bare, and provides no shielding at all.

Extract from the Planning Statement:

5.65. Accordingly, it is considered that the new residential units will not give rise to any adverse amenity issues in terms of privacy and overlooking. The new windows to the hostel rooms are not considered to represent a significant worsening of amenity, given the respective distances between this rear elevation and Walham Court, and the oblique (i.e. not direct) glimpses involved.

As shown in the photographs, the existing residential units already give rise to adverse amenity issues in terms of overlooking. The proposal for the new elevation would exacerbate this, with significant worsening of amenity in terms of overlooking, overshadowing and loss of privacy and sense of enclosure.

I, and the ELR group, have previously petitioned for a postponement in the discussion by the DCC of this planning application, for various reasons not necessarily planning-related.

In view of the discrepancies outlined in this letter, particularly the inaccuracy of elevation ELH/5 A203, and the error in the height of the separating wall, I urge again that this application be removed from the agenda of the March 26 meeting of the DCC.

Yours sincerely

Eve Grace

Appendix A.

At present, the closest elevation of ELR reaches about half way across my bedroom window, about seven metres away.

At present, the ELR elevation facing my kitchen window and living room window is between fourteen and fifteen metres away.



The proposal shows the closest elevation all the way across my bedroom window, seven metres away and five floors high, with a large window directly facing, looking on to a staircase.

This elevation then drops back to leave a blank wall across the rest of my kitchen window, about nine metres away.

This elevation then drops back another metre or so, leaving a privacy distance of about ten metres between the proposed elevation and my kitchen and living room windows.

Proposed privacy distances are on average four or five metres closer than at present, at between seven and eleven metres, far less than the minimum eighteen metres.

The privacy distances are not shown for the ground floor on the plan below, because the existing brick boundary wall is incorrectly assumed to be 2.7m high.

