



Our Ref: A094395  
Your Ref: 2015/5540/P

16<sup>th</sup> September 2015

**Laura Hazelton**

Planning Solutions Team  
London Borough of Camden  
2<sup>nd</sup> Floor, 5 Pancras Square  
c/o Town Hall, Judd Street  
London, WC1H 9JE  
**(by email and via the website)**

Dear Mrs. Hazelton,

**OBJECTION TO PLANNING APPLICATION REF. 2015/4470/P  
BELSIZE PARK HOUSE, 59-60 BELSIZE PARK, LONDON, NW3 4EJ**

On behalf of our clients, which comprise 59-60 Belsize Park (Freehold) Limited (who have recently acquired the freehold to the existing flats within the building which the application site comprises) and the leaseholders of those flats, we are writing to formally **OBJECT** to current planning application ref. 2015/4470/P, relating to the existing building (Belsize Park House) at 59-60 Belsize Park, London, NW3 4EJ.

This planning application proposes the following development:

*'Erection of an additional floor to provide 2 flats (2 x 1 bedroom) at roof level with rear balconies, installation of rear dormers, installation of roof lights to front and rear elevations, and alterations to the front and rear elevations to existing flats.'*

In addition to a number of detailed material planning reasons upon which we contend this planning application should be refused, a fundamental failing in the application submission process undertaken by the applicants' agent should render this current application invalid until this failing has been rectified. We set out the basis of our objection below:

Failure to serve requisite notice upon all relevant parties

Within section 25 of the submitted planning application forms, the applicants' agent confirms that he has served the requisite notice upon Kapoor Investments Ltd. only, thereby indicating that no other individuals or organisations possess either a freehold interest or a leasehold interest with at least 7 years left to run.

However, each of the existing ten flats which the existing building currently comprises benefits from leases which have over 7 years left to run, yet none of those leaseholders have been served with the requisite notice, unlike how the requisite notice was served upon all leaseholders when planning applications were previously submitted in respect of the application site.

Furthermore, the company 59-60 Belsize Park (Freehold) Ltd. completed its purchase of the freehold of the existing building on 7<sup>th</sup> August 2015, and at no time has the requisite notice ever been served upon that company either, despite that company having a legal interest in the application property prior to the validation (on 24<sup>th</sup> August 2015) of the current planning application.





Accordingly, in the absence of the serving of the requisite notices upon all individuals or organisations benefitting from either a freehold interest or a leasehold interest (with at least 7 years left to run) in the application site, the Local Planning Authority must take immediate steps to invalidate the current planning application, and the statutory 8 week determination period should only start afresh once the agents have served the requisite notices and demonstrated such to the LPA.

I trust the LPA will both take prompt action and provide an appropriate response on this point given the legal consequences of progressing with the determination of an entirely invalid application.

#### Relevance of 2011 planning application

Whilst it is acknowledged that the current planning application is largely identical to a previously approved development at the application site (approved by the granting of planning application ref. 2010/5609/P in November 2011), as the applicants themselves concede that planning permission has never been implemented, and the 3 year time period for that permission to be lawfully implemented has now lapsed.

Consequently no fallback position exists upon which the applicants can rely as a material planning consideration, the LPA is not duty bound to give significant weight to the previous approval as a material planning consideration, and the current planning application must be assessed on its individual planning merits having regard to current planning policies and associated guidance.

#### Development plan and associated guidance

The relevant development plan for the application site and its surroundings comprises, at local level, the London Borough of Camden Core Strategy Development Plan Document (DPD) and the Development Policies DPD, both of which were adopted by the LPA in November 2010. At regional level, the development plan comprises the Further Alterations to the London Plan, which were published by the Greater London Authority in March 2015.

Relevant local planning guidance includes Camden Planning Guidance (CPG) 1 (Design), 2 (Housing) and 3 (Sustainability), all of which were adopted in July 2015, and the Belsize Conservation Area Statement, which was adopted in April 2003). At regional level, the Mayor's Housing Supplementary Planning Document (SPD), which was published in November 2012, and the draft Interim Housing SPG (which was the subject of public consultation during summer 2015), are of relevance to the determination of this application.

#### Quality of Accommodation

The additional accommodation proposed by the current planning application comprises 2 x 1 bedroom flats by way of the creation of an additional storey (at fourth floor level), and the accommodation proposed has several shortcomings when appraised against relevant development plan policies and associated guidance.

Firstly, whilst the overall floor area of both of the proposed flats meets the minimum floor area for 1 bedroom flats as set out in CPG2, the gross internal area of proposed Flat 2 (48.2 square metres) falls below the minimum GIA identified (50 square metres) for 2 person 1 bedroom flats as set out with both policy 3.5 of the London Plan, and the associated Housing SPD.

Whilst it is acknowledged this is a minor shortfall, crucially neither of the bedrooms within the proposed flats benefit from a minimum room height of 2.3 metres over at least half of their floor area. Infact, approximately half of the floor area of both proposed bedrooms has a room height not exceeding 2 metres, with a small part of both bedrooms having a room height of under 1.5 metres.



Thus, the room heights of both proposed flats falls substantially below the relevant standards set out within both local and regional planning guidance, thereby failing to provide an acceptable standard of accommodation.

The importance of ceiling heights in the design of proposed dwellings is emphasised within the Mayor's Interim Housing SPG, which states (at para. 2.3.47) that *"high ceilings can improve the amount and quality of natural light and ventilation and provide flexibility in the use of a room"* and goes on to clarify that *"a floor to ceiling height of at least 2.6 metres is considered desirable in habitable rooms"* with standard 5.4.1 confirming that a minimum ceiling height of 2.5 metres of at least 75% of the dwelling area is strongly encouraged so that new housing is of adequate quality, especially in terms of light, ventilation and sense of space.

The failure of the application proposals to satisfy, and more precisely to fall considerably short of, both local and regional standards in this regard, means that the proposals are not in compliance with adopted Development Policies policy DP26 (Managing the Impact of Development on Occupiers and Neighbours) or London Plan policy 3.5 (Quality and Design of Housing developments) as the occupiers of the proposed flats would not benefit from an acceptable level of light, ventilation or sense of space due to the low ceiling heights within both flats, especially within the bedrooms.

In paragraph 3.5 of the supporting Design and Access Statement, the scheme architects suggest that storage for at least 4 bicycles can be provided under the existing main entrance stairs, space which the architects claim is currently unused. This claim is wholly incorrect, as this small space is (and always has been) used specifically for refuse storage by all existing occupiers prior to the collection by the local authority.

Accordingly, if, as proposed by this application, this space was used for the storage of 4 bicycles associated with the additional flats, this would result in the displacement of any refuse storage facilities for both all of the occupiers of both the existing 10 flats and the 2 additional flats proposed by this application (as the applicants themselves confirm the proposals do not incorporate any provision for the storage of refuse or recycled waste associated with the additional flats).

This would be contrary to Development Policies DP24 and DP26, policy 3.5 of the London Plan and Interim Housing SPD standards 3.5.1 and 3.5.2, as the absence of refuse and recycling storage areas would unacceptably harm the amenities of the occupiers of both the existing and proposed flats, and would fail to satisfy minimum local authority standards and relevant British Standards.

Alternatively, if the applicants concede that in fact no bicycle storage can be provided for the occupiers of the additional flats proposed, the application is contrary to Development Policy 18 (Parking Standards and Limiting the Availability of Car Parking), London Plan policy 6.9 (Cycling) and Interim Housing SPG standard 3.4.1, all of which require development proposals to provide dedicated on-site storage space for bicycles.

With regard to internal access to the proposed flats, whilst all of the existing flats across all floors of the existing building are served by both lifts and staircase access, the current application proposes that access to/egress from the proposed flats would only be by way of an internal staircase. Housing SPD standard 3.2.6 advises that all dwellings entered at 4<sup>th</sup> floor level (like those proposed by this application) should be served by at least 1 lift.

Whilst the applicants contend that the existing building is not wheelchair accessible due to the external stairs which serve the pedestrian entrance, there is no explanation or justification offered as to why the existing internal lift cannot be extended to serve the additional floor proposed, and the absence of such lift provision reduces the choice of accommodation available to prospective occupiers.



In conclusion, the quality of accommodation proposed by this planning application is substandard, in light of all of the individual shortcomings set out within this representation, all of which are contrary to both local and regional planning policies and associated guidance.

Cumulatively these shortcomings result in proposals which should not be approved due to their unacceptable impact upon the amenities of both the existing flats and future occupiers of the proposed flats, particularly as adopted Development Policy DP5 (Homes of Different Sizes) confirms how 1 bedroom market housing is a low priority in terms of dwelling size provision, and having regard to this low priority there are no material planning considerations which could justify a departure from adopted policies.

#### Appearance within the streetscene and impact upon Belsize Conservation Area

It is our belief that the proposals fail to preserve or enhance the character and appearance of Belsize Conservation Area, and will also be detrimental to the appearance of the existing building, and we note that the Conservation Area Advisory Committee has already objected to this application on the basis that the proposed double width dormer windows are excessively large.

The existing building is something of an anomaly with the rest of the street, due to the building being built following bombing in WWII, whereas the rest of the street is considerably older and of far greater historic interest. Nevertheless, being within a Conservation Area, any development at the application site should at the very least preserve the character of that Conservation Area, and ideally enhance it.

The Belsize Conservation Area Statement outlines the strong consistency that exists within this part of the Conservation Area in terms of the height of the buildings, confirming that it is *"mostly three storeys with lower ground and sometimes an attic level."* This description accurately reflects the immediate surroundings to the application site, which comprise three storey buildings with modest single dormer extensions at fourth floor level.

However the existing building on the application site is already at odds with this description, as it already includes a fourth floor which although slightly set back from the front elevation extends across the entire width of the building frontage, and this existing fourth floor can easily be seen from street level when walking along the pavement on the north side of Belsize Park.

The Belsize Conservation Area Statement goes on to identify inappropriate dormer extension and prominent roof terrace areas as negative features within this part of the Conservation Area, and policy BE19 within this Statement emphasises the need for development proposals to respect existing features including roof lines, elevational design and materials.

The front dormers proposed would be double width, occupying over half of the width of the site frontage, and their visual prominence would be emphasised by the large balconies that are proposed to the front of these dormers extending across the entire width of each dormer. Given that such development would be on top of an existing full-width fourth storey, which is the only example of such development within the immediate locality, the proposals represent a bulky and over-dominant addition, which would be wholly out of keeping with both the existing building and the character and appearance of Belsize Conservation Area.

Accordingly, the proposals fail to preserve or enhance the character and appearance of the Conservation Area and the immediate locality in general, and are thereby contrary to Development Policy DP25 (Conserving Camden's Heritage) and London Plan policies 7.4 (Local Character) and 7.8 (Heritage Assets and Archaeology), and also the Belsize Conservation Area Statement.

## Sustainability

The application submission offers no supporting information whatsoever as to how the proposed flats have been designed to achieve maximum energy efficiency, with no reference to such matters made within the Design and Access Statement, nor a standalone sustainability appraisal which one would expect to accompany an application of this nature.

Indeed, the Council's Local Area Requirements for Public Applications (published February 2014) confirms that proposals incorporating all new build residential houses and flats must include a sustainability statement, setting out *"details of sustainable design and construction measures showing how you propose to reduce the energy, water and materials used in design and construction."*

Consequently, this shortcoming is another reason why the current planning application must be invalidated, as the applicants have failed to provide any such details and in the absence of such details a proper and robust appraisal of the proposals cannot be undertaken by either third parties or the statutory decision maker.

What can be concluded in the absence of such information is that the applicants have failed to demonstrate that the proposals accord with Core Strategy policy CS13, Development Policies DP22 and DP23, London Plan policy 5.3 (Sustainable Design and Construction) and CPG 3 (Sustainability), and accordingly the application should be refused on the basis that the applicants have failed to demonstrate that sustainable design standards are integral to the proposals.

## Conclusion

As set out at the start of this **objection**, in light of the failure of the applicants/their agent to serve the requisite notice upon either the freeholder or all leaseholders, this planning application must be invalidated immediately until this legal error has been rectified to the satisfaction of the Council. Once correctly validated, and the statutory 8 week determination period started afresh, a new period of statutory consultation should take place.

Furthermore, this planning application should be invalidated unless and until a Sustainability Statement is prepared and submitted to the Council as part of this application.

Notwithstanding these fundamental flaws in the validity of the current planning application, as set out within this **objection** there are several important reasons why the proposals do not accord with the development plans applicable to the application site, nor any material planning considerations justifying a departure from both adopted planning policies and associated planning guidance.

In particular, the quality of the accommodation proposed is substandard and consequently harmful to residential amenity, and the proposed design and appearance of the proposed development is both out of keeping with the existing building, harmful to the character and appearance of the Belsize Conservation Area within which it is located, and does not comprise sustainable development.

**Accordingly, we trust that Camden Council will, having regard to these and other objections received, refuse this planning application based on its failure to comply with the adopted development plan.**



Should you wish to discuss any aspect of this representation, please do not hesitate to contact me. As we act on behalf of the freehold owners to the existing flats within the building and the leaseholders of those flats can we be kept updated on the progress of this planning application.

Yours sincerely,



**Adam Beamish MRTPI**

Associate - London

For and on behalf of WYG Environment, Planning & Transport

c.c. 59-60 Belsize Park (Freehold) Limited