

1st February 2016

Dear Mr Clark

PLANNING APPLICATION: 2015/6231/P
PROPOSAL: DEMOLISH TWO GARAGES AND ERECT A 3-BEDROOM HOUSE
SITE ADDRESS: GARAGES ADJ 25B AND 25E FROGNAL AND REAR OF
MERIDIAN HOUSE, FINCHLEY ROAD NW3

OBJECTION

My family owns and lives in 25B Frognal. I am writing again to object to the above proposal, which will have a serious impact on my family's living conditions and my home. I will highlight in this letter the main policy reasons for objecting to the proposal.

PLANNING HISTORY

To begin with, I would like to draw attention to the planning history of the properties closest to the site, as this has a bearing on the context for the current proposal.

Planning permission and conservation area consent were granted for the C3 dwelling at 25B Frognal when application 2012/3265/P was determined at Development Control Committee on 08 November 2012. This is my family home. It is referred to in the applicant's Design and Access Statement as an example of modern architecture in the vicinity. The conclusion of the officer's report on 25B states that it would be an enhancement over and above the building which was demolished to make way for it. Critically, it also states that the development would not harm the neighbour amenity in terms of light, outlook or privacy or noise and parking conditions (paragraph 7.2). I consider that a thorough report to committee which considered these aspects in respect of the new proposal would not come to the same conclusion.

The 2012 report foresaw the possibility of a proposal coming forward such as the current one under consideration. Paragraph 6.29 of the 2012 report to committee stated the following:

“There is no planning permission for the redevelopment of the lock-up garages and the assessment of this proposal would relate to the situation as it currently exists. Notwithstanding this, if an application was received for the future redevelopment of these garages for residential purposes it would probably include the creation of an additional floor of accommodation. Due to its close proximity to the rear of the application site (approximately 9m away) any increase in the height and scale of the garages may have an adverse impact on the amenity of the application site in terms of loss of outlook, privacy and sense of enclosure. It is unlikely that planning permission would be granted for this type of development and would not be considered as part of the assessment of this application.”

The report highlights, therefore, that the planning officer considered at that time that an application such as the current one would be incompatible with the redevelopment of 25B. Nothing has changed since then, and in my view the Council should draw the same conclusion in respect of this proposal, which remains unacceptable. If anything, since the NPPF came into force, policy on the preservation of designated historical assets has strengthened, ensuring that proposals in a conservation area are required to show particular sensitivity to context.

It should be noted that when considering the design and specifically the scale of the proposal of 25B, the planning officer's report noted the gentle sloping of the topography of the site, and stated that it would not have an adverse impact on the character and appearance of the surrounding area or the wider conservation area.

It is also noted that the proposal in 2012/2365/P would not affect the amenity of neighbouring properties, specifically 23 Frogna, which is said in the officer's report to be at a distance of 25.5m. The amenity of 25E was also not affected, as it does not have any windows that look out onto the shared accessway.

Topography was a significant factor, too in the Inspector's decision to grant permission for 25E in June 1987. Other factors which weighed the balance in favour of granting permission included the distance to other premises, and the sensitive design which avoided overlooking onto other properties.

In my view the current proposal does not pay heed to the context of the area to the same extent as the proposals for 25B and 25E. It is not just that the topography different in relation to the current proposal, but it is also inevitable that to make appropriate provision for the context is bound to be increasingly difficult as the area becomes more built up. This proposal does not adequately address these issues. It is almost certain that the current proposal would not meet the standards as set out by the planning officer in the 2012 report, or by the Inspector in 1987. It would be found to cause harm to the area, and would be refused.

PLANNING POLICY

A number of key planning policies are relevant in relation to the current proposal. They include CS1 of the Core Strategy, Distribution of Growth. The overall thrust of policy CS1 is to ensure the distribution of growth in the most suitable locations. The policy sets out the preference of the Council for supporting larger schemes, which are more sustainable. The proposal is for a site located outside of the Council's growth areas and its highly accessible locations, and as it is only for one house it cannot be said to add significant value to growth in the number of houses in the borough as a whole.

Paragraph 1.22 of this policy, which supersedes policy SD4 referred to in the applicant's Design and Access Statement, ensures that even where higher densities are a possibility, the amenity of both neighbours and occupiers should be sensitively considered, especially in conservation areas. The aspects of loss of outlook, privacy and sense of enclosure need to be

considered, and these aspects of amenity would be greatly impaired by the increase in density on this small site, as foreseen in this proposal. As such, the proposal fails to comply with this overarching local policy.

Policy CS5 deals with Managing the Impact of Growth and Development. To comply with this policy, the applicant must make sure that the impact of development on both future occupiers and neighbours is fully considered. A development must also ensure that it protects and enhances the environment and heritage. Paragraph 5.8 sets out that protecting amenity is a key part in managing growth. It is apparent that this proposal fails on this policy, as it does not avoid harmful effects on the amenity of existing and future occupiers and nearby properties, as required by paragraph 5.8.

This proposal for a three storey construction does not appear to take into account the impact on neighbours, and it will be overbearing. The sloping nature of the site, in my view, means that a proposal for a three storey house cannot be supported. As has been noted above, the topography was considered a relevant factor by both the planning officer and the Inspector in their respective approvals of 25B and 25E, and I suggest it should be taken into account by the Council when considering this application, too.

Furthermore, the proposal does not appear to comply with the more detailed policy DP26, which deals specifically with “Managing the impact of development on occupiers and neighbours.” The proposal does not comply with this policy in that it is most likely to “cause harm to amenity.” The policy mentions specifically visual privacy and overlooking, overshadowing and outlook, and sunlight, daylight and artificial light levels. As this policy sets out that the Council will only grant permission for development that does not cause harm in these respects, I believe that this proposal should be refused.

The developer has submitted a letter mentioning one aspect of DP26, that of Daylight/Sunlight. Here it is conceded that the 25° line rising from the centre of the relevant ground floor windows is subtended by the proposed development, if “only just.” No further analysis is carried out, and the letter is extremely vague in its assessment. It does nothing to dispel the view that the proposal does not comply with the Council’s policy at DP26.

To demonstrate adequately that the problems with overlooking and privacy could be overcome, I believe the applicant should be asked to submit evidence for the consideration of the planning officers demonstrating that he has considered the issue of privacy and overlooking, especially with regard to 25B. It is noted that the applicant has submitted similar material for the linked application 2015/6218/P, so the inference that can be drawn from the lack of any documentation for this application is that the applicant fears the results will show non-compliance with DP26, and lead to the refusal of the application.

In fairness, it must be said that there have been modifications to the proposal which take into account some of the concerns of the occupiers of neighbouring properties. However, there are

still problems presented by the proposed construction of windows both in the staircase and in the third bedroom both directly overlooking 25B. The 45o angle of these windows will cause overlooking into my living area and into my daughter's bedroom. This is unacceptable. It is considered the plans could be modified to remove these windows, as these areas will still receive sufficient daylight as the windows at opposite aspects would be retained, and these are not facing 25B. Without this further modification, however, the lack of regard for the privacy of neighbouring occupants makes this proposal unacceptable with regard to policy DP26.

CS6 is the policy dealing with housing within Camden. I believe that this very small site cannot support an extra house, with its likelihood of overlooking and negative impact on the privacy and the sense of enclosure of 25B Frognal. In addition, the non-residential use provided by off street garages should be taken into consideration. The loss of these garages has the potential to cause more on-street parking, which is not desirable. Paragraph 6.18 of CS6 states that although priority is given to housing over other development, this will not override the consideration given to specific sites, and I believe that in these circumstances the proposal should be considered in terms of this exception provided for in the policy.

The addition of one house to the Council's stock is not significant in itself, especially as this will be a 3-bedroom house for market housing, which is a category that has only medium priority in terms of dwelling size. Furthermore, this is not considered an area marked out for growth, and the particular circumstances of the context mean that this proposal, at the end of a narrow pathway, cannot be considered accessible.

A further policy which is relevant is Camden's policy CS14, stating that development should preserve and enhance the borough's heritage assets and their settings, and first and foremost that development should respect the local context and character. It states that the Council will not approve design which is inappropriate to its context or fails to improve the character of an area, or does not improve landscaping. This is the very much the case for this proposal, and therefore the proposal fails to comply with CS14 in all of these aspects. In addition, this proposal does not improve landscaping, which is a further way in which it clearly does not comply with CS14.

In terms of design, Development Management Policy DP24 requires that all developments should be of high quality design. This includes consideration of the character, setting, context form and scale of neighbouring buildings. Whilst the character of a modern building may be acceptable, the proposal clearly has no consideration for the other aspects of this policy. In addition, it fails to meet the provision in DP24 in that it does not provide appropriate amenity space.

The applicant's Design and Access Statement states that the proposal deals with Camden's Conservation Area Statement in relation to Redington / Frognal, and specifically the passage on sub-area 8. This document is relevant to the current proposal, but it appears that there is no attempt to deal with the guidance in the Audit section that redevelopments can fall foul of the

Statement as a result of, among other failings, inappropriate scale/bulk/massing, inappropriate relationship to street and neighbouring properties, or by adding to parking pressures. This proposal has all these characteristics. It is clear that the proposal would cause harm to the Conservation Area, and is not in compliance with the guidance in the Conservation Area Statement.

Altogether, therefore, the current proposal should be rejected because it is not in accordance with key policies in the Council's Core Strategy, including Development Management Policies.

It seems also that there is no significant public benefit to outweigh the harm that would be caused to the Conservation Area.

MODE OF DECISION

If the objections to the proposal leave room for doubt about the detrimental impact the proposal could have on the amenity of the area, I request that this proposal should be debated by the Council's Member's Briefing Panel. At this forum, I believe that the members will recommend that this proposal should receive further consideration by the Council's Development Control Committee. The precedent for this in this area is set by the consideration by the committee of the proposal at 25B.

It was very helpful that the Council's Planning Officer, James Clark, visited the site. If possible, however, before the Development Control Committee determines the proposal, they should also be given opportunity to carry out site visit as an aid to assessing the specific circumstances of this very small site.

Ultimately, in my view, there are ample reasons in terms of Camden's planning policy to refuse this harmful proposal, with which anyone familiar with the site will concur.

CONCLUSION

This site is very small, as will be evident from any visit, and there are a number of garages there. If this proposal is approved, it will not only in itself have a significant negative impact on living conditions for my family, it will also set a precedent for the eventual removal of the other garages to make way for housing. Thus apart from conflict with the local plan policies, as set out above, in my view by condoning the principle of building a three storey house on this unsuitable site, the approval of this proposal could lead to more development in an incremental manner. In the medium and long term, this threatens the integrity of this part of the conservation area, and the amenity of occupiers and neighbours. For all of these reasons, I am writing today to request that this proposal should be refused.

Thank you for your attention.

Yiyong Yang
25B Frognal