

Mr David Peres Da Costa  
Regeneration & Planning  
Development Management  
London Borough of Camden  
Town Hall  
Judd Street  
London  
WC1H 8ND

Dear David

**RE: 2 Maresfield Gardens, London, NW3 5SU**

I have been instructed by Mr Neil Smith and Mrs Jessica Smith, the registered owners of 4 Maresfield Gardens, London, NW3 5SU ("No. 4"). After a careful review of the applicant's proposal for the development at 2 Maresfield Gardens and the information provided in support, I have been instructed to write in **objecting** to the proposed development for the reasons set out below.

In summary, our clients contend that were the proposed development at No. 2 permitted the construction of a new first floor roof terrace by the boundary would result in an appreciable loss of privacy, restriction of daylight and sunlight, and unacceptable noise creation.

The above-mentioned first floor roof terrace would render the proposed development contrary to the Development Plan and National Planning Policy.

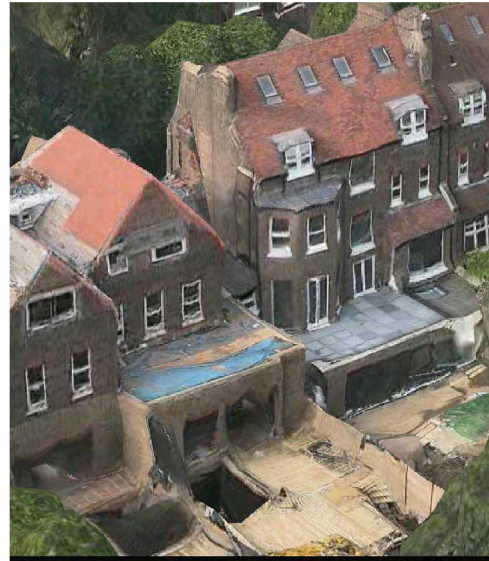
There are no material public benefits to outweigh the major harm which would be caused by the proposed development at No. 2. Accordingly, Section 38 (6) of the Planning and Compulsory Purchase Act 2004 directs that the variation of condition 3 (approved plans) of planning permission 2014/6313/P dated 30/03/2015 should be refused.

The first floor roof terrace was specifically excluded from having access, as was a significant part of the raised ground floor terrace specifically to protect the amenity of my client's property. It therefore presents a substantially different proposal than the application it seeks to amend.

I also question the accuracy of the drawings submitted by the applicant and ask that revised plans be submitted to truly reflect the built form on site.

**I suggest that the officer request the following amendments to the application:**

1. That the drawings submitted are amended to:
  - a. Show the proximity of our home so that the impact can be reasonably assessed (our house is not even shown on the plan and so does not illustrate the issue)
  - b. Accurately represents our house. Where it is shown it should show the correct location and size of windows and show the terrace, the rear elevation does not show the terrace at all, nor does it have the correct sized windows.
2. The rear first floor accessible terrace be removed and appropriate condition included specifically removing the right to use the flat roof as a terrace or balcony.



*aerial photograph of No. 2 & 4 Maresfield Gardens showing proximity of proposed roof terrace (blue roof covering) and our windows and terrace that are not shown on the application drawings*

While I am aware that screening can sometimes remove overlooking issues, I think that in this case it is not acceptable to propose that. My client's light has already been reduced by the approved addition floor and to then propose a screen would only reduce it more. It would also fail to deal with the noise exposure.

I can see no reason why even a small amount of usable roof terrace at this level would be considered reasonable given the specific restriction against it on the original application of which this and several previous application are apparently minor material amendments of.

#### **The Local Development Plan**

The statutory Development Plan comprises of the London Plan (2015), the London Borough of Camden Core Strategy (2010) and the London Borough of Camden Development Policies (2010).

**Policy CS5 'Managing the impact of growth and development' of the Core Strategy (2010)** seeks to manage the impact of growth and development in Camden by ensuring that development meets the full range of objectives of the Core Strategy and other Local Development Framework documents, with particular consideration given to amongst other things: protecting the amenity of Camden's residents and those working in and visiting the borough by:

- e) making sure that the impact of developments on their occupiers and neighbours is fully considered;

- f) seeking to ensure development contributes towards strong and successful communities by balancing the needs of development with the needs and characteristics of local areas and communities; and
- g) requiring mitigation measures where necessary.

The Development Management Plan was adopted in November 2010. The Plan provides a more detailed set of policies that aim to advance and promote the strategic objectives in the Core Strategy (2010). **Policy DP24 'Securing high quality design'** states amongst other things that the Council will require all developments, including alterations and extensions to existing buildings, to be of the highest standard of design and will expect developments to consider:

- a) character, setting, context and the form and scale of neighbouring buildings;
- b) the character and proportions of the existing building, where alterations and extensions are proposed;

**Policy DP26 'Managing the impact of development on occupiers and neighbours'** states that 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 that will consider include:

- a) visual privacy and overlooking;
- b) overshadowing and outlook;
- c) sunlight, daylight and artificial light levels;
- d) noise and vibration levels;
- e) odour, fumes and dust;
- f) microclimate;
- g) the inclusion of appropriate attenuation measures.

#### **The National Planning Policy Framework**

The National Planning Policy Framework ("the Framework") was published in 2012 and sets out the national Government's requirements for the planning system. At the heart of the Framework is paragraph 14 that states:

*"there is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. For decision-taking this means that:*

- *approving development proposals that accord with the development plan without delay; and*
- *where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*
  - *specific policies in the Framework indicate development should be restricted."* (our emphasis)

Paragraph 17 of the Framework states that, within the overarching roles that the planning system ought to play, a set of core land-use planning principles should underpin both plan-making and decision-taking. One of the twelve principles outlined is that development should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. The revised application would not comply as, plainly, construction of the new first floor roof terrace would constitute overdevelopment, which would considerably reduce and impair the amenities currently enjoyed by the occupants of the neighbouring properties of No. 4 and also provide inadequate amenities for the same occupants.

The proposed development scheme fails to meet the criteria of paragraph 56 but does, clearly, fall within the deficiencies contemplated by paragraph 64, by reason of the size, mass and bulk of the

proposal and its close proximity to neighbouring properties, thereby reducing and impairing the amenities currently enjoyed and, so, does not comply with the Framework.

As the proposal does not meet with the objectives and criteria of either the Local Development Plan or, indeed, the specific policies within the Framework itself, it is clear that the development proposal does not constitute "sustainable development" and, given the presumptions of the Framework, should be refused.

### **Conclusion**

The proposal does not comply with National and local planning policy. The cumulative effect of the loss of privacy, visual intrusion and restriction of daylight and sunlight, also noise would make this latest application unacceptable. As such we request an accompanied site visit to our property so that the case officer can actually see the development site from our property, given the deliberate misrepresentation of our property on the application drawings, and make an informed decision.

May I remind you that Paragraph 14 of the Framework is not engaged and there are no public benefits which would outweigh the identified harm. The presumption in favour of sustainable development is not engaged in this instance.

Finally, this application includes excavations for additional basement areas including front light wells in a conservation area as well as significant material changes to use of the flat roof. I would challenge the fact that this is a minor material amendment both in its own right and specifically when related back to the original application. The application has been amended and amended such that it can no longer be considered a minor material amendment. Approval of this application would result in gross overdevelopment of the conservation area.

With kindest regards

Yours sincerely,



**Junior Moka BSc (Hons), MSc, MRICS**  
**Associate Planner**