

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

Miss Juliette Alexander  
Flat D, 12 Iverson Road  
London NW6 2HE

14<sup>th</sup> February 2016

**RE: Application Reference: 2015/4993/P**  
**The Brondes Age**  
**328E-H Kilburn High Road**  
**London NW6 2QN**

Hi all,

Please note that I am writing to let you know that I have a number of really strong objections in terms of the proposed development of a rear extension and roof terrace at Brondes Age on Kilburn High Road. As a resident in the nearby Iverson Road I believe that this will have a significant impact to my standard of living in my flat. Please see below for my objections:

#### **1. Loss of privacy and overlooking**

The Application Form, Design and Access Statement, and Proposed Drawings completely fail to indicate how, if at all, the development would protect the privacy of the neighbours living on Kilburn High Road and Iverson Road. The 'Proposed Drawings' indicate that customers of the roof terrace will have a direct view into the bedrooms, living rooms, kitchens, and gardens, of residents and in particular my flat. I therefore ask the Planning Committee to refuse the Application on the grounds of privacy as well as noise pollution (outlined below). Everyone has the right to respect for his private and family life, his home and his correspondence, and we ask the Council to protect these rights.

Camden's Development Policy DP26 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 we will consider include a) visual privacy and overlooking."** The document Camden Planning Guidance: Amenity states under section 7 that 'New development is to be designed to protect the privacy of existing dwellings'. It adds, under 7.4, that 'new buildings, extensions, roof terraces, balconies and the location of new windows should be carefully designed to avoid overlooking...The most sensitive areas to overlooking are: **living rooms, bedrooms, kitchens, and the part of a garden nearest to the house.**'

#### **2. Noise**

- a) Camden noise policy.** The significant increase in noise that the roof terrace will create is in direct contravention of Camden's Development Policy DP28: ***"The Council will seek to ensure that noise and vibration is controlled and managed and will not grant planning permission for development likely to generate noise pollution."***

b) **Music.** The Design and Access Statement declares on page 4 that “**It is intended that music and entertainment will be available on the terrace on certain evenings, and a licensing document with approved hours of use and an acoustic report has been attached to the application document**”.

- The licensing document has not been included with the documents on Camden Council’s planning permission site.
- Residents have not been able to consider likely opening hours. The Application for Planning Permission has listed the ‘Hours of Opening’ as ‘Not Known’, but the ‘Noise Impact Assessment’ report states, under 1.0, that the rooftop terrace will operated until 00.30 every night. No opening hours have been indicated.
- The acoustic report confines itself to evaluating predicted noise levels for voices, and adds, under 5.3: “**No music reproduction has been assumed within our analysis.**” Account of the impact on residents of playing music on the terrace until well past midnight has not been taken into account. In addition, this is in direct contravention of the **Camden Statement of Licensing Policy 139, and in particular**
  - **139D: When the premises doors are open the levels of music shall cut out completely or fall to ambient levels that are not intrusive to local residents.**
  - **139G, ‘Premises Providing Music and Dance and Similar Entertainment’:** “**No sound emanating from regulated entertainment shall be audible a metre from the façade of the nearest noise sensitive premises between 2300 and 0700 hours.**
  - **139G: All external doors and windows to the premises shall be kept closed during the provision of regulated entertainment, save during access and egress.**

Plans to include music and entertainment on the terrace are, furthermore, in contravention of the **Borough of Camden’s Noise Strategy 10.11**, which states that ‘The Entertainments Licence then imposes conditions designed to achieve minimal noise impact on local residents before 23.00 and effectively inaudibility between 23.00 and 07.00.’

c) **Inconsistencies between Application for Planning Permission and ‘Noise Impact Assessment Report’.**

- 5.1, ‘Site Layout’ of the ‘Noise Impact’ report stated that ‘the following measures are assumed to be implemented: ‘3.5m high acoustic barriers (absorptive) surrounding the south and western edge of the rooftop’ AND ‘A 3m high acoustic barrier

(absorptive) running through the centre of the terrace area'. However, The 'Revised Drawings' (submitted 26.1.2016) includes: '2.4m high 100mm timber fence panels encapsulating Maxiboard acoustic panels to block/absorb sound', which is **under** the height stipulated by the noise report, only includes **one** such a panel rather than the one running through the centre, and **doesn't** surround both southern and western edges of the rooftop.

- The 'Noise Impact' report is based on the understanding that, as 5.1 states, 'the 3m high barrier...would act to reduce noise levels in both separated 'areas' since customers would not need to speak with such a raised voice to be able to communicate.' As stated above under 1c, the revised drawings do not make provision for a 3m barrier.
- In addition, the assumption that customers will not speak with raised voices is entirely speculative, and fails to take into account the intended addition of music and other entertainment.

**d) Missing information:** The 'Revised Drawings' state that, on the roof terrace, 'All others areas to be open to the elements' other than the central steel/glass roof. This leaves it unclear how much of the store and toilets will be covered, if at all.

**e) Incomplete consultation.** Iverson Road flats from nos. 2 to 6 only were consulted regarding the application, yet the 'Noise Impact' report clearly states that the residence that would be most affected would be **no. 8**, and the residences close to no. 8 (see 6.0 Discussion). These residences have not had a chance to comment, and in many cases have only been alerted to the application 2 days before the deadline for by concerned neighbours. It is essential that a larger number of residence be made formally aware of the application, and the severe impact this could have on their quality of life.

**f) Missing information.** The photographs submitted in the 'Design and Access Statement' and Plans give a very limited sense of the number of private residences directly facing, and adjoining, the proposed development, giving the Planning Committee an incomplete sense of how severely residents would be impacted. We would urge members of the committee to visit the site to witness at first hand the proximity of the planned development to private dwellings.

**g) Proximity of vulnerable people.** The proposed roof terrace, accommodating at least 100 people, with music and other entertainment, would stand in close proximity to the Netherwood Day Centre. Until 4.30pm, the centre provides a range of activities for people with dementia. The centre, as its website states, offers a welcome chance for those affected to "relax", and includes a "lovely garden space outside" and activities such as "gardening". The Netherwood Centre is currently protected from excessive

noise by its location off Kilburn High Road, but the garden would be located directly next to the proposed roof garden, depriving both carers, and people being cared for, of a much-needed space providing quiet and relaxation.

Camden's Development Policy D28 acknowledges that "noise and vibration can have a major effect on amenity and healthy and therefore quality of life. Camden's high density and mixed-use nature means that disturbance from noise and vibration is a particularly important issue in the borough." Noise from the terrace would affect residents well into the night, even with closed windows, and would make it impossible for residents to keep their windows open. We therefore ask the Planning Committee to follow its own guidelines, and, in accordance with the Humans Rights Act Protocol 1 Art. 1 which stipulates that 'every natural or legal person is entitled to the peaceful enjoyment of his possessions', reject this planning proposal.

### 3. Additional concerns

We also believe that the small corrections made to the 'Revised Drawings', in particular in response to the TFL consultation response, are inconsistent and incorrect. Namely:

- a) **Security:** The 'Design and Access Statement' states under section 4 that 'it is anticipated that an increase in height at the rear of the building is also likely to deter trespassers and reduce crime', but the opposite is likely, as the elevation will make it far easier for trespassers on the overground line to climb onto the terrace, and into the gardens below.
- b) **Disabled access:** The 'Design and Access Statement' states under Section 6 that 'the new roof terrace will have no level changes, including the circulation route to the toilets, which will include arrangements for the ambulant disabled', but the drawings indicate no means for disabled access to the roof terrace itself.
- c) **Trees:** Please see photos attached, which gives an idea of the trees in close proximity to the proposed development. The photos supplied in the 'Design and Access Statement' also clearly show branches hanging over the flat roof, site of the proposed terrace. Can the applicant guarantee that none of the trees on or close to the property will be damaged during or after the development of the planned terrace?
- d) **Cycling provisions:** The letter from TFL dated 12 October 2015 states that 'additional cycle parking is required to be provided for the additional floor space' and that 'a minimum of 8 cycle spaces are required'; in addition 'cycle changing facilities (such as showers) should also be provided for bar staff and secured by planning condition'. The 'Revised Drawings' shows 8 cycle parking spaces, but no easy means (if any) for staff or customers to access them.

As listed out above, I believe that the significant noise pollution and high risk of privacy and overlooking involved in this planning application are in direct contravention of Camden's planning policies, and would be entirely to the detriment of the myself and my neighbours' residential conditions.

In the extremely unfortunate event that this application should be approved, we would ask the council to use its powers to:

- **request additional soundproofing barriers** of at least 3m surrounding the **entire** terrace
- ensure that the entire section of the terrace including the storage and toilets, and corridor leading to it, be **entirely enclosed and covered by a thick roof**
- request additional works guaranteeing neighbour **privacy**
- to **ban the use of music**, both live or recorded, on the terrace altogether
- and to **restrict the operating hours of the roof terrace** so that no activity whatsoever could take place on the terrace after 11pm.

Please do take my objections into consideration when deciding this application.

Looking forward to your thoughts.

Kind regards,

Juliette Alexander  
(Owner, Flat D, 12 Iverson Road, NW6 2HE)