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



Cambridge

Shakespeare House
42 Newmarket Road
Cambridge CB5 8EP

By Post & Email (planning@camden.gov.uk)

Dear Sirs

Objection to planning application for the proposed new dwelling at 17 Boscastle Road, London, NW5 ("the Proposed Development")
Planning Reference No.: 2016/0758/P

We act for Mr & Mrs James of 1 Grove Terrace Mews, London NW5 1PJ who wish to object to the above planning application on the following grounds:

1. Design & Character of the Area

Policy DP24 of Camden's Development Policies requires that all developments "*be of the highest standard of design*" and the Council will expect developments to consider "*the character, setting, context and the form and scale of neighbouring buildings*". Core Strategy Policy CS14 provides that "*the Council will ensure that Camden's places and buildings are attractive, safe and easy to use by requiring development of the highest standard of design that respects local context and character*".

Policy 3.5 of the London Plan provides that "*the design of all new housing developments should enhance the quality of local places, taking into account physical context; local character; density; tenure and land use mix*". Policy 7.4 states that "*development should have regard to the form, function, and structure of an area, place or street and the scale, mass and orientation of surrounding buildings*". Policy 7.6 provides that "*buildings and structures should...comprise details and materials that complement, not necessarily replicate, the local architectural character*".

Paragraph 58 of the National Planning Policy Framework ("NPPF") requires planning decisions to "*respond to local character and history and reflect the identity of local surroundings and materials*".

The Proposed Development will fail to comply with the above policies for the following reasons:

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Overdevelopment

The Proposed Development will lead to the over-development of this site and give rise to a density of development that is not consistent with the character of this area. This part of Dartmouth Park, and in particular Boscastle Road and Grove Terrace, are characterised by large residential properties with very long rear gardens. The Proposed Development, whilst significantly smaller overall than surrounding properties, will still have a fairly large footprint, and will be surrounded by limited amenity space. In addition, number 17 Boscastle Road will be left with a much reduced curtilage. Overall, the application proposal would be a cramped form of development that is not appropriate to the area and that will have a detrimental impact on its character.

In addition, the Proposed Development will result in the loss of a significant storage building to the rear of 17 Boscastle Road, currently available for use as bin, cycle and other ancillary storage. In addition, the Proposed Development will introduce an extra unit of accommodation which will require its own refuse and storage arrangements. The lack of storage and amenity space for both properties means that they are likely to become dominated by refuse bins, bicycles and other items, resulting in a cramped and untidy environment on this part of Grove Terrace Mews and a form of development that is out of character with surrounding properties.

Scale & Massing

The scale and massing of the Proposed Development is also not consistent with the surrounding built form. Whilst there are some smaller buildings on Grove Terrace Mews, these are ancillary to the main dwelling houses, which are characteristically very large, with several storeys. The proposed new dwelling will introduce a disproportionately small, single-storey dwelling with a very small private amenity space which is out of character with the surrounding houses. As a result, the building will be visually dominated by the terrace properties surrounding it.

At the same time, the Proposed Development will fail to reflect the smaller, ancillary buildings on the Mews. The new dwelling is significantly larger than these ancillary buildings, both in terms of its footprint and its height (being 800mm taller than the garages which are restricted to 3m). Accordingly, the Proposed Development will give rise to a form of development which is entirely alien to the local area and that will accordingly have a detrimental impact on its character.

Design & Visual Amenity

The radically contemporary design of the Proposed Development is such that it will appear incongruous in its surroundings. In particular, the proposed brick roof is out of context with the use of slate in the roofs of the surrounding buildings, as is its diagonally sloping design. In addition, it is proposed to use pale grey brick, rather than the traditional reclaimed London Stock bricks with lime mortar joints and pointing usually required by the Council and which would be more in keeping with the local area. The Proposed Development will also disrupt the uniform nature of the surrounding terraces by way of the introduction of backland development.

The large footprint of the Proposed Development, and its prominent location in the centre of the rear garden environment of the surrounding terraces, will mean that it will be highly visible to a large number of those properties, detrimentally impacting on their visual amenity. The majority of the existing buildings on the Mews are far smaller than the proposed new dwelling, and not as visually dominant. The Proposed development will impact particularly on our client's property which will have direct views of the new dwelling to the South East.

The Proposed Development represents overdevelopment of the site and is out of character with the surrounding built environment in terms of its scale, form and materials, contrary to Development Policy DP24, Core Strategy Policy CS14, London Plan Policies 3.5, 7.4 and 7.6 and the NPPF. However, if the Council is minded to grant the application, despite the detrimental impact it will have on the character of the surrounding area, we would request that the Council impose a condition removing all permitted development rights so as to ensure that the development cannot be altered or extended further.

2. Heritage

The Proposed Development falls within the Dartmouth Park Conservation Area. Accordingly, in assessing this application, the Planning (Listed Building and Conservation Area) Act 1990 requires that *"special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area"* (s72(1)). In addition, Development Policy DP25 provides that *"the Council will only permit development within conservation areas that preserves and enhances the character and appearance of the area"*.

In addition, Grove Terrace is Grade II*/Grade II Listed (*"the Listed Building"*). In considering whether to grant planning permission for development which affects the setting of a listed building, the Planning (Listed Building and Conservation Area) Act 1990 requires that the local planning authority have *"special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses"* (s66(1)). In addition, Development Policy DP25 provides that *"the Council will not permit development that it considers would cause harm to the setting of a listed building"*.

Core Strategy Policy CS14 provides that *"the Council will ensure that Camden's places and buildings are attractive, safe and easy to use by preserving and enhancing Camden's rich and diverse heritage assets and their settings, including conservation areas, listed buildings, archaeological remains, scheduled ancient monuments and historic parks and gardens"*.

London Plan Policy 7.8 provides that *"development affecting heritage assets and their settings should conserve their significance, by being sympathetic to their form, scale, materials and architectural detail"*.

One of the twelve core planning principles (paragraph 17) of the NPPF is that planning should *"conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations"*. Paragraph 131 provides that, in determining planning applications, local planning authorities should take account of *"the desirability of new development making a positive contribution to local character and distinctiveness"*.

As discussed above, the Proposed Development does not reflect the form, use of materials and architectural detailing of the existing buildings within the vicinity of the development. In

particular, the highly contemporary design of the Proposed Development is such that it will appear incongruous in its traditional surroundings. The proposed pale grey brickwork and sloping brick roof are out of context with the surrounding buildings. In short, the Proposed Development will introduce an alien building form and aesthetic that would detract from the character of the Conservation Area and Listed Building.

It is acknowledged that the use of contrasting design and/or materials can be appropriate for new development in a Conservation Area and/or within the setting of a Listed Building. However, it is not appropriate in an area characterised by terraced properties where the cumulative effect of multiple contrasts, close to one another, is likely to destroy the architectural integrity of the terrace, which was originally built as a series of identical units. If a contrast is allowed at Grove Terrace Mews, that will inevitably put pressure on the Council to approve contrasting design and materials elsewhere in the vicinity. This is clearly undesirable, particularly in a Conservation Area and within the setting of a Listed Building.

By reason of its design, form and use of materials, the Proposed Development fails to conserve or enhance the character of the Conservation Area or the setting of the Listed Building and is, therefore, contrary to Development Policy DP25, Core Strategy Policy SC14, London Plan Policy 7.8 and the NPPF and should be refused permission. The Council would also be acting contrary to their statutory duties contained in the Planning (Listed Building and Conservation Area) Act 1990 if they were to grant permission.

3. Residential Amenity

The Proposed Development will also have a detrimental impact on the residential amenity of neighbouring properties by reason of disturbance and loss of privacy and outlook. It will also fail to provide an acceptable standard of accommodation for the occupiers of the new dwelling by reason of a lack of privacy and outlook, overbearing and overshadowing, and lack of amenity space. Development Policy DP26 provides 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;*
- (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.*

We will also require developments to provide:

- (h) An acceptable standard of accommodation in terms of internal arrangements, dwelling and room sizes and amenity space;*
- (i) Facilities for storage, recycling and disposal of waste;*
- (j) Facilities for bicycle storage; and*
- (k) Outdoor space for private or communal amenity space, wherever practical”.*

Similarly, Core Strategy Policy CS5 provides that *“the Council will protect the amenity of Camden’s residents...by making sure that the impact of developments on their occupiers and neighbours is fully considered”.*

Policy 7.6 of the London Plan provides that buildings and structures should “*not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy, overshadowing, wind and microclimate*” and also “*provide high quality indoor and outdoor spaces and integrate well with the surrounding streets and open spaces*”.

The NPPF requires that planning decisions should always “*seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings*” (para.17).

Disturbance

The Proposed Development would give rise to a new residential dwelling and would introduce into this comparatively quiet residential area the comings and goings and other day-to-day activity associated with a use of this nature. The noise and disturbance from this type of development would represent a detrimental change to the character of the area and the amenity of local residents. The amenity of our client’s property at 1 Grove Terrace Mews would be particularly affected due to its close proximity to the Proposed Development, and in particular the courtyard garden accessed from the living area.

The Applicant’s Design and Access Statement states that access to the Proposed Development will be on foot from Grove Terrace via Grove Terrace Mews Road so as not to increase vehicular traffic in Grove Terrace Mews and “*maintain the idyllic nature of the road*”. However, whilst no parking is proposed, as the proposed dwelling is wheelchair adapted, it is highly likely that cars will pull up outside the property to drop off/collect passengers. It is unrealistic to expect wheelchair users and their carers to travel the not insignificant distance along this unmade-up lane, with a mainly gravel surface and grass and weed centre, which is entirely unsuitable for wheelchair users. There is also quite a steep, round-stone cobbled entrance from Grove Terrace which would be an additional hindrance. Therefore, the Proposed Development will give rise to an increase in vehicular traffic in Grove Terrace Mews and there is likely to be disturbance from the parking and manoeuvring of motor vehicles. The noise likely to be associated with the proposal would include engines revving, as vehicles manoeuvre, and car doors slamming. It is unlikely that such activity would be restricted to daytime hours.

The overall effect of all these changes would be to noticeably increase the levels of noise and disturbance experienced by neighbouring residents. There will therefore be a loss of amenity, having regard to the quality of the neighbours’ environment as it now exists (as a result of the peaceful residential nature of the area as acknowledged by the applicants), in terms of the activities and noise associated with the Proposed Development.

Loss of Privacy & Outlook

Our client’s property at 1 Grove Terrace Mews will also suffer a significant loss of privacy and outlook as a result of the Proposed Development. It is telling that the applicant’s Planning & Heritage Statement does not deal specifically with the impact of their proposal on this property. At present, our clients enjoy uninterrupted views across the gardens of Grove Terrace and Boscastle Road from their property. The Proposed Development will introduce built development just 7.5 metres from our client’s boundary, completely obliterating these views and resulting in a severe loss of outlook.

There will be a corresponding impact on the privacy of our client's property. The northern elevation of the Proposed Development incorporates sliding windows onto the courtyard garden. Whilst it is proposed that there will be a 2m high wall surrounding the courtyard, it is shown with "hit and miss" brickwork, which will allow views directly onto the front entrance, garden and elevation of 1 Grove Terrace Mews. This will affect the main bedroom which has a double-door French window opening onto a Juliet balcony which faces to the South. In addition, the second and third bedrooms have only south facing windows. The living room also has double glazed French windows opening onto the front garden and patio area, all facing the Proposed Development. In short, the privacy and outlook of all the main living accommodation of our client's property will be severely affected by the Proposed Development.

Amenity of Future Occupiers

The Proposed Development would also provide a woefully poor level of amenity for future residents. The new dwelling to be constructed will be entirely overlooked, overshadowed and visually dominated by the surrounding terraces. This will have a significant impact on the privacy of the occupiers of this property. Notwithstanding the lack of windows directly facing the adjacent gardens, their comings and goings will be observable by a large number of the residents of Boscastle Road and Grove Terrace. In addition, the terraces will constitute a looming presence which will be overwhelming and overbearing, resulting in a wholly unacceptable impairment of the enjoyment of the property.

There is also likely to be a lack of sunlight to the property as a result of the scale and proximity of the surrounding terraces and trees. Whilst the applicant's Design and Access Statement incorporates a daylight study to show the impact of daylight to the surrounding properties, it does not consider the daylight available to the Proposed Development. In particular, there is a mature London Plane Tree to the west of the Proposed Development which is around 30 metres tall and has a considerable spread. This will undoubtedly severely restrict the amount of daylight which reaches the new dwelling. However, it would be entirely inappropriate to fell, prune or pollard this tree which is of considerable value to the amenity of the surrounding residents, as recognised by Development Policy DP24 which states that the Council will expect developments to preserve "*existing natural features, such as topography and trees*" (as does Development Policy DP25 in terms of trees that contribute to the character of the Conservation Area), London Plan Policy 7.21 and paragraph 118 of the NPPF.

In addition, the new dwelling will have a significantly compromised outlook. In an effort to protect the privacy of the neighbouring residents, the Proposed Development incorporates limited windows and openings. This gives rise to a limited outlook from the property which will already feel "hemmed in" by the overbearing presence of the surrounding terraces. Views from the openings that are proposed will be limited due to the walls surrounding the private amenity areas.

The Proposed Development will also fail to provide adequate amenity space for the residents of the new dwelling. The property has two very small courtyards, completely surrounded by walls and overlooked and overshadowed by the surrounding properties and trees. The proposal will also rob the occupiers of 17 Boscastle Road of the amenity space they currently benefit from.

In short, the Proposed Development will fail to secure an appropriate level of amenity for future occupiers of the new dwelling by reason of overlooking, overbearing and overshadowing and a lack of outlook and amenity space. In addition, the amenity of neighbouring residents, and in particular our clients, will be severely affected in terms of disturbance and loss of privacy and outlook. Accordingly, this application should be refused as contrary to Development Policy DP26, Core Strategy Policy CS5, London Plan Policy 7.6 and the NPPF. However, if the Council is minded to grant the application despite this amenity impact, we would request that other conditions be imposed to alleviate loss of privacy. These could include restrictions on the size of the windows (and requiring them to be obscure glazed and non-opening), and the nature of the screening walls. Permitted development rights should be removed to prevent the insertion of more windows.

4. Parking

The site of the Proposed Development is relatively well-served by public transport and is within a Controlled Parking Zone. According, it is proposed that the Proposed Development will be car-free with the occupier ineligible to apply for a conventional parking permit. However, Mrs Gladstone is a blue badge holder and could, therefore, park on the street without the need for such a permit in any event. Similarly, any future occupier of the dwelling could well be a blue badge holder, given that it is specifically adapted for those with mobility problems. Accordingly, the Proposed Development will give rise to additional demand for on-street parking in an area where there is already on-street parking stress; parking is at a high premium on Grove Terrace which is served by a narrow road, permitting parking spaces on one side only. This is contrary to Policy DP19 of Camden's Development Policies which states that the Council will resist development that *"add to on-street parking demand where on-street parking spaces cannot meet existing demand, or otherwise harm existing on-street parking conditions"* (para. (c)).

In any event, it is entirely inappropriate for a dwelling of this nature not to provide for on-site parking. Policy DP18 of Camden's Development Policies and the parking standards set out in Appendix 2 require on-site parking provision for wheelchair housing. Policy DP19 provides that the Council will resist development that would create a shortfall of parking provision in terms of people with disabilities. Similarly, Policy 6.13 of the London Plan requires the provision of parking for disabled people. Even though occupiers may well be able to park on the street as blue badge holders, there is still a significant distance to travel, from Grove Terrace to the Proposed Development. As stated above, the nature of the lane makes it entirely unsuitable for wheelchair users; access from Grove Terrace is difficult, if not hazardous (particularly for the elderly applicants), due to the narrowness of the lane, and the unstable nature of the lane surface. Quite simply, a specially adapted dwelling of this nature requires on-site parking provision for the benefit of both current and future occupiers and it is inappropriate to grant permission without it.

In addition, the Proposed Development will result in the loss of two garages currently available for the use of the occupiers of 17 Boscastle Road, a six bedroom family home, with no replacement provision and no car free requirement. This will give rise to additional pressure for on street car parking on Boscastle Road, again contrary to Policy DP19.

In short, the Proposed Development fails to provide adequate parking provision for future occupiers of the new dwelling, and will increase demand for on-street parking as a result of that, as well as a result of the loss of car parking for the existing dwelling. The increase in

pressure on the existing controlled parking spaces in the local area will cause considerable inconvenience and nuisance to other residents and drivers of service vehicles, and potentially create problems of obstruction and highway safety. Clearly, therefore, the Proposed Development is unacceptable and should be refused as contrary to Development Policies DP18 and DP19. However, if the Council is minded to grant the application, they should require a Section 106 Agreement to prohibit the occupiers of both the new dwelling and the existing dwelling applying for resident parking permits so as not to worsen the existing pressure on controlled parking spaces within the vicinity of the development.

5. Construction Traffic

The applicants' Design and Access Statement states that the delivery of construction material and the day-to-day site access will be via 17 Boscastle Road, but that there might be some potential special cases of delivery requiring access through Grove Terrace Mews. However, the owners of the lane, Grove Terrace Mews Limited, will refuse use of the lane for construction purposes, whether for plant or materials. Quite simply, the lane is not suitable for construction traffic, being very narrow and in constant use by residents on foot and in their cars. Accordingly, the deliverability of this development is in doubt. It is established in case law that planning authorities must consider the consequences of granting planning permission for a proposal which will never be built and the Courts have acknowledged that this could be undesirable from a planning point of view (*Sosmo Trust v Secretary of State for the Environment* [1983]). It would be inappropriate for the Council to grant planning permission for the Proposed Development given that it appears that it could not be built without rights of access that will not be granted.

6. Principle of the Development

The applicants' Planning & Heritage Statement places particular emphasis on the applicants' personal circumstances, and in particular for their need specially adapted accommodation in a location where they may continue to benefit from their existing support network. Whilst we have sympathy for the applicants' position, we do not believe this outweighs the planning detriment that will arise from this proposal.

In any event, there is no reason why the applicants should not continue to live at 17 Boscastle Road, which benefits from good street-level access and has generously proportioned accommodation at ground floor level, which could easily be adapted to provide sleeping accommodation. This is likely to be far simpler for the applicants and less disturbing for Mr Gladstone in his current condition.

7. Neighbour Consultation

The applicants' Design & Access Statement indicates that the results of the neighbour consultation informed the ultimate design of the Proposed Development. However, to the best of our client's knowledge, none of the neighbours who attended the consultation liked the Proposed Development or its design. The proposal has been re-presented in its original form as though it has been universally approved, whereas nothing could be further from the truth.

Conclusion

The Proposed Development should be refused permission on the basis that it is overdevelopment of the site and out of character with the surrounding residential context, contrary to Development Policy DP24, Core Strategy Policy CS14, London Plan Policies 3.5, 7.4 and 7.6 and paragraph 58 of the NPPF. Statute requires that special attention must be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area and the setting of the Listed Building, whereas this proposal will appear incongruous in its surroundings, contrary to Development Policy DP25, Core Strategy Policy CS14, London Plan Policy 7.8 and paragraph 17 and 131 of the NPPF. It will also detrimentally affect the amenity of nearby residents by way of disturbance and loss of privacy and outlook, as well as fail to secure an appropriate level of amenity for the future occupiers of the Proposed Development as a result of overlooking, overbearing and overshadowing and a lack of amenity space, contrary to Development Policy DP26, Core Strategy Policy CS5, London Plan Policy 7.6 and paragraph 17 of the NPPF. It is also wholly inappropriate for a property of this nature to not benefit from on-site parking, and the Proposed Development is likely to exacerbate existing on-street parking problems in the local area by way of both the loss of existing parking provision and the lack of on-site provision, contrary to Development Policies DP18 and DP19 and London Plan Policy 6.13. Whilst we sympathise with the applicants' circumstances, this is not a consideration that should outweigh the inappropriate nature of this development.

As a minimum, conditions dealing with the following should be imposed:

1. Removing all permitted development rights.
2. Restricting the size, location and nature of windows, particularly on the northern elevation, and imposing appropriate requirements in terms of screening.

A Section 106 Agreement should be required to prohibit the occupiers of the new development and 17 Boscastle Road applying for resident parking permits so as not to exacerbate the existing pressure on controlled parking spaces within the vicinity of the development.

We would ask that this application is put before the Planning Committee so that representations can be made and full consideration given to it.

Yours faithfully


Hewitsons LLP