

Application No:	Consultees Name:	Consultees Addr:	Received:	Comment:	Response:
2016/2762/P	M C Taylor	39 Rochester Road London NW1 9JJ	27/06/2016 15:58:25	OBJ	<p>As the immediate next door neighbour living at 39 Rochester Road I should like to object most strongly to the proposal to turn the first floor bathroom window at 38 into an access door together with the erection of a metal spiral staircase from the flat roof to the rear garden.</p> <p>The access door would be a mere 250mm from the common boundary wall. The consequential frequent use of this access and staircase would permit direct overlooking of my garden from very close quarters and in particular my rear patio sitting &amp; dining area. [see the attached annotated rear elevation which has been prepared by my professional adviser] *</p> <p>The presence of standing and moving adults and especially children close to my boundary and at a higher level would be very dominant and oppressive and seriously diminish my privacy and enjoyment of the garden. It would also permit overlooking of my first floor bedroom window.</p> <p>At present my rear patio area which is well used for al fresco dining on warmer days is semi private as it is close to the house and so not directly overlooked by any rear windows of the adjoining dwellings. The use of the new access will enable people to look directly over this area.</p> <p>It is a long established principle in planning case law that it is not the degree of probability by way of noise and disturbance but the reasonable apprehension of such adverse effects that should be the key to an appropriate decision.</p> <p>Accordingly the use of the flat roof and rear metal staircase on a regular basis by young children in particular, would result in unacceptable noise disturbance and significantly detract from the enjoyment of my garden. The noise will also be audible in my kitchen and dining room.</p> <p>The proposal would therefore be clearly contrary to Camden Planning policy CPD1 Design para: 4.10 which was updated in 2013. It would result in significant loss of privacy and enjoyment of my rear garden and result in increased noise disturbance both within my dwelling and in the garden.</p> <p>I would also like to object to the manner of the preparation of the application and lack of adequate publicity. It is disappointing that my neighbours have not chosen to consult me on their proposals or show me their plans so that I would have been able to express my serious misgivings in advance of the submission. Moreover, the Council did not formally notify me of the application and the street notice, tied to a tree in front of 38, disappeared shortly after it was posted. If I had been away from home I would have missed the statutory consultation period.</p> <p>I also submit that the submitted design and access statement is inaccurate. I have lived in my property since November 1974. Since that time Mr &amp; Mrs Calvert have made two significant enlargements to their property. They built a glass roofed rear extension in the late 1970's and erected a third floor roof extension in 1985. These pre date the designation of the Rochester Conservation Area.</p> <p>I seriously question the need for this new access as there is an existing, perfectly adequate door to the rear garden from the ground floor accommodation which will be replicated in the new enlarged</p>

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2016/2762/P	M C Taylor	39 Rochester Road London NW1 9JJ	27/06/2016 15:58:47	OBJ	<p>extension.</p> <p>The applicants pray in aid Mrs Calverts medical problems and claim the need for a tranquil bedroom in which she can rest during the day. This seems implausible as the proposed bedroom will be immediately adjacent to the shared family kitchen/dining area, the rear patio area, the well used garden with large trampoline and the new metal staircase. The roof and rear wall of the proposed extension are shown to be glass which is much less easy to insulate effectively.</p> <p>A more pragmatic solution would be to use the ground floor front room as the bedroom. The family would therefore be able to continue to use the back door when Mrs Calvert is resting and it would obviate the need for a new access from the first floor into the garden.</p> <p>The main residence of the owners, Mr &amp; Mrs Calvert, is in Newcastle on Tyne. They also have a property on the continent. Although they visit No 38 on a regular basis, the property is occupied permanently by their daughter, her partner and their three children.</p> <p>This leads me to the conclusion that the proposals suggest a hidden agenda for the property, that is the likely subdivision of the house into two separate dwellings, a garden flat and an upper three floor maisonette with independent access to a shared or divided rear garden. This would of course need a separate planning permission.</p> <p>I live in the adjoining dwelling with no alternative residence. The proposals as they stand will result in serious detriment to my privacy and living conditions on a permanent basis for a temporary and intermittent need by Mrs Calvert which is unlikely to be addressed by the proposed rear bedroom.</p> <p>The dwelling lies in the Rochester Conservation Area and the proposals, if approved, could set an unfortunate precedent with implications for the character and appearance of the wider Conservation Area.</p> <p>I do not object to the proposed ground floor rear extension on its own and if the proposals were amended to exclude the new rear access I could support the proposal.</p> <p>*I am unable to append the diagram showing the degree of overlooking at the rear which will be submitted separately by post.</p>