



OpticRealm

Mr Rob Tulloch
Development Management
London Borough of Camden
Camden Town Hall
Judd Street
London WC1H 9JE

7th July 2016.

Dear Mr Tulloch,

**Re: Application reference 2016/2457/P;
1-3 and 4, 6 and 8 Ferdinand Place London NW1 8EE**

Further to my email of Friday 24th June and our subsequent telephone conversation regarding the above application, Opticrealm Ltd has now had the opportunity to obtain advice and submits the following objection to the currently proposed scheme.

Opticrealm Ltd are the freeholders of twenty residential units which are located immediately adjacent to the application site, comprising of the following: 2 Ferdinand Place, 10 Ferdinand Street, 12 Ferdinand Street.



Figure 1: Plan showing the application site in red and sites owned by Opticrealm Ltd in green.

Opticrealm Ltd did not receive any notification of the consultation for this application either from the Local Authority or the applicant, with whom we have had previous limited contact in regard to the proposals.

Daylight and Sunlight

It is clear from the letter prepared by Anstey Horne of 1st July 2016 (enclosed) who have been appointed by Opticrealm Ltd, that there will be a significant and unacceptable reduction in the daylight to a number of the properties. In addition to this, the report submitted by the applicant and prepared by GVA is incorrect to a material degree, such that the Local Authority will not be able to adequately assess the harm of the proposal. The issues can be summarised thus:

2 Ferdinand Place

The vertical sky component (VSC) assessment shows significant reductions, ranging between 20%-40% to the ground and first floor levels. However, the report is based on notional room layouts. If the actual room layouts were to be used, there would clearly be much greater impacts than GVA has reported. The floorplans are freely available both on request from Opticrealm or the Local Authority's planning website.

10 Ferdinand Street

With regard to this property, only the corner window/room facing onto Ferdinand Place have been tested, and there are further windows/rooms on the north-facing elevation which have not been included in the technical assessment. The results, such that they are, do show significant daylight reductions to the windows facing towards the development site.

12 Ferdinand Street

Whilst GVA has provided the vertical sky component and daylight distribution results, it is not unreasonable for GVA to interpret the BRE guidelines to include the average daylight factor tests.

What the average daylight factor test results show is that there are significant reductions in light to the bedrooms within each of the flats at first and second floor levels. The first floor level sees the primary bedroom to one flat receive an average daylight factor of just 0.19%, in comparison to the 1.0% minimum recommended by the BRE guidelines. The second bedroom to the other flat at first floor level obtains an even lower level of daylight, being at 0.05% ADF, which is near enough no light at all. The daylight distribution results show only circa 5% of the room will receive natural light, which is a very poor level of light to receive.

The GVA report makes reference to justifying the significant impacts to the above properties by highlighting the inner city context and unusual baseline conditions. In particular, there are references to seeking alternative values and applying a flexible approach, especially when seeking to match the height and proportions of existing buildings. What is evident from the proposed massing opposite 2 Ferdinand Place and 12 Ferdinand Street is that the proposed development is taller than the affected neighbouring properties. It would be more appropriate to provide justification where the development is of the same or similar height to that of its neighbours, which it clearly is not.

The Savills Planning Statement submitted in support of the application claims at 6.53 that:

"It should be reiterated that the vast majority of the windows surveyed will still meet all relevant BRE standards following completion of the proposed development. Of those windows that do not fully comply, the majority of the windows are only slightly below the normal BRE standards."

This paragraph is clearly designed to mislead and does not take account of the very significant impact the proposal does have on a number of windows.

If the Local Authority proceeds with an approval of the application based on the GVA Daylight and Sunlight report as it currently stands, the decision will become the subject of an application for a Judicial Review.

Scale

The application proposes a five storey residential building identified as 'Site B' (1,3 Ferdinand Place). In a number of locations throughout the submission, this block is presented in a pictorial format that strongly suggests that the building will match the heights of both 4 Ferdinand Place and 12 Ferdinand Street. An example of this is given below.



Figure 2 Image representing the proposed scheme and in particular indicating that the heights of the proposed and the adjacent buildings will be the same or similar.

Examples such as the one above are unhelpful in determining the height of the scheme in relation to neighbouring buildings, and can only seek to mislead.

The actual height of the proposal will be one storey higher than the buildings that immediately surround it, as well as the prevailing heights of buildings in the vicinity with the exception of Broomfield House, and it is the height of the proposed Site B that contributes significantly to the detrimental impacts on the amenity of neighbouring occupiers at 2 & 4 Ferdinand Place and 12 Ferdinand Street.

The Design and Access Statement claims that Site B will form a "mirror" to the development taking place to the rear (12 Ferdinand Street). This is clearly a very imaginative use of the term "mirror" given the fact that 12 Ferdinand Street is only a four storey building.

Notwithstanding the limited set-backs at fifth floor level, the proposed height of Site B will result in an incongruous addition to the street-scene, sitting awkwardly in relation to neighbouring buildings, and having a significant adverse impact on the amenity of neighbours.

Amount

The design and access statement appears to justify the 'amount' of development on Site B by suggesting that this is required to finance the redevelopment of the business operations. This is not a compelling planning argument sufficient to outweigh the harm caused by the development. The amount of development on a sensitive urban site such as Site B should be driven by a careful analysis of the site constraints and the potential for harm that cannot be outweighed by the benefits of the scheme. Had this analysis been undertaken, the resultant proposal would be far more acceptable in terms of daylight and sunlight impact, height, overshadowing and loss of privacy and outlook.

Privacy

The Design and Access Statement appears to ignore entirely the proposed development of Site B in relation to the effects on the privacy of existing neighbours and future occupiers particularly in regard to 12 Ferdinand Street.

The proposed drawings indicate a number of windows overlooking the rear of 12 Ferdinand Street, particularly at fifth floor level, resulting in a loss of privacy to both the occupiers of the units in 12 Ferdinand Street, but also those using the rear garden.

Overshadowing, Outlook, Sense of Enclosure

Drawing 244_PL_313 (Proposed Elevations S5 and W6) demonstrates, in a stark form, the loss of outlook, overshadowing and sense of enclosure that will be experienced by occupiers of flats at 12 Ferdinand Street. These occupiers, in addition to losing most of their sunlight and daylight, will also be exposed to a tall, unimaginatively detailed brick façade. Had more effort been made to mitigate the effects of this elevation, the scheme may have been more acceptable (subject to addressing the other areas of concern).

Local Consultation

Whilst it is the case that Opticrealm Ltd was invited to an exhibition of the proposals in October 2015 and for comments thereon, a request was made for a copy of the proposed plans prior to the meeting. These were not forthcoming and Opticrealm Ltd did not attend the exhibition. No further attempts were made by the applicant to engage or consult on the original or the revised plans, and no further invitations were received.

Affordable Housing

Section 7 of the Savills Planning Statement addresses the issue of the provision of affordable housing. However, the statement suggests at 6.107 that the application is for a single dwelling house and that the applicant is a private owner/occupier, resulting in Savills suggesting that a financial contribution is appropriate for this site.

This is clearly incorrect.

There is currently an urgent demand for affordable housing within the borough, and the local authority is responsible for ensuring that it demands the maximum possible on-site supply.

Conclusions

Opticrealm Limited, the freehold owner of the 20 residential units located at 2 Ferdinand Place and 10 & 12 Ferdinand Street, objects to the proposals contained within application reference 2016/2457/P for the reasons set out above.

Furthermore, we believe that at present the Council has insufficient accurate information to adequately assess the harm particularly in terms of daylight and sunlight to neighbouring properties, and the information, such that it is, that the applicant has presented demonstrates a very significant detrimental impact on the amenity of adjacent neighbours to the point that, in at least one case, daylight will be reduced to a point where near enough no light at all is entering the window, and in other cases very poor levels of light will be received.

To approve proposals that had such a significant effect on amenity would be contrary to both Local Plan policies and the National Planning Policy Framework, and in the context of a potential challenge to any future approval, could only be viewed as perverse or irrational.

Yours sincerely,

Mr Nick Cockburn

Opticrealm Limited

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Our ref: MC/AK/ROL7501

Mr N Cockburn
Opticrealm Limited
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N1 1DR

1 July 2016
By email only: nick@opticrealm.co.uk

Dear Nick

Re: (ROL7501) Proposed redevelopment of 1-3 and 4-8 Ferdinand Place and effect on 2 Ferdinand Place, 10 Ferdinand Place and 12 Ferdinand Street – daylight and sunlight

I have reviewed the daylight and sunlight report submitted by GVA in respect of 1-3 and 4-8 Ferdinand Place and set out below my comments in respect of the effect on your properties. I highlight that throughout my career I have specialised in the field of daylight/sunlight, initially as part of my studies when achieving a BA (Hons) in Architecture. I started my professional experience at Drivers Jonas in 1995 and helped develop the daylight/sunlight service, initially undertaking all the technical assessments by hand. Working with computer programmers I helped develop the computerised assessment software used by Drivers Jonas.

I have not yet been to site to verify the accuracy of the technical assessment, nor have I seen any of the proposed massing and therefore my attached comments are only in context to the data I can see in the GVA report. You have issued to me a set of plans for 2 Ferdinand Place which I understand are the current configurations following these drawings.

2 Ferdinand Place

The vertical sky component assessment shows some significant reductions, ranging between 20%-40% to the ground and first floor levels when comparing the existing and proposed conditions. The daylight distribution assessments show a similar effect. However, when comparing the actual layout plans against the GVA assumed room configurations we can see that there are much deeper living/dining/kitchen areas which are circa 7.5 metres deep. When the living/dining/kitchens are included within the daylight distribution assessment there will be clearly much greater impacts than GVA has reported.

We have contacted GVA in order to have this technical assessment updated as at present this report does not fully represent the impacts that will occur to the occupants within this building.

Directors: Lance Harris MRICS ■ Graham North FRICS MCIArb ■ Heather Schöpp BSc (Hons) MRICS ■ Aidan Cosgrave BSc (Hons) MRICS
■ Matthew Craske BA (Hons) ■ Matthew Briggs BEng (Hons) PGDip ■ Sally Tester BSc (Hons) MRICS ■ Stephen Mealings BSc (Hons) MRICS
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Anstey Horne is the trading name of Anstey Horne & Co Ltd, a company registered in England and Wales, number 5543524
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Regulated by RICS

10 Ferdinand Place

With regard to this property, only the corner window/room facing onto Ferdinand Place have been tested, and there are further windows/rooms on the north-facing elevation which have not been included in the technical assessment. Clarification is required as to whether GVA consider these windows to serve habitable rooms or not and require assessment?

What the results do show are significant daylight reductions to the windows facing towards the development site.

12 Ferdinand Street

This property has been recently developed and is in occupation. Whilst GVA has provided the vertical sky component and daylight distribution results, it is not unreasonable for GVA to interpret the BRE guidelines to include the average daylight factor tests. It is not clear what reflectance values have been adopted for the average daylight factor assessment, as this can have an influence on the levels of light that one could achieve.

What the average daylight factor test results show is that there are significant reductions in light to the bedrooms within each of the flats at first and second floor levels. The first floor level sees the primary bedroom to one flat receive an average daylight factor of just 0.19%, in comparison to the 1.0% minimum recommended by the BRE guidelines. The second bedroom to the other flat at first floor level obtains an even lower level of daylight, being at 0.05% ADF, which is near enough no light at all. The daylight distribution results shows only circa 5% of the room will receive natural light, which is a very poor level of light to receive.

With regard to the ground floor studio, one would expect a level of at least 1.5% ADF to be achieved, with preferably 2.0% as highlighted by the BRE guidelines. It is evident that over half the light is reduced to this room with the proposed development in place.

Summary

The GVA report makes reference to justifying the significant impacts to the above properties by highlighting the inner city context and unusual baseline conditions. In particular, there are references to seeking alternative values and applying a flexible approach, especially when seeking to match the height and proportions of existing buildings. What is evident from the proposed massing opposite 2 Ferdinand Place and 12 Ferdinand Street is that the proposed development is taller than the affected neighbouring properties. It would be more appropriate to provide justification where the development is of the same or similar height to that of its neighbours, which it is not.

It is clear that the assessment of 2 Ferdinand Place is not correct and by simply searching the planning records one can see application 2006/5900/P shows the correct layout configurations. The GVA report needs to be updated before the local authority can properly consider the overall effects from this proposed development, which are significant.

I trust the attached gives you a good indication of the likely effects from the proposed adjacent development, but should you have any questions regarding this, please do not hesitate in contact me.

Yours sincerely

A solid black rectangular box used to redact the signature of Matthew Craske.

Matthew Craske