

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

9th August 2016

Our Ref: 15/3155

Dear Anna,

46A Hampstead High Street, London NW3 1QG. Full Planning Application (ref. 2016/2188/P) and Listed Building Consent (ref.2016/2731/L) for 'Creation of roof terrace and erection of privacy screen to the rear roof area'.

Planning Potential Ltd write on behalf of the residents of 47A Hampstead High Street in relation to the Full Planning Application (ref. 2016/2188/P) and Listed Building Consent (ref. 2016/2731/L). Our clients wish to strongly object to the development for the 'Creation of roof terrace and erection of privacy screen to the rear roof area' case at 46A Hampstead High Street, London NW3 1QG.

Application PL/9200142/R1 was approved on 23rd October 1992 for a rear extension and new shopfront at 46A Hampstead High Street. Condition 2 attached to the consent explicitly states that *"No part of the roof extension hereby approved shall be used other than for maintenance purposes or as an access to the residential upper floors."* This was a clear requirement from the council that the use of the roof extension should be restricted to maintenance or access purposes only. In spite of this, the owners of 46A Hampstead High Street have proceeded to use the roof extension as a roof terrace for recreational activity, in blatant contravention of the condition. It has continued this use for 2-3 years without intervention from the Council, and to the detriment to the neighbours at 47A Hampstead High Street which will be set out in further detail below.

The applicants have sought planning permission for a similar application in the recent past (ref. 2015/2909) for the 'Creation of roof terrace (retrospective) and erection of a fence and screens to the rear of the roof area.' This application was refused on 21st December 2015 due to the adverse impacts it would have on residential amenity in terms of privacy and overlooking onto the first floor bedrooms at 47A Hampstead High Street. The reason for refusal is as follows:

"The proposed roof terrace, by reasons of its design and siting, would result in overlooking of the neighbour occupier at No. 47A to the detriment of their residential amenity contrary to policies CS4 (Managing the impact of growth and development) and DP26 (Managing the impact of development on occupiers and neighbours of the London Borough of Camden Local Development Framework Core Strategy."

In conjunction with the above, the council officer considered enforcement action should be taken. This was a clear recommendation from the council's planning team but since the decision notice was issued, no formal enforcement action has been taken. As a result, the neighbours at 47A Hampstead High Street have experienced significant encroachment on their privacy and living conditions. The proposed roof terrace towers over the neighbour's ground floor and garden. Anybody standing on the roof extension is able to overlook not only the neighbour's rear garden and kitchen/dining rooms which has a

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glazed roof, but also the first floor bedroom causing a significant and harmful loss of privacy. The current applications (ref. 2016/2188/P and 2016/2731/L) seek to establish the use of the roof extension as a roof terrace and legitimise its use for recreational activity, only furthering the adverse impacts to the neighbours.

Further to this, the current application proposes to erect a 1.75m screening trellis along the rear extension resulting in the rear garden at 47A Hampstead High Street being 'boxed in' and blocking natural light from entering the kitchen. In spite of the attempts to address overlooking issues by slightly increasing the height of the trellis from 1m for the refused application (to 1.75m) these issues will still persist and further impede on residential amenity and does not overcome the reasons for refusal as stated in the previous application.

For example, part of the proposed screening would border the garden and is approximately 4m above the garden. It blocks light and encloses the garden which is already enclosed on all sides. Further to this, the applicants have gone onto plant 4m high palm trees, further enclosing the neighbour's garden. The plants are unkempt and dying and whilst not strictly a planning matter, impedes on neighbourhood aesthetics.

There are a number of drawings submitted as part of the application that are contentious. Drawings 33484.1 and 33484.3 do not correctly depict the true extent of the decking, and instead show flower beds in its place. Drawing 33484.1 does not show a clear demarcation between the roof and the access area meaning that people can potentially walk all over the roof. Essentially this drawing shows that the access area is bigger than necessary and facilitates the use of the terrace for recreational purposes under the guise of an 'access route' lawful use. The area designated as 'access route' overlooks the neighbour's rear garden and first floor bedrooms. The proposals includes the creation of a patio space furthermore increasing the movement of people across the roof and creates an even greater intrusion of privacy onto 47A Hampstead High Street.

The application does not accord with Policy CS5 (Managing the impact of growth and development) of the Core Strategy and DP26 (Managing the impact of development on occupiers and neighbours) of the Local Development Framework Core Strategy.

The proposed trellis would be set back 8m from the neighbouring window which fails to accord with the 18m distance as stated within Policy CPG6 of the Camden Planning Guidance. The proposed development will negatively impact upon the residential amenity of the surrounding properties and because of this it would be contrary to national policy where Paragraph 17 of the National Planning Policy Framework (NPPF) states that one of the core principles of planning should be to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Furthermore, the proposal is contrary to Policy 3.5 of the London Plan (2016) which states that housing developments should protect and enhance London's residential environment and attractiveness.

As described earlier, the proposals include establishing the use of the roof extension as a terrace for recreational activity and the installation of a 1.75m trellis to the roof extension resulting in adverse impacts to the residential amenity of surrounding properties. This application would encroach on residential amenity.

The applicant's further unlawful use of the roof extension for recreational activity has already had a serious negative impact on living conditions for the neighbours at 47a Hampstead High St over the years, and has left them nervous, disappointed and frustrated. Given these circumstances, we respectfully ask the Council to refuse the applications.

I trust you will consider this information useful. Please do not hesitate to contact me should you have any further queries.

Yours sincerely,



Helen Cuthbert
Director
Planning Potential

cc:
Ms Elizabeth Beaumont