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Date 19 September 2016  
Our ref 0818/AG-J  
Your ref 2016/3897/P

Dear Ms Grace-Douglas

**2016/3897/P | 22 Upper Park Road, London, NW3 2UP**

We are instructed by Hilary and Tatiana Tunstall-Behrens of the Coach House, 20 Upper Park Road, NW3 2UP to lodge an objection to this planning application on their behalf. They are the next door neighbours to this property and therefore the local residents most impacted by the proposed development. I trust that our Clients objections in respect of this planning application can be taken fully into account.

On a point of procedure, I note from the e-mail that you sent to Hilary and Tatiana on the 6 September 2016 that you describe the application as a resubmission of 2011/3002/P which was granted subject to a S106 agreement on 27/2/2012. Whilst this may be the case, the existence of the previous permission is a material consideration in the assessment of the current application and merely that. The previous permission was granted on the 27 February 2012 and was subject to a 3-year time limit for implementation. It therefore lapsed in 2015. The current application is described as a renewal with some minor alterations.

However, this is incorrect – you cannot apply to renew a lapsed permission, it requires a fresh planning application and whilst the existence of the previous permission is a material consideration, the application must be assessed against planning policies prevailing at the time. At the Camden level, the planning policies remain the same as when the previous application was determined – the assumption being that if they were satisfied then they would be again. However, at the London level and at the national level there are new planning policies that require to be considered and may require that a different approach is adopted in your assessment.

In formulating these objections, we have reviewed the submitted drawings and DAS.

When the previous application was submitted our Client lodged objections on the following grounds:

- Object strongly to the positioning of a screen in front of kitchen window of no. 20 which would have a huge impact on their view of the adjacent garden
- The proposal is a complete independent self-contained house
- Unhappy that the staircase into the garden will be directly outside bedroom window of no.22. Strongly feel that this will reduce the light that enters the property.
- Concerned about the privacy aspect of this relocation. The staircase will allow people to look directly into the bedroom of the garden flat which is not ideal.
- The addition of the rear extension will reduce the amount of light entering into the garden flat at no. 22.

In considering these objections, the case officer dealt with them in the following manner:

*‘3.1 The adjacent property at no. 22 Upper Park Road is a subordinate ‘coach house’ attached to the main dwelling of number 22. The coach house has primary windows on the front and rear elevations and a window on the flank party wall which serves a kitchen. The kitchen at no. 22 Upper Park Road looks directly onto the balcony and garden of no. 20. This relationship is not considered to provide privacy to either occupant. The previously withdrawn scheme proposed to build an extension directly in front of this window. The proposed works would include the installation of a staircase which would project from the existing side elevation. The main building lines of the existing side element would have no further alterations. The proposed works would include the erection of a 1.8m high privacy screen approximately 0.9m in front of this kitchen window. This would provide limited views from the kitchen window and a sense of ‘breathing space’ from the kitchen window. The privacy screen would be obscure glazed and would therefore allow light to the adjacent kitchen window whilst protecting the privacy of the new dwellinghouse. Objections have been received from the occupants of no. 20 regarding their outlook and loss of light. The window serves a kitchen which is not considered a primary habitable room, therefore its outlook does not need to be protected. In any case, the privacy screen would allow views of the sky and would continue to allow adequate light to serve the kitchen window. The existing kitchen at no. 22 is served by two rooflights. It is considered that adequate light would be retained to this flank elevation window in addition to that provided through the rooflights. The erection of a privacy screen in front of the adjacent kitchen window is considered to be acceptable.*

*3.2 The ground floor of no.22 is occupied as a separate flat. The proposed single storey extension would be in close proximity to the habitable room window of the garden flat. The proposed extension would intrude a 45-degree splay taken from the centre of the habitable bedroom window which would result in some reduction of daylight. However the extension would be positioned to the south west of the window. This would not affect the morning or midday sun achieved by these habitable room windows. The late evening sun may be affected but this is already limited by the two storey 7m deep element at no. 20 Upper Park Road. Considering that the proposed extension would be single storey and would be located adjacent to an existing two storey element, it is not considered that the proposal would have a significant impact upon the residential amenity of the garden flat. Indeed it is noted that the remaining windows of the garden flat would be unaffected by the proposed extension.*

*3.3 The proposal would include the relocation of an external spiral staircase. This would be repositioned approximately 1.7m from the bedroom window of the ground floor flat. Objections have been received regarding the privacy of this window. Although the relocation of the external staircase would be different it is not considered necessarily to be harmful. The upper floors of the main property have access to the garden. Therefore by nature of the garden being shared, a level of overlooking into the garden floor flat*

*occurs as existing. It is not considered that the location of the spiral staircase would have any increased impacts of overlooking upon the garden flat'.*

Despite some very minor and hand-written amendments to the previous proposal, our Client's substantive objection remains and we note that on each of the issues the previous case officer did accept some impact but argued that this was not so substantial as to warrant a refusal of the planning application. We would argue otherwise particularly since the London Plan and the NPPF place a renewed emphasis on safeguarding neighbouring residential amenity.

We would also concur with the concerns raised by the Belsize Residents Association, who object on the grounds that the proposal places the staircase into the 'gap', roofs it with the predominantly solid roof and takes up much of its footprint with a kitchen. All of these are pretty substantial for the function of the building and so unlikely to ever be removed. Hence, the 'gap' would disappear for ever. If the gaps are to be protected so that semi-detached villas do not merge into terraced houses, this proposal should be rejected. The basis of this objection demonstrates that the proposal cannot be said to preserve or enhance the character or appearance of the conservation area and would fail the statutory test imposed by Section

In fact, the planning application contains no evidence to demonstrate that there will be no harm to the significance of the heritage asset – the Parkhill Conservation Area. Although the statutory test has not changed since the determination of the previous application, the National Planning Policy Framework now provides a clear policy context for assessing development proposals that impact heritage assets and what applicants are required to do to assist in the determination of applications. The application contains no such information or evidence and this is a shortcoming in the application submission that needs to be addressed before any decision (other than refusal) can be made.

These objections translate directly into conflict with the provisions of the development plan and in particular Core Strategy Policy CS5 which confirms that the Council will protect the amenity of Camden's residents and those working in and visiting the borough by:

e) making sure that the impact of developments on their occupiers and neighbours is fully considered.

Core Strategy Policy CS14 is also contravened since it seeks to preserve and enhance 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. The application as submitted fails to demonstrate that the proposal will have an acceptable impact on the character and appearance of the conservation area.

The proposal is also in conflict with Camden Development Policy DP24 which states that the Council will require all developments, including alterations and extensions to existing buildings, to be of the highest standard of design and will expect developments to consider:

a) character, setting, context and the form and scale of neighbouring buildings.

The proposal also conflicts with Policy DP25 which confirms that the Council will only permit development within conservation areas that preserves and enhances the character and appearance of the area. The application fails to demonstrate how this will be achieved.

Finally in terms of the development plan the proposed development is clearly in conflict with Policy DP26 which confirms 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 development will cause harm to the amenity of Hilary and Tatiana Tunstall-Behrens in terms of an invasion of their privacy; loss of light and direct overlooking.

We would also suggest that the proposal runs counter to the core planning principles in the Framework which state that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. It also conflicts with the national policies that are applicable to heritage assets (in this case the conservation area) in that there is no assessment of the impact of the development proposals on the significance of the conservation area. With this fundamental conflict with the Framework and the conflict with the Core Strategy and Development Policies identified above this proposal cannot claim to be a sustainable development and benefit from the presumption in favour of such development that is a central tenet of current planning policy.

For these reasons we would respectfully suggest that this application should be refused on the grounds of detriment to the amenity enjoyed by Hilary and Tatiana Tunstall-Behrens and direct conflict with the Development Plan and Framework.

We would ask to be kept apprised of the application process and if it is to be reported to the Council's Planning Committee to be notified of the date and time.

If there are any aspects of our objection that you consider require further information or clarification please contact the undersigned.

Yours sincerely



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