

4 January 2016

My Ref: EA/26.12.2106/v3
Your LPA Ref: 2016/1345/P

10 Crabtree Place
London
W1T 2AT

Kate Phillips 2521
Planning Solutions Team
Camden Borough Council
5 Pancras Square
London
N1C 4AG

Dear Kate

Re: Planning Application Reference 2016/1345/P
For: Conversion of existing single dwelling house to provide 3x self-contained flats, including the enlargement of existing basement, erection of first and second floor rear extensions and alterations to rear wall and roof form.
At: 28 Charlotte Street London W1T 2NF

I write to present my formal objection in the strongest possible terms in relation to the unwarranted, excessive, ill-conceived scheme for overdevelopment presented within the above current application for planning permission (LPA Ref. 2016/1345/P) made by Mr Damon Heath, 28 Charlotte Street, London W1T 2NF.

There has never been a development of this size and design for the entire area. The back of 28 Charlotte Street was built and used as artist studio. It was an extension to the building 28 Charlotte St and given permission to be built when there were not stringent building regulations in place. This extension would not be given approval in today's regulations.

If this development is approved it will destroy not only the historical element of the area/block but set a precedent for other developers. The area is a Greenfield site. The next door building No 26 Charlotte Street is a listed building and there are significant historical visual impacts that will be destroyed due to **this ill-conceived, destructive and capitalistic nature of this proposed development.**

This is a development to make money for the owner.

Not enhance.

Not protect.

Not visually keeping in line with the historic character of the Conservation Area or the historic terrace the building forms part of.

The proposed use of similar style bricks for the new party wall is a pathetic attempt to provide a crumb to a pigeon.

The buildings of Charlotte Street have tremendous significance in terms of their design, character and history. The backs of the buildings are integral to and an equal part that significance. No other building in the block has such a substantial extension as that which presently exists, nor does any other have such a dramatic and ugly proposal as that contained in this application. The impact and intensity of development proposed at the rear of this building is immense in comparison to its traditional neighbours.

The proposed development of the artist studio at the rear of 28 Charlotte Street does not take into consideration of a period piece of history. The proposed development destroys the character of the artist studio and creates a bulk at the rear of 28 Charlotte St. No other building has a rear development that is proposed such as this development.

If approved it will set a precedent for others to follow.

There is a potential that if 28 Charlotte Street development is granted then the next door property at 30 Charlotte Street will also make an application to develop the rear of their building.

The significance of the front and rear of the historical buildings in this area is paramount to the character of the Fitzrovia area.

This development does not enhance or contribute to that historical significance.

The Local Planning Authority decision should be to reject this application.

This letter of objection should be read in conjunction with and as a supplement to not only my original letter but also those from other residential neighbours already logged as formally received by the Council and posted on the Local Planning Authority webfile for the current application.

I hereby confirm my following grounds of formal objection are framed with reference to current/emerging national and local planning policy and guidance as contained within:

- i. National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG)***
- ii. The London Plan (2015) and Supplementary Planning Guidance (SPG) on Housing***
- iii. Camden Local Development Framework - Core Strategy 2010:***
 - CS14 Promoting high quality places and conserving our heritage***
- iv. Camden Local Development Framework - Development Policies 2010:***
 - DP24 Securing high quality design***
 - DP25 Conserving Camden's heritage***
 - DP27 Basements & lightwells***
- v. Camden Development Management Plan 2012***
- vi. Camden Planning Guidance (July 2015): CPG1 Design; CPG2 Housing; CPG4 Basements & Lightwells***

vii. Charlotte Street Conservation Area Appraisal and Management Plan (July 2008)

viii. Camden Local Plan Submission Draft 2016 & Proposed Modifications September 2016

These objections encompass the full range of relevant 'material considerations' which Camden Borough Council as Local Planning Authority must take in to consideration in their evaluation and formal determination of the current application, and may be summarised as follows:

- 1. Loss of privacy and light for neighbours;**
- 2. Noise and disturbance resulting from new uses;**
- 3. Effect on the character and appearance of an area, and;**
- 4. Effect on local amenities, e.g. children's play space.**

Camden's adopted Planning Guidance referred to above provides clear and unambiguous requirements for the essential components of any development of the type proposed. The Design & Access Statement submitted in support of the application is inadequate as it fails to analyse all the relevant areas of impact the proposed development is likely to have, concentrating on pre-application discussions with officers of the Local Planning Authority and local interest groups, rather than addressing issues of greatest concern to the closest resident neighbours.

1. Unjustifiable, Substantial Loss of Privacy and Light for Neighbours:

- (a) **Domestic Privacy** - the proposed demolition and re-building with alterations to the existing party wall will completely overlook my own property, by providing dramatic, new, elevated, external openings in a currently solid party wall where none exist at present, resulting in unacceptable degradation of existing levels of private residential amenity for my own existing domestic property from overlooking from within the four proposed flats into Crabtree Place. This is very different from the casual, infrequent and fleeting occasions of oblique observation typical from traditional upper floor bedroom windows evident in existing neighbouring residences. The new balcony terraces would represent the primary, if not sole, exterior amenity space for these upper floor flats and will be directly accessed from the main internal living space of each flat. The enjoyment of privacy from views of others is an important part of the residential amenity of a neighbouring property, and this proposed development will have an adverse impact on the residential amenity of the properties in Crabtree Place, by removing that privacy. I am the closest residential property to the proposed conversion than any other. My wall is the rear party wall of the single dwelling house currently intended for conversion. I will be affected greatly by this conversion and object in the strongest possible terms to it. The windows on the submitted plans will face my residence through the party wall and look directly into my bedroom from a distance of three metres, across my currently private courtyard.

- (b) **Access for Natural Light** – I am on the ground floor at 10 Crabtree Place and 3 metres from the proposed development. My residence only has 3 windows. Window 1, 2 and 3.

Window 1 is a very small kitchen window at the back. Window 2 is a door that opens to the rear. Window 3 is the biggest window and it is in the front room. It is this front window no 3 and the light that comes from this window that will be completely diminished. The front room will have no light and will be in complete darkness. This is of great concern. My residence is already in substantial darkness due to the build-up of buildings at the rear. The only light currently coming into my residence is the front window no 3. I rely on this light to undertake criminal legal work for the Crown Prosecution Service in this room which also requires immense concentration. The natural light will be completely gone by the build of extra floors proposed in the development to the interior of not only my own residence but also the small open area immediately outside which I also own as per my title. The window is 3 metres from the party wall and the same wall will be built up a further two storeys.

This will result in a noticeable darkening of the interior, in a heavily built up area, because of the overall increase in height and bulk of the building by the addition of the proposed roof extension. Northern light is the most consistent form of natural daylight throughout the year (regardless of season) and the additional storey proposed beyond the rear, main wall of the original building would substantially reduce the contribution that light source from the north-west quadrant makes to the quality of the existing levels of private amenity which the accommodation within my residence presently provides. The daylight assessment provided with the current application is very light touch, providing broad generalisations and presumptions, failing to specifically characterise the degree of daylight loss within my residence and the harmful impact on residential amenity such loss will create.

The proposed scheme would not be justified without inclusion of the proposed new fenestration to give the essential, natural daylight light required to the new dwelling units and habitable space at the rear part of 28 Charlotte Street, including the basement unit, accordingly invalidating the submitted "Right of Light Study".

- (c) **Public Space:** The area immediately to the rear of the building is public space. Crabtree Field is in current, active, equipped use as a young children's play area and the proposed fenestration onto this area will not be in line with such usage. The Design Statement claims (at item 6 of the document) that the proposed, extensive fenestration would "provide natural surveillance of Crabtree Field". I do not see how this is a justifiable claim as the proposals currently incorporate the provision of opaque glass, which would preclude such surveillance. In addition, the four flats created would not be in a position to make practicable use of the recreational facilities they would surveil due to their lack of direct physical access to same.

No proper account of the genuine and substantial adverse impact in relation to these issues has been taken in the preparation and presentation of the current planning application. The submitted Design & Access Statement makes no satisfactory reference to potential impact upon, or mitigation in relation to, the reductions in current levels of privacy and natural daylight which will result if the proposal is constructed as currently drawn.

2. Unacceptable Noise and Disturbance from Proposed Density of Development:

The proposed living areas of all four of the intended flats are set next to my aforementioned bedroom. I undertake valuable and important public legal work in this room for the State as it is free of any extraneous noise and disturbance. I undertake cases that are highly sensitive to the State and require immense concentration. This why I chose not only to live in Crabtree Place but also at the very end of Crabtree Place, N10 which is the last residence and because it is so secure and devoid of noise. The proposed development will increase noise levels substantially above that which exist at present, by intensifying the building's residential use.

The planned open terrace areas all set at the rear will create noise as they are so close to my residence.

Specifically, substantial new and unacceptable noise will be generated from the four large living areas and their associated, individual, open terrace areas all set at the rear of the building and right next to my property. The physical distance from the part wall to my bedroom is only three metres. The conversion scheme presented will create intolerable levels of noise disturbance both outside and within throughout not only the period of building works but also permanently thereafter due to the occupancy capacity of the accommodation to be provided and the level of pedestrian traffic and domestic activity generated to and from and within those new units. Creation of extensive openings in an existing building reduces the capacity of the building fabric to absorb or filter noise generated within the building and prevent or minimise auditory disturbance for neighbouring properties to either side. The Mayor's SPAG importantly refers on page 84 in recognition of these issues, requiring '*sound insulation tested to building regulation standards.....but that should not be relied upon....and the layout and placement of rooms should be considered at an early stage.... also, the placement of private external spaces.*' The back wall of the existing dwelling has previously been the unpierced party wall of a single household. Residents within the four flats proposed will generate a level of activity associated with such an intensification of residential use that it will create noise and disturbance far in excess of that generated by a single household. With the provision of four open balcony/terraces as the sole external amenity space associated with the flats it is the noise of general social activity during both the daytime and after dusk will be substantially increased over and above existing levels. Such elevated platforms of noise will dramatically increase the passage and perception of such noise to neighbouring property and current private external and internal amenity space. London Housing Plan SPAG states at page 52 that housing developments should '*avoid causing unacceptable harm to the amenity of surrounding buildings particularly in relation to privacy and overshadowing.*' The underground excavation work required to the basement area will be only three metres from my bedroom. However, the scale of work proposed to the existing building makes it clear that the full extent of the existing rendered sections of party wall will in fact be demolished and removed (destabilising the existing supporting, brick, corner pillar) in order to be re-built (with the new openings proposed incorporated in the rebuild) as the extent of the alterations proposed makes it impossible for the existing walls to be retained and modified. This degree of basement work, demolition, rebuild and alteration will substantially prolong the period of physical disturbance to both the fabric of the building and neighbouring property together with the aural (and vibratory) privacy of neighbouring residents. The fact that the owner has already, indiscriminately cut the Ivy from the party wall without the freeholder's consent is an indication that anything is possible.

3. Adverse Effect on Character and Appearance of Conservation Area:

- (a) **Excessive scale & insensitive design:** The proposal (apart from the proposed alterations to existing roof top dormers on the main building) fails to positively enhance the Conservation Area or the immediate setting of the neighbouring Grade II Listed Building 26 Charlotte Street. Crabtree Place and Crabtree Gardens is a small area where development proposals should be considered very carefully: the intensification of residential use and physical alterations and extension will ruin and overwhelm the character of the area. The protection of the historic qualities of the park is also supported by the Council's conservation policy and guidance that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. Notwithstanding the traditional alterations to the roof works undertaken in the 1970's, the alterations to the rear façade and party wall will have a visual impact which is unacceptably harmful to the strongly traditional character of the area. The ugly design of having a large void on our party wall and the large windows as well as windows on the sides of the development that overlook No. 9 and No. 10 Crabtree Place. The plans for four balcony/terraces and windows focusses clearly on gaining commercial advantage in using the Crabtree Fields party wall. This is a public park that is enclosed and no other development has windows on its party wall. House extensions in the Conservation Area are required not to significantly enlarge the overall size of the original house. In such calculations, the cumulative size of successive extensions needs to be recognised in assessing the size of the house as originally built. The issues of density and overdevelopment of the property also need to be considered. The design proposed is ugly in terms of not just overall bulk and massing but also choice of architectural detailing and materials. The proposed design does not fit in with that evident in the rear of the other houses. It is the only house with this large proposed bulk and massing at its rear. The proposal is overbearing, out of scale and out of character in terms of its appearance compared with the existing development in the immediate vicinity. A higher standard of design is expected in a Conservation Area and the proposal would adversely affect the setting of several historical buildings in the area. Councils are under a legal duty to have particular regard to the desirability of preserving or enhancing the character and appearance of a Conservation Area. The impact of this development on the landscape of this Conservation Area must be considered carefully. The proposed exterior alterations to the existing unpierced rear party wall would clearly be out of character in a Conservation Area where no other homes have been extended in this fashion. The development currently proposed is aggressive in character. It is only with the excessive alterations to this party wall that the level of accommodation currently proposed could be achieved.

- (b) **Party Wall & Structural Considerations:** The property owner has already removed Ivy from the party wall without the freeholder's prior approval.

The extensive underground and above ground works proposed will require compliance with the provisions of the current Part Wall Act. The current submission fails to provide any confirmation that direct discussions with relevant neighbouring property owners have been undertaken to address all reasonable concerns and endeavour to secure the necessary prior agreement to any of the work currently proposed. Drawing number CH (20) A01 clearly shows that it is necessary to remove the existing, party wall, brickwork buttress/pillar which forms the corner of the building. **This buttress/pillar is an integral structural component of the party wall and such work represents a major structural issue, as it is not simply a case of removing the buttress/pillar but also demolition of rendered sections of party wall to rebuild with the massive fenestration proposed. The proposed plans are silent on the buttress pillar which is the most important part of the development as it holds the building together.**

Whilst I do appreciate that such structural issues may be more carefully and precisely dealt with during the Building Control stage, it is nevertheless a major structural issue which requires careful consideration during this initial Planning stage. Accordingly, there are serious concerns as to how observant the owner, developer or any contractor will be of any conditions attached to any grant of planning permission or regulations governing works to party wall. The new revised submission gives no detail of what will happen to the buttress/pillar. The revised submission states the entire wall facing my window 3 will be completely demolished and rebuilt. I am a party to this wall. I own part of the wall. I object to the wall being demolished.

- (c) **Health and Safety and Construction:** Essential hoarding and scaffolding will need to be erected at the side and rear of the property within both the adjoining properties on Crabtree Field and Crabtree Place. The Design Statement submitted simply states that this issue will be taken up during construction with each neighbour. As all such hoarding and/or scaffolding will necessarily be erected wholly within the adjacent properties on Crabtree Field and Crabtree Place, it is important to note that the degree of physical encroachment/infringement upon property on Crabtree Place will completely block up the existing open, private area not only compromising the passage of its residents but also taking up area for access in the event of emergency, contrary to critical Health and Safety considerations.

4. Other issues of objection.

- (a) **Outdoor Amenity Space:** The space between my bedroom on the ground floor and the wall that is proposed to be demolished is 3 metres. This area is owned by me and shown clearly on my property title. It is used to access the roof and to access to all the properties and Crabtree Place by services/maintenance. The space has a gate and the key to this gate is available to all service/maintenance people and the caretaker of Crabtree Place. I am not permitted to build on this area. I am not permitted to block this area. The area is legally required to be kept clear at all times for access purposes. This right of access of this area is part of my leasehold. I have a contractual agreement with the leaseholder to keep the area clear and provide the access. The area is the only way access can be achieved to the rooftop of the entire Crabtree Place development. It is used on a regular basis by maintenance/service/caretaker for the Green roof maintenance/window cleaner

- and other maintenance of the block. Currently the freehold group of Crabtree Place is proposing a ladder to access the roof in this front space. This is in accordance with current Camden Council fire safety regulations. Any development/demolition/hoarding/scaffolding of this wall will not only affect but block essential access to all services (as above) to Crabtree Place. Emergency services needing access the block will be unable to do so.
- (b) **Disabled Access:** My mother is 80 years old and I am a primary carer for my mother. She visits and lives with me for 6 continuous months each year. Any obstruction to the existing 3 metre gap between my front door and the proposed development by any scaffolding/hoarding and/or demolition will completely stop her safe entry/exit to my property.
- (c) **Crabtree Place Pavement:** No vehicles are allowed on the 'street/walkway' of Crabtree Place ... this is due to the fundamental fact that the pavement of Crabtree Place has not been built to carry the weight of any vehicles. What lies beneath the pavement is a large basement office which runs the entire length of Crabtree Place. The proposed development will need to take access via Crabtree Place with construction vehicles and this is impossible as it is prohibited to have vehicles on this pavement for the reasons above as it is obviously impracticable for any vehicles to be driving on a roof of the offices located below the pavement of Crabtree Place which was never designed to carry such loading.
- (d) **Playground - Crabtree Fields:** This proposed development will completely close the playground at Crabtree Place. The proposed development is utilizing the party wall of the playground and thus scaffolding, hoarding and vehicle access will require the playground to close. Moreover the damage to the trees and vegetation will be high. The proposed development will be a health and safety hazard for playground users. The proposed development makes no consideration in relation to this. Due to the size and the construction the party wall the playground will have to be demolished. The proposed plans are silent on this.
- (e) **Party Wall to Public Gardens - Crabtree Fields:** It is also of concern as to how this proposed development can utilise its party wall and have its windows overlook the public park of Crabtree Field solely in order to increasing its commercial value in doing so. No other building has a party wall window that does this. Will this be a precedent for other developments? This park is a public park owned by council and used by the public. It is an all encapsulating park and I object to the proposed alterations to the party wall with the park. The proposed plans are silent on this commercial/legal aspect.
- (f) **Character and Precedent within the Area for Similar Potential Proposals by another Developer:** There has never been a development of this size and design within this area. Crabtree Place and Crabtree Gardens is a small area where development proposals should be considered very carefully: build-up of the nature of this application will ruin the character of the area and the development will overwhelm it. The protection of the historic qualities of the park is also supported by the council's conservation policy and framework and so permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. The conversion has a visual impact which is unacceptable in terms of its harm to the character of the Conservation Area and the setting of the next door listed building No 26 Charlotte Street in terms of the adverse impact which the proposed development has on the character of the neighbourhood and on the residential amenity of neighbours. The ugly design creates a large void and

windows on our party wall as well as windows on the sides of the development that overlook No 9 and No 10 Crabtree Place. The plan of 4 new flats requires new windows gaining commercial advantage in using the Crabtree Fields party wall. This is a public park that is otherwise enclosed and no other development has such windows on its party wall. House extensions in the Conservation Area must not significantly enlarge the overall size of the house, and the cumulative size of successive extensions needs to be taken into account in this calculation compared to the size of the house as originally built and extended to create the existing low density use, ancillary artist's studio. The issues of density and overdevelopment of the site needs to be considered. The design including bulk and massing, detailing and materials is ugly. The new proposed development does not fit in to the back of the other houses. It is the only house with this large proposed bulk and massing at its rear. The resulting proposal is overbearing, out of scale and out of character it terms of its appearance compared with the existing development in the vicinity. A higher standard of design is expected in a conservation area and it affects the setting of a number of historical buildings in the area. Councils are under a legal duty to have particular regard to the desirability of preserving or enhancing the character and appearance of a Conservation Area. The impact of this development on the landscape in this Conservation Area has to be considered carefully. Enjoyment of a view (even a private one) within such an area is an important part of the residential amenity of a neighbouring property, and this proposed development will have an adverse impact on the residential amenity of the properties in Crabtree Place.

- (g) **Failure to Adequately Consider Practicable Alternatives:** No consideration appears to have been given to the principle of a much simpler and less intensive development which would dramatically reduce the scale of the existing artist's studio extension in order to allow redevelopment to traditionalise the appearance of the rear of the building and dramatically reduce the overall impact on the Conservation Area and neighbours whilst also reducing the amount of work required beneath ground and the cost and duration of the overall development.
- (h) **Community Benefit:** This development was permitted (and in some part justified) as a comprehensive scheme which made combined provision for not only commercial office space and open market housing but also low cost social housing too. The current application provides no such community and employment benefits. The current proposals are entirely exploitative in providing solely open market housing.
- (i) **Basement:** There has been much highlighted above about the nature and close proximity of neighbouring, residential and commercial properties to the application building, in particular the extensive subterranean nature of the open plan office which lies within the whole basement area beneath Crabtree Place. The submitted application presented provide reports on the topic of party wall issues and proposed basement construction but they do not provide the detail necessary in terms of their physical impact upon and physical relationship/proximity to neighbouring property structures and services and the detail of the mitigating/construction works necessary to protect same. The key missing elements of analysis which should be provided for public and formal consideration before any decision is reached by the Local Planning Authority are as follows: (i.) sections though existing, adjacent property, basement level developments, (ii.) actual ground condition / soil sampling and (iii.) 3D plotting of subterranean services. Such detail is essential to demonstrate the actual relationship between existing, adjoining property, basement foundations and service runs whilst showing how the design and construction of the proposed basement and new flank/party wall foundations will protect those structures and services within

adjoining property whilst still supporting the elements of the existing application building which the current drawings indicate as being retained. The cautionary notes to be found in the reports presented within the current application leave too many unanswered questions in relation to the practical ability for the development to be completed in a safe and logical manner without endangering the stability and integrity of neighbouring property or physically encroaching upon same (e.g. by merit of foundation/shoring). Any physical encroachment upon neighbouring private property remains a matter which requires to be resolved solely by agreement under civil law and is not prejudiced by any potential grant of planning permission or regulations provided under the Party Wall Act.

Conclusion:

I (and other residents of Crabtree Place, Houses 2, 3, 4, 5, 6, 7, 8 and flats 1, 2, 3, 4, 9 and myself being No 10) and Crabtree Freehold Ltd which has the freehold for the entire block including the social housing and the basement offices absolutely reject and strongly object to the building alterations and extension, with new openings and terraces/balconies, frosted glass of such modern, uncompromisingly modern design at such strongly discordant variance with the traditional period style of the terrace of buildings, introducing glass and stainless steel, instead of using traditional architectural design, materials and detailing. The current proposal does not represent the high-quality design for new housing required under the current NPPF and shows an economic concern which pays no heed to context and adverse impact on neighbouring amenities and the character of the Conservation Area.

I consider the above grounds for objection (and those received from other neighbours) should take precedent over the ill-conceived proposals contained within the current submission and that planning permission should be refused.

I would be happy to allow access to my own property should an officer of the Council wish to take the opportunity to view the existing situation and consider the current proposals in the light of the above objections from my property.

If this application is to be decided by Elected Members of the Council, please take this representation as notice that I would wish the opportunity to speak at the meeting of the planning committee at which this application is expected to be decided. I would be grateful for as much advanced notice of the date of any such meeting.

If you require clarification on any aspect of the above or wish to make a request to arrange access, then please do not hesitate to contact me directly.

Yours faithfully,

Signatory: **Edward Aydin**

Occupant of: 10 Crabtree Place

Supporting Signatory: **Dan Fitz**, for and on behalf of Crabtree Freehold Ltd.

Occupant of: 4 Crabtree Place