

**FAO: London Borough of Camden
Development Control Team**

Planning Case / Enforcement Officer: Rob Tulloch

Regarding: 2016/6333/P

Address: 1a Well Road, NW3 1LJ

20th January, 2017

Dear Mr Tulloch

Further to recent correspondence between yourself and Mr Jankowski, please accept this letter as an official objection to the proposed application – 2016/6333/P – which seeks approval for a boundary wall at rear terrace level between 1a Well Road and 2A Well Road, NW3.

As you're aware, this existing application has been submitted because the originally approved plans and designs (application 2013/7179/P) were not followed and an alternative was constructed without the necessary permission.

This objection to application 2016/6333/P, made specifically on behalf of the residents at 2A Well Road, is submitted on a number of bases.

1. The boundary / raised wall in its current form (and, therefore, the existing proposal) has not only been built with disregard for the approved plans (2013/7179/P) but the existing plans are inaccurate and, as a result, the current proposal is misleading and misrepresentative of the completed wall.
 - **Fig 1** shows the proposed plans, as submitted, with the suggested position of glasswork highlighted in red. This forms the basis of the planning application. **Fig 2.** shows the actual position of the glasswork.

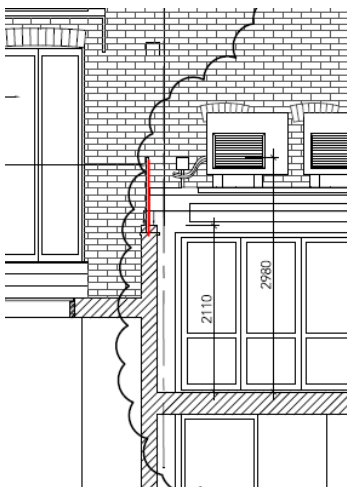


Fig 1



Fig 2

It is clear there is a significant discrepancy between the proposal and the reality and the drawings are, to this regard, misleading. The extra 150mm between the proposed position (submitted in the new drawings for application 2016/6333/P) and actual position is significant. Planning permission cannot be granted on the basis of inaccurate, misleading drawings

Fig 3 shows the fixing of the glasswork, which can be seen to be immediately the other side of the boundary wall abutting 2A Well Road.



Fig 3

The plans are misrepresentative of the actual build and it is questioned why the genuine execution / design has not been represented in the planning submission.

It should be noted that there is a reflection on the glass and no wall on the other side can be seen in this image.

2. The new and current proposal creates an additional and significant loss of sunlight (and light in general) to 2a Well Road. Sunlight from the direction of 1a Well Road feeds not only the terrace of 2A but inside the house itself (dining room, stairwells and kitchen). This must be taken into consideration as it raises broad issues regarding affected living conditions both inside and outside 2A Well Road.
 - The increased height, which now increases the height of the wall up to the roofline of properties to the rear, coupled with the tight spaces involved, is significant and damaging. **Fig 4** demonstrates the wall with the glass barrier as it currently stands. The tape on the wall demonstrates where it should have been built, as approved in planning 2013/7179/P—prior to which there was a glass screen extending to the current height of the brickwork. The height of the sun at 1605hrs, 17/01/17, has been shown as a yellow highlight. Although behind a building at this time, it must be noted that the angle of movement of the sun is shallow and the extra height of the glass significantly affects direct light to the terrace at 2A Well Road
Fig 5 shows the movement of the sun across the sky and the line of sight when viewed from 2A Well Road. The sun to the terrace at 2a is only available from the side obscured by the raised wall and raised glass at 1a.



Fig 4

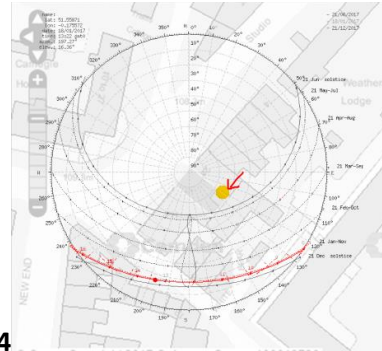


Fig 5

- Anstey Horne and Co Ltd are a 'Right of Light' consultant who visited 2A Well Road to report on the wall and glass screening. Their report concludes, regarding the wall

“the change in the amount of brickwork and the apparent raising of the basement roof at 1a Well Road raises the level of the wall and has significantly impacted light entering the terrace”.

- There is an estimated 40% loss of direct sunlight caused by the increase in height of the wall and glasswork.
3. The wall and screening now rise to the height of the eaves of properties to the rear. This is no longer a subservient or secondary feature but a dominant structure. Searches have been carried out and not a single example can be found on Camden Council planning database of an approved planning application for a boundary wall which rises higher than the gutter / line of eaves and, therefore, affects the roofline. A boundary wall should not become the dominant feature of a terrace/garden.
 4. There is an encroachment of approximately 150mm towards 2A Well Road. That is to say, the wall has been built 150mm (approx.) closer / over the boundary than the submitted drawings suggest. This exacerbates the issue with light and increases the effect of the extra height. The wall has not only been built too high, it has been built in the incorrect position.

2A Well Road has a small terrace of 5.0m x 3.30m. The wall height is now 2.99m, meaning terrace is only 9% larger than the wall imposing over it. The extra height and the encroachment are particularly significant given the relative sizes and position.

5. Camden Council Planning Guidance (CPG1) clearly states :

“Development in rear gardens must ensure building heights will retain visibility over garden walls and fences.”

This is not the case with the wall constructed at 1a Well Road. There is no visibility over the constructed wall when viewed from 2A Well Road, roofs of neighbouring properties cannot be seen from the terrace at 2a all remaining view of anything other than the rear wall of 1a Well Road has been removed by the increase in height.

6. The document sent by Ian Treharne, dated 15th November, 2016 in support of the application is mistaken in a number of arguments and suggestions it makes.

- *“The alteration substitutes the two plans whose numbers are shown in **bold** . It is to be noted that the other works in the development are carried out entirely in accordance with the planning permission...”* – This is not the case and the other works were not built in accordance with planning permission. The height of the wall is not the only issue, nor the datum point from which measurements were incorrectly estimated but the proportion of brickwork to glass and the encroachment over to 2A Well Road are significant differences which must be noted.
- No *‘fully translucent glass’* has been used in the previous or current construction, as is suggested by Mr Treharne’s comments. This is a crucial issue when considering areas of tight space. Loss of any light, real and perceived encroachment are exacerbated by glass that is not fully translucent. There is, in fact, an extra 1400mm height of brickwork and the glass is not fully translucent. It is entirely misleading to suggest otherwise. There is an entire and significant difference between fully translucent glass and glass that allows only a small amount of light through.
- It is questioned whether the existing building works have been carried out to the *‘highest quality’*. An inability to follow drawings, plans, to take proper measurements or to build the wall in the correct position suggests otherwise and we respectfully disagree that there is no damage to the conservation area. A dominant feature, by definition, does not respect conservation values. There is a significant difference between a secondary feature (as approved 2013/7179/P) and that which is applied for here. A wall which rises to the roofline and dominates the attached terraces is not the same as a wall which sits significantly below the roofline and forms only a secondary feature.

We find it unlikely, given the above and given Camden Council policy that the existing wall and its current dimensions would have been granted planning permission had they formed the proposal in application 2013/7179/P.

2013/7179/P and 2016/6333/P are significantly different and impact differently on the immediate neighbours and the rear scape of the properties along this terrace in NW3. My view and interpretation of Camden Council planning guidelines is that the application is unreasonable and pays little regard for neighbouring and council policy or for the conservation are, and is badly designed and disproportionately large.

It is, therefore, requested that the council refuse the application and that enforcement action is taken.

Yours sincerely

Dom Brandon

Dom Brandon
Elevation Planning