

Rob Tulloch  
Planning Department  
London Borough of Camden

15<sup>th</sup> February, 2017

Dear Mr Tulloch

Thank for your continued help on this issue.

Further to recent contact and the revised documents submitted by the homeowner, we can confirm we believe the amended plans (EL110 Revision D) to be correct in their representation of the scale and size of existing wall and glass balustrade.

Given the continued nature of this application, we wish to address some final points which strongly suggest the application should be refused.

1. In the Delegated Report (Member's Briefing) for Camden Council during the initial application ([2013/7179/P](#)), it was stated:

The building lies within sub-area 2 of the Hampstead Conservation Area and is identified as a building that makes a positive contribution to the character and appearance of the conservation area.

It was also stated:

- The proposal would provide a generously proportioned 3-bedroom family home, and the overall floorspace and room sizes would comply with both the London Plan and Camden Planning Guidance. The house would be dual aspect with good access to natural light and ventilation, and benefit from amenity space in the form of a rear terrace.

***Note: The 'good access to natural light' is, following the extended height of the wall and balustrade, proven to be at the expense of the natural light at 2a Well Road and the general amenity of use of the terrace at 2a Well Road.***

***It cannot be deemed acceptable for the benefit of one neighbour to be at the expense of another.***

Additionally, it is stated in the report:

"4.1 The dormer window and infill extension are not considered to have any impact on the amenity of adjoining occupiers in terms of loss of daylight or sunlight. "

***Note: This has, again, been demonstrated (proven) to have been compromised and no longer correct. There IS a loss of daylight and sunlight. For it to have been mentioned in the original report makes clear that it is a relevant and significant point. It is therefore, unquestionable that the current and existing wall be deemed a contravention of council policy.***

"4.2 As such the proposal is not considered to harm the amenity of adjoining occupiers and would comply with policies CS5 and DP26 of the LDF and Camden Planning Guidance."

**Note: Given the height of the wall has been proven to reduce and affect sunlight both in and out of the property (2a Well Road) it can no longer be claimed that the proposal “is not considered to harm the amenity of the adjoining occupiers”.**

## **2. Amenity**

CS5 and DP26 of the LDF and Camden Planning Guidance are stated and referred to as crucial in the decision making of the application.

CS5 Clearly States:

“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

DP26 Defines Itself, thus:

Policy DP26 - Managing the impact of development on occupiers and neighbours

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 factors we will consider include:

- a) visual privacy and overlooking;
- b) overshadowing and outlook;
- c) sunlight, daylight and artificial light levels;

**Note: Camden Council will be specifically contravening it’s own written policy if it ignores this point, in particular.**

Additionally,

26.2 Development should avoid harmful effects on the amenity of existing and future occupiers and to nearby properties.

Additionally,

“...the densely built up nature of the borough means that the provision of private amenity space can be challenging, and the Council will require that the residential amenity of neighbours be preserved, in accordance with policy DP26”

**Additionally,**

“Visual privacy, overlooking, overshadowing, outlook, sunlight and daylight 26.3 A development’s impact on visual privacy, overlooking, overshadowing, outlook, access to daylight and sunlight and disturbance from artificial light can be influenced by its design and layout, the distance between properties, the vertical levels of onlookers or occupiers and the angle of views. These issues will also affect the amenity of the new occupiers. **We will expect that these elements are considered at the design stage of a scheme to prevent potential negative impacts of the development on occupiers and neighbours.** To assess whether acceptable levels of daylight and sunlight are available to habitable spaces, the Council will take into account the standards recommended in the British Research

Establishment's Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice (1991).”

With respect, it cannot possible be regarded that the design principles made apparent in CS5 and DP26 have been applied in application [2016/6333/P](#).

The loss of light has been demonstrated as considerable and significant by a loss of light specialist, the inaccurate and misrepresentative plans submitted over an extended period suggest little regard or attention was paid to the full impact and true design of the wall and balustrade or to the adjoining properties and neighbours.

The design has not, at any stage, as is required and stated in writing by Camden Council, considered the impact on neighbouring amenities or local policy.

The existing design does not conform with Camden Council policy and on this basis we strongly suggest the application be refused.

Sincerely

*Dom Brandon*

Dom Brandon

Elevation Planning