

Our Ref FC/CJ/13/050
20th July 2017

London Borough of Camden
Mr E Jones
Planning Department
Town Hall Extension
Argyle Street
London
WC1H 8NJ
Evelyn.jones@camden.gov.uk



aragon | LAND AND PLANNING LTD

The Old Coalhouse
28a Rosamond Road
Bedford
Bedfordshire
MK40 3SS

t: 01234 360655
f: 01234 343453
e: francis@aragonland.co.uk
w: aragonland.co.uk

Dear Mr E Jones

Town & Country Planning Act 1990 as Amended
7 Daleham Mews Loft conversion with alterations to front and rear roofs.
Mansard roof extension to rear of property and raised roof ridge with 3 x
conservation roof lights to front of property and 3 x rear dormers. Ref:
2017/3743/P

This is an **OBJECTION** to the proposal at 7 Daleham Mews London NW3 5DB. The application has the reference 2017/3743/P. The objection is made on behalf of Jane Boardman, a resident of 19 Belsize Crescent.

The proposal is for a loft conversion with alterations to front and rear roofs. Mansard roof extension to rear of property and raised roof ridge with 3 x conservation roof lights to front of property and 3 x rear dormers.

1.0 Summary of Objection.

The proposal causes an unreasonable loss of private and public amenity.

There would be offensive direct, intrusive and uninterrupted overlooking of gardens and living areas in the flats at the rear of Belsize Crescent, and an unacceptable loss of sunlight and daylight. The bulk and height of the building would provide intrusive and oppressive dominance from the rear.



The proposal fails to preserve or enhance the character of the Belsize Conservation area, in particular upsets the unique character and balance of the Belsize Mews area, a densely built area of interlocking sensitive structures.

2.0 Amenity Impact

The proposal is to raise the roof ridge, fit velux roof lights facing Daleham Mews and install 3 dormer windows on a mansard at the rear facing the rear of Belsize Crescent. The increase in height, the bulk of the rear mansard, and the insertion of 3 dormer windows is particularly offensive to residents of Belsize Crescent in amenity terms, being flagrant overlooking and oppressive reduction in light and sunlight.

2.1 Overlooking

The amenity issues can be clarified, firstly, as the impact of overlooking from these habitable windows into the garden of 19 Belsize Crescent. Notwithstanding the nature of Belsize Crescent being a flatted residential form it has a private residential amenity area. It is not overlooked in the private sitting area.

Secondly, the overlooking occurs directly into the habitable rooms at the rear of 19 Belsize Crescent. CPG6 at 7.4 defines that overlooking depends on distance and angles. The overlooking is particularly invasive because of the close (10m) from habitable window to habitable window. The standard given in CPG is;

A minimum distance of 18m between windows of habitable rooms in a material consideration in decision making.

This is a matter where the LPA have advice in an adopted SPD. It must be given weight in the decision making process. In this case, as the windows will just be about 10m from the rear of Belsize Crescent, it must be highly material in consideration of this application as it breaches the guideline by a considerable degree.

This standard in being breached demonstrates overlooking and amenity is extremely harmful and no justification can be provided for such a flagrant and

harmful breach. The proposal conclusively fails to meet the new local plan policy A1.

2.2 Sunlight and Daylight

Amenity is also harmed as a result of the reduction in sunlight and out light. In conjunction with the above policies the SPD – Camden Policy Guidance 6 is also a material consideration. Section 6 deals with sunlight and daylight.

SPD – Camden Policy Guidance 6 defines how to access light and the 25° test. The prima facie data is as follows. The boundary wall of 7 Daleham Mews is 9m away from the rear of 19 Belsize Crescent. The wall rises 4m. If we allow 3m for the first floor, and 3m for the proposal mansard, and assume 10m from the rear of Belsize Crescent it gives an angle of 45 degrees from the garden amenity area and the living spaces in 19 Belsize Crescent.

The failure of the applicant to file a daylight and sunlight study as part of the application is a glaring omission and LB Camden must insist one be filed. The application should be made invalid until such a study is submitted. On a prima facie test, the application fails the sunlight and daylight 25° test by a wide margin.

Taken together the close proximity of the proposal, its height, dominance, and overlooking will cumulatively be oppressive for this space and threaten my client's amenity and others to an unreasonable level

2.3 Reliance on an unlawful extension

The applicant cannot rely on the design and scale of the extension at 7 Daleham Mews, because this is an unlawful extension and cannot legitimise the scheme or concept. It would be perverse to rely on that extension. This increase in height, width and scale and its prominence reduces the vertical sky component to 19 Belsize Crescent and its curtilage. Related to that it will have a very negative impact on the outlook, from 19 Belsize Crescent. CPG6 states at 7.8 recognises that an outlook from an amenity space is more important than other areas. The close proximity of the proposal, its height, dominance, and overlooking will

cumulatively be oppressive for this space and reduce the enjoyment of this modest amenity space to an unacceptable level. The proposal does not meet the polices and criteria listed below;

- **Policy A1 Managing the impact of development**
(a), (e), (f)
- **Policy D1 Design**
(a), (b), (f)
- **D2 Heritage**
(e)

3.0 Conservation Considerations

From the 3rd July 2017 Camden Council has adopted the Camden Local Plan. This has replaced the Camden Core Strategy and Camden Development Policies as the basis for planning decisions. The Development Plan polices are reproduced in ANNEXE 1 to this letter.

Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Paragraph 131 of the National Planning Policy Framework (the Framework) requires that account be taken of the desirability of sustaining and enhancing the significance of heritage assets, and of new development making a positive contribution to local character and distinctiveness. Paragraph 132 of the Framework states that when considering the impact of a proposal in the significance of designated heritage assets, great weight should be given to the asset's Conservation.

As well as being a development plan test it is a statutory requirement. Related to these strong concerns on amenity a strong objection is made that the proposal fails to preserve the Conservation Area. The proposal is visible from a number of public points in the Conservation Area (Belsize Crescent, Belsize Lane, Belsize Park Mews, Daleham Mews) and as noted in Article 4 Direction, LB Camden must be particularly sensitive in protecting the public view in the Conservation Area.

The character of the area is commented on in the Conservation Appraisal;

Daleham Mews is a particularly charming and consistent street of mews houses and garages retaining many original features. It is notable for the slightly projected square bays that predominate on the north side of the street. The long winding mews road changes alignment as it rises up the hill giving views of the roofscape and the frontages of the terraces stepping up the hill.

The key characteristics of this part of the Conservation Area are the consistent form of the mews houses. The character will be eroded by the insensitive design of the proposal and the disruption it causes to the rhythm and form of the mews.

This form of design is wholly alien and does not replicate any worthy feature that is nearby or elsewhere in the Conservation Area. The mansard with their sash windows is a contrived and awkward elevation lacking in sensitivity. The insertion of velux windows on the front underline the insensitivity of the design.

No case in the Design and Access Statement, has been made by the applicant that the development enhances or preserves the Conservation Area.

The scheme has not been designed with any thought or assessment for the Conservation Area. Therefore the scheme does not preserve or enhance the Conservation Area. It fails the statutory test and is also contrary to DP2 in failing to protect Camden's heritage. The statutory requirement is identified in the National Planning Policy Guidelines. It is clearly desirable to improve the Conservation Area and the proposal is damaging to the Heritage asset.

4.0 Conclusion

The proposal causes unacceptable loss of private and public amenity.

There would be offensive direct, intrusive and uninterrupted overlooking of gardens and living areas in the flats at the rear of Belsize Crescent, and an unacceptable loss of sunlight and daylight. The bulk and height of the building would provide intrusive oppressive dominance from the rear.

The proposal fails to preserve or enhance the character of the Belsize Conservation area, in particular upsets the unique character and balance of the Belsize mews area, a densely built area of interlocking, sensitive structures.

The proposal fails widely accepted amenity tests and standards, fails to preserve or enhance the Belsize Conservation area, in particular the sensitive Mews area. The application must be refused.

Yours sincerely

[Redacted signature]

Francis Caldwell
BA (hons) M.Phil MRTPI
Managing Director

Cc
Jane Boardman [Redacted]
Evelyn Jones Evelyn.jones@camden.gov.uk

Annex 1

The Development Plan

Camden Local Plan: Policy A1 on managing the impact of development,:

The Council will seek to protect the quality of life of occupiers and neighbours. We will grant permission for development unless this causes unacceptable harm to amenity.

We will:

- a) seek to ensure that the amenity of communities, occupiers and neighbours is protected;
- b) seek to ensure development contributes towards strong and successful communities by balancing the needs of development with the needs and characteristics of local areas and communities;
- c) resist development that fails to adequately assess and address transport impacts affecting communities, occupiers, neighbours and the existing transport network; and
- d) require mitigation measures where necessary.

The factors we will consider include:

- e) visual privacy, outlook;
- f) sunlight, daylight and overshadowing;
- g) artificial lighting levels;
- h) transport impacts, including the use of Transport Assessments, Travel Plans and Delivery and Servicing Management Plans;
- i) impacts of the construction phase, including the use of Construction Management Plans;
- j) noise and vibration levels;
- k) odour, fumes and dust;
- l) microclimate;
- m) contaminated land; and
- n) impact upon water and wastewater infrastructure

Policy D1

The Council will seek to secure high quality design in development. The Council will require that development:



- a) respects local context and character;
- b) preserves or enhances the historic environment and heritage assets in accordance with "Policy D2 Heritage";
- c) is sustainable in design and construction, incorporating best practice in resource management and climate change mitigation and adaptation;
- d) is of sustainable and durable construction and adaptable to different activities and land uses;
- e) comprises details and materials that are of high quality and complement the local character;
- f) integrates well with the surrounding streets and open spaces, improving movement through the site and wider area with direct, accessible and easily recognisable routes and contributes positively to the street frontage;
- g) is inclusive and accessible for all;
- h) promotes health;
- i) is secure and designed to minimise crime and antisocial behaviour;
- j) responds to natural features and preserves gardens and other open space;
- k) incorporates high quality landscape design (including public art, where appropriate) and maximises opportunities for greening for example through planting of trees and other soft landscaping,
- l) incorporates outdoor amenity space;
- m) preserves strategic and local views;
- n) for housing, provides a high standard of accommodation; and
- o) carefully integrates building services equipment.

The Council will resist 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.

Policy D2

The Council will preserve and, where appropriate, 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 and locally listed heritage assets.

Designated heritage assets

Designed heritage assets include conservation areas and listed buildings. The Council will not permit the loss of or substantial harm to a designated heritage asset, including conservation areas and Listed Buildings, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) the nature of the heritage asset prevents all reasonable uses of the site;
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation;
- c) conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.

The Council will not permit development that results in harm that is less than substantial to the significance of a designated heritage asset unless the public benefits of the proposal convincingly outweigh that harm.

Conservation areas

Conservation areas are designated heritage assets and this section should be read in conjunction with the section above headed 'designated heritage assets'. In order to maintain the character of Camden's conservation areas, the Council will take account of conservation area statements, appraisals and management strategies when assessing applications within conservation areas.

The Council will:

- e) require that development within conservation areas preserves or, where possible, enhances the character or appearance of the area;
- f) resist the total or substantial demolition of an unlisted building that makes a positive contribution to the character or appearance of a conservation area;
- g) resist development outside of a conservation area that causes harm to the character or appearance of that conservation area; and
- h) preserve trees and garden spaces which contribute to the character and appearance of a conservation area or which provide a setting for Camden's architectural heritage.

Other heritage assets and non-designated heritage assets

The Council will seek to protect other heritage assets including non-designated heritage assets (including those on and off the local list), Registered Parks and Gardens and London Squares.

The effect of a proposal on the significance of a non-designated heritage asset will be weighed against the public benefits of the proposal, balancing the scale of any harm or loss and the significance of the heritage asset.