

Application No:	Consultees Name:	Consultees Addr:	Received:	Comment:	Response:
2017/4197/P	Eleanor Kilminster	29a Willes Road London NW5 3DT	02/09/2017 09:38:46	OBJ	<p>I am the owner of the ground floor flat at 29a Willes Road and wish to object to the planning application submitted on behalf of the owners of 31 Willes Road on the basis that the proposals to extend the existing terrace at first floor over the adjacent garage, will materially affect the use of 29a Willes Road in the following ways:</p> <p>(a) The proposed site of the new terrace (above the garage) is directly adjacent to / above the garden at the rear of 29a Willes Road. As is clearly evident from the plans submitted in support of the application, the users of any new terrace will have a clear view directly into the living space of 29a Willes Road. The distance between the glass-panel garden doors to the living room of 29a, and the mid-point of boundary of the proposed terrace is approximately 3 metres. This will result in a complete loss of privacy within our living room, leaving us with no option but to install and close curtains on the rear doors.</p> <p>As the applicant has pointed out at section 4 of the Design and Access Statement, CPG[5], paragraph 7.4 requires that "Development should be designed to protect the privacy of both new and existing dwellings to a reasonable degree. Spaces that are overlooked lack privacy".</p> <p>The current application has no regard to the privacy or interests of the occupier of 29a Willes Road, and this is apparent from the following:</p> <ul style="list-style-type: none"> · A series of elevations were submitted with the planning application (a second floor layout plan of 31 Willes Road, an elevation showing the entire structure of 31 Willes Road from Inkerman Road, the rear elevation of 31 Willes Road, and further elevation showing the balustrades proposed from Inkerman Road), but no elevation was submitted showing the impact of the proposed new terrace area and balustrade on 29a Willes Road. · Calculations have been provided of the proposed new development showing the height of the upper and lower (new) terrace from Inkerman Road, a public highway. No attempt has been to show the height impact at 29a Willes Road, which has a party wall and direct boundary with the applicants. · The comments at page 5 of the Design and Access Statement suggest that "The only part of the terrace adjacent to the neighbouring property at no. 29 is to the very rear of the garden. Not the garden nearest the house as stated in the guidance above." This is clearly incorrect. As is clear from the applicant's own drawings (see 411.051) the new proposed terrace area is directly adjacent to the garden of 29a, and abuts the boundary of the rear wall (containing the garden doors) of 29a Willes Road. This is clearly in contravention of CPG[5], as the proposed terrace will give the users a direct view into the living room of 29a Willes Road. · It is noted that both the applicants and CPG[5] acknowledges that the living area in a property is one of the most sensitive areas. <p>(b) In addition, the users of any new terrace would look straight on to the garden area at</p>

Application No: Consultees Name: Consultees Addr: Received:

Comment: Response:

29a. Again, this will result in a complete loss of privacy in using the garden at the property. To be clear, the garden area is the only outside space available for use by the residents of 29a Willes Road. We rely upon the points raised above in relation to privacy in the garden area as well (and note in particular, that it will be possible to hear conversations in the garden of 29a clearly from the new proposed terrace).

(c) The issues described at paragraphs (a) and (b) above will not be resolved by installing a balustrade of a height of 1.1m at the boundary between 29a and 31 - a sitting adult (or even a standing child) can easily look over a balustrade of that height.

(d) In addition, any balustrade of a height of 1.1m (or otherwise) is likely to significantly impact upon the daylight and sunlight in the garden and living room at 29a Willes Road (as well as other neighbouring properties), and will cause significant over-shading of the garden and living room. It is noted that the lack of impact on daylight and sunlight, and over-shading to adjoining owners was an important consideration taken into account by the planners when permission for the planters was granted in 2009.

I also wish to make the following points on the application:

1. As the planning history set out at paragraph 1 of the Design and Access Statement confirms, 31 Willes Road previously had the benefit of a large garden but the previous owners elected to extend the property to cover the entire footprint of their property. The owner and successors in title may not now argue that having a smaller amount of outside space than they would like, should be taken into account when determining the current application for additional outside space.

2. It is noted that the use of the roof-area above the existing extension became immune to enforcement in 2010. It should also be noted that the local planning authority did not, in fact, give consent to the use of the roof area as a terrace. Planning consent was given (retrospectively) to the installation of the planters on the roof area, but as can be seen from the relevant planning documents dated 2009, no consent was given to a balustrade at the property. It is noted from the application that the current use of the roof area as a terrace is in breach of Building Regulations, due to the height of the guarding at the property. This is perhaps because consent was never obtained to the use of any of the roof area as a terrace.

3. It is also clear from the 2009 planning documents that consent to the planters was given on the following basis only:

a. Design Statement submitted by applicant confirmed: "The 6no. metal planter boxes cause no harm or detriment whatsoever to other properties, or to residential amenity. For example they do not cause overshadowing, or any loss of daylight or sunlight to any habitable rooms or other buildings, or to 31 Willes Road itself. The lack of harm and lack of detriment are due to the location of the planter boxes relative to other buildings, and the design."

Application No:	Consultees Name:	Consultees Addr:	Received:	Comment:	Response:
					<p>b. The Delegated Report confirmed at the "Neighbour amenity" section – "The planter boxes would not raise any additional amenity issues and is satisfactory."</p> <p>The same cannot be said of the current proposals, as any approval will undoubtedly have a significant impact upon the use and enjoyment of 29a Willes Road.</p>
