

Our ref – 13/M/CA10391

Your ref –

Date 21 September 2017

Planning Department  
London Borough of Camden  
Second Floor  
5 Pancras Square  
c/o Town Hall  
Judd Street  
London  
WC1H 9JE

Dear Sirs

**Application 2017/4731 - Replacement roof, alterations to entrance and replacement fenestration at Work Shops 36-52 Fortress Road, Fortress Grove, London NW5 2HB**

We are instructed by the Owner/Occupier of 44A Fortress Road. This is a listed house. The application site is within a conservation area. As the Council fully appreciates, when considering the impact of proposed development on the significance of a designated heritage asset, an assessment must be made not merely through the alteration or destruction of a heritage asset, but development within its setting. The application area edged red includes a party wall without client's heritage asset crucial to the residential amenities and the assets setting by reason of its secluded walled rear garden. In the context of the Framework, both in respect of the listed building and the conservation area as a whole, a decision maker is required to pay special attention to the desirability of preserving or enhancing the character or appearance of the heritage asset (also see NPPG para 007). Even where the harm may be considered to be less than substantial, Framework 134 requires that such harm be considered against any public benefits a scheme may bring. No public benefit has been put forward to be weighed against the harm which we identify below, which is a fundamental point which we will return in closing.

There are 2 principal problems with what is proposed by the applicant so far as our client's interests are concerned, as set out below:

1. The supporting statement suggests that the windows in the party wall will be replaced like for like; there is some reference to them being partly obscure glazed, though the plans do not indicate this (indeed these show a series of side windows, 2 of which face into our client's garden that are not as shown). We are instructed that they have been boarded up with wooden planks and sealed for well in excess of 20 years. In addition, there is dense foliage that has grown up in front of them. They are completely obscured from view within

the garden; there was clearly no objection taken at any material time by the adjoining landowner. We are instructed that one of these windows is only 4m from the rear extension that contains 2 bedrooms. The impacts of what is proposed by the applicant are obvious but site inspection is invited.

It is a core planning principle that development can only be sustainable if it seeks to secure a high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Development is a creative exercise in finding ways to enhance and improve the places in which people live their lives. Ironically, what is being proposed so far as our client is concerned amounts to replacing good design (albeit of an unusual kind) with poor design. It will certainly not improve the conditions in which our client lives and takes leisure. The applicant has failed to respond to the opportunities for achieving sustainable development; this is unsustainable development as defined by the Framework.

Because the applicant in a previous proposal has indicated mezzanine within the building, this marks an important change that suggests that the side windows of the application site will need to emit natural light whereas this was not previously required. Given that the way the applicant has brought this about, there are clearly occupant amenity considerations for the LPA which had not previously been taken into account, but are relevant for the purposes of deciding this case.

2. Nearest the entrance, the applicant proposes new roof lights which, coupled with the intention to add a mezzanine, if not obscure glazed fixed shut, will facilitate direct views into our client's habitable rooms, resulting in loss of privacy and overlooking. This is once again unsustainable development plus contrary to development plan policy that seek to protect residential amenities.

This case is very different to previous applications, both s70 and Lawful Development Certificate. Whilst the supporting statement assures the LPA that this is purely an operational proposal and should not engage concern, there are different elements to the scheme that warrant careful assessment. The new roof lights could be conditioned to be obscure glazed fixed shut, but the same could not be said for the other element, side windows. There is currently no artificial light emitted into the rear garden of our client's property that the scheme does not address. There is a clear need for the applicant to address the concerns outlined in this communication. Our client expects the problems to be viewed from within his property so that the applicant (who has so far failed to consult) gains a clearer perspective of the implications.

As the scheme presents significant harm to a heritage asset as identified and the applicant has not explained what public benefit the scheme may bring, the public benefit would need to provide something in addition to continued use of this industrial building. It does not. It therefore fails the test set out in the Framework in addition to the conflict with the development plan. Planning permission must be refused due to the combination of conflict with adopted plan policy and Framework policy conflict.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Kingsley Smith', with a long, sweeping horizontal flourish extending to the right.

Kingsley Smith Solicitors LLP