

313-315 Caledonian Road T: +44 (0)20 7278 5619  
Islington F: +44 (0)20 7713 5994  
London N1 1DS  
www.opticrealm.co.uk



OpticRealm

Mr Rob Tulloch  
Development Management  
London Borough of Camden  
Camden Town Hall  
Judd Street  
London WC1H 9JE

27<sup>th</sup> November 2017.

Dear Mr Tulloch,

**Re: Application reference 2016/2457/P;  
1-3 and 4, 6 and 8 Ferdinand Place London NW1 8EE**

Further to the company's representations of 7<sup>th</sup> July 2016 and the 17<sup>th</sup> January 2017, advice has now been obtained in relation to the GVA Schatunowski Brooks letter of 4<sup>th</sup> August received by email from LB Camden on 14<sup>th</sup> November 2017 relating to issues of daylight and sunlight for the above proposals.

Opticrealm Ltd are the freeholders of twenty residential units which are located immediately adjacent to the application site, comprising of the following: 2 Ferdinand Place, 10 Ferdinand Street, 12 Ferdinand Street.

#### **Daylight and Sunlight**

Policy DP26 'Managing the impact of development on occupiers and neighbours' states 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.

Please find enclosed a copy of a letter from the company's daylight and sunlight consultants, Anstey Horne, in response to the issues raised by GVA Schatunowski Brooks.

In summary, there remain significant and unaddressed concerns relating to the effect of the proposed development on the amenity of neighbouring occupiers, and in particular for occupants of properties at 2 Ferdinand Place and 12 Ferdinand Street, namely:

- The daylight distribution assessment for 2 Ferdinand Place upon which GVA and the applicant have relied are based on incorrect data.
- GVA claim that they cannot run the daylight distribution assessments to the relevant rooms as they do not have cill to floor heights. However, GVA were invited to take accurate measurements of the incorrectly modelled flats in June 2016 and again in January 2017, yet refused the offer.
- A correct assessment should be undertaken, especially given the impact is to the main habitable rooms within the apartments.
- The residual daylight levels to bedrooms at 12 Ferdinand Street will be "very poor", retaining ADF values of 0.05% and 0.19%.

Opticrealm Ltd is at a loss as to why the applicant persists in its obfuscation on this issue. The only logical reason not to undertake an assessment using accurate data is to avoid the potential results critically undermining their position on sunlight and daylight.

Indeed, in light of this refusal to rely on accurate data, one might reasonably conclude that the intention of the applicant is to mislead the local authority in relation to the extent of the harm to neighbouring occupiers' amenity in terms of loss of light.

The local authority has a responsibility to take into account material planning considerations in determining applications, but cannot reasonably be expected to fulfil this role if it has been presented with inaccurate or misleading information. However, in the knowledge that this is clearly the case, the local authority has a responsibility to endeavour to establish the facts.

As it currently stands, it is not possible for the local authority to assess the true extent of the harm. All applicants and third parties have the right to be treated fairly by the planning system, and this right is further protected by Article 8 and Article 1 of Protocol 1 of the European Convention on Human Rights and consequently if an approval is granted the company will seek an application for a Judicial Review of the decision in order to protect the company's position.

#### **Massing Heights**

In their letter of 4<sup>th</sup> August, GVA assert that they have undertaken spot height checks which demonstrate that the majority of the proposed massing height is in keeping with the heights of the surrounding context. However, from the 3D image provided, it is quite clear that GVA are relying on the taller buildings further away from the immediate context of 2 Ferdinand Place, 10 Ferdinand Place and 12 Ferdinand Place.

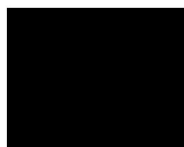
The proposed development is actually circa 2-3m higher than the affected properties that form the immediate context, and to claim otherwise is highly misleading.

#### **Other Matters**

On the issue of consultation, GVA is quite wrong in stating that Opticrealm Ltd expected a "*fully resolved set of drawings*" prior to meeting with the applicants. Instead, what Opticrealm actually asked for was a copy of the material in advance that was to be presented at the meeting, in order that the company could give considered feedback on the proposed scheme. It was somewhat surprising that the applicant took such exception to the request, which resulted in Opticrealm not receiving invitations to any further consultation meetings.

In summary, for all of the reasons above and those contained within previous correspondence, Opticrealm Ltd maintains its objection to application 2016/2457/P.

Yours sincerely,



Mr Nick Cockburn  
Opticrealm Limited

Our ref: AJ/KW/ROL7501

Nick Cockburn  
Opticrealm Ltd  
313-315 Caledonian Road  
London N1 1DR

24 November 2017

**By email only**

Dear Nick,

**Re: (ROL7501) Ferdinand Street**

Further to the information you provided Matthew on 15 November 2017, we have reviewed GVA's letter and set out below our commentary.

**Daylight and Sunlight**

**2 Ferdinand Place**

In response to our queries on the difference between the proposed massing heights against the neighbouring buildings, GVA has undertaken spot heights check which shows that the majority of the proposed massing height is in keeping with the heights of the surrounding context. The BRE guidelines do state that a higher degree of obstruction maybe unavoidable if the new developments are to match the height and proportion of the existing buildings. From the 3D image provided, it is clear that GVA are relying on the taller buildings further away from the immediate context of 2 Ferdinand Place, 10 Ferdinand Place and 12 Ferdinand Place, of which we would flag up.

GVA has incorrectly quoted our concerns on inaccuracy as we did not state their VSC assessment was incorrect, rather they had not used the correct layouts. Anstey Horne as well as GVA know that it is their daylight distribution assessment that is not correct, so their dialogue on VSC is misplaced.

GVA claim they cannot run the daylight distribution assessment to the rooms accurately as they do not have cill to floor heights and thus have run indicative test instead. However, they were invited to take measurements of the incorrectly modelled flats in June 2016 and again in January 2017, but highlighted that they would wait before arranging a site visit until the scheme design has been finalised. Clearly they have finalised the scheme and failed to consider updating the assessment.

# Anstey Horne

Whilst the guidelines do make reference to the challenges in adhering to the daylight distribution tests when rooms are greater than 5m in depth, it is not “impossible” to meet the guidelines as GVA set out. GVA has simply sought to ignore the fact that their assessment is wrong and not show what the real impact would be. The correct assessment should be undertaken, especially given the impact is to the main habitable rooms within the apartment. A review of the acceptability of this impact can only be reviewed once the correct results are known.

## 10 Ferdinand Place

GVA has confirmed that they have undertaken research prior to running the technical assessment to determine the habitable windows/rooms that would need to be tested. We can confirm that we are in agreement with GVA that they have considered all of the relevant windows and rooms that require testing to be included as part of their technical assessment.

We have managed to obtain the existing and proposed floor plans of this property (planning application 2006/4101/P) which shows that the windows along the north facing elevation are serving stairwell and circulations areas. Given that these windows and rooms do not serve habitable rooms, we consider that they should not be included within the technical assessment.

The results for the windows along the east and south elevations have been taken into account, and the results demonstrate that the windows and room will retain a sufficient level of daylight and sunlight.

## 12 Ferdinand Place

GVA has emphasised that bedrooms have lesser requirements for daylight and sunlight than main living rooms. GVA has also highlighted that the main living rooms to the assessed flats would not be affected as they are not facing the development site. Having reviewed the results, the residual daylight levels are very poor, retaining ADF values of 0.05% and 0.19%.

## **Rights of Light**

As set out in our June 2016 letter, our advice still remains the same that it is only likely to be at 2 Ferdinand Place and 10 Ferdinand Street that have rights to light as 12 Ferdinand Street has only been constructed in the last 20 years and therefore have not accrued prescriptive rights to light.

We have previously written to GVA reserving your position and requested the rights of light analysis be provided so that we can review the impacts in detail. To date, GVA has not provided this information.



**Summary and conclusion**

It would be worth putting a response back to GVA's letter, which we assume is right being dated 4 August 2016 rather than August 2017? We should stress they have not interpreted all our comments correctly and that they still maintain keeping an assessment of 2 Ferdinand Place which is not accurate. The application should not be reviewed without showing the correct layouts, especially as the proposal is affecting key habitable rooms. The GVA review of massing heights in the area demonstrates they are relying on comparable heights to buildings further away and ignoring the immediate context which shows their development to be circa 2-3m higher than the affected properties.

I trust the above is helpful but if you have any questions regarding this letter then please do not hesitate to contact us.

Yours sincerely



Annisa Julison

cc: Tim Cockburn  
Matthew Craske