



Our Ref: AC/sev/18076

15 February 2018

Ms L Hazelton
Planning Officer, Planning Solutions Team
London Borough of Camden
Culture and Environment Directorate
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By email laura.hazelton@camden.gov.uk

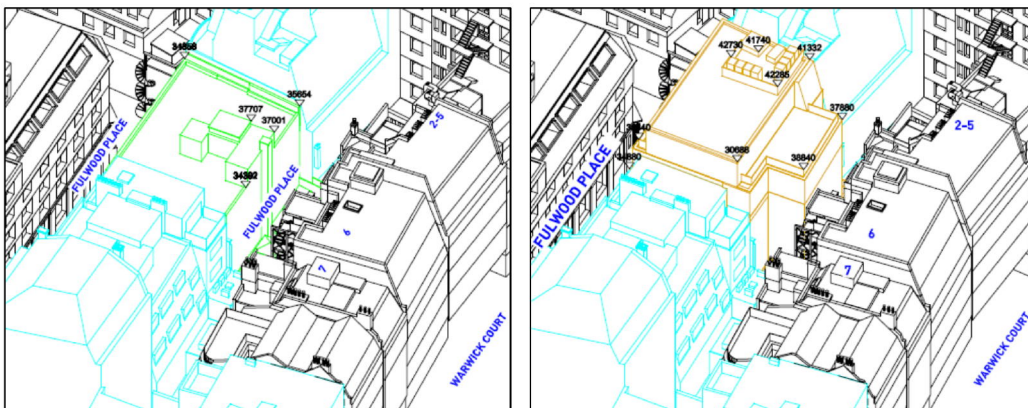
Dear Ms Hazelton,

**Re: 2017/6946/P – Elizabeth House, 4-7 Fulwood Place, London WC1V
Objection on behalf of the owners of 2-5 Warwick Court**

I write on behalf of my clients, the Trustees of 2-5 Warwick Court, in relation to the above planning application. My clients are the freehold owners of 2-5 Warwick Court, which adjoins the rear boundary of the application site. Their building is let to Tanfield Chambers Services Ltd, which operates barristers' chambers from the building (Tanfield Chambers). I am a Chartered Surveyor specialising in daylight/sunlight and other neighbourly matters associated with property development.

The proposed development will comprise the addition of two storeys on top of the existing building at fourth and fifth floor levels for the full width of the property, plus a 9m-wide rear extension to the rear boundary adjoining my client's property over first, second, third and fourth floor levels. The applicant's building is shown in Figures 1 and 2 below in its existing and proposed conditions.

My clients object to the height and massing of the proposed development, its proximity to my clients' windows and the loss of light and outlook that would result. They will also be submitting further objections in a separate letter.



Figures 1 & 2 – Images of Anstey Horne's 3D computer model used in their daylight and sunlight analysis for the applicant. The applicant's existing building is shown coloured green in the left hand image and their proposed development is shown coloured gold in the right hand image. (© Anstey Horne)

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Local planning policy

The Camden Local Plan (2017), Policy A1 - *Managing the impact of development*, states:

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;*
- ...*
- d. require mitigation measures where necessary.*

The factors we will consider include:

- e. visual privacy, outlook;*
- f. sunlight, daylight and overshadowing;*

In the related commentary, the Local Plan notes that:

"standards of amenity... are major factors in the health and quality of life of the Borough's residents, workers and visitors and fundamental to Camden's attractiveness and success. Camden's Inner London location, the close proximity of various uses and the presence of major roads and railways means that amenity is a particularly important issue within the Borough. Policy A1 therefore seeks to ensure that standards of amenity are protected."

It goes on to say that:

"the Council will expect development to avoid harmful effects on the amenity of existing and future occupiers and nearby properties or, where this is not possible, to take appropriate measures to minimise potential negative impacts."

The Local Plan also notes that a development's impact upon outlook can be influenced by its design and layout and that this issue can affect the amenity of existing and future occupiers. It states that the Council will expect this element to be considered at the design stage to prevent potential harmful effects of development on occupiers and neighbours. Reference is then made to the Camden Planning Guidance on Amenity and to the guidelines on daylight and sunlight published by the Building Research Establishment.

It is evident that the Council's planning policy is aimed at safeguarding amenity not just to the Borough's residents, but also to its workers and visitors in nearby non-residential properties.

Local planning guidance

The Camden Planning Guidance on Amenity (draft November 2017) covers, among other things, outlook and daylight/sunlight.

Camden's guidance on outlook states that particular care should be taken if the proposed development adjoins properties with a single aspect and that developments should ensure that the proximity, size or cumulative effect of any structures avoids having an overbearing and/or dominating effect that is detrimental to the enjoyment of their properties by adjoining residential occupiers.

Camden's planning guidance on daylight and sunlight states that the Council expects applicants to consider impact of development on daylight and sunlight to neighbouring properties and for daylight and sunlight studies to be informed by the Building Research Establishment's *Site layout planning for daylight and sunlight: A guide to good practice*. The Council's guidance on the types of property that should be assessed does not single out residential properties or expressly exclude office buildings from consideration.

National guidance on daylight and sunlight amenity

The aforementioned BRE guide is the leading independent guidance on the effects of development on daylight and sunlight to neighbouring buildings and amenity spaces. The guide states it is important for new development to safeguard daylight to nearby buildings. Whilst it acknowledges its guidelines are intended for use in adjoining dwellings where daylight is required, it also states it "*may also be applied to any existing non-domestic building where the occupants have a reasonable expectation of daylight: this would normally include schools, hospitals, hotels and hostels, small workshops and some offices*".

Where development will subtend an angle greater than 25° to the horizontal drawn from the centre of the lowest window in a neighbouring property, more detailed testing should be carried out to quantify the impact on the light. The two principal daylight tests involve measuring the impact on vertical sky component (VSC) at the centre of the windows and the area of the working plane inside the room enclosed by the no-sky line (NSL). The guidance notes that the loss of daylight will be noticeable if, after development, either:

- The VSC will be less than 27% or less than 0.8 times its former value; or
- The area enclosed by the NSL will be less than 0.8 times its former value.

Potential effect on amenity to occupiers of Tanfield Chambers

It is evident from the applicant's submitted drawings that the proposed development will create an overbearing and incongruous structure that would harm the outlook from within my clients' offices and obstruct a significant portion of the visible sky, causing materially adverse loss of light to the barristers' chambers.

A daylight and sunlight study has been submitted by the applicant, prepared by Anstey Horne Chartered Surveyors dated 20 October 2017. Images of the 3D computer model used in the analysis are shown above in Figures 1 and 2. The report only assesses the effect on daylight and sunlight amenity to surrounding residential properties, both of which are quite distant or oblique from the proposed development. In my judgement, if the study was extended to include the effects on Tanfield Chambers it would demonstrate losses of daylight well in excess of the BRE's numerical guidelines.

My clients strongly object to the height and massing of the proposed development, its proximity to their windows and the resulting harm that would be caused to their and their occupiers' amenity, in terms of daylight and outlook. The proposed development is contrary to the Council's planning policy and guidance on these matters and my clients therefore request that planning permission be refused.

Yours sincerely



**Aidan Cosgrave BSc(Hons) MRICS
Partner**

