

Our Ref: RT/LP/JCG23770
Your Ref:

E-mail: richard.tilley@rpsgroup.com
Date: 28 March 2018

Kristina Smith
London Borough of Camden
5th Floor
Town Hall Extension
Argyle Street
London
WC1H 8EQ

Dear Ms Smith,

30 GLENILLA ROAD, LONDON, NW3 4AN
LETTER OF OBJECTION TO PLANNING APPLICATION REF: 2018/0932/P

We act on behalf of Mrs Daisy Hoffner with regard to a planning application at the above address for the following development:

“Demolition of existing dwelling house and erection of four storey replacement dwelling house with single storey basement and associated hard and soft landscaping works, including erection of garden room to rear and bin store to front of property”

Our client resides at 28b Glenilla Road, the adjoining property to the north-west, and wishes to object to this planning application on the following grounds:

- The proposed replacement dwelling house, due to its location, mass and design, would have severe negative impacts on the residential amenity of the occupiers of 28b Glenilla Road by way of overbearing and enclosing effects and loss of daylight and sunlight to habitable rooms, contrary to Policy A1 of the Camden Local Plan and the Camden Planning Guidance 6 “Amenity”
- The “Daylight, Sunlight and Overshadowing Report” submitted in support of application Ref.2018/0932/P does not assess satisfactorily the impact of the new dwelling on the levels of daylight and sunlight reaching the living room and the conservatory on the first floor of 28b Glenilla Road. The proposal would significantly reduce the Vertical Sky Component (VSC) of the rear living room, well below the levels recommended by the Council. This would be contrary to Paragraph (f) of Policy A1 of the Camden Local Plan and the CPG 6
- The proposed building would represent an overdevelopment of the site and would have a negative impact on the character and appearance of the street and the wider Belsize Park Conservation Area contrary to Policies D1 and D2 of the Camden Local Plan, the guidance contained in the Camden Planning Guidance 1, and Policies BE19, BE20 and BE22 of the Belsize Park Conservation Area Statement

Application

The application at No.30 proposes the demolition of the existing two-storey inter-war detached house and its replacement with a four-storey plus basement contemporary dwelling with irregular massing and a part single, part two storey protruding wing at the rear.



Relevant planning history**30 Glenilla Road**

- **8402174** – The erection of an additional storey and rear extension to the house as shown on drawing No.BL0330 – Permission Refused (31/12/1984)
- **8500516** - Erection of a roof extension and first floor rear extension as shown on drawings No.BL0330.12 13 14 15 16a 17a and 18a – Permission Granted (30/03/1985)
- **PW9802136R1** - Erection of a ground and first floor rear extension As shown on drawing No 0267/01B – Permission Granted (30/07/1998)

Before the submission of the current application, 30 Glenilla Road was subject of two pre-application advice requests. The pre-application advice letters have been abridged in the Planning Statement submitted in support of the current application, but some of the key issues raised by the Council at pre-application stage can still be clearly identified.

At Paragraph 4.3 of the Planning Statement prepared by Turley, it is noted that the first pre-application scheme was considered by the Council *“to be an overbearing building that will create a sense of enclosure to the adjacent residential occupiers by virtue of its scale beyond the rear building rear line of the adjacent building at no.28 Glenilla Road”* (our emphasis).

After the first pre-application response the applicant chose to change the project architect. The overall design approach was radically changed and a more organic massing preferred to the square block originally submitted. Whilst the second round of pre-application negotiations solved some of the overarching design issues, the officer was still critical of the impact of the new building on the amenity of 28b Glenilla Road. Paragraph 4.11 of the Planning Statement in fact notes that the officer still considered that the *“depth of brick portion of the rear elevation should be reduced, with the heights of the neighbouring ground floor extensions used as reference points. Officer raised concern regarding the overbearing impact upon the rear conservatory of No. 28b”* (our emphasis).

28 Glenilla Road

2006/2129/P - Demolition of existing dwelling house and rear wing and erection of a new 3 storey plus basement and attic dwelling house including rear garden wing and forecourt parking and new boundary treatment – Permission Granted (29/11/2006)

32 Glenilla Road

2016/6712/P - Erection of 1 x 3-bedroom and 1 x 2-bedroom 3-storey plus basement dwellinghouses (Use Class C3) with hard and soft landscaping following demolition of existing single storey church (Use Class D1) – Under consideration

Grounds of objection

Our reasons for objection, for reasons of clarity, are detailed in terms of the impact of the proposal on my client's residential amenity, the shortcomings of the "Daylight, Sunlight and Overshadowing Report" submitted in support of the application and the impact of the proposal on the appearance of the street and the character of the Belsize Park Conservation Area by way of overdevelopment.

Impacts on residential amenity

Policies

Policy A1 of the Camden Local Plan aims at managing the impact of development. It 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;*
- 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.*

Paragraph 7.8 of the Camden Planning Guidance 6 states that "outlook is the visual amenity enjoyed by occupants when looking out of their windows or from their garden. How pleasant an outlook is depends on what is being viewed. For example, an outlook onto amenity space is more pleasant than an outlook across a servicing yard. You should design developments so that the occupiers have a pleasant outlook. You should screen any unpleasant features with permanent landscaping".

Paragraph 7.9 of the CPG 6 states that "when designing your development you should also ensure the proximity, size or cumulative effect of any structures do not have an overbearing and/or dominating effect that is detrimental to the enjoyment of their properties by adjoining residential occupiers. You

should carefully consider the location of bin or cycle stores if they are in close proximity to windows or spaces used by occupiers”.

Objection comment

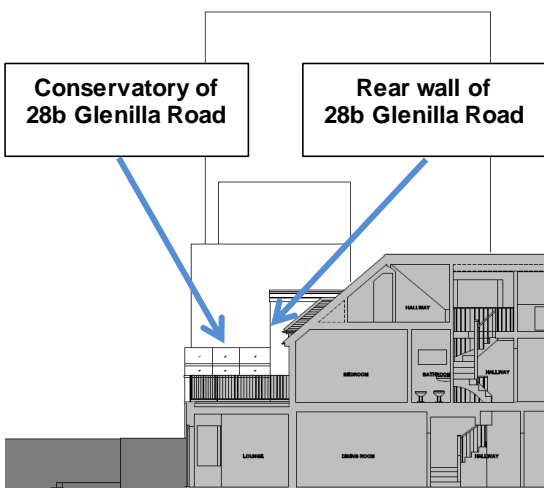
The part one, part two storey rear wing of the proposed building would have severe negative impacts on the amenity of the occupiers of 28b Glenilla Road.

The single storey element at ground level, accommodating the living/dining room of the new dwelling, would extend some 5.4m beyond the rear building line of the existing house, thus having tunnelling and enclosing effects on the windows at the ground floor of 28b Glenilla Road. The single storey element, due to its excessive depth, would also occupy a large portion of the garden, and would block or limit the views of the verdant area at the rear of the row of properties on this side of the road, to the detriment of the amenity and well-being of the occupier of No.28b.

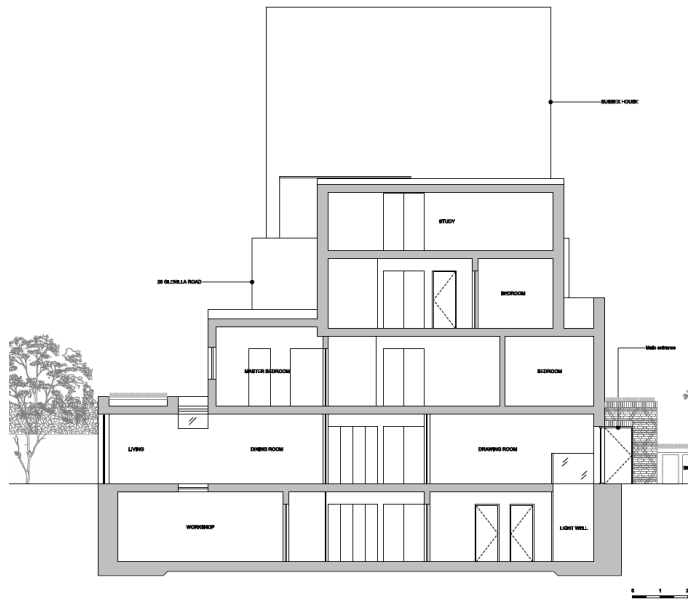
The first storey of the rear wing would protrude from the rear building line of the existing conservatory at 28b Glenilla Road and would align with the edge of its decking (See Appendix A), contrary to the pre-application advice of the Council. The new structure would enclose the south-eastern side conservatory and create tunnelling and overbearing effects that would deprive the users of the main habitable room of 28b Glenilla Road of outlook, daylight and sunlight.

The severity of the overbearing and enclosing effects of the new building can be better appreciated by comparing the existing and the proposed sectional drawings submitted with the application. The main body of 28b Glenilla Road and the conservatory at first floor level will experience severe intrusion from the mass of the four-storey plus basement proposal.

Existing



Proposed



For the reasons set out above, the proposal would worsen the living conditions and the residential amenity of Mrs Hoffner, an elderly lady who spends most of her time in the living room and in the conservatory to enjoy daylight and the extensive views of the green area at the rear. The proposal would be contrary to Policy A1 of the Camden Local Plan and the guidance contained in the Camden Planning Guidance 6 "Amenity".

Without revisions being presented, the application should be refused on this single amenity ground. Were the applicants to submit an amended scheme that does not protrude significantly beyond the building line of the existing house at first floor level and has a reduced depth at ground floor level, we would consider the withdrawal of our objection on this point.

The occupier of 28b Glenilla Road, Mrs Daisy Hoffner, spends most of her time in her house and, more particularly, in the living areas on the first floor. The protracted noise and nuisance caused by the construction works for a development of this size would cause severe harm to her quality of life and would upset her normal enjoyment of the dwellinghouse. As such, we would urge the Council to apply the strictest conditions on construction management plans, hours of work and traffic and noise mitigation measures to any planning permission for the site at No.30.

Daylight and Sunlight Assessment

Paragraph 6.4 of the Camden Planning Guidance 6 "Amenity" states that "*a daylight and sunlight report should assess the impact of the development following the methodology set out in the most recent version of Building Research Establishment's (BRE) "Site layout planning for daylight and sunlight: A guide to good practice". Reports may be required for both minor and major applications depending on whether a proposal has the potential to reduce daylight and sunlight levels. The impact will be affected by the location of the proposed development and its proximity to, and position in relation to, nearby windows*".

The CPG 6 underlines that, in relation to daylight and sunlight, the Council will base its considerations of impacts on "*the Average Daylight Factor and the Vertical Sky Component*".

Paragraph 6.10 explains that the "*Average Daylight Factor is a measure of the level daylight in a room. It can be used to establish whether a room will have a predominantly daylit appearance. It provides light levels below which a room should not fall even if electric lighting is provided*". At Paragraph 6.11 the CPG 6 states that "*the Average Daylight Factor can be used as a measure to determine whether a room will receive adequate daylight (expressed as a percentage)*".

Paragraph 6.12 states that "*if a predominately daylit appearance is required, then the daylight factor should be 5% or more if there is no supplementary electric lighting, or 2% or more if supplementary electric lighting is provided. This figure should be as high as possible to enable occupiers to rely on as much natural light and not use artificial lighting, but as a minimum for dwellings the figures should be 2% for kitchens, 1.5% for living rooms and 1% for bedrooms*". However, Paragraph 6.13 underlines that "*these minimum figures may not be applicable when measuring the impact of new buildings on existing dwellings as the simple preservation of minimum ADFs will not necessarily be seen as an indication of acceptability, especially if the VSC demonstrates a significant worsening in daylight levels. For existing dwellings the Council will consider the overall loss of daylight as opposed to the minimum acceptable levels of daylight. As the BRE guidance suggests, the readings will be interpreted flexibly as their aim is to support rather than constrain natural lighting*".

Paragraph 6.16 states that “*the design of your development should aim to maximise the amount of sunlight into rooms without overheating the space and to minimise overshadowing*”. Paragraph 10.18 of the CPG 6 states that developers “*should consider the design of your proposal carefully so that it does not overshadow windows to habitable rooms or open spaces and gardens. This may be particularly difficult in central London. However, it will be particularly important in Central London to prevent overshadowing of amenity space and open spaces given the limited amount of open spaces and the existing amount of overshadowing*”.

Objection comment

Application Ref.2018/0932/P is accompanied by a report assessing the effect of the scheme in terms of daylight and sunlight. The report “Daylight, Sunlight and Overshadowing Report” does not assess satisfactorily the impact of the proposals on the rear living room on the first floor of 28b Glenilla Road, which is the main and most used habitable room of the house.

At first sight, the report does not appear to consider the impact of the proposals on the daylight and sunlight received by the conservatory and the living room to which the conservatory is linked, as there is not specific reference to it. If this is the case, this is a significant flaw as the amenity of these rooms will be harmed the most.

On the other hand, the report mentions at Paragraph 3.6 a “single remaining window” labelled W5 that will not be compliant with the BRE Guidelines in relation to the resulting Vertical Sky Component. This window cannot be identified with certainty as the report does not include a map or a model with the labels attached to each of the assessed windows. However, the report states that this window is located on the first floor and “*is positioned on the side elevation directly overlooking the site and as such, any reasonable massing would cause a disproportionate VSC impact*”.

No.28b Glenilla Road does not have side windows at first floor level overlooking the site at No.30. The only glazed surface on the side (south-east) elevation of 28b Glenilla Road at first floor level is the side of the conservatory. This suggests that the daylight and sunlight consultant may in fact have assessed the impact of the new dwelling on this most important source of daylight and sunlight for the living room and found that it “*would cause a disproportionate VSC impact*”. This is an alarming conclusion that implies that the first floor element of the new building would have severe negative impacts on the amenity of the users of the living room and of the conservatory.

Paragraphs 6.9-6.10 of the CPG 6 state the following (our emphasis):

The Vertical Sky Component is expressed as a ratio of the maximum value of daylight achievable for a completely unobstructed vertical wall. The maximum value is almost 40%. This is because daylight hitting a window can only come from one direction immediately halving the available light. The value is limited further by the angle of the sun. This is why if the VSC is greater than 27% enough sunlight should be reaching the existing window. Any reduction below this level should be kept to minimum.

Windows to some existing rooms may already fail to achieve this target under existing conditions. In these circumstances it is possible to accept a reduction to the existing level of daylight to no less than 80% of its former value. Any greater reduction than this is likely to have a noticeable effect on amenity. If this occurs then applications may be refused.

According to the “Daylight, Sunlight and Overshadowing Report”, the VSC of window “W5” will decrease from 19.80 to 10.27. This represents a reduction well below the 80% of the original value, which is already below the 27% minimum recommended by the CPG 6. As such, the application should be refused on the ground of loss of daylight and sunlight to the existing conservatory and, in turn, the living room linked to it. At the very least, further information is required to assess the impact of the proposal on the conservatory and adjacent room. Absent any clarification on the method and conclusions of the submitted daylight and sunlight report, the proposal would be contrary to Paragraph (f) of Policy A1 of the Camden Local Plan and the Camden Planning Guidance 6 “Amenity”.

Impacts on the appearance of the building on the street and the character of the Belsize Park Conservation Area

Policies

Policy D1 of the Camden Local Plan 2017 reads as follows:

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 of the Camden Local Plan 2017 relates to heritage. Its general provisions and its paragraphs relating to conservation areas are reproduced in full below.

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.*

Paragraph 3.7 of the CPG 1 states that the Council "will only permit development within conservation areas, and development affecting the setting of conservation areas, that preserves and enhances the character and appearance of the area".

Policy BE19 of the Belsize Park Conservation Area Statement states that "new development should be seen as an opportunity to enhance the Conservation Area. All development should respect existing features such as building lines, roof lines, elevational design, and, where appropriate, architectural characteristics, detailing, profile and materials of adjoining buildings".

Policy BE20 of the Belsize Park Conservation Area States underlines that “*development which is overtly modern will not be resisted provided it respects the layout, height and scale of existing development within the Conservation Area*”.

Policy BE22 states that “*rear extensions should be as unobtrusive as possible and should not adversely affect the character of the building or the Conservation Area. In most cases such extensions should be no more than one storey in height but its effect on neighbouring properties and Conservation Area will be the basis of its suitability*”.

Objection comment

The new building at No.30 would dwarf Nos.28b and 28a and would unbalance the visual rhythm of the street, to the detriment of the Conservation Area.

The proposed dwelling is too high and imposing and would not fit in the existing townscape of Glenilla Road. The massing of the new building would overwhelm the adjoining buildings and would be discordant with its context, which has a degree of variety in built forms but no other examples of irregular elevations with bulky side roof dormers. The juxtaposition of different shapes and materials on each floor of the new building would jar the visual amenity of the street and the new house would be seen as an oddity rather than a conscious attempt to stitch old and new architectural languages in a comprehensive and consistent manner.

The two side dormers proposed at No.30 would be located at a very high level, almost aligning with the main roof ridge and would appear as obtrusive additions unbalancing the composition of the new house. Contrary to the symmetric, gradual and stepped disposition of dormers proposed on the side roof slopes of No.32, the roof of No.30 would be topped by two volumes unrelated to the lower floors. This would have negative effects on the roofscape of the southern side of Glenilla Road and the Belsize Park conservation area.

The new building would not only have negative impacts on the frontage of Glenilla Road but would also disrupt the established rear building lines of the group of buildings located between Sussex House and 40 Glenilla Road (see satellite photograph below).

Existing rear building lines at first floor level – From Sussex House to 40 Glenilla Road

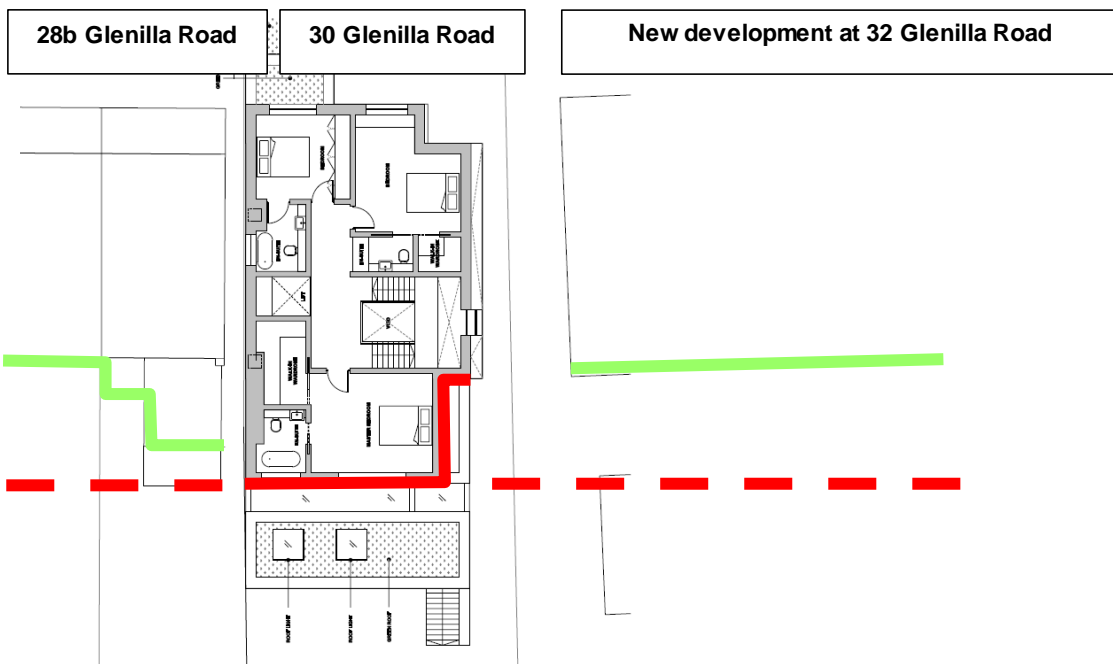


— Existing rear building line at 1st Floor level

Existing rear building lines at first floor level – Extract from drawing P003 of application P/2018/0932/P



Proposed rear building lines at first floor level – Extract from drawing P201 of application P/2018/0932/P



The proposed development would be the first building to break the established rear first floor building lines of the area and would protrude from both the existing rear conservatory of 28b Glenilla Road and the group of buildings at Nos.36-40. Furthermore, the new building would also extend further than the proposed new development at No.32, thus becoming the only house beyond the established first floor building line stretching from the rear western corner of Sussex House to the building proposed at 32 Glenilla Road.

Due to its excessive massing, irregular shape, obtrusive and bulky side dormers and rear depth, the new building would be discordant with its context, would represent an overdevelopment of the site and would have negative impacts on the character and appearance of the street and of the conservation area. Furthermore, the building would fail to respect an established building line at the rear, thus creating overbearing effects on its immediate neighbours and disrupting the local pattern of development.

The proposal would therefore be contrary to Policies D1 and D2 of the Camden Local Plan, the guidance contained in the Camden Planning Guidance 1 and Policies BE19, BE20 and BE22 of the Belsize Park Conservation Area Statement.

Conclusions

The proposal will have a severe impact on my client's amenity in terms of daylight and sunlight, sense of enclosure and ability to enjoy her living room and conservatory. It is therefore considered that the proposals should be refused on the basis of their impact on my client's amenity, particularly daylight and sunlight, overbearing and enclosing effects.

The new building would also have a negative impact on the character and appearance of the area. It would represent an overdevelopment of the site by way of excessive height and massing, it would jar the visual pattern of the street by the use of irregular shapes and heterogeneous materials on different levels and would disrupt the consistent rear building line of the properties located between Sussex House and 40 Glenilla Road.

The proposed development would therefore be contrary to Policies A1, D1 and D2 of the Camden Local Plan, the guidance contained in the CPG 1 and the CPG 6 and Policies BE19, BE20 and BE22 of the Belsize Park Conservation Area Statement. For these reasons, our client strongly objects to planning application 2018/0932/P and we would invite the Local Planning Authority to refuse it. However, if you are minded to approve the application, we request that it is considered by members at planning committee.

Yours sincerely



Richard Tilley
Director

cc Cllr Jonny Bucknell
Cllr Claire-Louise Leyland
Cllr Leila Roy

Appendix A - Site photographs

Existing rear elevations



28b Glenilla Road – Conservatory, rear window and living room



28b Glenilla Road – View of living room from conservatory



28b Glenilla Road – View of conservatory and existing views through gardens



28b Glenilla Road – Side view from conservatory towards 30 Glenilla Road



28b Glenilla Road – Side view from conservatory towards 30 Glenilla Road



28b Glenilla Road – Side view from conservatory to rear garden of 30 Glenilla Road



Appendix B - Satellite photographs





