

KG/RL/P6359
20 September 2018

Planning Department,
London Borough of Camden,
Town Hall,
Argyle Street,
London,
WC1H 8ND

For the attention of: Mr John Diver

Dear Mr Diver,

THE COACH HOUSE, 50A BELSIZE SQUARE, LONDON, NW3 4HN

LETTER OF OBJECTION AGAINST PLANNING APPLICATION REF. 2017/3348/P (AMENDED SCHEME)

We write to you on behalf of our clients, Robert and Liliana Levy (Flat 1) and Mario and Kerrie Santangelo (Flat 2) of 50 Belsize Square to object against the planning application at 50A Belsize Square (The Coach House) for demolition of the existing dwelling and erection of new dwelling including a rear extension, raised mansard roof and excavation of basement level (ref. 2017/3348/P). Please note that this objection letter represents two separate objections – one from each premises.

It is understood that the application has recently been updated (September 2018) and is now being re-consulted by the Council. Having reviewed the revised plans, the proposals now includes the following key amendments:

- Removal of rear glazed extension and solid rendered wall and new windows;
- Reduction in the external glazed ground floor with new solid decked floor;
- Alteration of 'lightwell void' to Flat 1 of 50 Belsize Square;
- Alteration of rear windows and door;
- Exclusion of existing garden shed from rear garden drawings;
- Future internal location provided for new lift shaft;
- Reduction from two-bedroom to one-bedroom dwelling house;
- The retention of an en-suite shower room on the lower ground floor despite exclusion of bedroom

It is confirmed to the Council that this letter of objection represents a continuation of our client's original objection raised on 18th July 2017. Having reviewed the revised documents (dated 7th September 2018) online we seek to maintain our Client's objection to the works as they remain unacceptable. The applicant has still failed to address significant issues relating to the loss of existing residential amenity enjoyed by our clients. Those primary concerns had related to the increased potential for overlooking, a loss of privacy, and an increased loss of daylight / overshadowing. As a

Architecture Planning Interiors

Old Church Court, Claylands Road, The Oval, London SW8 1NZ

T 020 7556 1500

www.rolfe-judd.co.uk

DD 020 7556 1510

E katieg@rolfe-judd.co.uk

result of these continued shortcomings (which were raised by the Council as part of their pre-application advice), our Client's seek further clarification and amendments to the updated scheme on a number of points as detail below.

1. Potential Impact on Overlooking/Privacy to the Rear:

Our Client's property is located on the lower and upper ground floors of 50 Belsize Square which adjoins the application site. Our Client's adjoining boundary to the site comprises the flank wall (western elevation) of 50 Belsize Square and includes two windows both serving bedrooms. At present, issues relating to overlooking and privacy currently exist with unobscured views between the living areas of both our clients and the rear of 50A Belsize Square. Whilst it is recognised that the rear extension has been reduced from the original proposal (mainly due to the loss of the rear glass extension) the location and form of the development will remain in close proximity to our client's bedroom windows, with most impact faced on the Bedroom at Flat 2. This will inevitably heighten those existing privacy and overlooking issues between the two properties and the proposal should be amended accordingly to address the evident issues.

In addition, the retention of ground floor extension and raised walkway would increase the opportunity for overlooking into our client's windows and therefore only serve to exacerbate the issue of privacy and overlooking, rather than improve it.

Chapter 2 of Camden's Planning Guidance (CPG) document 'Amenity' addresses privacy and overlooking issues and states that development should be designed to protect the privacy of both new and existing dwellings. In this case, the proposal would result in the reduction of an already compromised situation, with a significant loss of privacy to the bedrooms of each of our client's flats. Camden's planning guidance recognises that bedrooms are among those rooms most sensitive to overlooking. The document states a number of design mitigation measures which should be incorporated within new development to reduce the potential for overlooking and the loss of privacy. This includes:

- "buildings be positioned at an angle to each other so it is less likely that people will be able to see directly into neighbouring habitable rooms and gardens of neighbouring buildings."
- "Soft landscaping, such as the use of trees and shrubs can act as privacy screens"
- "The installation of obscure glazing"
- "Restrictions on openable windows"
- "Restrictions on inserting new windows into blank walls".

The above mitigation measures have not been considered carefully by the applicant, and we would therefore request that the Council seek the implementation of the above measures before determining the application as it currently stands.

Having regard to the amended light-well at lower ground / ground floor level, our Client's concern remains that the plans demonstrate a more imposing 'boxed-in' affect. This is strongly opposed and only serves to decrease the client's existing outlook from the existing lower ground floor bedroom window. The proposal's design is considered to be completely unnecessary with no consideration to the existing residential amenity enjoyed by our client.

It is also evident from the angled view of the proposed first floor window (as shown in drawing 1507_PL_014), that our Client's Flat 2 bedroom window shall encounter greater overlooking issues. In addition to this, the proposed rear door will allow the future occupiers to see directly down into the Flat 1's neighbouring bedroom window. The Applicant of 50A Belsize Square still has not provided any justification in their proposed design for this alteration or its necessity.

As per our previous objection, the revised drawings remain contrary to Camden's Planning Guidance having regard to the loss of residential amenity. The positioning of the proposed building and in turn the proposed rear doors and windows will allow the future occupiers to see directly into the neighbouring habitable rooms; contrary to Local Plan Policy A1 (Managing the impact of development). Policy A1 seeks to protect the quality of life for occupiers and neighbours and states that where development would cause an unacceptable harm to existing amenity, the application should be refused. We therefore recommend that the scheme be refused on impact caused to the existing residential amenity.

In light of the above, please refer to the previously enclosed photos which demonstrate the existing close proximity between the application site, 50A Belsize Square, and the bedroom windows of Flat 1 and 2 of 50 Belsize Square.

2. Daylight, Sunlight and Overshadowing:

Whilst the proposed building has been set back to align with the existing building, the overall height of the building will be extended. Given the close proximity of our clients residential windows, the increase in height will inevitably cause additional overshadowing and a reduction in daylight and sunlight to the existing habitable rooms of Flat 1 and Flat 2

Further, the proposed development still includes the creation of a small light-well which will box-in our client's existing window at Flat 1, 50 Belsize Square. The boxing in of a residential window is considered to be completely inappropriate by our Clients. Development for the improvement of a residential dwelling should not be approved by the Council at the expense of the amenity enjoyed by those existing residential units; especially as the negative design features being proposed are unnecessary and avoidable.

Chapter 3 of document 'CPG Amenity' requires a daylight and sunlight report to accompany planning applications for development that has the potential to reduce levels of daylight and sunlight on existing residential occupiers, near to and within the proposal site.

We therefore request that a daylight/sunlight report is obtained by the Council in order to demonstrate that the increased building height and light-well will not impact upon the existing daylight conditions of those bedroom windows. Any assessment should ensure that it complies with BRE guidance and include the appropriate three measures for assessing diffuse daylight (vertical sky component; average daylight factor; and, no-sky line), and one measure of sunlight (annual probable sunlight hours).

3. Design and Heritage

The Council specified during pre-application discussions that that they would favour traditional materials which match the main property and its neighbours. The proposed revisions now exclude the former glazed element and instead have reverted to windows of a traditional size and proportion. Nonetheless, the proposal still seeks to increase the existing height of the building via an inappropriate mansard roof. The proposed extension would obscure much of those original ornate

design features (blind windows, traditional glazing and ornate cornice details) which collectively contribute to the setting of Belsize Park Conservation Area.

The proposed works would therefore be contrary to Local Plan Policy D1 (Design) which requires extensions to respect the original design and proportions of the host building and Local Plan Policy D2 (Heritage) which seeks development to preserve and enhance the character and appearance of conservation areas.

We therefore recommend that the scheme be refused on these grounds, having consideration of the proposals impact to the character and setting of the surrounding conservation area.

4. Basement Construction

As part of our client's objection letter in July 2017, concerns were raised relating to the submitted Basement Impact Assessment (BIA) and its compliance with former guidance document, CPG4 (Basements). Following the submission of the BIA, the Council have updated their guidance which is now replaced by CPG Basements (2018). The Council should confirm whether the former BIA remains compliant with updated guidance.

The updated scheme has also made reference to the possible future provision of a lift shaft. The BIA has not been updated to reflect this requirement (e.g. basement lift pit and structural stability).

Subsequent to the additional information provided by the applicant in September 2017, it remains unclear how the basement will be constructed around the lower ground floor window of our client at Flat 1, 50 Belsize Square. Whilst it is acknowledged that any development will require a process of construction and potential disturbance, this matter is particularly sensitive due to the proximity of our client's bedroom. Further clarity on this matter should be provided prior the determination of the application.

In addition, the Basement Impact Assessment Audit prepared by Campbell Reith in 2017, stated that the site was at low to medium risk of surface water flooding, therefore standard flood risk mitigation measures should be adopted. The revised application has still not provided an appropriate flood risk assessment to ensure that the development provides suitable mitigation measures, in accordance with the current CPG Basements.

We therefore recommend that a flood risk assessment is completed by the applicant and submitted with the application.

5. Draft Construction Management Plan

A draft construction management plan has still not been submitted as requested by the Council in their pre-application advice. The advice makes clear that the proposed development would require a significant amount of excavation within a sensitive residential area and would therefore be likely to have a significant impact on the amenity of adjacent neighbours and the surrounding highway network. Naturally it is in our Client's interest to see that this information is provided as they are immediately adjacent to the proposed works.

We therefore request that a draft construction management plan is submitted to the Council and issued for public consultation.

Summary

To summarise, it is considered that those previous reasons for objection within our letter dated July 2018 remain valid.

The proposed works are deemed unacceptable given the significant negative impacts they will have upon the residential amenity of our clients at of No. 50 Belsize Square. Our client's premises at Flat 1 and Flat 2, 50 Belsize Square will be overlooked and overshadowed by the increase scale of the building and unnecessary ground floor extension to the rear. For reasons outlined in this letter, the proposal is considered to be contrary to the Council's Local Plan and Supplementary Planning Guidance. Furthermore, the applicant has disregarded much of the pre-application advice provided by the Council and has put forward an unacceptable scheme.

Our Client's request that the following reports are provided by the Application 2017/3348/P to ensure a comprehensive assessment of the application:

- Daylight, Sunlight and Overshadowing Report
- Draft Construction Management Plan
- Flood Risk Assessment
- Clarification on the opaque glazing locations at the rear.

We trust that the Council agrees that the proposed development remains unacceptable in its revised form and can carefully consider the above points in their assessment of the planning application. Given the significant increased impact to our Client's existing residential amenity, it is advised that the Council move to refuse planning permission.

Should the Council wish to discuss any of the above points further or attend a site visit with our Clients, please do not hesitate to contact the undersigned.

Yours sincerely

Katie Gwilliam

For and on behalf of
Rolfe Judd Planning Limited

Cc. Robert and Liliana Levy of Flat 1, 50 Belsize Square
Mario and Kerrie Santangelo of Flat 2, 50 Belsize Square

Encl. Photographs of the Existing Building

**EXISTING PHOTOGRAPH 1 – FLAT 2, 50 BELSIZE SQUARE – INTERNAL BEDROOM WINDOW
VIEW ADJACENT TO 50A BELSIZE SQUARE**



**EXISTING PHOTOGRAPH 2 – FLANK ELEVATION OF 50 BELSIZE SQUARE (SHOWING
IMPACT AND PROXIMITY OF WINDOWS IN LIGHT OF PROPOSED WORKS)**



**EXISTING PHOTOGRAPH 3 – FLANK ELEVATION OF 50 BELSIZE SQUARE WITH WINDOW /
FLAT IDENTIFICATION**

