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*EMAIL ONLY*

**Our Ref:** 18.137/01

22<sup>nd</sup> February 2019

Dear Samir

**Re: Objection in respect of application 2018/5028/P at 67-74 Saffron Hill London EC1N 8QX for Erection of additional storey at fifth floor level and erection of additional storey at second floor level (rear/Onslow Street side) to office building (Use B1a).**

We write further on behalf of Ziggurat Freehold Limited which acts as the Residents' Association at the Ziggurat Building, 60-66 Saffron Hill, comprising of apartments which are directly and significantly adversely affected by the proposed scheme under reference 2018/5028/P registered on 1<sup>st</sup> November 2018. The Residents' Association wish to rebut the further comments of Cunnane Planning, submitted on behalf of the applicants, and to express their further concern and disquiet at the view being expressed by officers that issues of privacy have been addressed, and that the intensification in activity at the building and potential consequent additional nuisance, is not material to the consideration of the proposals. Any decision made without giving thorough and detailed consideration to the valid concerns of neighbouring residents would be a poor decision, clearly challengeable.

In her email to Mr Lamont of 20<sup>th</sup> February, the Head of Development Management, states that 'We are of the view that the issues relating to privacy have been overcome'. It is a serious concern that this view is expressed prior to any visit by officers to the affected flats. The application proposes a fifth floor addition, enclosing a green roof space in very close relationship to the habitable room windows of several flats. The roof space has a door access, and a large west facing window. Notwithstanding the absence of directly facing windows, there would be clear potential for users of the building to access and utilise this roof space, and a perception from residents of The Ziggurat of a clear potential to be viewed within their private domestic living spaces from close proximity. It is a matter of case law that the perception of being overlooked and the consequent adverse impact on resident

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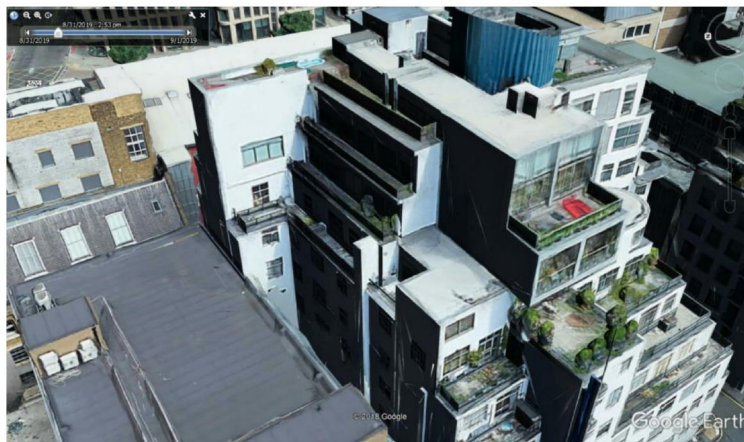
amenity from a diminished sense of privacy, is a material consideration that must be fully considered.

It is quite evident that the green roof has the potential to be used for occupiers' amenity space and there is nothing that Camden could do to prevent its use. While the applicant's agent refers to the potential for a condition to restrict its use other than for maintenance, such a condition would be clearly and manifestly unenforceable. There is simply no way that Camden could monitor and enforce such a condition no matter how carefully worded. On this basis, any such condition would fail the test of enforceability, leaving the residents of The Ziggurat wholly exposed to the potential of lost privacy, direct overlooking and noise nuisance from the use of the roof. The potential for the roof to be used in this way is quite evident. In the absence of an appropriate and enforceable way to prevent the use of the roofspace, and the clear potential for lost privacy, the application must be refused. The failure of Camden to enforce previous and ongoing breaches of planning control at this building is proof positive of the susceptibility of the residents of The Ziggurat to its unauthorised use. The ongoing and regular breach of planning controls by occupiers of the building and the landlord's failure to control these breaches highlights the inability of unmonitored regulatory controls to ensure compliance. It is highly unlikely that occupiers will be made fully aware of planning restrictions, and there is no realistic prospect of the applicants being taken to task over non-compliance by tenants. We are all shaped by our experience, and the experience of our clients tells them that they will be subjected to an additional sense of lost privacy and security by virtue of an exacerbated potential for overlooking and the further intensification of the buildings use.

The effect of this lost sense of privacy is real, and has a real and deleterious impact on the resident's enjoyment of their properties. You will by now have the sense of the strength of feeling and concerns expressed by individual residents – this takes time and effort. It is not done lightly, but because this affects the lives of real people and the sanctuary of their homes in a crowded city. While the residents appreciate the desire to increase the value of the commercial asset and the private economic benefits that may bring to the landlord, the landlord does not live here; the modest economic benefits cannot outweigh the clear and demonstrable harm to people's lives within the overall planning balance.

This is where the further harmful impacts on outlook are so evidently exposed. We remain extremely concerned that despite identified policy and good practice, no technical assessment of the impacts on sunlight and daylighting have been provided by the applicants. The absence of sufficient information on which to determine the full impacts of the development proposal is a clear and substantive reason for refusal in its own right. To reiterate our previous point, Camden's Local Area Requirements for Planning Applications (2018) states that a planning application should be supported by a Daylight and Sunlight Assessment where 'Any proposal with potential to negatively impact on the existing levels

of daylight/sunlight of other land uses near the application site'. The orientation of the affected apartments in relation to the passage of the sun is not the chief consideration – daylight is even more important to these north-west facing flats than direct sunlight – although it should be noted that these flats do currently enjoy some direct exposure to the setting sun. The proposed development clearly presents the potential to negatively impact on the existing levels of the apartments. The absence of any technical assessment of the daylight and sunlight levels does not allow the case officer to make a fully informed decision, potentially leaving any decision open to a legal challenge. While admittedly less sophisticated than a fully compliant assessment, the following screen shots from Google Earth's sun path facility provides a general indication of how the late afternoon sun illuminates this side of the building:

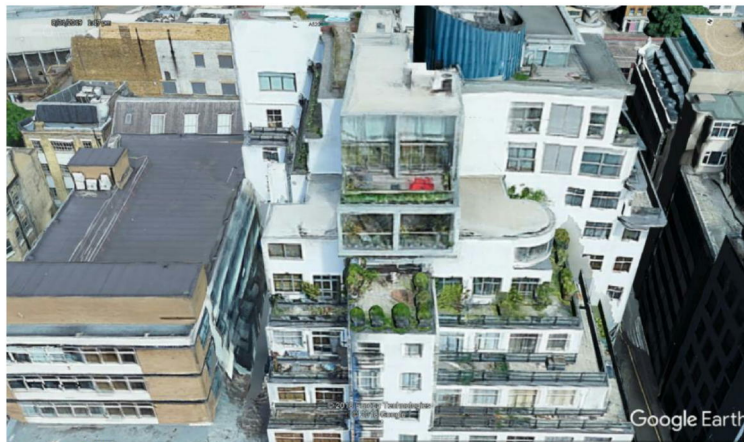






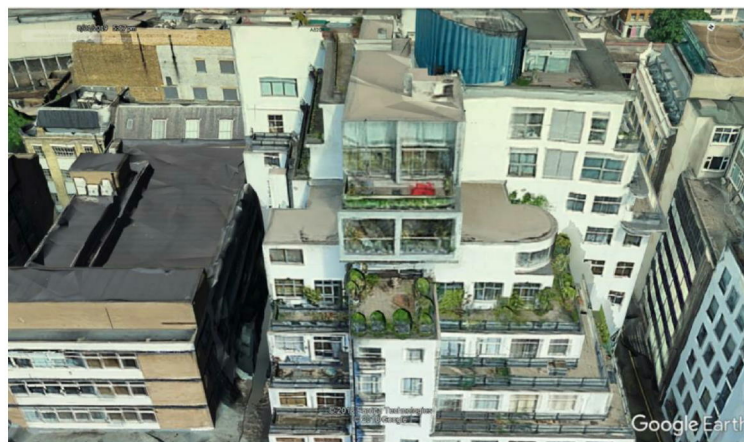


The above images looking east on 31<sup>st</sup> August indicate the passage of the sun from 3pm to 4:30pm and suggest that the later afternoon sun illuminates this side of the building. The following images looking north east at a slightly later time indicate how the setting sun passing to the west of the application site throws the gap between the buildings into shade.









Given the concerns expressed, and the obvious potential for a harmful impact on light (as identified by the appeal inspector) it is remarkable that no assessment has been provided or requested? Perhaps the results did not favour the applicant's case?

Notwithstanding the lack of technical assessment, it is not difficult to identify the harm arising. There is not a lot of sky in London. It is a precious commodity, that has a value beyond any technical measurement of direct light or angle of sunlight. For those residents of the Ziggurat, who face the canyon between their own homes and the application site, this precious strip of natural sky has immeasurable importance, and its loss would have a disproportionate and harmful impact on their lives. As we become more aware of and acknowledge the importance of light and air to our physical and, particularly, mental health and well-being, it is incumbent on Camden to give such concerns the consideration they



deserve. Sometimes a glimpse of sky is enough to change a mood. I do not apologise for using emotive language in a professional representation. The Town and Country Planning Act was introduced expressly to deal with the negative impacts of urbanisation on residential living conditions. These are people's lives and homes that will be negatively affected. It is important to remember that planning is actually about people, not buildings.

Finally, I return to the intensification point. The previous failure of the Council to enforce the S106 agreement, and the continued breach of planning control by the occupiers of the application building is a relevant material consideration. The S106 is clearly unenforced; the intensification of the use of the building and the increase in users simply increases the chances of further breaches and a heightened level of nuisance and disturbance. There is a direct relationship between more users and an increased likelihood of unsociable activity. It is not sufficient, or correct, to dismiss these concerns as a 'separate matter'. I am very surprised that the Council's lawyers should express a view that this is not a material consideration when case law on such matters is so clear about what is capable of being 'material'.

Ultimately, this application must be determined, by law, in accordance with the development plan and any other material considerations. Our previous representations have clearly identified those policies and considerations that clearly indicate, on the planning balance, that any benefits of the proposal are clearly and demonstrably outweighed by identified harm to residential amenity. No additional material considerations have been raised that would counter this view. This representation serves to emphasise those material considerations which add to the case against approval of these proposals, and the palpable harm that they would cause to people's lives.

We respectfully suggest that on any reasonable interpretation of the relevant issues, this application must be refused.

Yours Sincerely

A solid black rectangular box redacting the signature of Bob Woollard.

Bob Woollard, BA(Hons) MA MRTPI  
**Director**

c.c. Cllr Julian Fulbrook