

14 New End  
London NW3 1JA

E: 

Ms Laura Hazelton  
Planning Office  
Camden Council  
Planning Solutions Team  
5 Pancras Square  
Kings Cross  
London N1C 4AG

25 April 2019

Dear Ms Hazelton,

**RE: Objection to the planning application of 5/6 Rosslyn Hill Mews NW3**  
**Application: 2019/0275/P**

We are the owners of Garden Flat 1, 14 Lyndhurst Road NW3. We are writing to strongly object to the above application as our right of light and amenity will be severely impacted if this development is allowed for the following reasons.

1. The application raises significant concerns as a result of harm to our outlook, daylight and privacy.
2. From a review of the daylight and sunlight analysis, provided by the applicants' consultants, Rights of Light Consulting, 14 Lyndhurst Road will experience reductions in its light condition beyond that which the BRE advocates and not within an acceptable margin.

3. No daylight distribution analysis has been submitted. On this point alone the application is deficient and should not be granted. It does not properly represent the true position and is thus open to challenge.
4. The proposed development will have a substantial deleterious impact on the outlook for our basement garden flat. A large part of the visible sky will be blocked reducing the level of sunlight on the garden and thereby unfairly restricting any occupant's enjoyment of this precious outdoor amenity.
5. The existing building already overshadows the back garden and the substantial increase in height will cause disproportionate loss by casting the garden into shade for longer periods than presently occur. The light that the basement flat gets at the moment is limited and this development will cause the flat to be in darkness for the most of the day. This is not acceptable and monetary compensation is not an option (should this be suggested by the developer).
6. The bulk, height and detailed design of the roof extension along with the proposed terraces would also cause harm to the character and appearance of the host buildings and wider Mews. The disproportionality of scale will create a tunnel effect between the two properties. The so called "Artists impression" is misleading.

We trust, therefore, that members will not grant planning permission for this application.

Yours sincerely,

Martin Hicks QC and Nicola Finnerty  
Garden Flat 1,14 Lyndhurst Road NW3 5NJ

## Alex Schatunowski and Co.

### Party Wall, Rights of Light and Daylight Consultants

The Shealing,  
Backsideans  
Wargrave  
Berks RG10 8JP



Our ref: RO01/19/BRE

David Quint, Esq.,  
c/o Novium Architects,  
Corn Exchange,  
Baffins Lane,  
Chichester  
PO19 1BF

26 April 2019

Dear Mr Quint,

**Ref: 5&6 Rossllyn Park Mews, Lyndhurst Road, NW3 5NJ**

Further to instructions received through Mr Keelaghan at Novium Architects I have reviewed the documents relating to the planning application for increasing the height of numbers 5 and 6 Rossllyn Park Mews and in particular the Daylight and Sunlight Report by Right of Light Consulting dated 8<sup>th</sup> December 2017.

The report includes a brief explanation of part of the BRE guidelines which set out the recommendations for assessing daylight and sunlight impacts on existing residential buildings around a potential development site, and provides schedules of the existing and proposed results for the measurement tests set out in the guide, for various properties and windows surrounding the site, including 13 Lyndhurst Road. The report does not, however, indicate how the tests were carried out and does not include any calculations or plans showing the daylight distribution contours, so it is somewhat difficult to verify the reliability of the technical aspects of the report.

Taking the report at face value it is evident that for the ground floor flat in 13 Lyndhurst Road the BRE recommendations for daylight are not met. These rooms are already inadequately lit under the BRE tests for Vertical Sky Component (VSC) and Daylight Distribution (DD). The living room windows have a VSC of 19.5%-20.5% against a recommendation of 27%, and daylight distribution to only 35% of the room. The guidelines recommend that if the majority of the room does not receive daylight distribution it will appear poorly lit. Furthermore if the development proceeds, the values for VSC and DD will reduce by more than 20% of the former value, which the BRE guide advises is to be considered a material loss which will be noticeable to occupants.

The BRE guidelines also address the issue of overshadowing gardens and explain why sunlight in gardens is important. The results in the Daylight and Sunlight Report show that the gardens to 12, 13 and 14 Lyndhurst Road already receive less sunlight than recommended in the BRE guidelines. Against a target of at least 50% of the garden receiving at least 2 hours of sunlight on 21<sup>st</sup> March, the gardens receive 12%, 15% and 26% respectively, which is already poor, and will reduce by much more than 20% of the former value. The impact on number 13 Lyndhurst Road is quite dramatic as the area that previously received sunlight, being 15% of the garden will reduce to 1% of the garden, a loss of 92.5% of the sunlight available on March 21<sup>st</sup>. There will be virtually no sunlight in the garden for at least 6 months of the year.

The report concludes that the daylight and sunlight impacts are minor and that only a small number of the surrounding windows are adversely affected, but this will always be the case when more windows are included in the study than necessary, and many of those tested would not be expected to be affected in any event. Numbers 12, 13 and 14 Lyndhurst Road are the closest to the development and the adverse impact on these buildings should not be so diluted.

I have not been able to undertake my own analysis in the time available to me, but one of the initial tests recommended by the BRE guidance is to establish whether there are any obstructions to sky visibility beyond an angle of 25% from the horizontal measured from the centre of the lowest window of any existing building being considered for impact. If all obstructed are below an angle of 25% the Vertical Sky Component will be 27%, the recommended target.

This simple test can be run in reverse by taking the 25% angle from the top of the proposed building as I have done on the enclosed copy of Kokorella Architects drawing number AP502/R0. The point at which this angle intersects the rear elevation of 12-14 Lyndhurst Road, is in my estimation, between the 1st and 2nd floor. If that is the case I am surprised that the 1<sup>st</sup> floor windows to 13 Lyndhurst Road, identified by windows 65/66, 69/70 and 71/72 would still have a VSC value of a little in excess of 27% and 31%. I do acknowledge that the new roofline to 5&6 is not a continuous obstruction, but from the centre of 13 Lyndhurst Road there will not be a great deal of sky visible beyond the extreme ends of the block, particularly given that light reaching the window plane obliquely, at less than 20 degrees to the line of the building, is not considered particularly beneficial.

What is also particularly evident from this drawing, whilst not being a daylight and sunlight issue within the context of the BRE guide, is the increased sense of enclosure which is also evidenced by the overshadowing analysis and results.

I would therefore challenge the conclusion of the Daylight and Sunlight Report, that there is no daylight and sunlight reason why planning consent should not be granted. The Report confirms the adverse impact on the lowest flats and gardens directly behind and closest to 5&6 Rosslyn Park Mews and that impact should not be diminished by minimal impacts elsewhere around the site. The impacts are material and that is a justification for refusing planning consent.

Yours sincerely



**A Schatunowski**  
For and on behalf of Alex Schatunowski and Co.

NOTES  
 1. ALL DIMENSIONS ARE IN METERS UNLESS OTHERWISE SPECIFIED.  
 2. THE ARCHITECT IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED BY OTHER PROFESSIONALS.  
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KOKORELI ARCHITECTS

PROJECT  
 ESERESAY PARK MEWS  
 HW3 3W

ARCHITECTURAL DRAWINGS

AP502

R0  
 DRAWING  
 EXISTING PROPOSED  
 CONCRETE ELEVATIONS

SCALE 1:100 (A3)  
 DATE 20/12/2015

