



**FAO Laura Hazelton**  
Planning Solutions Team  
5 Pancras Square  
London  
N1C 4AG

*EMAIL ONLY*

**Our Ref:** FP18.072

23<sup>rd</sup> May 2019

Dear Ms Hazelton

**Re: Objection in respect of application 2019/1108/P at 144A Clerkenwell Road London EC1R 5DF for Extension of existing 3rd floor and installation of a green roof, alterations to Back Hill entrance; erection of new external spiral staircase to northern lightwell and refurbishment of existing office space.**

**Summary**

Planning and Design Group (UK) Ltd write on behalf of the Residents' Committee at 1-10 Summers Street, comprising of 23 apartments which are directly and significantly, adversely affected by the proposed scheme under reference 2019/1108/P registered on 26<sup>th</sup> April 2019. The Residents' Committee wish to object to the proposals on the grounds of; unacceptable loss of daylight / sunlight; impacts on privacy, outlook, noise and design.

While the committee acknowledges that the latest scheme removes the upper roof terrace shown in application reference 2018/1325/P, the fundamental concerns relating to the impacts on light, outlook, the oppressive nature of the extension and the additional harm to residents' reasonable expectations for living conditions created by a lost sense of privacy remain salient. Having reviewed the latest application it is clear that, considered on their own merits, the proposals are contrary to the National Planning Policy Framework (NPPF) and relevant provisions of the Development Plan. The proposals would result in adverse impacts that would significantly and demonstrably outweigh any potential benefits of the development and would not represent sustainable development. On behalf of the Residents' Committee for 1-10 Summers Street we therefore **object** to the application. The application should be **refused**.

Planning and Design Group 5 St John's Lane, London, EC1M 4BH.  
tel 01623 726256 website [www.panddg.co.uk](http://www.panddg.co.uk)

Planning and Design Group is the trading name of Planning and Design Group (UK) Limited, Unit 6, Heritage Business Centre, Derby Road, Belper, Derbyshire, DE56 1SW.  
Registered in England No 8329904. VAT No 155486191.



### **The site and its context**

The site is located within the heart of Clerkenwell, close to Farringdon Station and a short walk from the areas of Farringdon and Smithfield. The immediate area is characterised by mixed-use developments, including significant residential community. The site comprises of an in-fill building resulting in the neighbouring buildings being in very close proximity, wrapping around the site. These buildings include 1-10 Summers Street located to the north, which is also located closest to the application site.

The objection focuses particularly on the upper floor extensions and external spiral staircase to the northern lightwell. The principle of refurbishing the internal existing office space is not considered unacceptable.

Currently the rear of 144A Clerkenwell Road is set lower than the frontage of the building and of those enclosing the site. This design allows the neighbouring properties sufficient daylight and sunlight into the habitable rooms which face out into this area. It also allows for a suitable outlook, creating a sense of space and sufficient setback for privacy. The building was previously extended in 1998, through the addition of a 5th floor and roof top terrace.

### **Planning Policy**

The starting point for considering development proposals is the Development Plan. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that if regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts, the determination *must* be made in accordance with the Plan unless material considerations indicate otherwise.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 establishes a general duty for a planning authority, in considering whether to grant consent for a development which affects a listed building, to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historical interest which it possesses.

For the purposes of decision making, the relevant development plan policies are contained within, The London Plan (March 2016) and the Camden Local Plan 2017. Of particular relevance to our client's representations is Policy A1 of the Local Plan which seeks to protect the amenity of Camden's residents by ensuring the impact of development is fully considered and would not harm the amenity of neighbouring residents. This includes privacy, outlook, noise, daylight and sunlight.

Further consideration should be given to Camden Planning Guidance; the Hatton Garden Conservation Area Statement (1999); and, the Draft Hatton Garden Conservation Area Appraisal and Management Strategy (2017). These latter documents identify the significance of the relevant heritage assets and provide the context for considering where development proposal will preserve or enhance the character and appearance of the Conservation Area.

A further material planning consideration is Camden Planning Guidance, Amenity. This recognises that *'Standards of amenity (the features of a place that contribute to its attractiveness and comfort) 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'*. The document provides further guidance and detail in relation to the application and interpretation of Policy A1 of the development plan.

In respect of privacy and overlooking the document notes that *'Interior and exterior spaces that are overlooked lack privacy, which can affect the quality of life of occupants. The Council will therefore expect development to be designed to protect the privacy of the occupants of both new and existing dwellings to a reasonable degree. Therefore, new buildings, extensions, roof terraces, balconies and the location of new windows should be carefully designed to avoid overlooking. The extent of overlooking will be assessed on a case-by-case basis.'*

*The places most sensitive to overlooking are typically habitable rooms and gardens at the rear of residential buildings. For the purposes of this guidance, habitable rooms are considered to be residential living rooms; bedrooms and kitchens. The area of garden nearest to the window of a habitable room is most sensitive to overlooking.'*

Outlook is defined within the SPD as *'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. .... Particular care should therefore be taken if the proposed development adjoins properties with a single aspect. ....'*

*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.'*

The SPD contains Section 3 on daylight impact, which is explicit that *'The Council aims to protect the quality of life of occupiers and neighbours through Local Plan policy A1 Managing the Impact of Development, which seeks to ensure that development does not cause unacceptable harm to amenity, including in terms of daylight and sunlight'*

At a national level, the National Planning Policy Framework (NPPF) is a material consideration that places significant weight on the importance of design in planning. Paragraph 56 sets

out that Government attaches great importance to design and that it is a key aspect of sustainable development and indivisible from planning. Ensuring that buildings and places are well designed is an integral part of the planning system and goes beyond architecture through to the character of place and the 'relationship of buildings with the space around them'. Further, The NPPF emphasises the importance of creating 'healthy, inclusive communities'.

The NPPF at paragraph 6 states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 7 continues that there are three dimensions to sustainable development - economic, social and environmental - and that these dimensions give rise to the need for the planning system to perform a number of roles. Paragraph 8 makes it clear that those roles should not be undertaken in isolation, because they are mutually dependant.

#### Planning considerations

As identified, relevant development plan policy A1 seeks to protect the amenity of Camden's residents by ensuring the impact of development is fully considered and would not harm the amenity of neighbouring residents. This includes privacy, outlook, noise, daylight and sunlight.

#### Daylight and Sunlight

The Daylight, Sunlight and Overshadowing Report submitted with the application concludes unequivocally: *'Overall, there is likely to be a major adverse effect on a significant amount of sunlight receptors of 1-10 Summers Street, the majority of which are located on the third floor. Additionally, results showed that a few of them can experience a reduction greater than 90% which can make the loss of sunlight highly noticeable by the occupants'.*

This clearly presents a completely unacceptable loss of light. The report concludes *'Reduction of daylight and sunlight levels have been observed that at receptors of 1-10 Summers Street primarily. The extension of White Bear Yard development can induce noticeable reduction on the daylight and the sunlight, some of these windows will not receive any sunlight at all after the construction of the new roof top extension.'* (our emphasis).

We note that the latest Daylight, Sunlight and Overshadowing Report is an update of that submitted with application reference 2018/1325/P, taking account of the changes made to the proposals. We must assume that the consultants have carried out the assessment diligently and thoroughly, specifically in the knowledge that impact on light is a significant issues that goes direct to the heart of Policy A1. On the basis of their evidence, they have identified a significant reduction in daylight and sunlight to habitable areas, that can only be considered harmful.



The Daylight and Sunlighting report submitted with the application references the Camden Planning Guidance – Amenity SPD stating:

*'While we strongly support the aims of the BRE methodology for assessing sunlight and daylight we will consider the outcomes of the assessments flexibility where appropriate, taking into account site specific circumstances and context. For example, to enable new development to respect the existing layout and form in some historic areas, it may be necessary to consider exceptions to the recommendations cited in the BRE guidance.'*

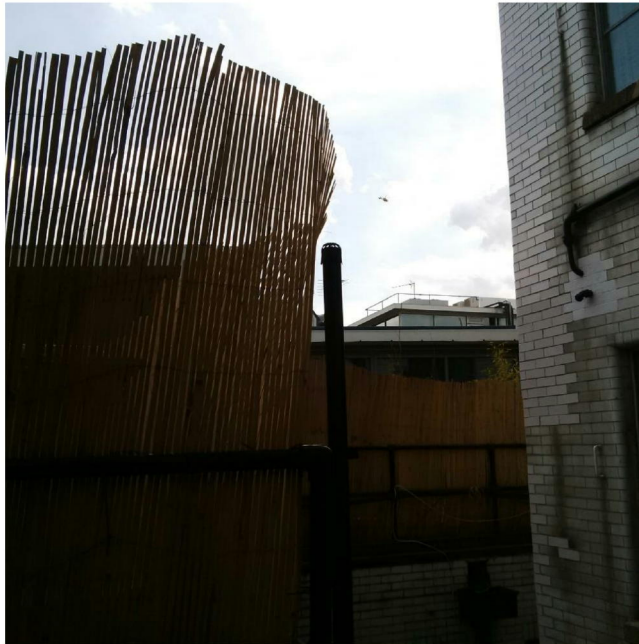
We would note in this instance, no such exception case is being advanced or justified within the application. The scale, form and extent of the proposals are not required to respect an existing historic layout or form. In this case, there are no exceptional circumstances that would justify allowing a significant impact on daylighting or sunlighting, based on the evidence of adverse assessment carried out to BRE methodology.

The Daylight, Sunlight and Overshadowing Report submitted with the application is of course evidence rather than opinion. The objective evidence identifies that the loss of daylight and outlook given the proximity and design of the scheme would be directly contrary to the requirements of Policy A1 of the Local Plan (2017) and chapters 6 and 7 of the Camden Policy Guidance 6 – Amenity. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, this direct conflict with policy weighs heavily against the application. Within the supporting planning statement, reference to the direct impacts on daylight and sunlight is conspicuous by its absence.

### **Outlook**

There is no doubt that the amenity and quality of life for residents would be severely undermined due to the overshadowing of the proposed development. The Planning Statement in section 3.2 states *'The existing hierarchy, views, spaces and details between buildings have now been retained as part of the revised proposals'*, this is clearly inaccurate and does not have any regard to the impacts upon 1-10 Summers Street.

Furthermore, the proposed scheme would mean residents' outlook would be solid wall in very close proximity to windows and external terrace space – in particular, close to the WC, kitchen and circulation space (see photo below).



View from terrace towards third floor

In addition to the direct impacts on light, the resultant development would impose an oppressive and overbearing sense of enclosure to the affected apartments, to the extent that residents would feel they were being entombed. It is pertinent to emphasise that these are people's homes being affected – habitable spaces where they spend time. I would make it clear that the concerns are not about a loss of view, but about a loss of open aspect.

In preparing representations, I was able to visit a number of the habitable living spaces – bedrooms, living rooms, terraces etc, that would be directly affected by this development proposal. The severe harm that would result was demonstrable and clearly evident. I can honestly say in over twenty five years of dealing with development management matters, I can think of few development proposals that have been as unneighbourly as this current proposal.

The National Planning Policy Framework emphasises the importance of 'healthy, inclusive communities'. The loss of light and outlook proposed have the clear potential to detrimentally impact upon the mental and physical well-being of residents as a direct consequence of the close proximity and overbearing nature of the proposal. In dense urban environments, resident 'breathing' spaces are a premium, the personal value of which cannot be overstated. It is essential that residents' homes retain their sense of refuge and

relaxation – a private escape from modern life. It is notable that the 1947 Town and Country Planning Act was specifically created to protect and enhance residential living conditions and such considerations go to the very heart of why we plan.

The Council's pre-application response correctly acknowledges the proximity issues and amenity impacts and confirms; *'The proposed extension would sit just a few metres away from the south-facing windows of these apartments and is likely to have a significant impact on daylight, sunlight and outlook. No development would be found acceptable unless it was fully demonstrated that the works would not result in detrimental impacts upon these neighbouring residents'* (our emphasis).

### **Privacy**

While the current proposals remove the roof top terrace from the plans, the proposals include for an open and potentially accessible roof area, that offers the potential for future use and adaptation as a roof terrace. We accept that this does not form part of the current plans, but the palpable potential, made evident by application reference 2018/1325/P, remains a concern to residents which undermines the enjoyment of their properties. This effect is exacerbated by the need to introduce a spiral escape staircase that would place a potential activity route in direct proximity to neighbouring apartments. We contend that it is not purely direct overlooking that diminishes resident's enjoyment of their properties, but equally the sense of potentially being overlooked, that adversely affects amenity.

The overbearing and overlooking of the proposed scheme would again undermine the level of amenity currently experienced by the residents contrary to Local Plan policy A1 and chapter 7 of the Camden Policy Guidance 6 – Amenity.

### **Heritage and Design**

The proposed design of the scheme, particularly the extensions to the uppers floors, has the potential to have detrimental impact upon the Conservation Area and the setting of the adjacent Grade II\* listed Roman Catholic Italian Church of St Peter and Presbytery. The increased scale of the building, in context, would have the effect of diminishing the stature and articulation of the Back Hill façade. The application has been submitted with extremely limited evidence as to the extent of consideration given to these heritage assets. Paragraph 128 of the NPPF states in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. It is considered the application has been submitted without this level of evidence and therefore the impacts upon the heritage assets have not been appropriately and suitably assessed, rendering any potential approval of the application unlawful. The

current design does not take account of the neighbouring properties and their experience of the building, and does not enhance or preserve the Conservation Area or positively contribute to the setting of nearby listed building due to its over intensification and dominance in design. It is considered the proposal is contrary to the NPPF, Local Plan policy D1, policy D2 and aims of the Camden Policy Guidance 1 – Design.

### **The Overall Planning Balance**

As identified and evidenced, the proposed development would give rise to a range of **significant adverse effects**. Those effects would not be adequately remedied or mitigated by the proposals, such that:

- The development would be demonstrably and significantly detrimental to the residential amenity of occupiers of 1-10 Summers Street by way of loss of daylight and sunlight, loss of privacy, visual impact and noise; and
- The development has not had due regard to the heritage assets and the proposed design would have a potentially detrimental impact on the Conservation Area and to the setting of the adjacent Grade II\* listed Roman Catholic Italian Church of St Peter and Presbytery.

As such and in the absence of material considerations to outweigh the identified harm, the application should be refused.

Planning permission has previously been granted for the erection of a roof extension and alterations to the Back Hill elevation back in 1999. These alterations and improvements to the building provided a well-considered and thoughtful approach to design. They ensured that the overall building height was kept to a level that did not compete with those adjoining, and did not significantly reduce light and openness to the Summer Street building. Further, the addition was specifically stepped back away from the residential building to avoid a direct loss of light and to minimise impact. It is considered that this previous addition considerably exploited the contextual potential of 144A Clerkenwell Road to extend. Further addition beyond these contextual limits will inevitably result in a material and harmful impact on the amenity of neighbouring residents.

Within the overall planning balance, it is worth considering the stated benefits of the proposal to the extent that these are material considerations that might weigh in favour. It is recognised that economic development is supported in policy terms, subject to the amenity of neighbouring residents being protected. In this instance, the provision of an additional 274 sq m of commercial floorspace provide a very modest contribution to meeting the economic development needs of the Borough, and well below any sort of additionality that could lend beneficial weight.





On balance, the three, mutually dependant, dimensions to sustainable development - economic, social and environmental – cannot be satisfied through this proposal. Any, decidedly minimal, contributions to economic development through commercial floorspace are massively outweighed by the identified harm to residential amenity. Allowing this proposal would critically harm the living conditions of several residents and their properties, for negligible gains to the Borough.

The proposed development is therefore **contrary to the provisions of the Development Plan** and **does not represent sustainable development**. There are no material considerations that would provide for those conclusions to be set aside.

For these reasons we respectfully request that the application be **refused**.

Yours Sincerely



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

C.C. Cllr J Fulbrook, Cllr A Olad