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10<sup>th</sup> June 2019

London Borough of Camden  
**Development Management**  
Regeneration and Planning  
Town Hall  
Judd Street  
London

WC1H 9JE F.A.O. **Rachel English**. Planning Reference: **2019/0546/P**.

Dear Sirs,

**529C-529D Finchley Road, London NW3 7BG. Erection of a two storey rear extension and change of use of first and second floors to 6x self-contained flats.**

**Objections on behalf of residents of [REDACTED] Ingham Road:**

- Flat 1 – Robert Gordon,
- Flat 2 – Rajesh Shah,
- Flat 3 – Mrs Wen.

I am a Chartered Town Planner, instructed by the above-named residents, who live and own the property 2 Ingham Road, which is directly to the rear of the subject site, and whose quality of living would be extremely adversely affected, were the subject Application to be Permitted.

These residents therefore object most strongly to the above Planning Application. Since there are several points of objection, I have arranged them in logical Policy sequence.

In summary, the objection relates to the unacceptable format, bulk, scale, massing and extent of rearward projection of the proposals, together with the presence of extensive rear windows, in unacceptably close proximity to the rear and one side of [REDACTED] Ingham Road.

The proposals directly overlook and overshadow the private amenity spaces (including a rear garden and First Floor terrace) currently enjoyed by the residents, and directly overlook the windows of [REDACTED] Ingham Road.

The Case Officer is advised to view the proposals from the vantage points of [REDACTED] Ingham Road. In fact, I regard this as being essential as part of the Application Assessment.

The objections, aside from being in practical terms, clearly and demonstrably stem from Policy at all levels, as well as the Council's latest SPG. It is the intent of this document to examine the proposals in this context.

## **1.0** CAMDEN LOCAL PLAN 2017

**1.1** The Local Plan represents very recent Policy, and is therefore most relevant, followed by the Camden Planning Guidance, 2019.

**1.2** **Policy G1 – Delivery and Location of Growth:** The Applicant cites this Policy in support of his proposals. However, the Policy states:

*The Council will deliver growth by securing high quality development and promoting the most efficient use of land and buildings in Camden by:*

*a. supporting development that makes best use of its site, taking into account quality of design, its surroundings, sustainability, amenity, heritage, transport accessibility and any other considerations relevant to the site;* (my underlinings).

The proposals clearly represent poor quality design. They grossly extend the building, above ground level, in a manner which is entirely incongruous, and does not relate to any other building, or to an accepted building line. The bulk, scale and massing of the proposals results in the domination of neighbouring properties to the sides and rear.

Further, the extensive area of flat roof further exacerbates an unsatisfactory form of construction, contrary to Design Guidelines.

The proposals do not take account of their surroundings. They are self-evidently designed regardless of the built form in the surrounding area. They do not respect any surrounding building lines and formats - to the extent that they are entirely anti-contextual.

The proposals are unsustainable in that, in Planning terms and as a design, they are unable to be defended and as such would, if implemented, cause both visual and amenity-related damage to the locality.

In terms of amenity, the proposals clearly have no recognisable amenity space, whilst deeply prejudicing the amenity of adjacent properties through proximity, overshadowing and dominance.

It is therefore considered that the proposals do not meet the requirements of G1.

**1.3** **Policy A1 – Managing the Impact of Development:** The Applicant cites this Policy in support of his proposals. However, the relevant part of this Policy 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;....*

The proposals, by virtue of their dominance, close proximity to immediate neighbours and the presence of extensive windows at close distance, fail to take due account of the legitimate interests of those immediate neighbours. If implemented, they would have an extremely adverse effect upon the neighbours' quality of life and the legitimate enjoyment of their properties, in both practical and Planning Policy terms. This is entirely unacceptable.

It plainly follows that the proposals do not balance the needs of the development with the needs and characteristics of the immediately surrounding area, and particularly not with the local community. They are purely and solely designed with the aspirations of the Applicant in mind, with no regard whatsoever for the legitimate and justifiable interests of immediate neighbours.

Policy A1 demonstrates its intent, by means of its factors for consideration.

*Visual privacy; outlook; sunlight, daylight and overshadowing; and artificial lighting levels* will all have a detrimental effect on the Objecting neighbours and others. The rear elevation of the proposals is but a few metres from endwall and sidewall of 2 Ingham Road, and dominated by windows. If implemented, the enjoyment of these occupiers will be grossly prejudiced.

Under Policy A1, the Objectors represented herein seek the protection of the Council in respect of their quality of life.

**1.4 Policy D1 – Design:** Once again, the Applicant cites this Policy in support of his proposals. However, the relevant part of this Policy states:

*The Council will seek to secure high quality design in development. The Council will require that development:*

*a. respects local context and character;*

*c. is sustainable in design and construction, incorporating best practice in resource management and climate change mitigation and adaptation;*

*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;*

*j. responds to natural features and preserves gardens and other open space;*

*l. incorporates outdoor amenity space;*

*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.*

The elements of this Policy are worthy of individual discussion here.

In terms of *a.*: the design of the proposals is entirely out of context with the forms of construction in the immediate area, both in terms of the rearward extension of the subject building, and its vast area of very basic flat roof construction, which is a substandard format when seen above Ground Floor level.

In terms of *c.*: This basic type of flat roof format, when seen above Ground Floor level, is unsustainable in terms of its design.

In terms of *e.*: The design detail is stark, and exacerbates an already very basic, rear of property format. Extending this design further rearward is anti-contextual. Again, the very basic flat roof detailing represents poor quality design.

In terms of *f.*: The further rearward extension of the building format is entirely incongruous in terms of the surrounding property format. It fails to integrate with the immediately surrounding property, in a manner which presents as entirely unacceptable in context. It fails to contribute positively in any way. And that it is not a 'frontage property' is immaterial in Policy terms.

In terms of *j.*: The design simply takes account of what the Applicant wishes to achieve and does not respond to any immediately local feature - either built or natural. In its domination of adjacent open space, it fails to preserve the interests of open space enjoyed by neighbours.

In terms of *l.*: The design incorporates no meaningful amenity space whatsoever, and further it exacerbates an existing unsustainable amenity issues within the subject building itself. Aside from Local Plan issues, it is contrary to the London Plan.

If the Council is to 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, then it must firmly reject these proposals, on the basis of Policy D1.

## **2.0** CAMDEN PLANNING GUIDANCE – ALTERING AND EXTENDING YOUR HOME 2019

**2.1** This key Guidance was Adopted in March 2019, and therefore is up to date. The subject proposals essentially involve the extension of a collection of individual Flats, and therefore the Guidance is relevant.

**2.2** The first key message of Guidance is that:

*Extensions and alterations to houses or flats should be of high quality and always take into account the character and design of the property and its effect on its surroundings and the amenity of neighbours.*

The proposals are of demonstrably low quality. They exacerbate an already low quality rear-of-building situation, extending it into the vision of public realm of adjacent buildings, prejudicing the enjoyment of their legitimate private amenity.

The proposals achieve only what the Applicant is seeking, i.e. more residential floor space, with no consideration for other legitimate interests. This mono-dimensional approach is unacceptable in Planning terms.

The concept of basic flat roof extensions should never be acceptable above Ground Floor Level. And yet the Applicant, in his proposals, expects it to be acceptable at both First and Second Floor levels. This is simply unrealistic.

As previously discussed, the proposals self-evidently would, if implemented, dominate and intrude into the immediate neighbours. Their bulk, scale, massing and extent of overlooking windows is unacceptable. They simply lack any respect for their surroundings.

**2.3** The second key message of Guidance is that:

*Poorly designed historical examples nearby shall not stand as precedent.*

Whilst there isn't any obvious nearby example, this fact illustrates the issues with the proposals, in that they are not representative of anything nearby – poor or otherwise. They take no cues from anything in the locality. However – the proposals extend what is already an already unacceptable building format.

**2.4** The third key message of Guidance is that:

*Extensions should be secondary in size and form and appearance to the residence being extended.*

These proposals, if implemented, would transform the total flat roofed rearward extension of the original building into the dominant part of the overall building. Thus the proposals would be very far from being 'secondary'.

**2.5** The final key message of Guidance is that:

*The importance of gardens and planting, which frame a property and encourage biodiversity, is also an important consideration.*

Not only do the proposals involve no private amenity space, but they also prejudice the enjoyment of neighbours' private amenity space.

**3.0** CAMDEN PLANNING GUIDANCE – DESIGN

**3.1** This key Guidance was Adopted in March 2019, and therefore is up to date. The guidance applies to all development, whether involving new build, conversions, refurbishments, extensions or alterations.

**3.2** The first key message of Guidance is that:

*Schemes should consider the context of development and its surrounding area.*

The proposals reflect nothing of their context or of the surrounding area, and only concern themselves with the Applicant's aspirations in terms of increasing the density of residential floorspace on the site. They design and format reflects nothing of the area, in terms of character or format, and exacerbate an already substandard design.

**3.3** The second key message of Guidance is that:

*Schemes should consider the design of the building itself.*

As previously discussed herein, the proposals result in a building which has an unacceptable overall format. Further, the design fails to take account of the interests of neighbours, for the reasons discussed earlier herein.

**3.4** The final key message of Guidance is that:

*Schemes should consider opportunities for improving the character and quality of an area.*

The proposals represent poor quality in format and dominance of immediately neighbouring properties. They would prejudice the character of the area.

**4.0** FORTUNE GREEN & WEST HAMPSTEAD NEIGHBOURHOOD PLAN

**4.1** The site lies in the Neighbourhood Plan area, and therefore policies within the Plan are applicable.

**4.2** Relevant parts of Policy 2 – Housing - Design & Character - state:

*All development shall be of a high quality of design, which complements and enhances the distinct local character and identity of Fortune Green and West Hampstead. This shall be achieved by:*

*i. Development which positively interfaces with the street and streetscape in which it is located.*

*ii. Development which maintains the positive contributions to character of existing buildings and structures.*

*iii. Development which is human in scale, in order to maintain and create a positive relationship between buildings and street level activity.*

*iv. Development which has regard to the form, function, structure and heritage of its context – including the scale, mass, orientation, pattern and grain of surrounding buildings, streets and spaces.*

*vi. New buildings and extensions that respect and are sensitive to the height of existing buildings in their vicinity and setting. Tall buildings in the Growth Area will need to have regard to their impact on the setting of the two immediately adjacent conservation areas, in order to avoid any negative impact on them.*

*vii. Extensions - and infill development - being in character and proportion with its context and setting, including the relationship to any adjoining properties.*

*viii. The provision of associated high quality public realm.*

There are numerous objections, based on the following points.

With *i.*: The proposals do not locate in any way with the street or the streetscape, but they also don't relate to the rear of the parade in which they are sited.

With *ii.*: The proposals make a negative contribution to the character and appearance of the existing building and structure.

With *iii.*: The proposals do not create a positive relationship with street level activity. They are also out of context in terms of their scale and relationships.

With *iv.*: The proposals bear no reflection of the form or context. Their scale, mass, relationship to pattern of development and surrounding buildings are all unacceptable in their own right and in their context.

With *vi.*: The proposals do not respect the buildings located directly adjacent to them. They consider only the aspirations of the Applicant.

With *vii.*: A design is required to be: *'in character and proportion with its context and setting, including the relationship to any adjoining properties.* The main point of these objections is that the proposals demonstrably achieve none of these requirements. The proposals are both out of character, and out of proportion, anti-contextual and have a very poor relationship. And beyond this they are damaging to the interests of neighbours.

With *viii.*: There is no public realm as such, and more importantly no private amenity space provided.

## **5.0 THE LONDON PLAN**

- 5.1** The proposers cite Policy 7.4 – Local Character. The various components of this Policy are of critical consideration in the development of these proposals.
- 5.2** 7.4 A. Strategic, states: *Development should have regard to the form, function, and structure of an area, place or Street and the mass, scale and orientation of surrounding buildings. It should improve an area's visual or physical connection with natural features. In areas of poor or ill-defined character, development should build on the positive elements that can contribute to establishing an enhanced character for the future function of an area.*
- 5.3** The irony of the proposers' citing of this Policy is that the proposals achieve none of these objectives. The proposals have no regard to the form, function, and structure of their context, or the mass, scale and orientation of the surrounding buildings.
- 5.4** The area has a well-defined character, and therefore the proposals should build on the positive elements that can contribute to establishing an enhanced character for the area's future function. However, they fail to achieve any of these requirements.
- 5.5** The proposers then cite Policy 7.6 – Architecture. The various components of this Policy are again of critical consideration in the development of these proposals.
- 5.6** In terms of architecture, proposals: *should make a positive contribution to a coherent public realm, streetscape and wider cityscape. It should incorporate the highest quality materials and design appropriate to its context.*
- 5.7** Once again, the proposers' citing of this Policy is ironic, since the proposals demonstrably achieve precisely none of its relevant objectives.

- 5.8** Within Policy 7.6, Paragraph 7.22 states: *A building should enhance the amenity and vitality of the surrounding streets. It should make a positive contribution to the landscape and relate well to the form, proportion, scale and character of streets, existing open space, waterways and other townscape and topographical features, including the historic environment. New development....should not have a negative impact on the character or amenity of neighbouring sensitive land uses.*
- 5.9** The proposals contribute negatively to the amenity of the immediately surrounding area. They fail to make a positive contribution to the area. They relate poorly to the form, proportion, scale and character of the immediate area. They have a negative impact on the character or amenity of neighbouring sensitive land uses – being amenities of residence.
- 5.10** Within Policy 7.6, Paragraph 7.23 states: *The massing, scale and layout of new buildings should help make public spaces coherent and complement the existing streetscape. They should frame the public realm at a human scale and provide a mix of land uses that activate its edges and enhance permeability in the area. New buildings should integrate high quality urban design ensuring an appropriate balance between designing out crime principles and appropriate levels of permeability. Consideration should also be given to the future management of buildings in their design and construction.*
- 5.11** This Paragraph illustrates the incoherence of the proposals, in terms of their relationship with the immediate area, including with their parent building, and with neighbours.
- 5.12** Within the new Draft London Plan, there is the clear emphasis upon 'high quality' and context, including maintenance of neighbour amenity. For example, Policy GC1 requires that proposals: *are designed to reinforce or enhance the identity, legibility, permeability, and inclusivity of neighbourhoods, and are resilient and adaptable to changing community requirements.* The subject proposals clearly fail in all material respects.
- 5.13** Policy GC4 C sums-up the situation. Those involved in planning and development must, inter alia: *....create mixed and inclusive communities, with good quality homes that meet high standards of design.*

## **6.0** MAYOR OF LONDON INTERIM HOUSING SPG

- 6.1** 1.3.42 Policy 7.6Bd *Standards for Privacy, Daylight and Sunlight requires new development to avoid causing 'unacceptable harm' to the amenity of surrounding land and buildings.*
- 6.2** Policy 3.5A: *Housing developments should be of the highest quality internally, externally and in relation to their context and to the wider environment, taking account of strategic policies in this Plan to protect and enhance London's residential environment and attractiveness as a place to live.*
- 6.3** Policy 3.5B: *The design of all new housing developments should enhance the quality of local places, taking into account physical context; local character; density;....*
- 6.4** The point here is clear, in that the proposals fail to achieve the requirements.



## **7.0** THE NATIONAL PLANNING POLICY FRAMEWORK 2019

**7.1** NPPF 2019 has just come into being, and in fact all version of the NPPF were published following the Adoption of all of the Council's Policies. In all material respects the NPPF supersedes the Council's Policies, where they are in conflict with the NPPF. The NPPF is undoubtedly relevant to the proposals.

**7.2** The Applicant quotes Paragraphs 117 and 118; 'making effective use of land'. However this Paragraph must be taken in the context of quality requirements.

**7.3** High quality, contextual, design is at the heart of the new NPPF. For example, paragraph 127 states:

*Planning policies and decisions should ensure that developments:*

*a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*

*b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*

*c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*

*d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*

*e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*

*f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.*

From the discussion herein, it is clear that the proposals fail in several key areas. In fact, the entire design principle is rendered unacceptable.

**7.4** The NPPF emphasises the need for Applicants to go through a pre Application process. Such a process is certainly not apparent from the Application documents.

**7.5** Paragraph 128 is highly relevant in this case. It states:

*Design quality should be considered throughout the evolution and assessment of individual proposals. **Early discussion** between applicants, the local planning authority and local community about the **design and style of emerging schemes** is important for clarifying expectations and reconciling local and commercial interests. Applicants should work closely with those affected by their proposals to evolve designs that take account of the views of the community. Applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot.*

There is no evidence of any such process here. It is also difficult to comprehend that the Council would recommend a proposal with so few positive attributes.

**8.0** SUMMARY

- 8.1** In this document, it has been very clearly demonstrated that the proposals are completely unacceptable under all of the applicable local and regional Policy headings – from the Local Plan to the London Plan.
- 8.2** In addition, the proposals fail to meet the requirements of the National Planning Policy Framework 2019, in a number of critical areas.
- 8.3** I submit that the proposals are unacceptable in all material respects, and request that the Council Refuses Planning Permission accordingly.

Yours faithfully,

A solid black rectangular box used to redact the signature of Dr. R. J. Newell.

Dr. R. J .Newell MRTPI

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