

Ms Kristina Smith  
Planning Solutions Team  
Planning and Regeneration  
LB Camden  
2<sup>nd</sup> Floor  
St. Pancras Square  
London  
N1C 4AG

6<sup>th</sup> January 2020

Dear Kristina,

**Site Address: 1 Dunollie Road, London, NW5 2XN**

**Objection to Planning Application ref: 2019/5649/P for Erection of two storey (plus basement) 2-bed dwelling house (Class C3) with hard and soft landscaping to front following demolition of existing garages**

I write on behalf of my client [REDACTED] to comment and raise a strong objection to the proposed development at 1 Dunollie Road under the above quoted planning application reference.

The proposal currently being considered by the Council pertains to:

*Erection of two storey (plus basement) 2-bed dwelling house (Class C3) with hard and soft landscaping to front following demolition of existing garages*

Having carefully reviewed the submitted drawings and supporting documentation, it is considered that the planning application is **technically invalid**, on the basis that the following essential information is either factually incorrect or has **not** been included with the submission:

- 1) Certificate B should have been completed, **not** certificate A. This is on the basis that the applicant is proposing to block off a right of way from my client's rear garden (via the door that currently opens in front of the existing garages and which has been in use since 1985) and unilaterally 'proposes' to re-open a old gate (long bricked-up) located on the mid-point of the south boundary wall to Dunollie Road. See diagram 1 below. On that basis that these proposed building works to re-open a closed gateway – essential to the proposed development – are outside of the application's 'red line' plan, the application has been incorrectly prepared and the correct 'B' notice should be served upon my client (the freeholder/occupier of 22d Lady Margaret Road) and the other freeholders at 22 Lady Margaret Road for that matter.

Notwithstanding the above, we also consider that the proposed development would have the following harmful impacts and they each, and in combination, warrant refusal of the planning application. On behalf of my client, I therefore wish to raise the following objections, listed below in summary:

- The scale, bulk, massing and height of the proposed dwelling would have a detrimental harm upon the amenity of my client – [REDACTED]
- The siting and design of the first-floor balcony on the front elevation would give the future occupiers an unacceptable ability to overlook my client's private rear garden and rear of their dwelling to the detriment of their privacy. The balcony would offer 180° views west, south and east, from an elevated position when previously no such overlooking was possible.
- The clear-glazed high-level window on the flank elevation would give rise [to my client] a sense of being overlooked.
- This form of infill development within a Conservation Area is at odds with the established grain of development and townscape/street scene.
- The design of the proposed dwelling is poorly conceived, with inappropriate fenestration, front balconies, boundary walls and materials. These factors combine to have a substantive harm to the special character of the Conservation Area and wider area.
- The proposed bin and bike store (adjacent to the front lightwell) would require an existing access gate, used by my client and the freeholder of [REDACTED], to be unilaterally blocked to the detriment of their amenity and lawful access.
- The unilateral proposal to re-open a former access in the southern boundary wall is completely unacceptable and unviable. This former entrance door has been sealed (bricked closed) for in excess of **35 years**. My client has no intention to re-open this access, nor remove established trees and landscaping that are in place on the inside of the access.
- The proposed excavation of the basement (and front lightwell) would harm the root protection area (RPA) of a Silver Birch tree located on my client's property, close to the area of ground to be excavated. This tree is identified as T1 in the tree survey and AIA and is categorized as a grade B tree. The tree has private and public amenity value and therefore its preservation is very important.

#### Relevant Planning Policies

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires planning application to be determined in accordance with the relevant Development Plan, unless material planning considerations indicate otherwise. The relevant Development Plan for LB Camden comprises the following key national, regional and local planning policies:

- The National Planning Policy Framework (2019)
- The London Plan (2016)
- The Camden Local plan (2017)
- Camden Planning Guidance (CPG)

The key Local Plan policies are as follows:

Policy A1 – Managing the impact of development  
Policy A5 – Basements

Policy D1 - Design  
Policy D2 – Heritage

Amenity CPG  
Basement CPG  
Trees CPG

## **Detailed Planning Objections**

Having reviewed the drawings and accompanying documentation submitted with the planning application I wish to raise the following objections on behalf of my client.

### **Impact on Residential Amenity**

#### Front Balcony

The proposed development seeks to provide a front balcony amenity space on the first floor to meet planning policy requirements. However, adopted Local plan policy (Policy A1) and guidance (section 2 of the Amenity CPG) are clear in identifying the potential harm that can arise from overlooking and express directions for ensuring balconies are carefully sited to reduce overlooking of habitable rooms and gardens.

Whilst it is acknowledged that terraces and balconies are often a suitable way of achieving amenity space in an urban location, this should be achieved in a balanced, sensitive manner, which respects the amenity of adjoining development, in accordance with planning policy.

The proposed balcony, located in a forward position above the bay window and accessed from the primary living room, would allow users of it to see directly into the rear garden of No.22d at a close distance and into habitable rooms (including their glass conservatory and this living room and kitchen). None of these habitable rooms, or parts of the garden, are presently overlooked from any part of the application site, so this element of the proposal is considered to be particularly poorly thought out. We consider that that this proposed arrangement of amenity space would be unneighbourly and would result in clear harm to the privacy of the occupiers of 22d.

Whilst it is possible that the use of the terrace would not result in any materially more harmful noise and disturbance than nearby garden areas, activity on the terrace would nevertheless draw attention to the terrace at high level and would reinforce the feeling of being overlooked by neighbours.

We therefore find that the proposed balcony would materially harm neighbours' living conditions with regard to privacy and would conflict with relevant policies to which I have referred above, and which seeks to protect the privacy of existing residents.

#### High Level Window

The proposed first floor living room window is positioned at high level, but appears to be specified with clear glass. This is completely unacceptable, as it would impose upon my client a sense of being overlooked. The only acceptable configuration for a window in this location, would be fully obscure glazed and fixed shut – to prevent overlooking and the transmission of noise from within the house.

### **Scale, Height, Bulk and Massing Impacts**

While we note from review of the submitted documents that planning permission has previously been granted for a two storey side extension. However, this planning permission was not implemented and cannot be implemented. Noting the officer's pre-application advice, appended to the Planning Statement, we feel that the introduction of a two-storey dwelling on this site would represent a cramped and incongruous form of development that is indicative of overdevelopment of the site.

While the context for this site is three storey buildings on each side, the application site itself is narrow and occupied by a single storey garage. As such, the proposed two-storey scale of development (above ground) is not felt to respond appropriately to the visual gap between the end of No.1 Dunollie Road and 22 Lady Margaret Road.

## Design and Heritage Impacts

The site is located within the Kentish Town Conservation Area and is not listed, neither are the immediately surrounding buildings. Notwithstanding this, the location in the Conservation Area results in the site and surrounding area being of some conservation and heritage value, which should be recognised and reflected in any planning application.

The application site is located within a grid of streets (Falkland Road, Dunollie Road, Countess Road, Ospringe Road) all within the Conservation Area) where the clear and defined visual gaps are retained on the end of the terrace block where they meet the rear gardens of buildings on the perpendicular road. In the case of the application site, this space is infilled only by a single storey garage. There are no examples of two-storey infill to these gaps, thus it can be argued that this visual break in the townscape is fundamentally characteristic of the area and Conservation Area.

Local Plan policy D1 seeks to ensure high quality design in development, thus proposals should meet the following criteria: (a) respect local context and character (b) preserves or enhances the historic environment and heritage assets in accordance with Policy D2 Heritage; (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.

Supporting text to policy D1, paragraph 7.5 states:

*Design should respond creatively to its site and its context including the **pattern of built form and urban grain, open spaces, gardens and streets in the surrounding area. Where townscape is particularly uniform attention should be paid to responding closely to the prevailing scale, form and proportions and materials.***

(my emphasis in **bold**)

Supporting text to policy D1, paragraph 7.20 states:

*Development within rear gardens and **other undeveloped areas can often have a significant impact upon the amenity and character of an area.** The Council will resist development that occupies an excessive part of a garden and where there is a loss of garden space which contributes to the character of the townscape.*

(my emphasis in **bold**)

The Design CPG sets out at paragraph 2.12 how urban layout and townscape must be carefully considered – especially the permeability of the development site to its surroundings.

- *The layout of places whether existing or new should be considered in relation to:*
  - *Adjoining buildings*
  - *Streets and spaces*
  - *The topography*
  - *The general pattern of building heights in the surrounding area*
  - *Views*
  - *Vistas and landmarks into and outside of the development site*

In the context of the above policy criteria and guidance, it is considered that the proposed development, by infilling an important and historic visual gap between buildings, fails to respond to the historic layout and townscape of the area; and as such risks substantial harm to the special character of the Conservation Area.

### **Basement Impact (including Tree Impact)**

The key Local Plan policy is A5 – Basements. From review of the proposed development in the context of these policy criteria, the proposals appear to be compliant with the policy.

In addition, section 3 of the Basements CPG covers Trees, stating:

*ROOT PROTECTION ZONE - The area around the base or roots of the tree that needs to be protected from development and compaction during construction to ensure the survival of the tree.*

A key concern is the long-term health of a silver birch tree (identified as T1 in the tree survey), which is at risk of harm from the excavation of the basement.

We therefore request that conditions are included to protect the tree and root system from unnecessary damage during construction of the basement and superstructure.

### **Access Gate**

As stated above, my client objects in the strongest terms to the applicant's proposed 'blocking off' of the existing rear access gate, which provides pedestrian access from the rear garden of 22d Lady Margaret Road to Dunollie Road.

My client's solicitor will write to you under separate cover on the matter of the right of way over this land (which I appreciate is not a planning matter). However, this issue becomes a planning matter given the applicant's 'proposal' to unilaterally open an alternative access gate in the southern boundary wall (reinstating a bricked-up doorway) which is fundamentally outside the application site (and red line). On the basis that the applicant has neither discussed this proposal with my client, or served the correct notice or ownership certificate, it is indicative of very unneighborly conduct, which is strongly objected to.

### **Summary**

Overall it is considered that this application does not meet the requirements of policy to enable its positive determination for the following reasons:

1. The proposed balcony and high-level windows would give rise to unacceptable overlooking and a loss of privacy to vulnerable habitable rooms, including the living room, kitchen/diner and bedrooms.
2. The scale, bulk and height of the proposed dwelling would harm the streetscene, townscape and special character of the Conservation Area.
3. This form of infill development would be harmful to the visual gaps at the end of terraces that are characteristic of this area and Conservation Area.
4. The design of this dwelling is poorly conceived, with inappropriate fenestration, unobscured flank windows and an open front balcony.
5. The proposed basement excavation risks harm to the tree and root protection area of my client's silver birch tree.
6. The proposed bin and bike store (adjacent to the front lightwell) would require an existing access gate, used by my client and the freeholder of [REDACTED] to be unilaterally blocked to the detriment of their amenity and lawful access.
7. The unilateral proposal to re-open a former access in the southern boundary wall is completely unacceptable and unviable. This former entrance door has been sealed (bricked closed) for in excess

of 35 years. My client has no intention to re-open this access, nor remove established trees and landscaping that are in place on the inside of the access.

Given the above, we respectfully request that the planning application be refused for the above reasons.

Yours sincerely,

**Phillip Taylor MRTPI**  
**Planning Consultant**

**Enclosures:**

- 1) Photographs (taken from the garden of 22d Lady Margaret Road)
- 2) Extracts from the submitted drawings and application form

**Photographs (taken from the garden of 22d Lady Margaret Road)**



View of the rear of 22d Lady Mary Road



View of the existing rear boundary access gate (white timber) with the application site beyond.





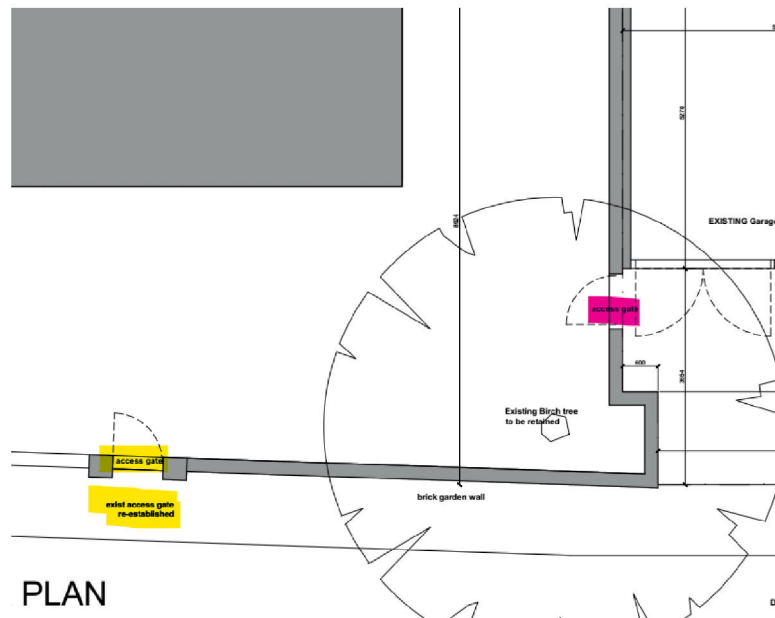
View of the bricked-up former access gate, as seen from Dunollie Road; and the existing rear access gate (white).



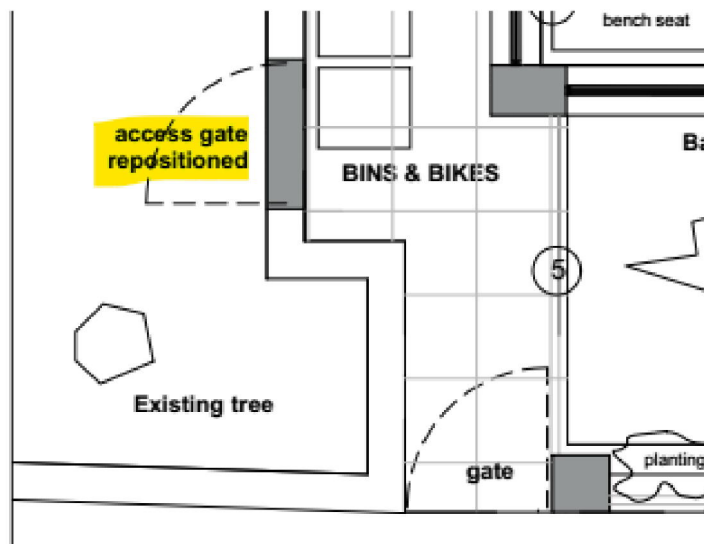


Garden view of the now bricked up gate entrance (featuring a mirror and with an Oliver tree planted in front of it).

## Extracts from the Submitted Drawings – Access Gate Issue



## Extract from the 'existing' ground floor plan



## Extract from the 'Proposed' ground floor plan

**26. Ownership Certificates and Agricultural Land Declaration**  
reference to the definition of 'agricultural tenant' in section 65(8) of the Act.

**NOTE:** You should sign Certificate B, C or D, as appropriate, if you are the sole owner of the land or building to which the application relates but the land is, or is part of, an agricultural holding.

Person role  
☐ The applicant  
☒ The agent

Title

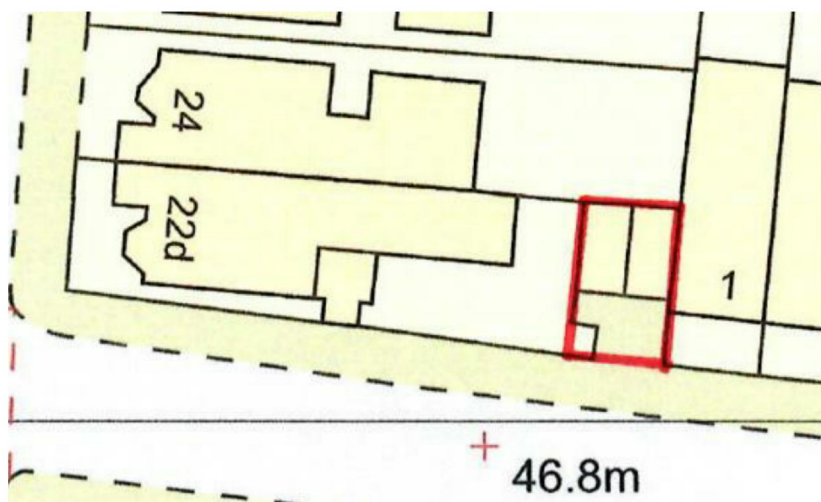
First name

Surname

Declaration date (DD/MM/YYYY)

☒ Declaration made

Certificate A completed [in error]



The Red Line plan does not include the proposed 're-opening' of the historic gate access on Dunollie Road.