

25 September 2020

Planning Solutions Team
London Borough of Camden

For the attention of Mr. Patrick Marfleet

Dear Sirs and Madams,

33 ESTELLE ROAD, LONDON, NW3 2JX (PLANNING APPLICATION REF: 2020/3083/P)

As owners/occupants of 35 Estelle Road, we are the immediate neighbours of the application site and the neighbours most impacted by the proposals as a result of the significant increase in height, when compared to that existing, of the flank wall to the replacement side/rear extension. Whilst we are aware that your website still refers to comments on this application being received until 13 September 2020, the Case Officer, Mr. Patrick Marfleet, has agreed to accept comments up until 27 September 2020. This extension was granted in light of the fact that important plans were not made available for us to view until 3 September 2020 following our telephone conversation on that day with the Duty Planning Officer (Josh Lawlor), who confirmed that the missing plans had not been uploaded on to the Council's website with the other application documents and kindly arranged for them to be immediately uploaded. Those missing plans, fundamental to our understanding of the impact on the proposals, were the proposed side and rear elevations and proposed section BB.

There are two aspects to this letter and our concerns in respect of the planning application as follows:

- Issues in respect of the validity of the planning application as a result of an important error on the submitted documentation and the application having been submitted on the basis of the incorrect Certificate with the Applicant failing to serve Notice on ourselves.
- Concerns in respect of the impact of the proposals and hence an objection in respect of the planning merits of the application.

Validity of Planning Application

There is a very significant error on the existing side elevation (Drwg No 027-P1). We have previously drawn this error to the Case Officer's attention (by way of e-mail dated 3 September 2020). As referred to in that e-mail the submitted existing side elevation shows the shared wall between the two properties (which is the flank elevation of the existing conservatory extension to No 33 along the boundary line) as being 2.4m in height. It is in fact only 1.66m in height.

Despite our having previously drawn this to the Council's attention, it would appear as if the matter has been ignored (we know not whether this is a case of it having been ignored by the Local Authority or potentially the Local Authority may have drawn it to the Applicant's

attention but they have not responded) as there is no amended existing side elevation on the Council's website rectifying the error.

As a result of this fundamental error the impact of the proposals on our amenities (particularly in respect of light to our kitchen/diner and outlook from that same room – which has its main window on the flank elevation facing the proposed replacement side extension) will be significantly under-estimated by the Local Authority when considering the planning merits.

The application is submitted on the basis of Certificate A, which incorrectly states that the Applicant owns all of the land on which the application relates. This is incorrect due to the fact that the flank wall of the proposed replacement side/rear extension would involve additional build on what is in fact a shared garden wall/party wall. In view of this, formal Notice of the application should have been served on ourselves as the owners of 35 Estelle Road and the planning application submitted on the basis of Certificate B.

Therefore, if the Local Authority were to issue a decision approving the planning application on the basis of the current plans and current Certificate, with our having brought this to the Council's attention, the planning permission would be unlawful and the decision could be challenged by way of a Judicial Review.

In view of the above, we would respectfully suggest that the Local Authority should be advising the Applicant/Agent that they should serve formal Notice of the planning application on ourselves, submit a revised Certificate of Ownership and follow one of the following three courses of action:

- Prior to determining the merits of the application insist on a revised existing side elevation being submitted. Neighbours should then be reconsulted and have the opportunity to submit further comments.
- Alternatively, the Local Authority should ask the Applicant to withdraw the current application.
- If the application is not withdrawn or the existing side elevation correctly amended, the current planning application should be refused planning permission on the basis of incorrect and insufficient detail being shown on the existing side elevation to enable the Local Authority to assess the merits of the proposals.

Planning Merits

The planning application involves three distinct and separate elements, all of which give us cause for concern:

- First and foremost, the replacement of a traditional conservatory with a contemporary extension that will result in harm to our amenities as a result of loss of light and outlook and will also be out of keeping with the host building and detrimental to the character and appearance of the Conservation Area.

- Second, the ground floor rear extension, which will not have any significant impact on our personal amenities provided the flat roof that is proposed is never used as a terrace but will, however, be out of keeping with the host building and character and appearance of the Conservation Area.
- Third, substantial alterations to the roof structure including an overly large rear dormer window which will be detrimental to the host building and the character and appearance of the Conservation Area.

REPLACEMENT SIDE/REAR EXTENSION

As referred to above, as part of our concerns in respect of the validity of the planning application, the Council are currently unable to assess the impact of this aspect of the proposals on our amenities. Drwg No 027-P1 shows the existing flank wall of the conservatory that is to be replaced, as being 2.4m in height. We have measured it at 1.66m (as referred to above). The proposed flank wall would be to a height of 2.8m. It will therefore be 1.14m higher than the existing wall (not 0.4m higher as the submitted plans misleadingly suggest).

This flank wall is situated only 2.52m from the main window to our kitchen/diner which occupies all of the ground floor of our "closet wing" original rear extension. The room also has a second, much smaller, window on the same flank elevation which also looks directly to the proposed replacement side extension. Whilst it has a window on the rear elevation, due to the depth of the room (8.6m) that window does not help in providing natural light to that half of the room that looks directly on to the position of the proposed replacement extension to No 33. That part of the room relies on the windows facing No 33.

We are attaching a photograph taken looking through our main side window with a tape measure held adjacent to the existing wall. The top of the tape measure indicates the height of the proposed flank elevation. As this photograph demonstrates, whilst the outlook from this window is towards the existing conservatory extension, the fact that this has a wholly glazed pitched roof results in light reflecting into our kitchen/dining room as a result of which the room is, currently, reasonably well lit despite being very enclosed.

The significant increase in height of the boundary wall only 2.52m from our windows to the kitchen/diner will also mean that there will be a significant loss of outlook with the proposed replacement side/rear extension causing an unacceptable sense of enclosure.

Our living room has its sole window on the rear elevation which looks out along the above mentioned 2.52m gap between the flank wall of the rear closet wing and the boundary with No 33. The increase in the height of the wall of the replacement side/rear extension will result in loss of light to our dining room. It will also result in an increased sense of enclosure with the increased height of the wall adding to the tunnel effect of the outlook.

The existing side/rear extension which it is proposed to demolish is a very typical pitched roof conservatory style extension which is appropriate as a form of extension, not competing with the original building in visual terms and being a form of extension regularly seen on Victorian

properties. The proposed extension, on the other hand, is very contemporary and will be wholly out of keeping with the host building. The mono-pitched roof is at an entirely different angle to the main roof and the roof over the two-storey rear closet wing whereas the pitch of the glazed ridge roof of the existing conservatory style extension is almost identical to the existing pitched roofs above the remainder of the building in terms of its angle and is therefore more in keeping. To increase the pitch of the roof of the proposed extension would result in the replacement extension having even more of an impact on our amenities in terms of light and sense of enclosure and would also result in blocking existing first floor flank windows to No 33 so is not a solution.

The large expanse of glazing on the rear elevation of this replacement side/rear extension is also wholly out of keeping with the host property and the general character and appearance of the Conservation Area.

We note from the planning history of No 31 Estelle Road (in the same ownership as No 33) that permission was granted for a replacement ground floor rear/side extension very recently (Ref: 2020/0730/P). Whilst the side extension as approved has a mono-pitched roof at a similar angle to that now proposed for No 33, as can be seen from Drwg No 400-P4 (forming one of the approved drawings for No 31), in that case the neighbouring property (No 29) had a similar infill side/rear extension with the same pitch and therefore the two side/rear extensions for Nos 31 and 33 sat comfortably with each other. Therefore this recent permission for No 33 does not justify granting planning permission for a wholly inappropriate side/rear extension to No 33 where the circumstances are entirely different. Furthermore, No 31 had already been significantly altered with a variety of flat roofed extensions having been previously approved and therefore having lost its historic character (unlike No 33 where the host building remains generally as a good example of the original built form).

We also note that there is no indication as to how water run-off from this pitched roof would be dealt with. The plans do not show a raised parapet to prevent water run-off coming down over our side of the shared wall. We would not permit a gutter overhanging the boundary between the two properties, and therefore this aspect of the proposal needs clarification.

GROUND FLOOR REAR EXTENSION

This aspect of the proposals involves extending the ground floor of the two-storey rear closet wing extension. The existing single-storey element is subordinate with a small pitched roof above it, the angle of the pitch being the same as the other elements of the roof of the property.

The proposals involve extending the depth of this extension as well as increasing the height and providing a flat roof. The extension will have a wraparound large glazed opening. The proposed rear elevation shows vertical brick detailing above and below, wholly out of keeping with the existing building and the surrounding area and not reflecting any aspect of any of the properties in the vicinity – No 33 itself or the neighbouring properties. Whilst the proposed rear elevation labels the materials as London Stock Brickwork finished to match existing brickwork, the detailing shown on the drawing shows that, rather than the bricks being laid

in their normal horizontal fashion, the intention is to lay the bricks on their sides to make a feature of the uncharacteristic wraparound windows.

Whilst we are aware that No 31 Estelle Road (also in the same ownership as No 33) has at some time in the past been extended at the rear, with the current proposals for No 33 coming to the same depth and having a matching flat roof, the fenestration details are very different and indeed the fact that the rear extension at No 31 exists is not a reason to allow a further unacceptable change the terrace of buildings, particularly when the proposals for No 33 do not even match No 31. It appears from the plans submitted with an application in 2012 that No 31 already had an extended ground floor element with a flat roof then. We can find no record of this having been approved. Whilst it may now be lawful and immune from enforcement action, that does not justify approving a development on a neighbouring property to match it. Indeed, in any event it only matches in terms of height and depth, not fenestration detail (which as can be seen from submitted Drwg No 406-P2 is very different).

As can be seen from the existing and proposed rear elevation, there is a sliding sash window on the rear first floor elevation that could be used to provide access on to the flat roof of this extension, enabling it to be very easily used as a terrace. Indeed, the matching flat roof at No 31 is already in use as a terrace, as can be seen from the submitted elevations. We do not know what room this sliding sash window is from, as no existing/proposed first floor plans have been submitted with the application, but the existence of a sliding sash window such as this would provide easy access to the flat roof. In these circumstances, we would ask that, were planning permission to be granted for this element of the current planning application, a condition be imposed to the effect that the flat roof can never be used as a terrace and also requiring that the bottom part of the sliding sash window, which could be opened to provide access, is permanently fixed shut so as to make such access impossible. Such a condition does not overcome our objections to this aspect of the application in its entirety but would be necessary to ensure that the flat roof is never used as a terrace as that would have a significant impact on our privacy both within our kitchen/diner and our rear garden.

ROOF EXTENSION

The proposed plans show significant alterations at roof level with the existing hipped end roof being changed to a partial gable and with a large dormer construction on the rear elevation. The dormer comes very close to the pitched element of the side elevation roof and is set considerably away from the party wall with No 31. As can be seen from the proposed loft plan, this is simply to facilitate a continuation of the existing staircase. It would be more normal, and far more appropriate, if the dormer were to be moved further across so as to be closer to No 31. Whilst we appreciate that this may necessitate the staircase being changed, it would not be impossible, and ease of building should not be considered more important than the external implications, particularly given the location within a Conservation Area.

We are also concerned that the external materials to the rear dormer, being dark grey metal cladding, are inappropriate in the Conservation Area as are the double casement windows. A more appropriate rear dormer would be for one reduced in size, positioned centrally between the two first floor rear windows at second floor level, with a similar sash window and tile clad.

As regards the front elevation the implications of the proposed roof extension are also unacceptable in terms of how they impact on the street scene with too much of the roof slope being taken up by roof lights which do not appear to be the conservation style roof lights, and also in terms of the impact of the hip to part gable alteration to the roof. As a result, the proposed roof alterations, including the dormer, are detrimental to the host building and to the character and appearance of the wider Conservation Area.

Conclusions

For the reasons discussed above it is considered that the proposed extensions/alterations are out of keeping with the host building and detrimental to the character and appearance of the Conservation Area. The very contemporary feel of the extensions can clearly be seen on Page 7 of the Design and Access Statement – albeit it is noted that that does not properly show the mono-pitched roof of the proposed replacement side/rear extension. In addition, the proposals, in particular the replacement side/rear extension, are detrimental to our amenities as neighbouring occupiers.

It is considered that the proposals fail to comply with the following policies of the Local Plan:

- Policy A1 – Part (a) seeks to ensure that the amenity of occupiers and neighbours is protected. It is clear from Part (e) that outlook is a relevant factor and, from Part (f), that daylight is also relevant. As the proposals will impact on our outlook and daylight, the application fails to comply with Part (a) and should therefore be refused planning permission. If, however, the Local Authority were minded to grant planning permission for the application in its totality or perhaps amended to delete the replacement side/rear extension, it is clear that conditions along the lines we have suggested above to prevent the flat roof of the rear extension being used as a terrace are necessary to ensure our privacy, with privacy being one of the factors referred to at Part (e).
- Policy D1 – Part (a) requires development to respect the local context and character. All three aspects of the current planning application are considered to fail in this respect for the reasons discussed in detail above. Furthermore, given that the application site is within a Conservation Area – ie; it is a heritage asset – the proposals fail to comply with Part (b) by not enhancing or even preserving the historic environment and heritage asset. The proposals also fail to comply with Part (e) as they do not incorporate details or materials that compliment either the host building or the wider local character.
- Policy D2 – In the context of this policy there are clearly no public benefits of the proposals that might outweigh the harm they cause to the heritage asset and therefore no justification for approving a development that harms the asset (whether it be considered to be substantial or less than substantial harm to the significance of the asset). The proposals fail to comply with Part (e) as they do not enhance, or even preserve, the character or appearance of the area.

As regards relevant matters in the Mansfield Conservation Area Appraisal and Management Study, there is reference, under the sub-heading "Historic Development", to the Victorian family houses having remarkable uniformity and having kept their original external features. The proposals clearly harm that uniformity. Whilst some changes may have taken place to other buildings, in the main it would appear prior to the designation of the Conservation Area, that is no justification for permitting further uncharacteristic alterations and extensions. Furthermore on Page 25, under the sub-heading "New Development" there is reference to a key element of the distinctive character and appearance being unified architectural style and form with high quality design, appropriate scale, form and materials being required of all new development including smaller alterations such as extensions which it is acknowledged can harm character and appearance to an extent belied by their individual scale.

Roof alterations and extensions are particularly identified on Page 28 with reference to fundamental changes to the roofline, insensitive alterations, poor materials, intrusive dormers or inappropriate windows harming the historic character of the roofscape and thus being resisted. On Page 29 is acknowledgment that even in streets where there are buildings whose roof space has already been converted for habitable accommodation resulting in the installation of roof lights, extensions/alterations still harm character and appearance. There is reference to rooflights being conservation grade. Those in the proposals are not.

With regard to rear extensions there is reference on Page 29 to the original historic pattern being an integral part of the character of the area and as such rear extensions not being acceptable where they would diverge significantly from the historic pattern. For the reasons discussed above it is considered that the replacement side/rear extension and proposed separate rear extension are unacceptable in this respect.

For these reasons it is considered that the proposals are wholly inappropriate and fail to comply with adopted planning policy and the detail of the Mansfield Conservation Area Appraisal and Management Strategy. We therefore hope that the Local Authority will be refusing this planning application if they proceed to determine it despite our comments above in respect of its validity. If, however, planning permission were to be granted, we trust that the Council will impose conditions along the lines suggested above to ensure that the flat roof of the proposed rear extension is never used as a terrace, even on an occasional basis.

Yours sincerely,

A large black rectangular box redacting the signature of the sender.

35 Estelle Road
London NW3 2JX