

Application No:	Consultees Name:	Received:	Comment:	Response:
2020/5917/P	Bruce Kirkham and Elizabeth Wiener	31/03/2021 22:10:27	OBJ	129 KHR RESPONSE TO PLANNING APPLICATION 131 KHR; 2020/5917/P

As immediate neighbours living in 129 King Henry's Road, ground floor and lower ground maisonette, we strongly object to several aspects of this application:

#### THE PROPOSED TERRACE

(i) The proposed terrace at the raised ground floor level, above the proposed lower ground rear extension, would result in a complete loss of privacy both in our raised ground floor living room and also in our garden. The terrace would allow direct and invasive line of sight into these areas. At the moment the bay windows of 129 KHR and 131 KHR are parallel and provide no direct view into the other property. The view from the living room at 131 KHR into our garden is of a limited nature. The terrace extending several metres to the south would effectively mean no privacy at all in either our living room, or our garden.

(ii) In addition, the terrace would enable large gatherings at the raised ground floor level, with the potential to radiate intrusive noise to neighbouring properties. Any gathering at this height above the ground is likely to cause more noise disturbance than at the garden level.

(iii) Regarding precedents, when the extension to our property at lower ground level was given planning permission by Camden in 1996, a roof terrace was expressly forbidden in a letter to the then owners, extract below. The key point is under Additional conditions. We will email a copy of the original letter to Case Officer Joshua Ogunleye.

K. B. Woods	Application No: 9502122R2
129 King Henry's Road	Case File: H8 / 13 / 29
London ,	
NW3 3RB	17th May 1996

Date of Application : 23 / 02 / 1996

#### Additional conditions:

- 3 The flat roof of the rear extension hereby approved shall not be used as a roof terrace.

#### Reasons for additional conditions:

- 3 To protect the amenity of the adjoining occupiers. Therefore the grounds on which we are objecting have already been acknowledged by Camden in the corresponding application for 129 KHR in 1996.

We note that the impact on neighbours is a clear criterion referred to in the current Camden Planning Guidance - Amenity January 2021, 2 - Overlooking, privacy and outlook

2.1 This guidance relates to the application of Policy A1 – Managing the impact of development and aims to ensure that the potential impact of development on the privacy and outlook of neighbouring properties and

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their occupiers is fully considered.

Contrary to suggestions on page 9 of the application that there are precedents for the roof terrace, there is no terrace on any property to the east of us above a lower ground extension. To the west, there is only one terrace at ground level mentioned, at 137, but we believe the original was constructed without planning permission and prior to the establishment of the Elsworthy Conservation area in 1991 and would not conform to current guidelines.

The idea, as mooted in the application, that 'informal' use of roofs justifies the construction of a dedicated roof terrace is not based on any planning guidance.

#### THE PROPOSED ALTERATIONS TO WINDOWS ON THE REAR AND EAST SIDE

(i) The proposed window on the east corner of the rear façade of the ground floor would increase vision into our garden but in a less intrusive manner. However, this addition would be detrimental to the rear façade as there are no equivalent windows on the upper levels. This new window would change the historic balance of the rear façade, contrary to the Elsworthy Road Conservation guidance, as set out in the following extract:  
13.1 The appraisal has indicated that the character of the Elsworthy Conservation Area is generally of a high standard, though could be vulnerable to negative change from incremental unsympathetic development or additions by individual householders. Even the smallest of changes can have a cumulative adverse and negative impact on the character and appearance of the area.

(ii) The proposed enlargement to the window on the East side elevation would lead to a further loss of privacy as it would enable a more invasive line of sight into the staircase linking the two floors of our maisonette. The distance between the two windows is approximately 3 metres at this level, far less than the Camden planning guidance of 18m.

#### THE SIDE EXTENSION AT GROUND FLOOR LEVEL

(i) This extension is on a scale that unfortunately reduces the view through from the street to the rear garden in a manner that does not conform with the principles of a conservation area of Victorian heritage. As outlined in the Elsworthy Road Conservation Area Appraisal and Management Strategy, Adopted 14 July 2009, the south side of the street (King Henry's Road) east of Elsworthy Rise has not been developed, giving a sense of openness and allowing views through trees to the backs of houses in Elsworthy Road.

(ii) The two-storey additions between houses on the south side of KHR which are present are very old, presumably before the Elsworthy Road Conservation Area was established.

(iii) The extension also potentially impacts the health of the large tree in the front garden which must have a root system that extends into the side passage. A two-storey extension would need foundations which cannot help but impact this root system.

#### MOVING AN ESTABLISHED TREE (p18 of the application)

The application mentions that a tree on the East side of the garden will be re-located. The only tree on the East side is a very large established pear tree that is protected. We believe moving this tree would be a very

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difficult procedure that could harm or kill the tree. Losing such a protected tree would fundamentally alter the leafy aspect at the back of our property and others in the vicinity.

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