

Application No:	Consultees Name:	Received:	Comment:	Response:
2020/5917/P	David Mawson & Jane Muncaster	04/04/2021 13:32:26	OBJ	<p>For the attention of Planning Officer Joshua Ogunleye Objecting to proposed planning application no 2020/5917/P</p> <p>We are commenting as the residents of what Camden council describes as the Upper Ground Floor Flat at 133 King Henrys Road. This is the floor above the garden floor flat and we are at the same level as the proposed raised terrace and extension at 131 King Henrys Rd. We are also the current owners of the garden flat at 133 King Henrys Rd.</p> <p>The garden flat and upper ground floor flats at 133, along with the residents of the first two floors at 129 are the most affected by this planning application as we are the immediate neighbour on each side. I note the application from 131 is presented as one application but is by the owners of two separate flats at 131.</p> <p>To begin with, I think it is worth noting an inaccuracy on page 8 of the Design & Access statement, where it states: - 'Google Earth reveals in a line of 33 properties, (from 91 – 157 King Henry's Rd.) No. 131 appears to be the only property that remains undeveloped at the rear.' As we live here, we can confirm, 133 is also 'undeveloped at the rear' and it surprises me that the architects who drew up the plan did not spot that either while visiting the site or on Google Earth itself.</p> <p>Where we have serious reservations, is for the part of the application that concerns additions to the Upper Ground Floor Flat, firstly the creation of a raised terrace that would rest on the proposed new garden floor extension, making this at the height of the surrounding upper ground floor flats. In this respect, we are only commenting directly on what we feel will be the effect of this proposal on us at 133. We don't speak for 129 but note they have already commented and our comments raise similar concerns. We will now detail the ways in which we think the development of the upper ground floor will affect us.</p> <p>I note that the Chairperson of The Elsworth Residents Association has made very clear comments about the proposal and I fully endorse the points she has made. We oppose the current proposal to build a raised terrace that extends right to the corner of the proposed new second storey extension.</p> <p>Our opposition is on the basis of a loss of privacy for us at upper ground floor level. The level of the raised terrace will be in line with our bay window and as proposed, will extend out to the full depth of the extension below, at around 5 metres. Because of the nature of a bay window, the depth of the terrace proposed and it's closeness to our window, this will mean a significant amount of our room at the rear of our flat will be visible from this raised terrace, unless we permanently curtain one window. Furthermore, with the end of the raised terrace being so close to our window, when the raised terrace is in use by any more than a few people - and by it's proposed size, it will be possible to accommodate many people - that noise will be extremely close to our living room. As it is a south facing room, we like to have our windows open on a hot day for ventilation. The flat at 131 upper ground floor level where the raised terrace is proposed, has a recent history of short lets. I would question why such a large terrace is needed when there is only one owner. One concern we have, given that recent history, is that it might be used to host larger gatherings.</p> <p>Page 22 of the Design & Access statement contains the statement, 'respects the privacy and amenity of neighbours, as the extensions do not overshadow, encroach or allow further overlooking'. We profoundly disagree with that statement on the following grounds. From the garden flat at 133, the current</p>

Application No: Consultees Name: Received:

Comment: Response:

proposal for the raised terrace at 131, will be overbearing for the users of the garden below, as it sits right above them. Users of that garden will be significantly overlooked and again there will be loss of privacy and increased noise if used by a significant amount of people. As the Chairperson of The Elsworth Residents Association rightly comments, noise at this level travels much more easily than at garden level, where the residents of garden flats are separated and shielded by a garden wall. We shall come onto the side extension further on in this comment, but it should be noted that the proposed terrace will take in part of that new proposed side extension. This will further compound the problems with noise and loss of privacy detailed above.

Again, the Design & Access statement contains a significant number of inaccuracies. For instance, on page 9 under,

'Precedents: Rear extensions with terraces'

it lists among others, 129 King Henrys Road. However, on page 13 there is a picture of that extension clearly without a roof terrace. The picture of 141 is not that address, but is of 143. 141 is the next house to it's right, that our good friends live in, which is why we are certain. It also refers to the extension at 137, which I believe was subject of retrospective planning permission. On page 10 of the D&A statement it says 'the extension is being used informally as a roof terrace' but, in what is a hazy picture, an arrow points to an area which I know is not part of the terrace. The terrace is modest in size, built around the central window of the bay and not end to end as suggested in the picture. Finally the application lists the very subject of the application, 131, as already having a terrace on a rear extension, which clearly cannot be the case. I do not know the other properties mentioned in the list as possibly having terraces on rear extensions, so cannot comment but three out of the eight mentioned are incorrectly being used as examples & a fourth is not as suggested.

The proposal to build any sort of second storey side extension is problematic, unless it is the case that the Elsworth Conservation area rules have been significantly relaxed without the residents having been informed. Some years ago, we were ourselves told informally by the council that no building of second storey extensions would be allowed so it would not be worth us submitting any such plans as they would definitely be rejected. As far as I'm aware no plans for second storey extensions have been approved in the road since then.

The Design & Access statement on page 8 states: -

'Side and rear extensions are common to the properties along King Henry's Road. Consented side extensions vary between single and double storeys, with some examples of three storeys (139 King Henry's Road).'

This statement does not make it clear that all the double extensions - or in the case of 139, a triple extension - were erected prior to the creation of the conservation area. As a resident who grew up here in the 1960s, I can state there have been none built since that designation was applied and it is my understanding that most of these, if not all, were completed in the 1930s.

We also feel we should pick up on a point on page 15 of the Design & Access statement concerning the Horse Chestnut trees in the front garden of 131. The picture caption asserts that 'Two mature trees block the view from King Henry's Road of any side extension'. This is further remarked on in the text: -

'The proposed extension is not visible from King Henry's Road due to two very large mature trees which will be retained'

The nature of Camden's comment form doesn't seem to allow us to attach a photo but if you visit the site of the application, you will see that this conveniently taken picture in the proposal is inaccurate and neither tree

Application No: Consultees Name: Received:

Comment:

Response:

blocks the view through to the back gardens from the street at all. This is because they are planted over towards the side wall with 133 & growing most strongly towards the light, which is from the west, so towards 133. The gap to the back gardens would be blocked only by the proposed second storey extension,

Even if the applicant imagines that the Horse Chestnut were to have any future as a screen for any new side extension, we note that the owners of 131 currently have permission to prune the Horse Chestnut, which while we support, because Horse Chestnuts are particularly 'water hungry' & should be properly managed to protect the building foundations, this regular management will further denude the area the tree purports to screen. I believe the tree is subject to a Tree Preservation Order but the bay tree behind due to it's small size, I imagine is not & could be removed at the whim of the owners. The application also makes no mention of Horse Chestnut Leaf Mining Moth, which has resulted in the death and subsequent removal of quite a number of these trees in the UK in recent years, so this needs to be taken into account. The tree at 131 shows signs of annual infestation and while it is not ready for removal yet, it's future is far from assured.

The Chairperson of the Elsworthy Residents Association outlined the reasons for the blanket ban on second storey side extensions in this Conservation area in her comments. The question, therefore, is that if the council were to allow this applicant to go forward, would we have grounds to conclude that the no-infill policy is now defunct? Furthermore, will we soon have complete infilling of the detached houses at all levels in this road? If the view of the green trees between the houses is infilled at second floor (upper ground) level- which is arguably the level that people in the street see the green through-what would be the point of preserving the view through at levels three and four?

As a final comment on the Design & Access statement, it should be noted that the architect's pictures on page 22 make 133 KHR and 131 KHR look the same width. However, 133 is significantly wider, whilst 131 is deeper. Also, in the pictures the second storey extension is worryingly shown as coming all the way to join 133.
