

<b>Application No:</b>	<b>Consultees Name:</b>	<b>Received:</b>	<b>Comment:</b>	<b>Response:</b>
2021/0380/P	Diarmuid O'Hegarty	13/04/2021 16:06:31	OBJNOT	Planning Application - 2021/0380/P Site Address 46 Canfield Gardens London NW6 3EB

#### Summary

I am writing to object to the application to raise the existing rear extension roof to form a roof terrace at first floor level. The proposed first floor terrace will allow those standing on the proposed first floor terrace at the rear of 46 Canfield Gardens to look directly into the rear windows of number 48 Canfield Gardens and will allow those standing on the proposed first floor terrace to overlook the garden at 48 Canfield Gardens and to look into the conservatory of the Ground Floor Flat at 48 Canfield Gardens.

For the reasons set out below the proposed application should be rejected because it is in clear breach of the Camden Planning Guidance - Amenity published in January 2021 ("CPG Amenity").

#### Camden Planning Guidance - Amenity

Section 1.1 of CPG Amenity states that the guidance contained in it is a formal Supplementary Planning Document which is therefore a "material consideration" in planning decisions. Section 2 of CPG Amenity deals specifically with: "Overlooking, privacy and outlook".

The first key message of section 2 of CPG Amenity is that: "Developments should be designed to protect the privacy of occupiers of both existing and proposed dwellings."

Section 2.2 of CPG Amenity states that: "The places most sensitive to overlooking are typically habitable rooms and gardens at the rear of residential buildings".

Section 2.11 of CPG Amenity states that: "Although balconies and roof terraces can provide amenity space for flats that would otherwise have little or no exterior space, they also have the potential to increase opportunities for overlooking. Balconies and roof terraces should therefore be -carefully sited and designed to reduce potential overlooking of habitable rooms or gardens of neighbouring residential buildings".

#### Proposed First Floor Terrace

The Design and Access Statement comments on the alterations to the existing rear extension by stating that the "scale of the extension is only moderately altered with the roof being raised by 250mm". This does not give an accurate idea of the effect of the proposed first floor terrace on the privacy of neighbouring 48 Canfield Gardens. The proposed first floor terrace will extend at least 5,400mm from the original back wall of 46 Canfield Gardens. The back wall of 46 Canfield Gardens projects 1,600mm beyond the back wall of 48 Canfield Gardens. This means that the proposed new roof terrace will extend at least 7,000mm from the back wall of 48 Canfield Garden. The new roof terrace will be 800mm higher than the roof of the rear extension of 48 Canfield Gardens.

Photo 3 in the Design and Access Statement clearly shows that someone standing on the existing flat roof of the rear extension to 46 Canfield Gardens (which is not a roof terrace) would have a clear view into the rear windows of 48 Canfield Gardens.

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The Planning and Heritage Statement quotes the whole of section 2.11 from CPG Amenity but only comments on the effect on the privacy of the garden of 48 Canfield Gardens and the gardens of Compayne Gardens. The statement in the Planning and Heritage Statement that: "Neighbouring no.48 Canfield Gardens to the west has a long rear extension along the boundary with the Site which would reduce overlooking from the proposed terrace into no.48's garden". This is not an accurate assessment of the effect on the privacy of the rear garden of 48 Canfield Gardens as the proposed first floor terrace will extend at least 7,000mm from the rear wall of 48 Canfield Gardens and will be 800mm higher than the roof of the rear extension of 48 Canfield Gardens. This will allow those standing on the first floor terrace to look over the roof of the rear extension of 48 Canfield Gardens into the back garden of 48 Canfield Gardens. The proposed terrace will give those standing on it a direct view of the ground floor French windows leading from the garden of 48 Canfield Gardens into the living room of the Ground Floor Flat of 48 Canfield Gardens. It will also allow those standing on it to look into the conservatory which is part of the rear extension of the Ground Floor Flat of 48 Canfield Gardens.

The Planning and Heritage Statement makes no comments on the effect of the new first floor terrace on the privacy of the rear windows of 48 Canfield Gardens and particularly the effect on the privacy of the occupants of the first floor of 48 Canfield Gardens. The proposed roof terrace will extend at least 7,000 from the back wall of 48 Canfield Gardens and will be at the same eye level as the first floor windows of 48 Canfield Gardens. Photo 3 in the Design and Access Statement clearly shows that someone standing on the existing flat roof of the rear extension to 46 Canfield Gardens would have a clear view into the rear windows of 48 Canfield Gardens.

Section 2.11 of CPG Amenity states that: "Although balconies and roof terraces can provide amenity space for flats that would otherwise have little or no exterior space". From the plans submitted for 46 Canfield Gardens it appears that both the front garden and the back garden are communal spaces. It is therefore disputed that the flat in 46 Canfield Gardens to which the proposed first floor terrace will belong is a flat "that would otherwise have little or no exterior space".

#### Conclusion

For the reasons set out above, Planning Application 2021/0380/P should be reject because it is in clear breach of the Camden Planning Guidance - Amenity published in January 2021.

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