

URBAN BUILDING SURVEYORS  
CHARTERED BUILDING SURVEYORS

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22 April 2021

Dear Ms Jackson and Ms English

**5 Belsize Park Mews NW3**

I am writing to report on the proposed development at the above with particular reference to its likely effect on your properties, the basement garden flats at 5 and 7 Belsize Crescent.

I inspected your gardens and two rear rooms which look out onto it on Monday afternoon. I have also considered the planning application and accompanying drawings and report as downloaded from the council web site.

During the course of my inspection I attempted to locate the existing no sky lines in the two rear rooms to both properties and to estimate how they would move with the development as proposed. I also took measurements in outline.

I found that about half the area of each room to 5 Belsize Crescent presently receives direct skylight and estimated that this would be reduced by just over a quarter, 25 to 30%.

I found the same for the two rear rooms of 7A but estimate that this would be reduced by perhaps 5 to 10%.

I had intended, and have since attempted, to sketch the sight lines from the planning drawings but have found them to be too inaccurate for that purpose.

Section A, for example, shows the depth of both gardens to be about 15% greater than they really are. The scale rule on that drawing appears to be optimistic by a factor of two.

In reality the proposal is to increase the height of the silhouette presented to your windows by not only bringing forward the existing lightwell but also by adding an additional storey on top.

Windows are proposed to be placed in the boundary wall directly overlooking the garden to 5 Belsize Crescent at each of the three proposed levels.

Whilst the overlooking aspect is dealt with by obscure glazing, the windows are intended to be openable at high level to the ground floor living room and second floor bedroom, and to the top of the window to the first floor bedroom. It is not clear whether it is intended that these windows should open outwards thereby trespassing over the land at 5 Belsize Crescent.

Due to the difference in levels the high level window to the ground floor is roughly knee level in the garden to 5 Belsize Crescent, presumably giving anyone in that garden a view straight down into that room, should Ms Jackson choose to move her shed which would presently obstruct any light reaching that window.

The proposal appears to depend on obtaining light from over her land, which is bad for two reasons.

From the developer's point of view his internal illumination is precarious, depending on her not obstructing those windows, and presumably also hoping that she might move her shed which presently obstructs the ground floor window.

From Ms Jackson's point of view, firstly she would need to take action to prevent any right to light being acquired over her land after twenty years' continuous user.

Secondly, she would need to ensure that the obscurity of the glazing was enforceable in perpetuity so as to prevent overlooking into her garden and her rear rooms. This would need any conditions relating to it being registered against the title of the property.

I note that the Daylight and Sunlight report accompanying the application states at 4 that analysis shows there to be no significant effect on sunlight to the garden of 5 Belsize Crescent.

The report devotes a section, 6, to sunlight to that garden and makes reference to a figure 3 which is unfortunately not included in the report. Figure 2 which shows the shadow calculated for the roof of 6 Belsize Park Mews is included and from this it can be seen that shadowing would occur within her garden, apparently contrary to the assertion at 4.

A table is provided showing areas and percentages of the total area of the garden to receive sunlight both with and without the proposed development.

I can make no sense of the figures.

I measured the garden at about 69m<sup>2</sup>, whereas the report says 59.5m<sup>2</sup>.

It then says 23m<sup>2</sup> at noon constitutes 38.6% in the existing state, which at 59.5m<sup>2</sup> would be correct.

And then it states that 31.9% in the proposed state would also be 38.6% which cannot be correct and should be 53.6%.

There must clearly be a reduction, not an increase, in sunlighting.

I think it safest to simply say that the figures as presented cannot be relied upon.

It would be helpful to have sight of figure 3 as the report claims that there to be no sunlight at all in the garden outside the hours of 1 to 3pm on April 21. I had not considered the report before visiting but a photograph I took at 3.20pm on April 19 shows about a quarter of that garden having sunlight on the ground, a good part of which would be lost if the development were to be constructed as proposed.

The report makes no mention of any effect on the garden to the rear of 7 Belsize Crescent.

There will undoubtedly be some effect, in particular reducing the amount of sunlight reaching that garden in the late morning. There will also inevitably be some reduction in daylighting to the rear rooms at garden level with slight increase, of perhaps 5%, in the areas not receiving direct skylight.

There will be an increase in the sense of enclosure. The garden is already bounded by 6 Belsize Park Mews immediately to the rear and so the skylight from either side becomes more important to wellbeing.

On the same basis, but to a greater extent, the garden at 5 is bounded to the south east by a two storey wall to the back of Burdett Mews.

This not only increases the sense of enclosure that the additional storeys would induce but also makes that garden more reliant on sunlight and daylight from over the Belsize Park Mews properties at 5 and 6.

All in all, the proposed addition of two storeys and the installation of windows to the boundary wall with 5 Belsize Crescent will have the following detrimental effects to the amenity:

1. A significant reduction in daylighting to the two rear rooms to 5 Belsize Crescent which are presently used as a day room and a bed room of approximately a quarter to a third, significantly more than the 20% which is the level at which the planning authority should take the loss into account;
2. A reduction in daylighting to the two rear rooms to 7 Belsize Crescent, although to a lesser extent;
3. A reduction in sunlight to both gardens, possibly losing all of that presently enjoyed in the early afternoon at ground level to 5 Belsize Crescent, contrary to the report accompanying the application, again significantly more than the 20% at which the loss should be taken into account;
4. An increase in overlooking of the garden and rear rooms to 5 Belsize Crescent by the positioning of new windows directly facing that property on the boundary, all of which are intended to be openable at least in part, with rights to light implications;
5. A slight increase in overlooking to the garden to 7 Belsize Crescent;
6. An increase in the sense of enclosure by the raising of one storey at the top and infilling of the existing lightwell, severely to 5 Belsize Crescent but significantly to 7 Belsize Crescent.

Kind regards

Yours sincerely

**D A Bowden**