

Ground Floor Flat
5 Hillfield Road
London NW6 1QD

1 July 2021

London Borough of Camden
Planning Department
2nd Floor, 5 Pancras Square
c/o Town Hall, Judd Street
London WC1H 9JE

For the attention of Jonathan McClue

Dear Mr McClue

Re: Planning Reference 2021/2596/P

**Description: Site R/0 1 Hillfield Road NW6 – OBJECTION TO APP 2021/2596/P
OBJECTION BY 5 HILLFIELD ROAD – OVERSHADOWING ADDENDUM**

**Site Address: Land between Gondar House and South Mansions, Gondar
Gardens and to the rear of Hillfield Road, West Hampstead, London NW6 1QD.**

I represent Gondar Gardens Investments Ltd, the owner of the ground floor flat at 5 Hillfield Gardens and I also have the permission of the owner of 3 Hillfield Road to present the same objection on his behalf.

You will be aware that in my letter dated 24 June detailing my grounds for objecting against APP **2021/2596/P**, I have objecting on grounds of overshadowing. This addendum letter aims to provide supporting evidence of the overshadowing objection.

Overshadowing

Firstly, I would like to comment that the Daylight, Sunlight & Overshadowing report submitted by the agent of the applicant, didn't really address the issues of the impact of overshadowing and where it was referred to, in my opinion, it was trivialised or misleading at best. Generic and standard statements have been included to state that there is no impact and claims that there is sufficient space between buildings. There is not!

The proposed development is at a close proximity (built right up to the boundary) to number 3 Hillfield Road, only about 7 meters away from 5 Hillfield Road and about 2 meters away from the existing building of 1 Hillfield Road. The grading and topography of the site is also relevant here. As previously stated, the development is on a land higher than the neighbouring gardens of Hillfield Road, the close proximity combined with the height means that it would substantially overshadow the neighbouring properties. These facts are very obvious to the applicant, architects and agents of the applicant, thus for them not to conduct a proper overshadowing analysis would appear to be a disingenuous attempt to gloss over this aspect of the proposed development.

The BRE guidelines are to help if a material impact may occur. One of the suggested ways to do an assessment is to determine whether a shadow impact will occur is if the site receives 2hrs of sunlight and after the development the area receives less than 2hrs by 20% then the sunlight may be noticeable and more analysis will be required.

However, this is an example when it is not clear whether a development will have an effect or not on the open space. This is only a suggestion of one method to determine whether overshadowing will occur when matters are not clear, which is not the case in this development. This method does not take into account the orientation, grading and topography of the site and it is only one element of assessing if the development will have an adverse effect on the adjoining gardens. When assessing overshadowing one needs to take into account the orientation of the site, topography, height of the development, distance to the boundaries and the size of the development but the analysis simply ignores all these factors as sun is provided for 2hrs into the open space and that is sufficient and no further analysis needs to take place, this is simply wrong. The site is north facing as such the garden gets the morning sun and the afternoon sun. The afternoon sun is usually the most important as it is when people go outside after school, work or just to enjoy the afternoon. From the modelling we have produced (**see attached models below**), one will see that the sun is clearly being blocked in the afternoon. Therefore, a trivial statement such as just stating 2hrs of sunlight is achieved so no adverse overshadowing will occur to the gardens and the gardens will not be affected is simply wrong and disingenuous.

Camden Local plan section 6.5 states it will take into the latest BRE guidelines. The BRE document states the following:

"It is suggested that, for it to appear adequately sunlit throughout the year, no more than two-fifths and preferably no more than a quarter of any garden or amenity area should be prevented by buildings from receiving any sun at all on 21 March. If, as a result of new development, an existing garden or amenity area does not meet these guidelines, and the area which can receive some sun on 21 March is less than 0.8 times its former value, then the loss of sunlight is likely to be noticeable".

From the analysis we have carried out below the development clearly does not meet the criteria above and development sheer size blocks all the sunlight completely into the gardens of 3 and 5 Hillfield Road. It also affects 7 Hillfield Road.

The submitted report in executive summary section of the surveyor states the following "1.3 The Sun-on-Ground analysis also shows that both neighbouring gardens to the Site will comfortably meet the BRE Guidelines recommendations. **Therefore, there are not considered to be any adverse overshadowing effects to the surroundings caused by the Proposed Development.**" Such a bold statement clearly misconstrued the BRE guidelines with a such a false statement stating "**any adverse effects**" one can only assume the report is clearly not presented objectively and the council should seek an independent report. Section 4.8 "Sun-on-Ground" (overshadowing section) Clause 4.8.3 of the report states "**Furthermore, there will be no change to the Sunlight potential they receive caused by the Proposed Development** in either case." Again, taking a narrative of the BRE to come with a false statement or perhaps a misunderstanding of the BRE guidelines.

Camden Planning Guide of Amenity further states the following "**7.19** You should consider the design of your proposal carefully so that it does not block sunlight **and overshadow windows or open spaces and gardens**. It will be particularly important in Central London and other densely developed part of the borough to prevent overshadowing of amenity space and open spaces given the limited amount of open spaces and the existing amount of overshadowing." The guideline does not state it is enough to achieve 2hrs of day light. The overshadowing on windows is completely ignored. The **London plan policy 7.6** also states that overshadowing should not

cause harm to the amenity of buildings and overshadowing “**not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy, overshadowing, wind and microclimate**”.

Albeit, already subsumed within the Camden Local Plan, Development Policy DP26 is clearer in the objective of the council therefore worth re-iterating:

Camden Development Policy DP26

*26.3 A development's impact on visual privacy, overlooking, **overshadowing**, outlook, access to daylight and sunlight and disturbance from artificial light can be influenced by its design and layout, the distance between properties, the vertical levels of onlookers or occupiers and the angle of views. These issues will also affect the amenity of the new occupiers. We will expect that these elements are considered at the design stage of a scheme to prevent potential negative impacts of the development on occupiers and neighbours.*

1 Hillfield Road - The garden of 1 Hillfield Road is taken away by the development however it does have some amenity space left (not meeting the minimum requirements). The amenity space/patio of the garden flat of 1 Hillfield Road is effectively the same level as the basement of the new development and will have a severe overshadowing resulting in very poor amenity space. One can question if the amenity space of that flat has 2 hrs of sunlight. 1 Hillfield Road communal garden was taken away for the development and only 1 flat is left with outside space which is completely overshadowed. The development again completely ignores 1 Hillfield Road as the developer is happy to sacrifice 1 Hillfield Road units for the benefit of capitalizing on the land.

Our own modelling has Gondar House only as ground floor as such the modelling does not show full height of the building and hence not the correct overshadowing on 1 Hillfield Road patio area which will be much worse than the current modelling. The modelling was done to show the extent of overshadowing on 3,5 & 7 Hillfield Road gardens. Also, our model below shows the overshadowing at 21 March. The model shows that the sun is blocked from 14:00 o'clock on 3 Hillfield Road and from 15:00 it is blocking 5 Hillfield Road, the overshadowing continues till sunset at 18:15. We went further to do analysis in June and the overshadowing continues till sunset at 21:00.

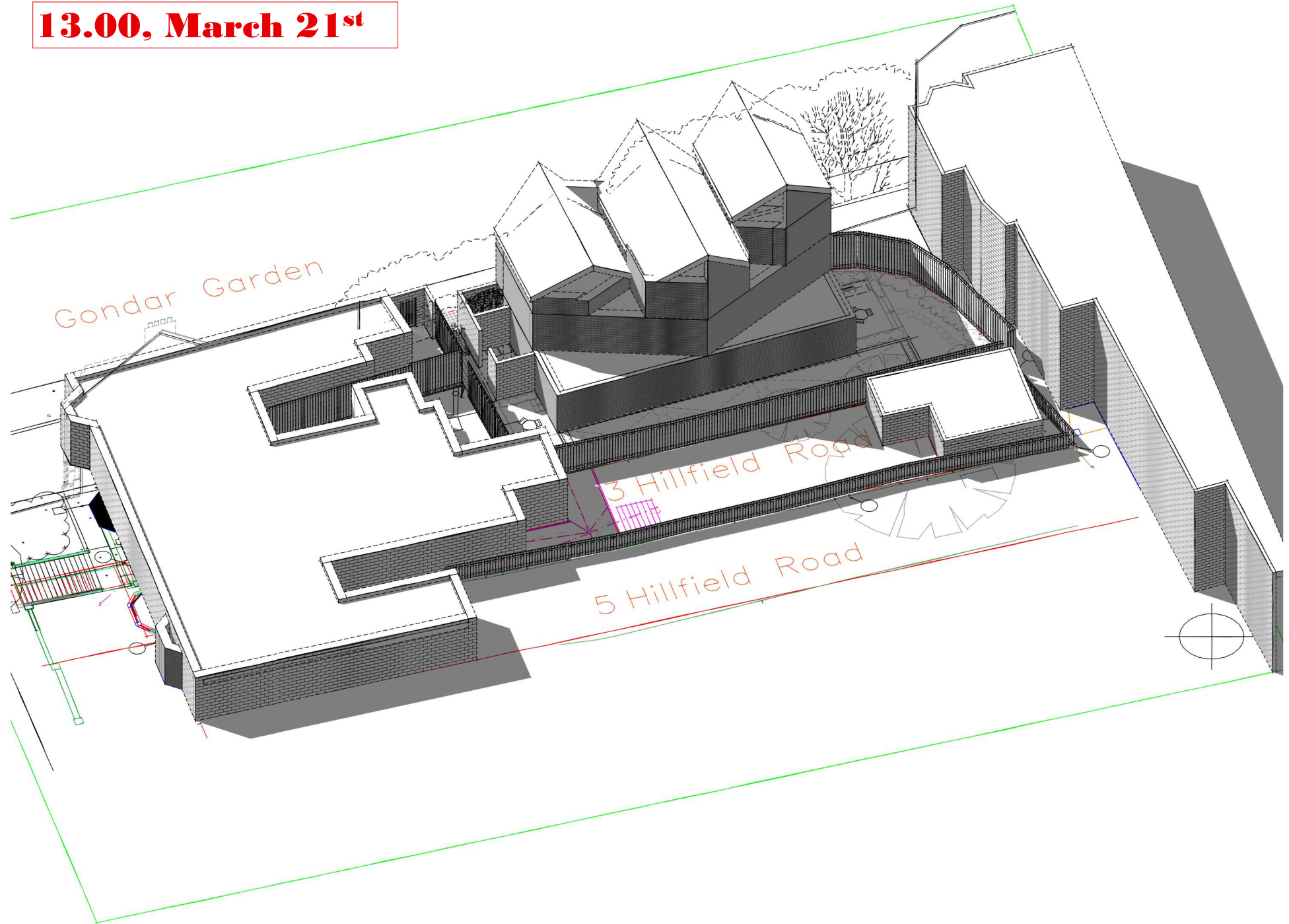
Conclusion

The Daylight, Sunlight & Overshadowing report submitted by the applicant was seriously trivialised and underplayed in its' impact to the neighbouring properties. The council invited to review this more thoroughly and a request for an independent report is respectfully suggested.

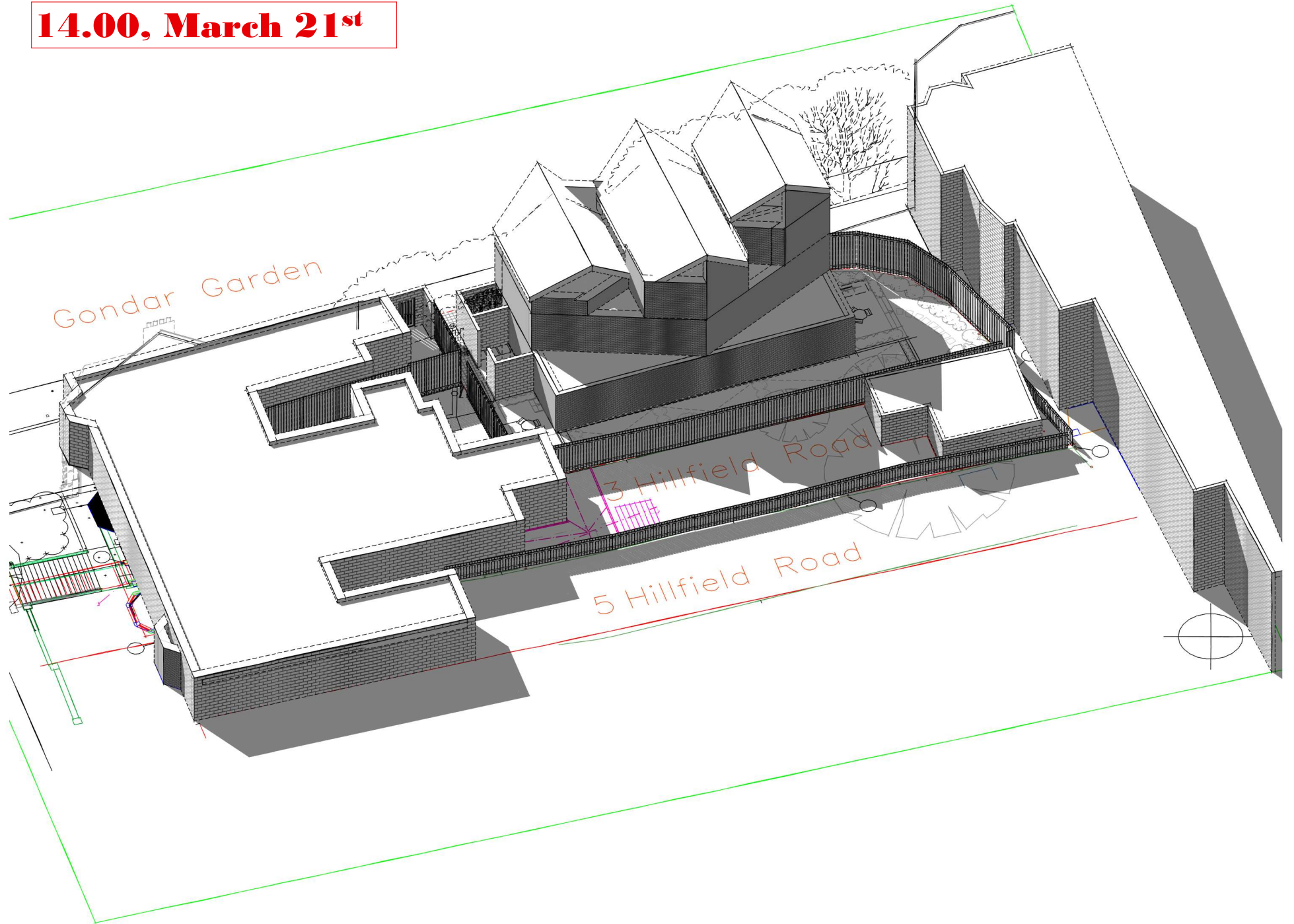
Yours sincerely

Anna Proud
Gondar Gardens Investments Ltd

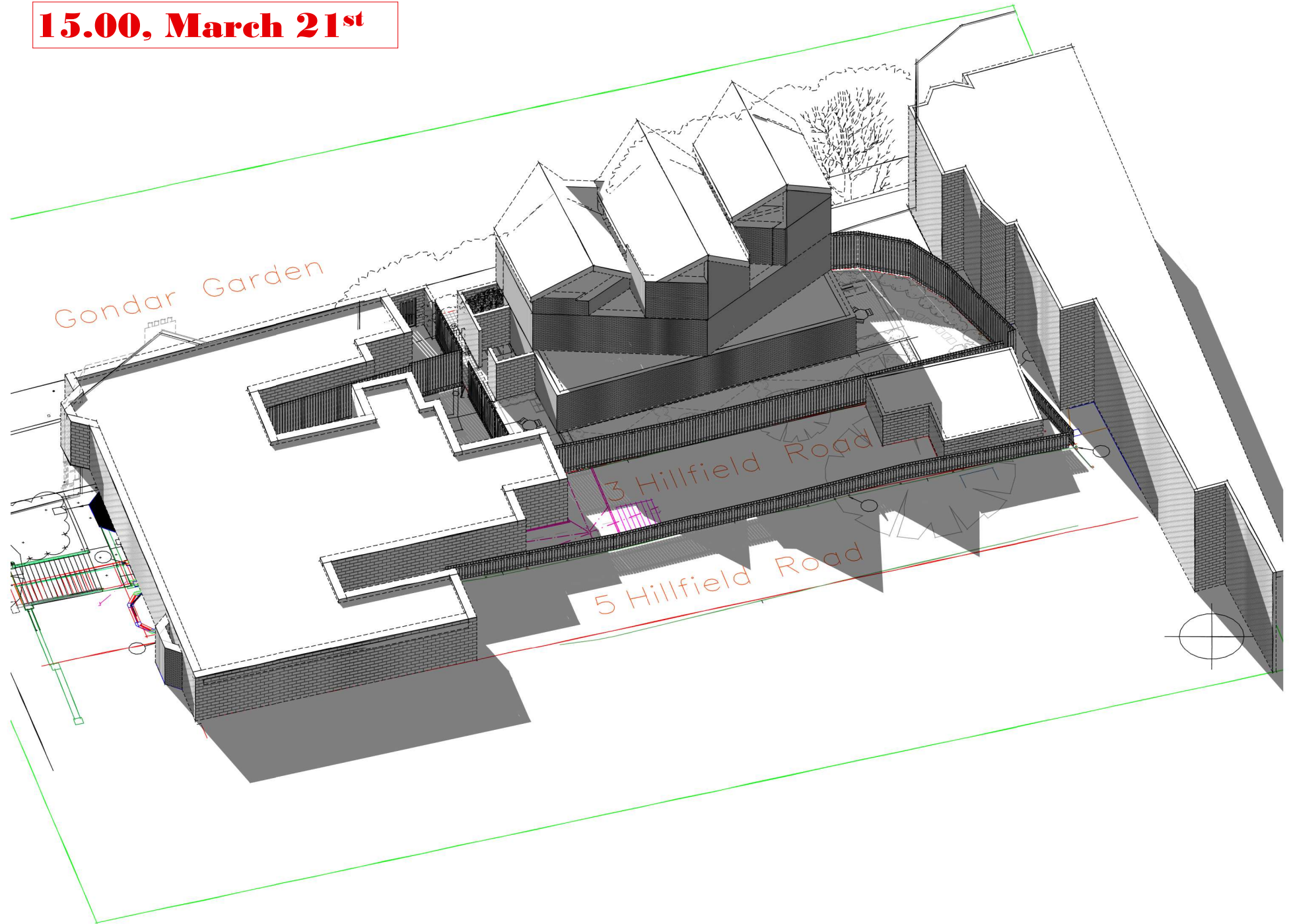
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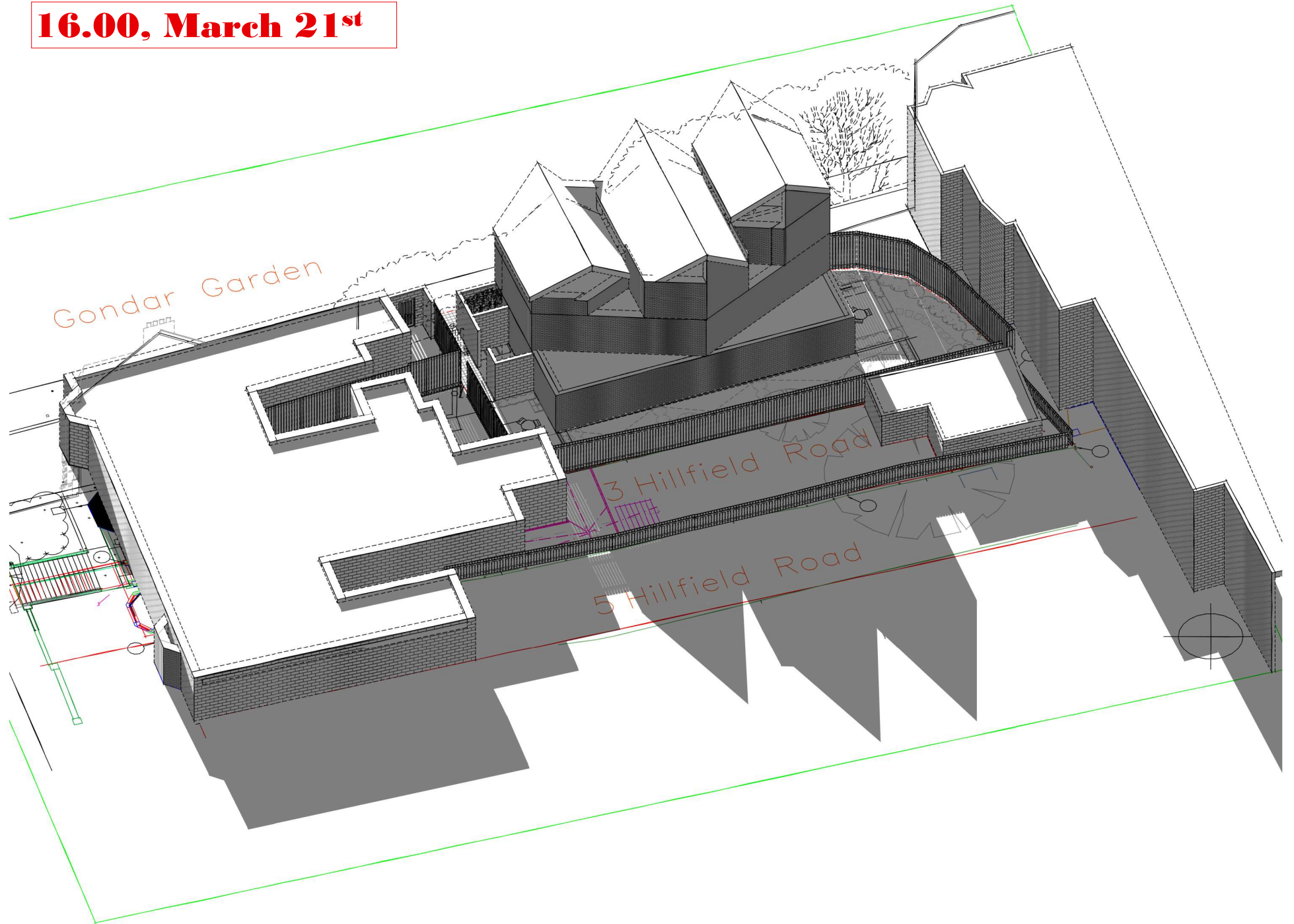
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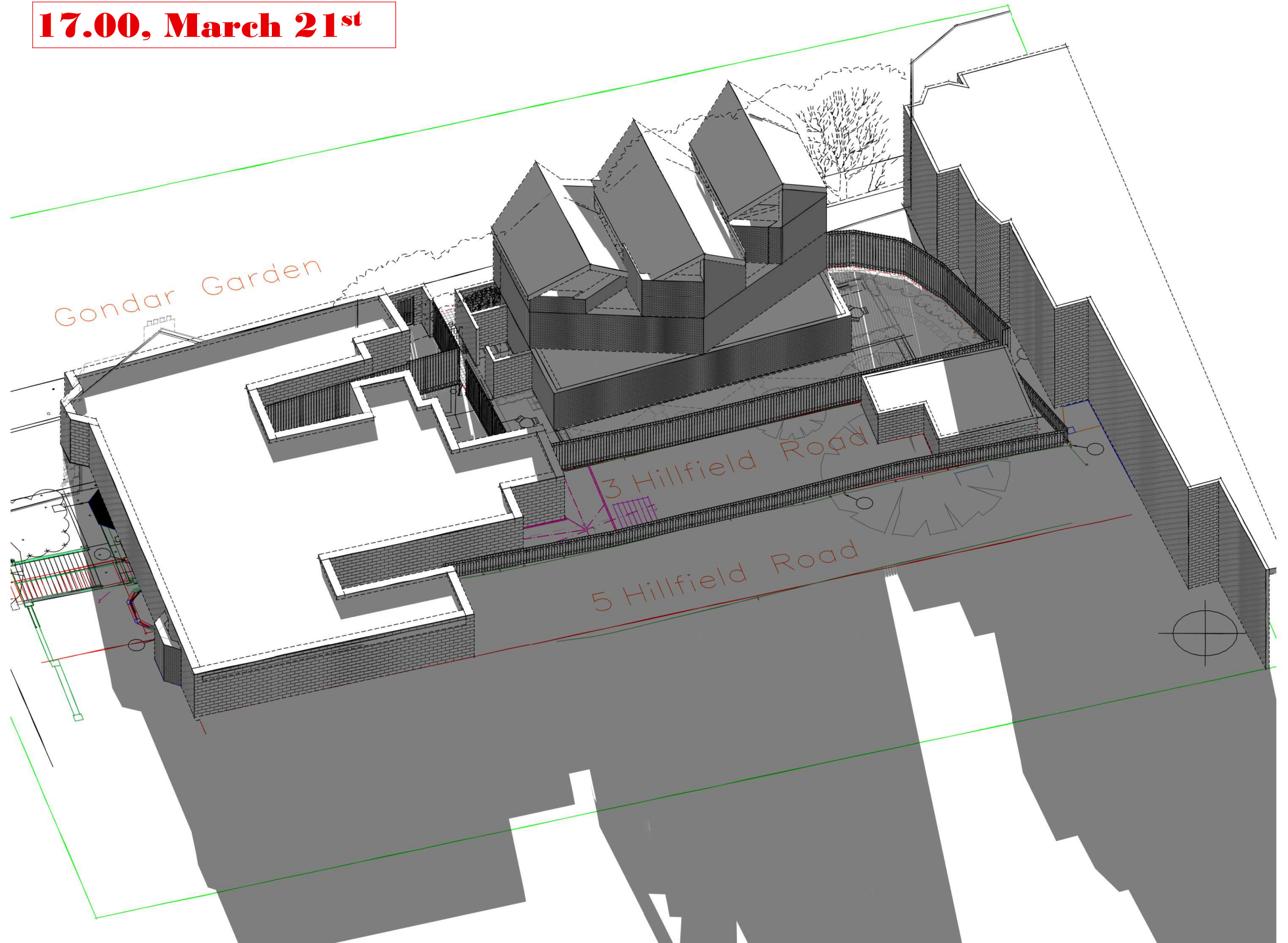
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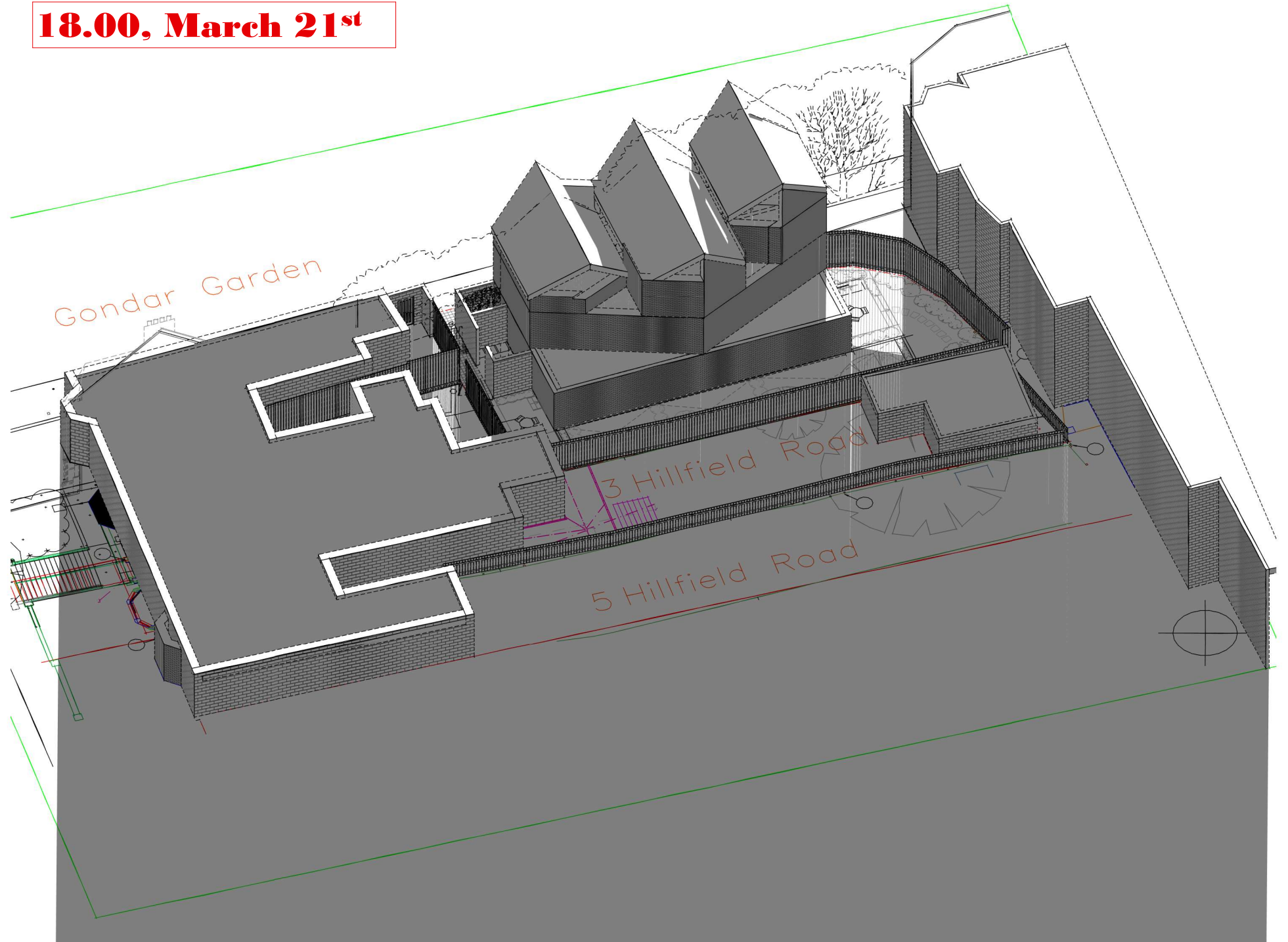
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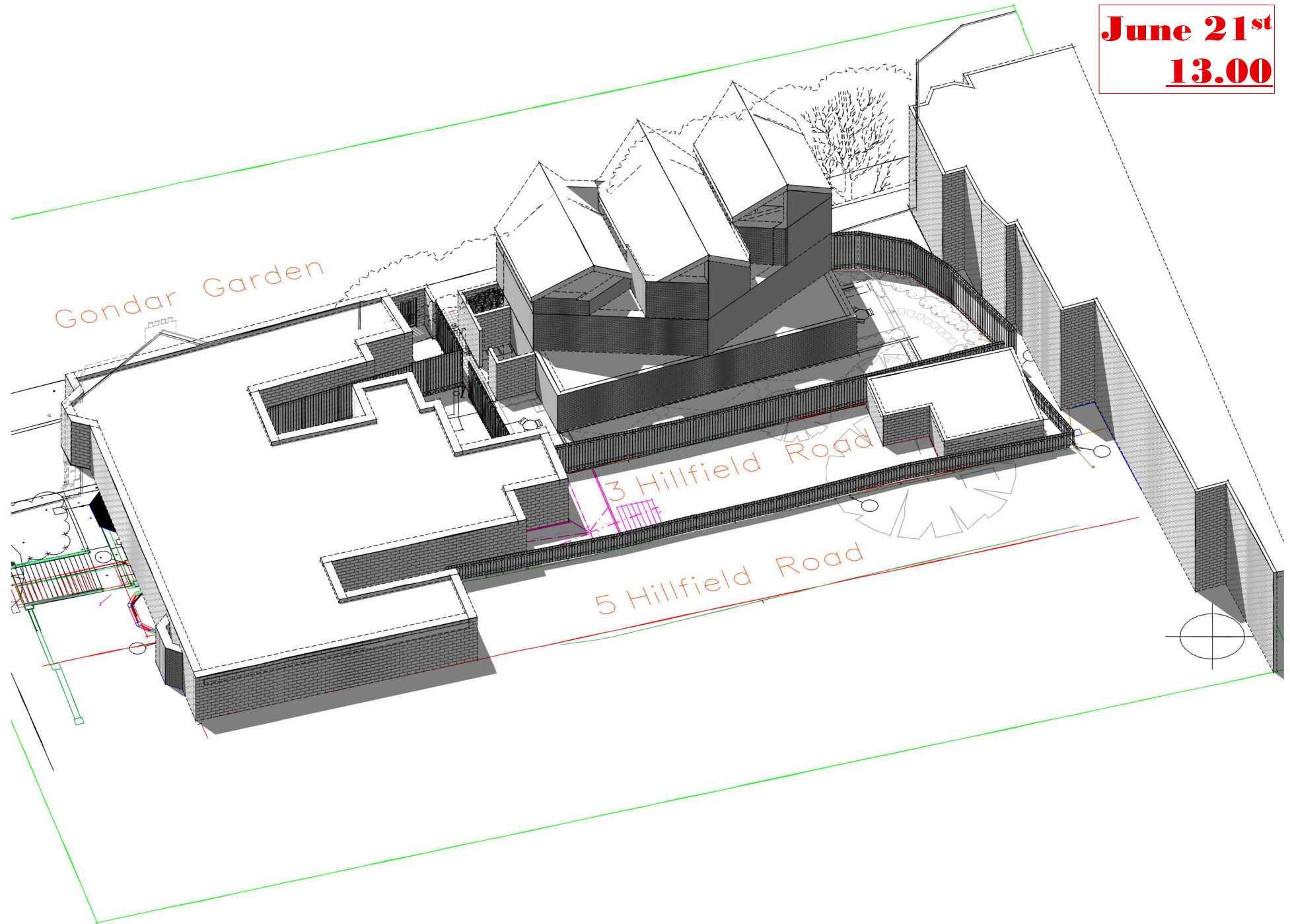
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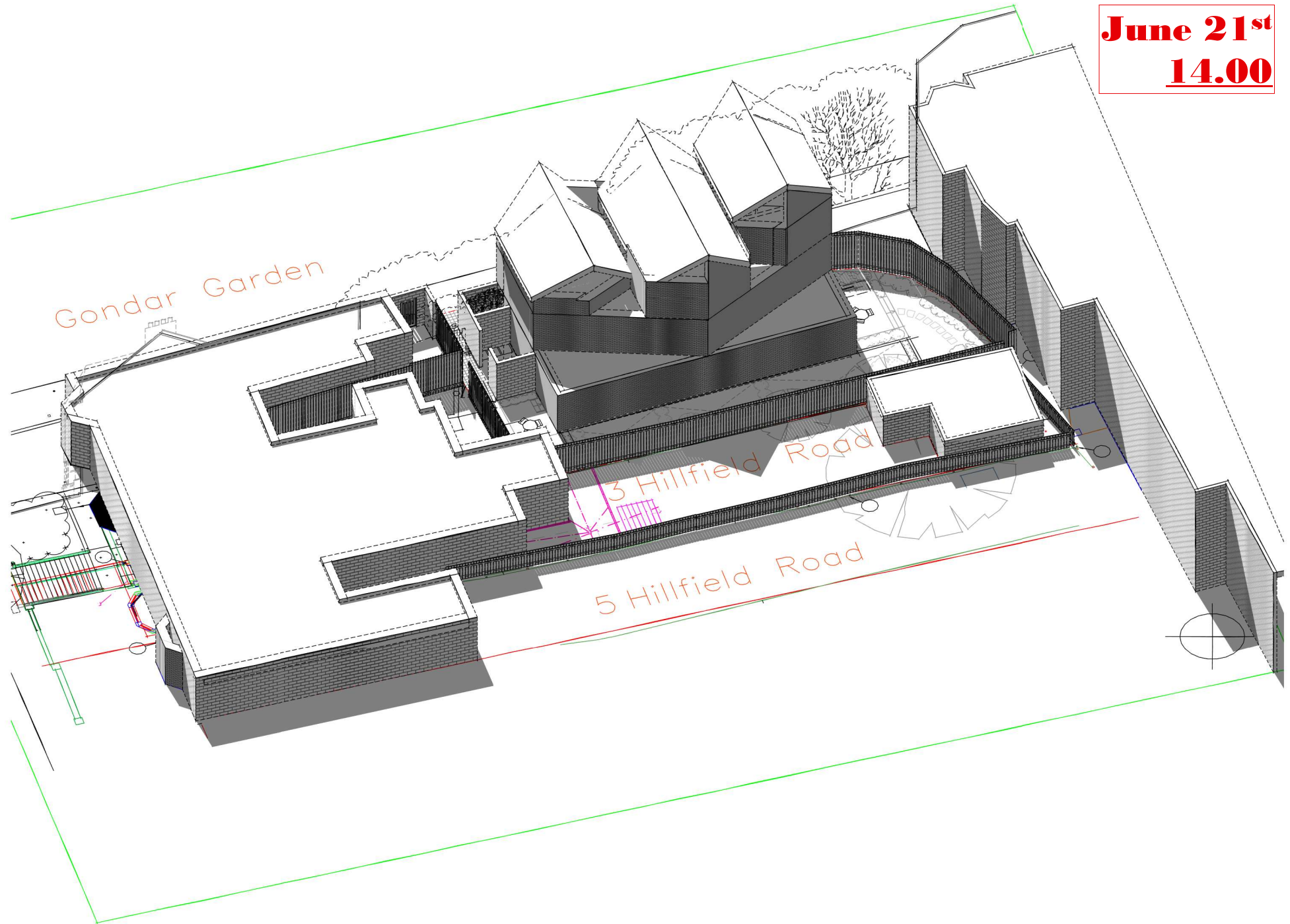
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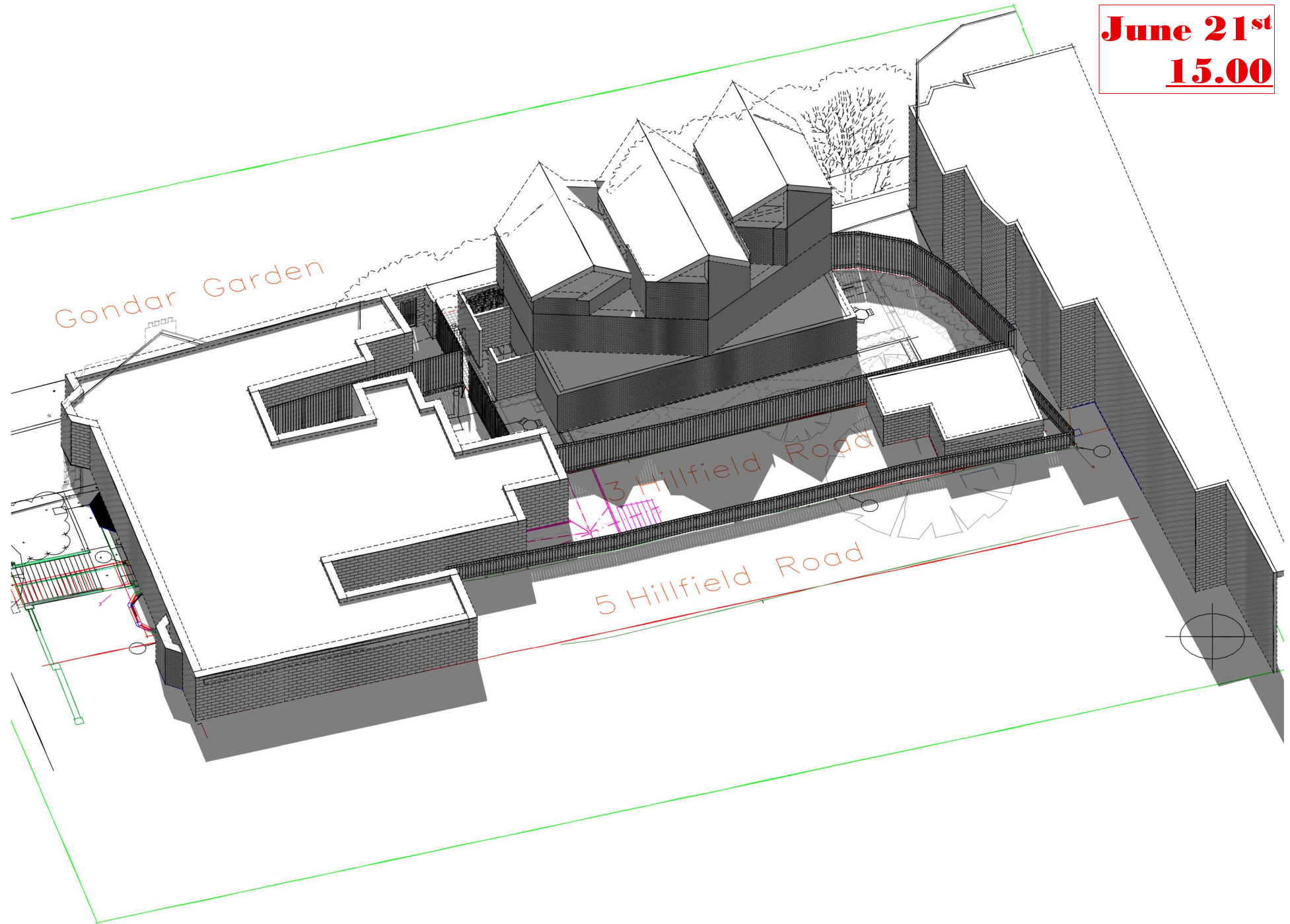
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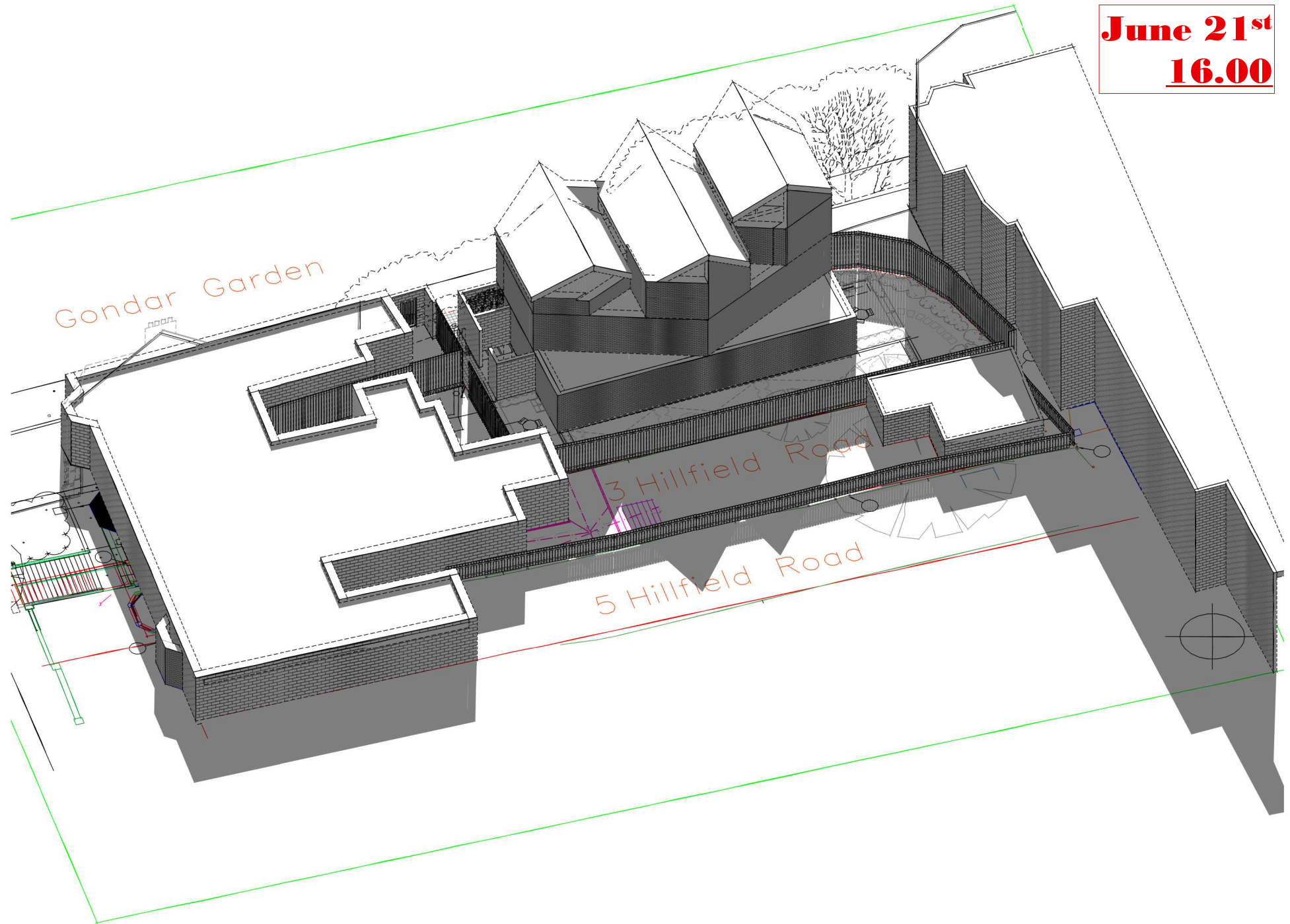
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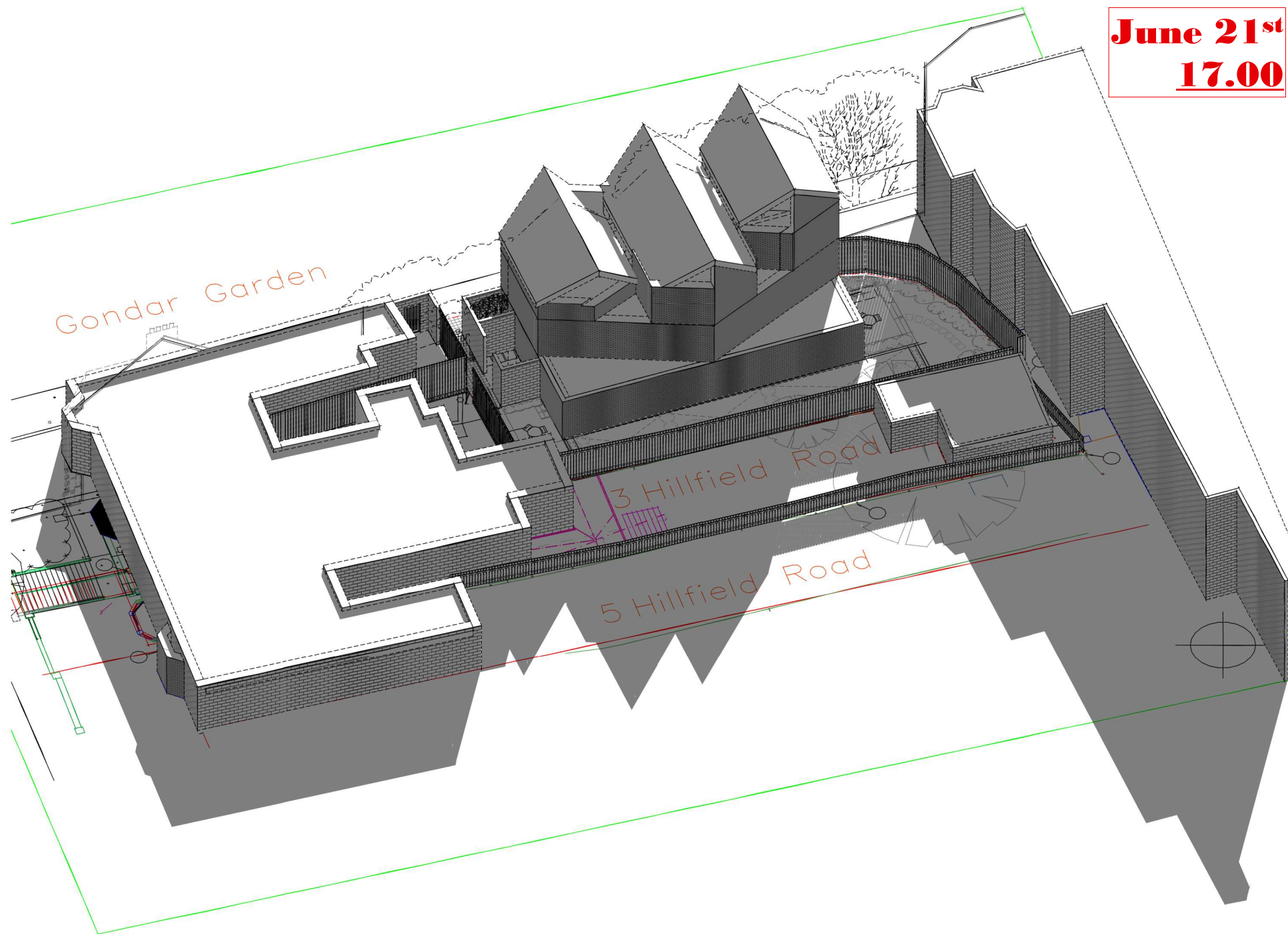
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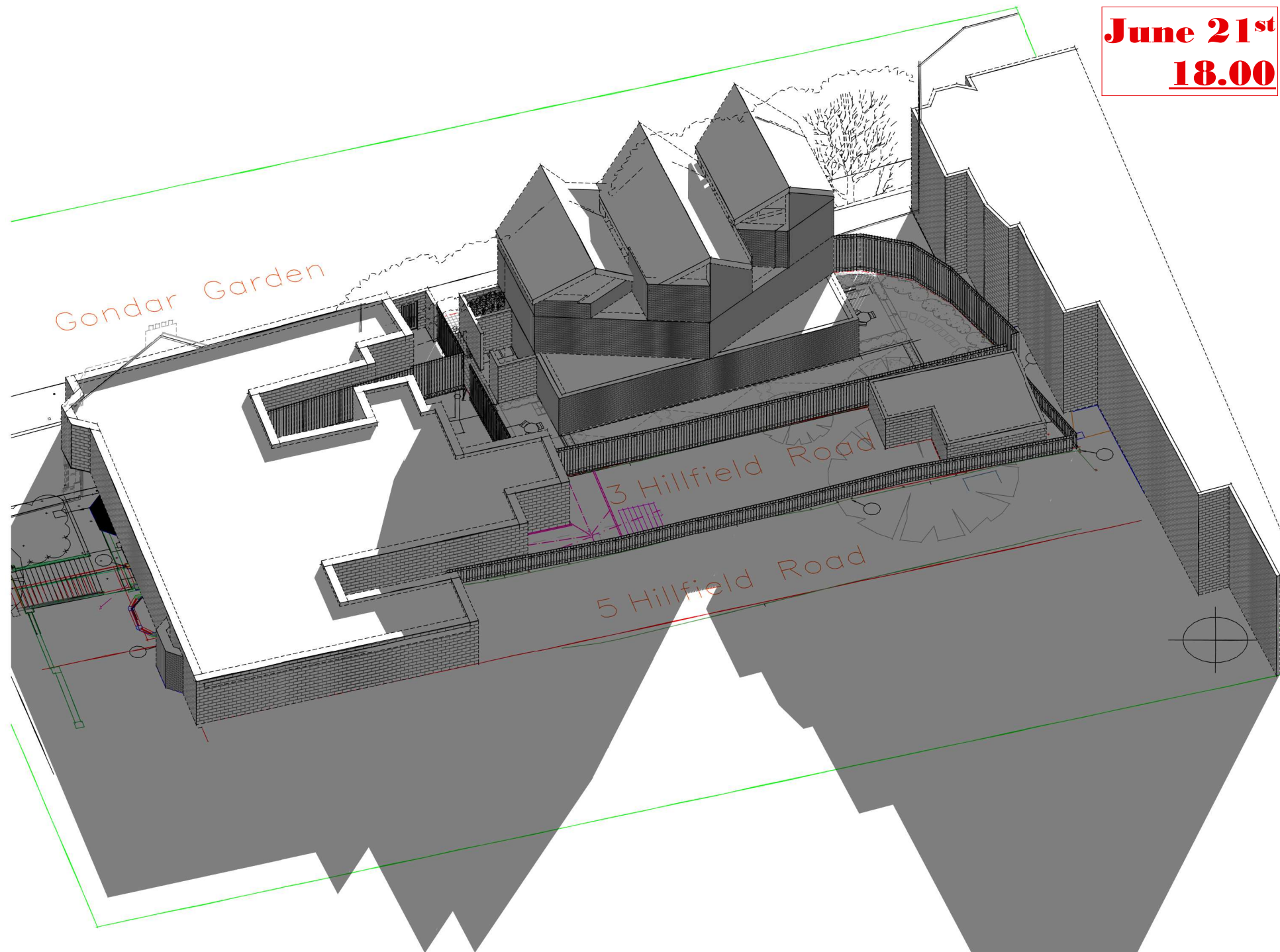
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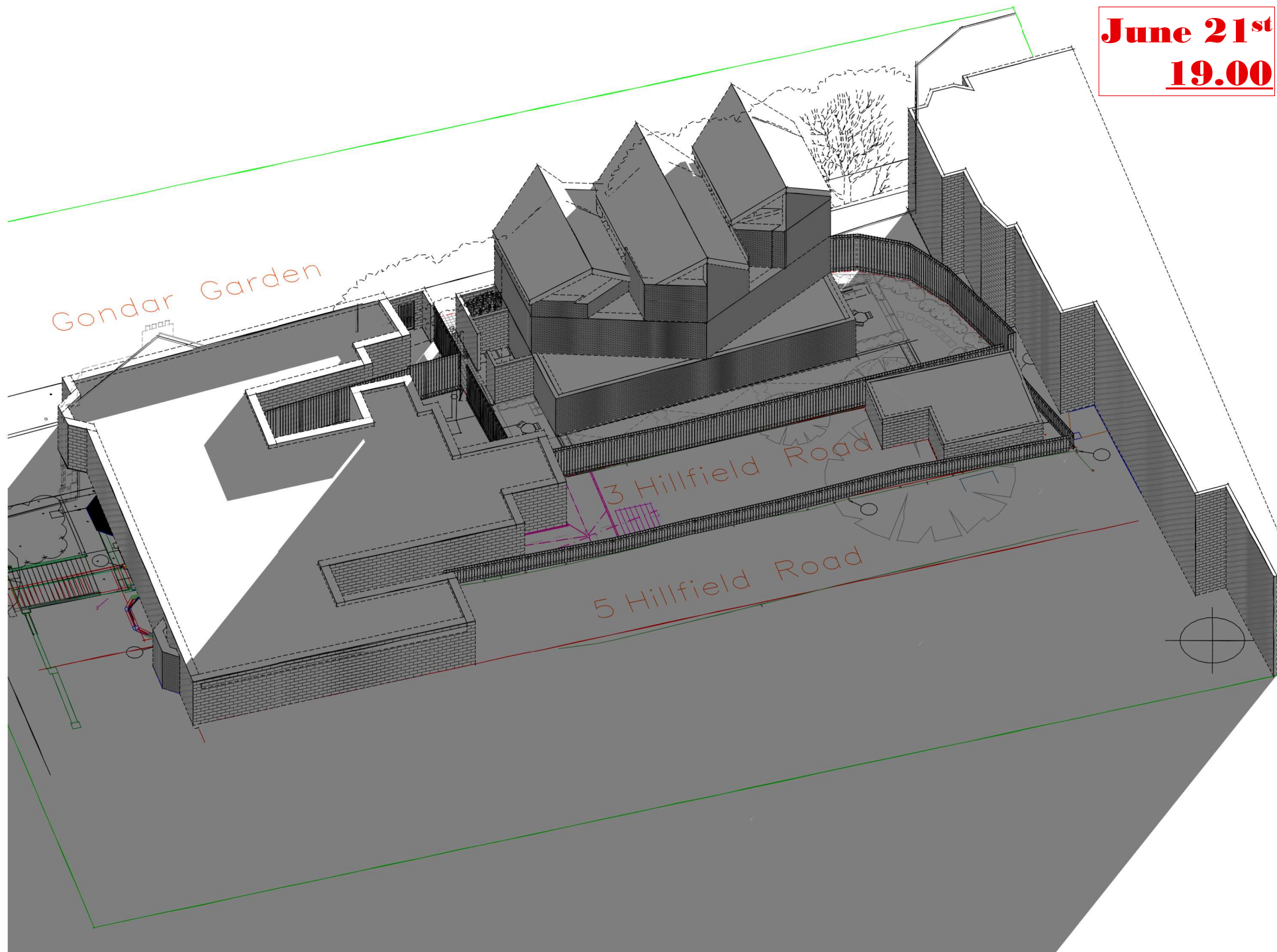
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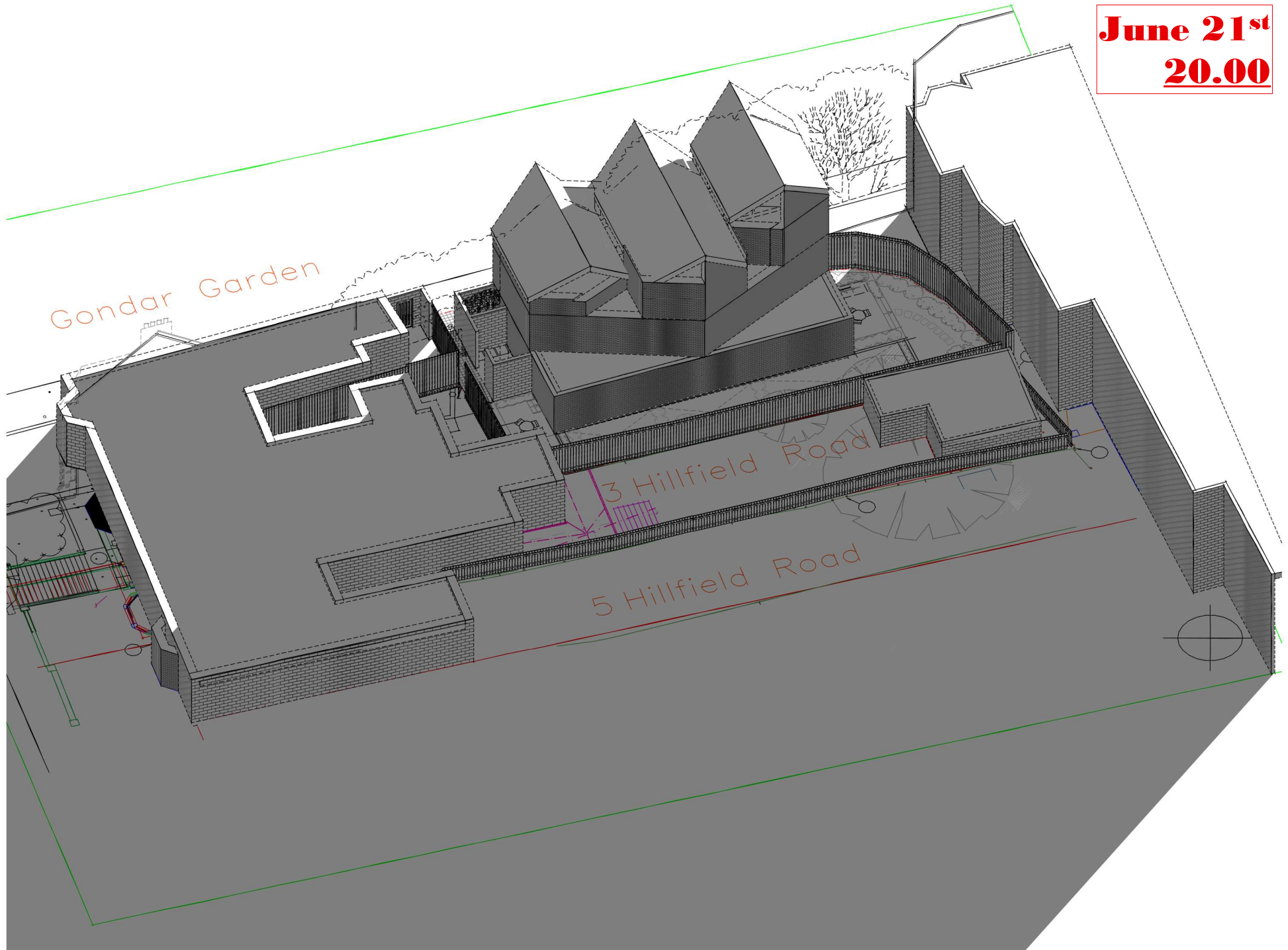
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