

Application No:	Consultees Name:	Received:	Comment:	Response:
2021/2478/P	Mervyn McFarland	30/07/2021 18:49:12	OBJ/NOT	Dear Sirs,

18 A AINGER ROAD, PRIMROSE HILL, NW3 3AS - APPLICATION FOR DEMOLITION OF CONSERVATORY AT UPPER GROUND FLOOR LEVEL AND ERECTION OF NEW SINGLE STOREY EXTENSION, WITH METAL STAIRCASE INTO THE REAR GARDEN, TO FLAT. PLANNING APPLICATION 2021/2478/P

We act on behalf of the owners of No 17 Ainger Road which immediately adjoins the application site.

Our clients are concerned that insufficient information has been provided to allow the impacts of the proposed development, including the impact on our clients property, to be fully assessed and, accordingly, have asked us to put on record a holding objection to the proposal until such time as adequate supporting information is supplied by the applicant.

Policy A1 of the adopted Camden Local Plan (Managing the Impact of Development) states that the Council will seek to protect the quality of life of occupiers and neighbours. The policy approach is that the Council will grant permission for development unless (our emphasis) this causes unacceptable harm to amenity. At paragraph (a) the policy states that the planning authority will 'seek to ensure that the amenity of communities, occupiers and neighbours is protected'. The intent of the policy, as evidenced by the use of the word 'protect', is to ensure that where existing properties adjoin a proposed development site their reasonable amenity is safeguarded. Factors which the local planning authority will consider when evaluating development proposals are listed as including: visual privacy, outlook; sunlight, daylight and overshadowing; artificial lighting levels; impacts of the construction phase, including the use of Construction Management Plans; j. noise and vibration levels; odour, fumes and dust; and microclimate.

The Council's policy approach to issues of amenity is amplified in its 'Amenity' Supplementary Planning Document dated January 2021 which provides specific guidance in relation to issues including 'Overlooking, privacy and outlook' and 'Daylight and sunlight'.

With regard to over-looking and privacy, the SPD notes:

'Interior and exterior spaces that are overlooked lack privacy, which can affect the quality of life of occupants. The Council will therefore expect development to be designed to protect the privacy of the occupants of both new and existing dwellings to a reasonable degree. Therefore, new buildings, extensions, roof terraces, balconies and the location of new windows should be carefully designed to avoid overlooking. The extent of overlooking will be assessed on a case-by-case basis.

The places most sensitive to overlooking are typically habitable rooms and gardens at the rear of residential buildings. For the purposes of this guidance, habitable rooms are considered to be residential living rooms; bedrooms and kitchens. The area of garden nearest to the window of a habitable room is most sensitive to overlooking.'

On an initial review it appears that the proposed development does not adequately protect the privacy of our clients property at 17 Ainger Road. A degree of over-looking of the rear garden of 17 Ainger Road already exists and indeed is inevitable given the terraced nature of the properties on Ainger Road and the proximity of properties in Chamberlain Street to the east. The proposed development would however materially worsen the existing situation. In particular, the proposed external stair case would give rise to direct overlooking of, and loss of privacy to, our clients garden and the principal habitable rooms to the rear of their property each

Application No:    Consultees Name:    Received:

Comment:

Response:

time the staircase is used. The applicant's Design Statement suggests that any impact on privacy could be overcome by the use of planting between the staircase and the wall which forms the boundary between the properties: in reality however planting will not provide an adequate level of screening. The long-term maintenance of planting cannot be guaranteed by either the applicant or the local planning authority and the planting itself would cause further over-shadowing of our clients garden.

With regard to outlook, the SPD notes (at paragraph 2.14) that:

'Developments should ensure that the proximity, size or cumulative effect of any structures avoids having an overbearing and/or dominating effect that is detrimental to the enjoyment of their properties by adjoining residential occupiers).

The removal of the existing conservatory structure, and its replacement with a larger, deeper and more solid extension will have an over-bearing effect on our clients property. This effect will be exacerbated having regard to local topography whereby our clients property sits at a lower level than the application property. We consider that the application as submitted is deficient in so far as it does not provide a level of detail sufficient to allow the LPA to properly assess the impact of the proposal on the outlook from No.17 Ainger Road as the existing and proposed floorplans submitted do not identify the position of windows and principal habitable rooms in the adjoining properties.

With regard to daylight and sunlight the SPD states:

'The Council expects applicants to consider the impact of development schemes on daylight and sunlight levels. Where appropriate a daylight and sunlight assessment should be submitted which should follow the guidance in the BRE's Site layout planning for daylight and sunlight: A guide to good practice.

The 45 degree and 25 degree tests cited in the BRE guidance should be used to assess ('screen') whether a sunlight and daylight report is required.

Levels of reported daylight and sunlight will be considered flexibly taking into account site-specific circumstances and context.'

The applicants supporting 'Access and Design Statement' includes only one paragraph which considers the amenity of neighbouring properties. That paragraph states:

'We do not believe that the proposal will have any effect on neighbouring loss of privacy, sunlight or daylight).

No evidence is provided to substantiate this assertion and the information submitted with the planning application does not include any objective analysis or assessment of potential impacts on daylight and sunlight to neighbouring properties, including our clients property. Our client is taking independent advice from a daylight and sunlight consultant (Anstey Horne) on this aspect of the proposed development however given the degree to which daylight and sunlight to the rear on No. 17 Ainger Road are already compromised by surrounding buildings and structures, and having regard to the location, plan form and depth of the proposed extension, it is clear that this is a situation where a full assessment of impacts on daylight and sunlight to neighbouring properties should be required by the LPA.

Application No:    Consultees Name:    Received:

Comment:    Response:

We trust the above is helpful in communicating our clients initial concerns regarding the proposals and in particular the lack of detailed information provided on key aspects of the development. The proposal has potential to significantly, and adversely, affect their residential amenity and their reasonable enjoyment of their property, contrary to Policy A1 of the adopted local plan and to the adopted SPD.

We request that the local planning authority gives due weight to these concerns and requires the applicant to provide further details, as required by the SPD, to allow the impacts of the proposed development to be properly considered and assessed.

We reserve the right to add further to this initial representation.

Yours sincerely,  
Mervyn McFarland  
Planning Director



Application No:	Consultees Name:	Received:	Comment:	Response:
2021/2478/P	Anstey Horne	30/07/2021 10:30:59	WREP	<p>Anstey Horne on behalf of the legal owner of 17 Ainger Road:</p> <p>Anstey Horne have been appointed by the legal owners of 17 Ainger Road, London to advise on the possible light effects produced as a result of the proposed redevelopment of 18A Ainger Road, which is located on the northern boundary of the application site. We are aware that a planning application has recently been submitted to the London Borough of Camden (planning reference: 2021/2478/P) which is described as follows:</p> <p>'Demolition of conservatory at upper ground floor level and erection of new single storey extension, with metal staircase into the rear garden, to flat.'</p> <p>The Building Research Establishment (BRE) document entitled 'Site Layout Planning for Daylight and Sunlight, a Guide to Good Practice, 2011', otherwise known as the BRE Guidelines, provides the principal guidance in this area and has been adopted by the London Borough of Camden as part of the 2017 Camden Local Plan. Policy A1, 'Managing the impact of development', states that the London Borough of Camden will:</p> <p>A. "...seek to ensure that the amenity of communities, occupiers and neighbours is protected."</p> <p>Paragraph 6.5 of the 2017 Camden Local Plan also states that in order to assess whether there would be acceptable levels of daylight and sunlight caused by development, the Council will have regard to the most recent guidance published by the Building Research Establishment (BRE) Report, being the 2011 edition at the date of this letter. It goes on to say that further guidance can be found within the supplementary planning document 'Camden Planning Guidance on amenity', dated January 2021.</p> <p>Section 3 of this document deals with daylight and sunlight and suggests that formal reports may be requested of applicants in order to demonstrate that adequate levels of light are being provided, in accordance with Policy A1 (as set out above). Importantly, it is stated that the Council will have regard to both the '45 degree' and '25 degree' assessment to make an initial judgement on the impact of a proposal. The applicant has provided no such information and has no basis on which to conclude that we do not believe that the proposal will have any effect on neighbouring loss of privacy, sunlight and daylight.</p> <p>Based on a review of the submitted drawings, it is clear that the current design includes an increase in, breadth and depth of the existing conservatory structure within close proximity to 17 Ainger Road, a residential dwelling with a clear expectation for natural light. Having undertaken a site visit of my clients property on 27 July 2021, I can confirm that the habitable rooms overlooking the development include a kitchen, drawing room, conservatory and one bedroom. 17 Ainger Road also contains a small garden at the rear of the property which is located directly north of the application site. Given its orientation, it is clear that any increase in massing on the adjacent site may lead to material reductions in the availability of direct sunlight. The presence of the Chamberlain Street property further increases the sensitivity of my clients garden in overshadowing terms and there is a reliance on light passing from a southerly direction, across the application site. The elevated position of the application site when compared to our clients property renders it yet more sensitive in terms of natural light.</p> <p>The absence of a technical daylight, sunlight and overshadowing report within the supporting documents is noted and without sight of such information, it is impossible to review and comment on the amenity effects as a result of the application scheme. We kindly request that this information is made available as a matter of</p>

Application No:	Consultees Name:	Received:	Comment:	Response:
				urgency and in accordance with the methodologies advocated within the BRE Guidelines before any decision is made on the merits of the application before the Council.

---