

DAC BEACHCROFT

Our Ref: LEV171-1264727
Your Ref: 2021/5349/P
23 December 2021

Planning Solutions Team
London Borough of Camden
2nd Floor, 5 Pancras Square
c/o Town Hall, Judd Street
London
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By e-mail only

For the Attention of Obote Hope

Dear Obote

**Proposal for 22 Tanza Road, London NW3 2UB (the “Application Site”)
Planning reference: 2021/5349/P (the “Application”)**

We act for Mr Adam Leventis and his family, the owners of 54 Parliament Hill NW3 2TL, which sits adjacent to the Application Site. We refer to:

- the Proposed Plans;
- the Existing Plans;
- the Design and Access Statement (DAS);
- the Planning Statement;
- South Hill Park Estate Conservation Area Statement (CA Statement);
- Camden Local Plan 2017;
- Amenity SPG January 2021; and
- House Improvements SPG January 2021.

Our clients **object** to the proposed development, and are specifically concerned with the overbearing nature of the proposed increase in height to the party wall to accommodate an extension to what is currently a garage, new storey on top of the garage, and the new balcony on the rear of the property at the first floor, all of which will have a substantial impact on our clients' enjoyment and amenity value of their property and on the character of the Conservation Area.

An error in the plans

Firstly, we have identified an error in the Existing Plans. Each of these plans show the proposed rear elevation with two large windows, aligned with each other. This is factually incorrect, and must be rectified. We have provided photographic evidence below of the windows and their position. This photo is taken from our clients' property looking towards the Application Site and clearly shows the difference in level between the two rear windows of the application property.

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The Planning Statement is not clear as to whether these windows are to be replaced by French doors, as it says simply *a 2m terrace is proposed to the rear of the property off the master bedroom overlooking the garden.*¹ The replacement of these windows does not form part of the description of development on the application form. However, the Proposed First Floor Plan and the Proposed Rear Elevation appear to show these windows being replaced by French doors, however this has not been addressed in the planning statement. The DAS notes that *A new roof terrace is proposed and alterations to the sash windows at first floor to form French windows, but these have been carefully designed to retain the existing curved brick window heads and opening widths.* We query further whether the French doors mentioned in the DAS will in fact be able to be constructed to retain the existing curved brick window feature, given the different heights of the existing windows. Certainly, given the difference in heights of the existing curves above the windows, it will not be possible to retain both original curved brick window heads while complying with the Proposed Rear Elevation drawing which show them at the same level.

Impact on South Park Hill Conservation Area

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Local Planning Authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. Tanza Road is within South Hill Park Conservation Area, which was designated in August 1988. The CA Statement must be considered in order to analyse the impact of the proposed development on the Conservation Area. The area is described in the CA Statement as having *elaborately carved foliage in artificial stone, as well as various combinations of steeply pitched roofs, Tudor chimneys and rustic porches.*² The proposed development seeks to remove the existing rear porch and impose an incongruous modern structure onto the back of the application property. It may not be visible from the road, but the current rear aspect of the application property makes a positive contribution towards the Conservation Area for those that live on Parliament Hill and overlook the back of the properties on Tanza Road which the proposed development would significantly harm.

The CA Statement goes on to say that *Generally all houses have small front gardens with boundaries of low brick walls and brick piers. These walls are often backed by vegetation of one sort or another, either shrubs or a hedge.*³ Between 54 Parliament Road and 22 Tanza Road is one of these low brick walls. This low brick wall extends the length of the boundary between the two properties, and the

¹ See paragraph 3.4

² See page 11

³ See page 13

Development proposes to increase the height. This will significantly impact on views into and within the Conservation Area and views from Parliament Hill, alongside the shrubs and small trees that are located close to the existing wall at 54 Parliament Hill which will lose light and be detrimentally affected by the increase in height of the wall.

The CA Statement specifically outlines that *there are many incidental and panoramic views into the Conservation Area.....The early suburban semi-detached form of development is a principle feature that contributes to the character and appearance of the area. This form provides glimpses of rear garden areas through gaps between villas and wider vistas at road junctions. These townscape gaps provide an important source of visual amenity for the public and provide interesting spatial contrasts within the Conservation Area.* This describes precisely the current value of the application property, and is exactly what our clients enjoy about living in the Conservation Area – the townscape and visual amenity viewed from both their property and the street-scene generally, and this outlook will be severely impacted if the proposed development is approved, given its domineering nature and modern feel with expanses of glass which are wholly incongruous in the context of the Conservation Area.

Rear extensions are discussed in the CA Statement, as they can *alter the balance of harmony of a property or a group of properties by insensitive scale, design or inappropriate materials.....Rear extensions should be as unobtrusive as possible and should not adversely affect the character of the building or the Conservation Area. In most cases such extensions should be no more than one storey in height, but its general effect on neighbouring properties and the Conservation Area will be the basis of its suitability..... Rear extensions will not be acceptable where they would spoil a uniformed rear elevation of an unspoilt terrace or group of buildings.*⁴ The side and rear extensions involved in this development have a severe detrimental impact on the neighbouring properties and would adversely affect the character of both the building itself and the Conservation Area within which it sits.

As the DAS recognises, the Application Site at 22 Tanza Road is specifically listed in the Conservation Area Audit as being one of the buildings which made a positive contribution to the special character and appearance of the Conservation Area.⁵ While not individually listed, the group of buildings of which it forms part is described as being *nevertheless important local buildings in their own right and make a positive contribution to the character and appearance of the Conservation Area.* The DAS states that *“The extension will not be visible from the street...”* but that is not the point. The extension will be visible from other vantage points within the Conservation Area and will affect the feel and visual amenity of the Conservation Area as a whole.

We consider that the proposed development will diminish the positive contribution 22 Tanza Road currently makes to the Conservation Area, as the garage extension, rear wall extension and new rear balcony would be incongruous and not in keeping with the existing properties. The proposals are oversized and overbearing, and would have a detrimental impact on views, visual amenity, adjacent vegetation, and the traditional feel of the streetscape and gardenscape within the Conservation Area.

Policy D2 (e) of the Camden Local Plan states that the Council will require that development within conservation areas preserves or, where possible, enhances the character or appearance of the area. Paragraph 7.46 goes on to say The Council will therefore only grant planning permission for development in Camden’s conservation areas that preserves or enhances the special character or appearance of the area. We do not consider that the proposed Development in any way preserves or enhances the conservation area, due to its obtrusive and overbearing nature, which does not tie in with the surrounding properties.

Loss of Amenity

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that determination of applications for planning permissions should be made in accordance with the development plan unless material considerations indicate otherwise. Policy A1 of the Camden Local Plan states that *The Council will seek to protect the quality of life of occupiers and neighbours. We will grant permission unless this*

⁴ Page 22

⁵ Page 15

causes unacceptable harm to amenity. We will seek to ensure that the amenity of communities, occupiers and neighbours are protected. The impact on our clients' amenity is at the heart of their objection to this development.

Policy A1 at (e) notes that the Council will consider visual privacy, outlook, and at (f) sunlight, daylight and overshadowing. The Council adopted the Amenity SPG in January 2021 and it is a material consideration in planning decisions. At paragraph 2.2, this SPG states that *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 proposed new rear balcony on the Application Site will cause significant overlooking into the rear garden of 54 Parliament Hill and the adjacent property at 52 Parliament Hill. Our clients' rear garden at no. 54 contains a large fig tree and a large apple tree which are enjoyed by the children who live there and spend a large amount of time playing in the rear garden. They currently enjoy relative privacy and a large amount of natural light, both of which will be diminished with the introduction of the new balcony, the increase in the height of the boundary wall and the additional storey on top of the garage. The proposed rear balcony at Tanza Road will look directly over the rear garden of 54 Parliament Hill - directly over the children playing only a few metres away. The 1.5 metre vision screening is about screening those using the balcony from being seen, it is not high enough to prevent overlooking from the balcony and does nothing to protect the light the garden currently enjoys.

The Home Improvements SPG states that the following matters are basic principles that should be considered, and in this case, we do not consider they have been considered at all:

- *Ensure your proposal does not reduce your neighbours access to daylight & sunlight;*
- *Design your home improvement to not infringe on your neighbours outlook from their windows and garden;*
- *Ensure any opportunities for overlooking into or from your neighbour's property are removed and privacy for all properties is maintained;⁶*

In relation to rear extensions, the Home Improvements SPG states that rear extensions should:

- *Respect and duly consider the amenity of adjacent occupiers with regard to daylight, sunlight, outlook, light pollution/ spillage, and privacy;*
...
- *Ensure the extension does not cause undue overlooking to neighbouring properties and cause a loss of privacy. Consider opaque lightweight materials such as obscured glass on elevations abutting neighbouring properties, in order to minimise overlooking;*
...
- *Respect and preserve the historic pattern and established townscape of the surrounding area, including the ratio of built to unbuilt space;*
- *Retain the open character of existing natural landscaping and garden amenity, including that of neighbouring properties, proportionate to that of the surrounding area;*
- *Have a height, depth and width that respects the existing common pattern and rhythm of rear extensions at neighbouring sites, where they exist. ⁷*

Side extensions should be confined to a single storey, but there may be instances where a taller side extension could be permitted.⁸

We note that no daylight or sunlight assessment has been submitted with the proposals. We note the rather bland and unsubstantiated statement in the Planning Statement that *"the proposals will have no impact on the daylight and sunlight of neighbouring properties"*. The DAS makes similar unsupported statements that the proposed development will not have any adverse effect on nearby properties. Our clients disagree and would urge the Council to request that a daylight/sunlight assessment be undertaken in order to ascertain the full impact of these proposals on the surrounding properties. It is

⁶ Pages 30-31

⁷ Pages 40-41

⁸ Page 43

not enough simply to say “there will be no impact”. Obviously the applicants have not considered the impact of loss of light on our clients’ adjacent property and in particular their garden.

Further, the side extension works proposed on the ground floor seek to increase the height of the boundary wall by 1150mm, which will have a detrimental impact and reduce the natural light currently enjoyed by the occupants of 54 Parliament Hill. There are a large number of shrubs and other trees that currently enjoy sunlight, which will be eroded by the wall extension. The applicant has not left enough space to provide landscaping at 22 Tanza Road to protect the privacy of 54 Parliament Hill, in fact the development extends right up to, and indeed would be constructed on the boundary between the two properties. The photo below shows our clients seating area in their rear garden.



The garage extension will introduce a further loss of light and overlooking into the rear of 54 Parliament Hill, changing the outlook and the character of the area enjoyed by its occupants and others along that aspect of Parliament Hill.

We note that the photographs in the DAS were taken when the trees were in full foliage. Obviously the scene and degree of visual overlooking will be far greater during autumn and winter when the trees are bare. We would therefore urge the Council to request revised photographs taken at the current time in order to fully assess the visibility from the proposed balcony into our clients’ garden.

Finally, the rear garden is currently used by a large number of birds such as nuthatch, long tailed tit, great tit, coal tit, blue tit, goldfinch, greenfinch, starling, blackbird, sparrowhawk, jay, greater spotted woodpecker and migrating birds such as redwing which may be impacted by the loss of daylight. The garden is also frequented by a fox which will no longer be able to access the garden should the development proceed. The photos below show a sparrowhawk at 54 Parliament Hill and a fox at 56 Parliament Hill.



Conclusion

While parts of the proposed development such as the basement extension, rear dormer extension and the skylights, in our view, are unlikely to significantly impact on amenity or the conservation area, the side extension and the rear balcony will have a significant impact both on the character of the conservation area enjoyed both by members of the public and the occupants of 54 Parliament Hill and adjacent properties. Our clients invite the case officer to their property if that would assist in fully understanding the impact of the proposals. These proposals are overbearing, incongruous and out of character with the Conservation Area and should be refused permission.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'C Coyle'.

Charlotte Coyle

Associate

for DAC Beachcroft LLP