

From: Polly Reynolds [REDACTED]
Sent: 11 February 2022 16:33
To: Josh Lawlor; Planning Planning
Cc: Shiva Tiwari (Cllr); Peter Taheri (Cllr); Nazma Rahman (Cllr); Avi Yanus; Ruby Zehavi
Subject: Letter of objection re Flat 16 - Applications reference 2021/5963/P and 2021/6057/P 163-165 Iverson Road, West Hamstead, London
Attachments: [5592224 LibMattHeader 11 feb 2022 aa flat 16.pdf](#)

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Dear Sir/Madam,

Please see attached letter on behalf of my client.

I would be grateful if you would acknowledge safe receipt.

Kind regards,

Polly

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Our Ref: PR/AVI003/0002
Your Ref: 2021/5963/P and 2021/6057/P

Development Management
Camden Town Hall Extension
Argyle Street
London
WC1H 8EQ

For the attention of: planning officer
By email : planning@camden.gov.uk

11 February 2022

Dear Sir/Madam,

**Planning objection- 163-165 Iverson Road, West Hamstead, London ('the Site')
Erection of new roof including a single storey roof extension to the rear element of the
existing building and the creation of four residential units ('the Development')
Application references 2021/5963/P ('the Application') and 2021/6057/P ('the
façade remediation Application')**

We act for Dr Avi Yanus of Flat 16, 163 Iverson Road ('the Property').

The Site the subjection of the Application is located directly above our client's Property. Our client wishes to lodge a formal objection to the Application as the proposed Development will result in significant adverse amenity impacts as well as neighbourly issues in conflict with the aims of the London Plan and Camden's Local Plan policies. We therefore urge the Council to refuse the Application.

In relation to the façade remediation Application, given the backdrop of the building having been deemed unsafe and considering the enforcement action being taken, this matter should be given priority over the Application. In the event of the facade remediation Application being approved, we respectfully request that such work is undertaken as soon as possible and to the Council and fire authorities' and building control's satisfaction.

In the event of permission being granted for the Application despite our material planning objections and concerns, a planning condition should be imposed preventing any commencement of the Development or implementation until the completion of discharge of all works required and the discharge of all conditions and/or obligations in relation to the façade remediation Application.

Background and relevant planning context

Our client was granted planning permission in May 2019 under application reference 2018/6278/P for the enlargement of the balcony into a private roof terrace with glazed balustrade and privacy screen. This was amended in October 2019 under application reference 2019/4559/P so that a raised hot tub area could be provided.

This planning permission, as amended, has been implemented at the Property.

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Our client's enjoyment and use the Property including the use of the balcony will be significantly and adversely impacted by the Development, if granted.

In addition, the creation of the additional storey will result in the following other adverse impacts:

Amenity – Overlooking, privacy and outlook

Overlooking and noise

Each of the proposed flats within the Development will have a private balcony in excess of 6.sqm and the three-bedroom flats will have a roof terrace of 45sq.m with a 1.1 m balustrade.

The use of the Development will result in additional associated noise especially when the external areas provided are used by future occupants. It is not possible to insulate against such noise. The screening proposed offers insufficient protection from such harms. The suggestion in the planning statement that the noise stemming from external amenity space is expected to have noise levels considered reasonable in the context of amenity areas in an urban environment offers no comfort nor explanation how this will not result in harm and/or adverse impact for our client and other occupiers of the existing flats within the building. It does not and cannot.

Visual impact

The Development will create a fifth floor and the height of the building will increase to 20.17 metres. The existing building (according to the design and access statement dated 10th December 2021) (page 6) is 5 storeys at its tallest with a top floor being 12.5m from external ground level. In the planning statement introductions, the proposal is described as representing 'an opportunityto redesign and *slightly* raise the height of the roof in order to create four additional residential units...' (our emphasis) (para 1.4).

Our client does not share the view that an increase in height of some 7.67m required to accommodate the additional storey can in any way be described as slight.

Neither is it possible to conclude in such categorical terms that the Development will result in 'no adverse impacts' in this regard (paragraph 7.4 of the Planning Statement). The Development will clearly result in adverse impacts. The weight to be attributed to such impacts, we feel, is material and significant to warrant a refusal alone.

Daylight impact

The daylight and sunlight report notes that overall, the Development/ extension is unlikely to significantly affect the daylight availability of the surrounding properties based on the analysis carried out. Again, the use of the words 'unlikely' and 'significantly' are noteworthy. There will clearly be some impact as the report identifies. The extent to which such impact is significant remains unclear. The report is unable to be categorical about the position. The Council should take a precautionary approach in this regard and either make further enquiries of the applicant or carry out its own checks to satisfy themselves of the true impact on surrounding properties.

Design Policy (the impact that the proposal has on the character of the host building and surrounding area)

The Council's design policies are aimed at achieving the highest quality design in all developments. Policy D1 states that developments should consider the character, setting, context and form and scale of neighbouring buildings and the quality of materials to be used.

CPG1 Design guidance states that alterations should take into account the character and design of the property and surroundings, windows doors and materials should complement the existing building.

Living conditions

The proposed new storey and the outdoor amenity space afforded by the Development would significantly impact those occupants who previously enjoyed occupying the top of the building. In addition, the following amenity space will be provided:

- Flat 5.01 balcony of 7 sq.m
- Flat 5.02 balcony of 5 sq.m
- Flat 5.03 roof terrace of 12 sq.m
- Flat 5.04 roof terrace of 45 sq.m

The neighbouring flats below will become considerably more enclosed, and the Development would have an overbearing impact harming the living conditions of current residents. The Development's proposals will be at the expense of the character and appearance of the area or living conditions of other existing residents. The roof extension terrace will appear closer and more oppressive when viewed from neighbouring properties.

The design of the proposed balustrade would only partially obscure the close-range views, and as such would not sufficiently mitigate overlooking such as to afford sufficient privacy to neighbouring properties.

Amenity Privacy and overlooking Policy A1 seeks to protect the amenity of Camden's residents by ensuring the impact of development is fully considered. Furthermore, the policy seeks to ensure that development protects the quality of life of neighbours and occupiers by only permitting development that would not harm the amenity of neighbouring residents.

The Development, therefore, conflicts with those parts of Policy A1 of the LP that seek to ensure that the amenity of neighbours is protected.

The Fortune Green and West Hampstead Neighbourhood Plan 2015 Policy 2 requires all development to be of a high quality of design, which complements and enhances the distinct local character and identity of Fortune Green and West Hampstead.

This requires that development

- i. positively interfaces with the street and streetscape in which it is located;
- ii. maintains the positive contributions to character of existing buildings and structures;
- iii. is human in scale; and
- iv. has regard to the form, function, structure and heritage of its context - including the scale, mass, orientation, pattern and grain of surrounding buildings, streets and spaces.

The additional storey along with the external amenity spaces is noticeably taller than the surrounding buildings and adjacent block. Such increase in height will result in an overly prominent addition and disrupt views for those living nearby.

This includes privacy, overlooking, outlook and implications on daylight and sunlight. Amenity seeks for developments to be designed to protect the privacy of both new and existing dwellings to a reasonable degree. Having regard to the relevant Camden Local Plan 2017 and National Policies on design as well as the guidance in the CPG dormers/roof extensions should be in proportion to the scale of the roof and appearance of the property and not overwhelm it.

The proposed roof extension appears overly large and imposing thus would be harmful to the integrity of the roof form in the host building due to its dominance. Thus, the proposal by virtue of its form and scale would represent an incongruous addition that would be harmful to appearance of the host building and wider area.

The Development, by reason of the harmful impact on amenity and dominance in terms of height and bulk would appear as an incongruous and unsightly addition and combined with the harmful impact on residential amenity and views from neighbouring properties is contrary to policies D1 (Design) and A1 (Managing the impact of development) of the London Borough of Camden Local Plan 2017 and Policy 2 of the Fortune Green and West Hampstead Neighbourhood Plan 2016.

The Development, as proposed, does not mitigate sufficiently against the harmful impacts identified. Unless an amended scheme can be put forward to minimise such impacts or appropriate mitigation provided to address such harms, we respectfully request that the application is refused.

Yours faithfully



Temple Bright LLP

Bristol office

