
**OBJECTION TO PROPOSED DEVELOPMENT AT
12 PILGRIM'S LANE, LONDON NW3 1SN
APPLICATION REF. 2022/2398/P**

Dear Sir or Madam

Objection to proposed development at 12 Pilgrim's Lane, London NW3 1SN: Planning application ref. 2022/2398/P

We act on behalf of Mrs Margaret Weston-Smith, the owner and occupier of no.14 Pilgrim's Lane, London NW3 1SN, which directly abuts the application site at 12 Pilgrim's Lane ('the Site').

Our client is an [REDACTED] Due to the sensitivity of the matters raised in this objection we would ask that the passage highlighted below with shading is redacted from public view.

Statutory test

This planning application must be determined in accordance with section 38(6) of the Planning and Compulsory Purchase Act 2004 ('PCPA 2004'), which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise.

Summary of objections to the current proposals

1. Our client is principally concerned with the unsuitable design which negatively impacts on her privacy and raises fears relating to her personal security and well-being.
2. She is also opposed to the general over-development of the Site at the rear. The effect of the proposals would be to almost double the size of the existing house from 3,725 sq. ft to 6,760 sq. ft. The construction and engineering works involved in its creation would result in a significant level of disturbance to neighbours which is not justified in this instance.

Detailed objections

1. *Design concerns relating to loss of privacy, security and personal welfare: single-storey front extension.*

The current arrangement of no. 12 where it joins no. 14 is a single garage with flat above, thus comprising a continuous terrace when viewed from the roadside on Pilgrim's Lane. This two-storey aspect would be demolished under the current plans and replaced with a single storey structure. It is claimed this would be an aesthetic improvement enhancing the quality of the host dwelling and benefiting the character and appearance of this part of the Conservation Area ('CA'): SM Planning covering letter dated 1.6.2022 (page 5).

It appears this element of the proposal is also supported by officers due to a reduction in overall mass: Council's pre-application reply dated 11.5.2022.

How this would affect the amenity of the neighbouring plot was not specifically considered in the formulation of these proposals. Our client is concerned that reduction of the building to single-storey height at the front would affect her privacy and safety. It introduces a significant new security risk by creating an accessible route directly over the garage roof leading to her rear terrace which directly adjoins her bedroom.

Paragraph 2.6 of the applicant's Heritage statement refers to a series of photographs showing other modern in-fill developments in this part of the CA (photos 1-7), however none of these designs would appear to compromise a neighbouring property in the same manner. Indeed, paragraph 3.3 states that "All of the examples are of distinctly modern design, and they are all two storey additions."

We also note that section 3.6 of the applicant's Design & Access Statement states that "The lost space from the garage and first floor has been shifted to the lower ground floor level, as seen in the 'Proposed Rear View Perspective'. This is to allow for much needed space in the main living areas." It follows that preservation of the two-storey elevation has the corresponding benefit of retaining a greater percentage of the existing internal space, thereby creating a design opportunity to reduce the scale of below ground excavations at the rear (see further comments at 2(ii) below).

2. Unsuitable design & over-development of the Site

i. Design and use of rear balcony and swimming pool: noise and disturbance

The proposals include a sweeping balcony at rear ground-floor level. The size of the usable terrace is unnecessarily large. It would extend the existing residential use and intensify its effects dramatically, to the potential annoyance of neighbours. The same is true of the proposed swimming pool which opens out to accessible garden space rather than being a fully enclosed internal facility, as it should be, given the location.

ii. Excessive groundworks to create additional living space

Significant excavations would also be required to create this additional living space on the lower ground level. The applicant's Basement Impact Report ('BIA') is open to criticism on technical grounds and ought to be properly audited by the Council's technical advisers in accordance with its usual policy so that the risks to neighbouring properties are adequately safeguarded.

Even if the relevant engineering works are proven to be safe, and adequately secured with financial bonds and other engineering guarantees (including additional monitoring) as required by policy, this element of the works amounts to over-development and an unjustifiable loss of garden space for this Site. In design terms alone, proposed below-ground excavation to a depth of 5 metres for the swimming pool fails to satisfy the Council's imperative that these proposals should be 'subordinate to the host dwelling': see Council's pre-application response.

A prolonged period of engineering work would be required to facilitate this scale of development. This is likely to cause excessive levels of disturbance in terms of the resulting noise and dust emissions.

The associated loss of garden space is itself objectionable in absolute terms, especially where valuable category B trees might be harmed (see comments below), whilst its size reduction also encourages greater use of the new outside terrace instead.

iii. Risk of harm to trees

Section 3.0 (Limitations) of the Arboricultural report also reveals that the report is based purely on visual inspection and that *'no soil excavations have been carried out'*. This is highly unsatisfactory as it is contrary to the Council's pre-application response which advised on the need for trial pits to understand the extent of tree roots. It is imperative that permission is refused for extensive earthworks until these risks have been properly investigated and understood, as required by policy.

The Development Plan

The applicant's covering letter lists several development plan policies of the Camden Local Plan ('CLP'). This includes policy A1 (Managing the impact of development), policy A4 (Noise and vibration), policy D1 (Design), and policy A5 (Basements), but fails to address key aspects of these policies relating to neighbour amenity, privacy and security. It also makes no reference at all to policy C5 (Safety and security).

Policy A1 (Managing the impact of development) provides as follows (words underlined for added emphasis):

"The Council will seek to protect the quality of life of occupiers and neighbours. We will grant permission for development unless this causes unacceptable harm to amenity.

We will:

- a. seek to ensure that the amenity of communities, occupiers and neighbours is protected;*
- b. seek to ensure development contributes towards strong and successful communities by balancing the needs of development with the needs and characteristics of local areas and communities;*
- c. resist development that fails to adequately assess and address transport impacts affecting communities, occupiers, neighbours and the existing transport network; and*
- d. require mitigation measures where necessary.*

The factors we will consider include:

- e. visual privacy, outlook;*

...

- i. impacts of the construction phase, including the use of Construction Management Plans;*
- j. noise and vibration levels;*

Policy A1 also contributes to the achievement of **strategic objectives 7 & 12** which set out the following aims (words underlined for added emphasis):

"7. To promote high quality, safe and sustainably designed buildings, places and streets and preserve and enhance the unique character of Camden and the distinctiveness of our conservation areas and our other historic and valued buildings, spaces and places.

12. To promote and protect the high levels of amenity and quality of life that makes Camden such an attractive, successful and vibrant place for residents, workers and visitors"

The CLP sets out what it describes as an integrated approach to health and wellbeing. As regards the issue of air quality, noise and neighbourhood amenity it states that the Council will *"only grant permission for development that does not cause harm to amenity or/and would cause harm to air quality unless appropriate mitigation measures are adopted."* (CLP, p.135). In relation to crime reduction and community safety, it further states that *"We will require development to demonstrate it has incorporated design principles which contribute to community safety and security."*

Policy A4 (Noise and vibration) provides that the Council will seek to ensure that noise is controlled and managed. The Council will not grant planning permission for “*development likely to generate unacceptable noise*” (criterion (a)), and further states:

“We will only grant permission for noise generating development, including any plant and machinery, if it can be operated without causing harm to amenity. We will also seek to minimise the impact on local amenity from deliveries and from the demolition and construction phases of development.”

Policy C5 (Safety and security) provides that the Council will aim to make Camden a safer place by, *inter alia*, requiring “*developments to demonstrate that they have incorporated design principles which contribute to community safety and security...*” (criterion (b)) and by requiring “*appropriate security and community safety measures in buildings...*” (criterion (c)).

Policy A5 (Basements) provides as follows (words underlined for added emphasis):

“The Council will only permit basement development where it is demonstrated to its satisfaction that the proposal would not cause harm to:

- a. neighbouring properties;*
- b. the structural, ground, or water conditions of the area;*
- c. the character and amenity of the area;*
- d. the architectural character of the building; and*
- e. the significance of heritage assets.”*

This policy goes on to state that a BIA will be required, and indeed this planning application is supported by one. However, we note the applicant’s approach to assessment is limited to the factors considered under the BIA (i.e. drainage, flooding, groundwater conditions and structural stability). There has been no assessment of amenity impact (page 41 of the applicant’s D&A does not address this), and yet this same policy requires that development proposals do not harm “*the amenity of neighbours*” (criterion (q)), “*the established character of the surrounding area*” (criterion (s)), and “*do not prejudice the ability of the garden to support trees where they are part of the character of the area*” (criterion (u)).

Policy D1 (Design) provides that the Council will seek to secure high quality design in development, and will require that development, *inter alia* “*respects local context and character*” (criterion (a) and “*promotes health*” (criterion (h)), and “*is secure and designed to minimise crime*” (criterion (i)), and “*..... preserves gardens and other open space*” (criterion (j)).

Policy D1 concludes that:

“The Council will resist development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.”

Other material considerations

Fear of crime, personal safety and residential amenity, are material considerations enshrined in national planning policy. For example:

NPPF, paragraph 92:

*“Planning policies and decisions should aim to achieve healthy, inclusive and safe places which:
....*

- b) *are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion*

NPPF, paragraph 130:

"Planning policies and decisions should ensure that developments:

....

- f) *create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.*

NPPF, paragraph 185:

"Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

- a) *mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;*
- b) *identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason..."*

Conclusion

The design of the proposal is highly unsatisfactory, particularly the single-storey front elevation. This gives rise to a significant concern as it will negatively alter the living conditions currently enjoyed by our client in terms of [REDACTED] and well-being. The overall scale and design of the proposal is also totally unsuitable for this location as it would seriously erode residential amenity.

Accordingly, the proposals would infringe several aspects of the key development plan policies referred to above, with no other material considerations having been put forward to commend them. Permission should therefore be refused on grounds of excessive scale and inadequate design in view of its potential to give rise to serious privacy and security concerns, and neighbour amenity impacts. Plainly, these matters have been inadequately treated and/or omitted from the building design process.

These issues can only be suitably addressed by the applicant agreeing to make fundamental revisions to the design to include a two-storey element at the front. The quiet location also necessitates a reduction in the overall scale of the rear development so that the potential for nuisance and disturbance is reasonably eliminated at source rather than neighbours being exposed to the risk of potentially ineffective planning condition controls.

KEYSTONE LAW

02.08.2022