

**37 Elliott Square
Hampstead
London NW3 3SU**

Attn: Ms Amy Ly
Planning Officer
London Borough of Camden
Town Hall
Judd Street
London
WC1H 8ND

1st August 2022

Dear Ms Ly

Planning Application Consultation Ref: 2020/2021/P 24 Lower Merton Rise, NW3 3SP

I am writing to give my comments on the above planning application and to voice my objections to the addition of an additional storey to No. 24 Lower Merton Rise, which is situated immediately behind my property at 37 Elliott Square, our back gardens abut each other. As stated in my objections to similar applications for Nos: 22, 26, 27 and 28 Lower Merton Rise (refs: 2020/5880 P, 2020/6008 P and 2020/6009 P), this application should not be assessed solely on its own impact, but should be taken with the total impact of the four houses together being upwardly extended which is considerably greater than a single application alone.

Previously, I wrote without any professional advice whereas this time I have consulted a professionally qualified Planning Consultant who is a Member of the Royal Town Planning Institute to help me in this matter which is extremely important to me. The advice I have been given which I am now bringing to your attention is as follows.

"I understand application 2022/2021/P has been submitted so that Camden Council can determine whether the proposal to introduce an additional storey complies with the requirements of the Town and Country Planning (General Permitted Development) (England) Order 2020. As such, the applicant is not seeking planning permission but instead asking if their proposal complies with permitted development rights.

I have reviewed Class AA in the 2020 Order and its various requirements and now wish to bring the following matters to your attention, as it my opinion that the proposal does not benefit from permitted development rights.

One of the requirements of the Order is for the Council to be satisfied that the proposal will not impact on the amenity of neighbouring premises with reference to [REDACTED] and the loss of light.

In respect to [REDACTED], the current dwelling [REDACTED] Elliott Square where [REDACTED]. To a lesser extent, this also applies to house nos: 35, 36, 38 and 39 Elliott Square. Introducing further windows at a higher level will only serve to intensify the relationship between the properties and opportunities for [REDACTED]. As [REDACTED] are in the upper floors of the properties along both Lower Merton Rise and Elliott Square then the sense of vulnerability and the potential [REDACTED] is greatly heightened. We would ask for the Council to prevent a further detrimental situation from arising by not approving a further storey from which views can be gained directly over the gardens and into rooms of the identified houses in Elliott Square.

Additionally, there are a number of roof lights inserted within the flat roofs of the properties surrounding the application site. If an additional storey to No.24 is added then it is likely to allow views from the additional storey to be gained through the roof lights opposite, which

[REDACTED]
[REDACTED] in the Elliott Square properties behind the application site. The roof lights over the stairwells inside all of the affected houses will also suffer from less light being available inside the houses due to overshadowing from the proposed extensions.

In regard to the loss of light, a very simple calculation based on the 25 degree rule, demonstrates that the proposal fails and will detrimentally impact on the level of light within the properties inside Elliott Square. Irrespective of the nuances presented in the applicant's sunlight/daylight assessment, the principle of the rule needs to be respected. It was introduced for a reason and has served the planning system well in protecting rights.

Furthermore, the sunlight / daylight assessment fails to present the true situation. The report mentions how the ground floor rooms to the properties on Elliott Square are simply kitchens. This is not true, as they also contain living space that would be classified as primary or secondary habitable space. As such, greater emphasis needs to be placed on the significance of the loss of daylight / sunlight serving the ground floor rooms to the properties in Elliott Square and the scoring needs to be amended accordingly.

I understand this is certainly true for you as your kitchen/diner is your main living space. I understand this was previously noted in your objection to planning applications for nos: 22, 26 and 28 in 2021. In 2015 you provided videos to this effect when objecting to an earlier application (2014/7720/P) which was subsequently refused by the Council. It might also be worth revisiting the reasons which Camden gave for refusing this application which included

'The proposed roof extension on the whole terrace, by reason of its location, height and bulk, would harm the character and appearance of the host building, surrounding blocks in the estate and the wider streetscape of the Chalcot Estate, contrary to policies CS14 (Promoting high quality places and conserving our heritage) London Borough of Camden Local Development Framework Core Strategy and DP24 (Securing high quality design) of the London Borough of Camden Local Development Framework Development Policies.'

These policies are still relevant given the requirement within the Order to consider amenity.

There is also the issue of light penetration within the rooms that the sunlight / daylight assessment fails to mention or address. I understand the assessment has been undertaken on the basis of a measurement taken within the aperture of the external elevation. However, this fails to consider how much daylight / sunlight reaches the internal space and whether light levels within the rooms facing onto the application site are sufficient. This is covered by the BRE guidance but I have failed to spot reference to this within the applicant's assessment.

Please could the assessment be reviewed in respect as to whether it is sufficiently comprehensive? Particularly, in relation to the 'working plane' and 'no sky line' within the internal rooms of the dwellings surrounding the application site? The matters of working plane and no sky line are covered by the BRE guidance and are an important measure as to whether daylight / sunlight will be impacted by development. In this instance, I am concerned the proposal will breach the thresholds determining acceptable levels of light and consequently cause an unacceptable impact on neighbouring dwellings. I would kindly ask

the Council to satisfy itself that sunlight / daylight has been fully considered, especially given the starting point is that the proposal fails the 25 degree rule.

Additionally, no consideration has been given to the cumulative impact of a further storey being added to No.22, No.24, No.26, and No.28 Lower Merton Rise. A block of four properties will cast a much longer shadow and reduce light much more significantly than when each is taken individually. My worry is that the applications for each property have been submitted in turn so as to avoid consideration of the cumulative impact. I would therefore kindly ask that the applicant is asked to review the cumulative impact and amend their report to take into account the prior approvals granted for their immediate neighbours' additional storeys. Without such information, I cannot see that the Council can be satisfied it has sufficient information on which to determine that the application meets the requirements of the Order.

In reviewing the drawings, it appears the drawing of the proposed front elevation and rear elevation include development that extends beyond the boundary line of No.24, as the upper floor is shown to encroach either side of the dashed boundary line. I do not believe these drawings are consistent with the red line boundary of the location plan and so I'd like to raise the question as to whether notice has been served on the neighbouring properties. Alternatively, the drawings need to be amended to remove the encroachment of development onto property outside of the applicant's ownership.

The drawings also do not mention whether the material of the windows will match those in the lower floor, which provides no assurance that the window material will match the rest of No.24. I therefore do not believe the drawings satisfy the requirements of the Order.

I also note that the Order requires the Council to request information concerning any potential impacts. As the roof of the existing dwelling is to be removed, I wonder why a bat survey has not been provided? I understand it is usual to ask for one in order for the potential to be determined as to whether a roof provides a suitable bat roost and also to ensure no bats are present. Without such a report, it would appear the Council has the right to refuse prior approval as the authority cannot be satisfied the proposal will not lead to any detrimental impacts on bat habitats.

The final matter we wish to raise is how the property is listed on Rightmove as a flat. Has the applicant demonstrated that in March 2018 the property was a dwellinghouse and can we please ask that the Council Tax records are checked for clarity?"

I would be grateful if all the matters raised above by my Planning Consultant could be given due consideration, as we do not believe the application satisfies the requirements of the Order. Consequently, my quality of life and environment will be severely affected, and so I would kindly ask that permitted development rights are not confirmed and prior approval is refused.

Yours sincerely



Mrs Gillian King
Owner & Resident since 1983

Supporting documents, photos and videos are attached for information