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20 July 2023

Dear Sirs

20 Crediton Hill, London NW6 1HP (the “Property”)

We act for the owners of Flat 4, 20 Crediton Hill, and submit this objection to the planning application at the rear of the Property for the *“Demolition of existing building and erection of part single part two storey plus basement dwellinghouse and associated works”*, which has been allocated reference 2023/2258/P by the Council (the **“Application”**).

Background

1. The Property lies within the Council’s West End Green Conservation Area, and lies directly adjacent to a designated area for local open space, which is used as a sports field by South Hampstead High School and Hampstead Cricket Club
2. The building in question was initially constructed as a conservatory pursuant to a 1985 consent. Planning permission was granted in 2018 for the *“Provision of a new basement extension below existing rear single-storey premises, minor amendments to rear ground floor, formation of new landscaped patio garden”* (the **“2018 Permission”**). The delegated report for the 2018 Permission stated that *“The proposals would extend the premises below the existing floor area and there would therefore be no increase in bulk upwards or to the sides. There would therefore be little visual impact from the proposals”*. It is not evident that the basement was ever constructed.
3. A further planning permission was granted in April 2023 for the *“Provision of a new basement extension below existing rear single-storey premises, minor amendments to rear ground floor, formation of new landscaped patio garden and use of the premises as a self-contained, stand-alone residential property”* (the **“2023 Permission”**). The delegated report for the 2023 Permission confirmed that *“There are no further external alterations proposed than what was approved under the 2018 application”*.
4. The Application proposes an increase in height of around 2m. The planning statement accompanying the Application states that (emphases added):
 - a. No.20 Crediton Hill (the main house) is included as a building which makes a positive contribution to the Conservation Area.

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- b. “The proposals lean on the substantial difference in levels between the higher ground to the rear to the main house of 20 Crediton Hill and the cricket ground to create a dwelling which is subordinate in relation to the main building and in relation to the neighbouring properties”.
 - c. The overall scale of the scheme ensures that the new building remains as a subservient or subsidiary element to the main houses on Crediton Hill and so does not compete with them. In this way, the scale and form respects local character and context.
 - d. There would be no impact in terms of loss of privacy from the use of the premises as a standalone dwelling. The building does not directly face any other residential buildings. The closest buildings are the private garages at the front of the site. The main building for 20 Crediton Hill is located on the other side of these garages. Careful design of the elevations, particularly through the use of louvres, ensures that there is no loss of privacy for existing neighbours.
 - e. This application is supported by an updated Arboricultural Impact Assessment (AIA) which has been prepared by Landmark Trees. It concludes that the proposal will not have any significant impact on either the retained trees, the West End Green Conservation Area or wider landscape.
5. The Design and Access Statement accompanying the Application includes a number of CGI views purporting to show the impact of the Application on our client’s property, and states that “*Waste and recycling storage is strategically located (integrated into the northern façade), which is also accessible from the forecourt to allow for easy access for collection and disposal*” (though this is not apparent from the submitted plans – see below).
6. The proposed site plan notes that the applicants “*have the established full unconditional legal rights of pedestrian and vehicular access, parking /garaging, all other general uses, full use of Communal Gardens, own Services : Gas , Mains Water, Mains Electricity, Drainage, Cable Services, communal General Waste and Recycle Waste Bin facilities, own CCTV Security system*”. It should be noted that until very recently the building did not have its own dedicated utilities, and used gas and electricity from first one, then another, flat’s supply.

Grounds of objection

Outlook and amenity

- 7. Policy A1 of the Council’s Local Plan clearly states that the Council will seek to protect the quality of life of occupiers and neighbours, and will assess developments’ impact on neighbouring amenity, including privacy, outlook and enjoyment of amenity space.
- 8. The Council’s Planning Guidance on Amenity (2021) sets out, at the start of section 2, three key issues to be considered. Two of these are that:

*“Developments should be designed to protect the privacy of occupiers of both existing and proposed dwellings; and
Mitigation measures should be included to reduce overlooking”*

9. The guidance also states that *“Interior and exterior spaces that are overlooked lack privacy, which can affect the quality of life of occupants”* and 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 occupier”*.
10. The Application has had no regard whatsoever to any of this guidance – it will be highly visible from, and look into, our client’s property and will overlook valuable communal amenity space.

Interior of our client’s property

11. The proposals will represent a dominant and overbearing addition to the skyline from our client’s windows and balconies, and the proposed window on the western elevation will have a direct line of sight into our client’s property and onto our client’s private balcony spaces, in contravention of Local Plan Policy A1.
12. The applicant’s images are not in any way a true reflection of the proposals, and seek to downplay the impact of the proposals. Nevertheless, even in these images, it is clear that the proposals are too large and entirely inappropriate.
13. The following images (which suggest a very small and limited impact) were included in the application documents:



14. By contrast, the below images were taken inside our client's property. They clearly show the large and disproportionate impact on our client.

INTERIOR



BALCONY



15. It is clear that the additional height proposed will dominate our client's outlook.

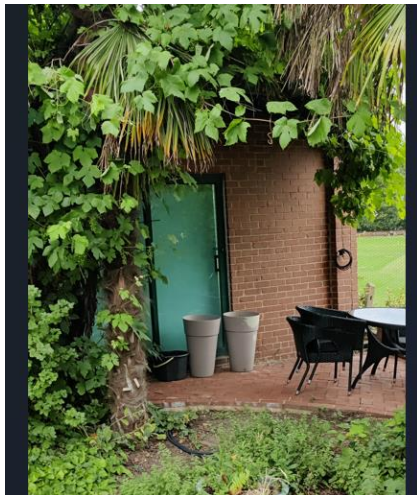
Communal amenity space

16. Plainly, the additional height will overlook the communal amenity space, as it will rise above the existing garages.

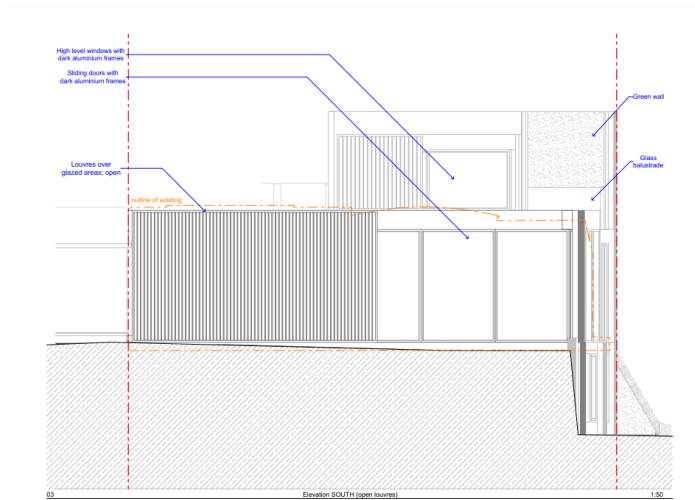
17. More egregiously, the Application will completely destroy our client's peaceful enjoyment of the an existing area of amenity space in contravention of Policy A1. As can be seen from the below image, there is a small communal terrace next to a plain flank wall of the existing building which is available to all residents of the Property (including the applicant), and which is frequently used by the tenants for quiet enjoyment, meals during the spring and summer months etc. The terrace currently acts as a secluded and peaceful private space.



18. There is currently an obscure-glass window close to the terrace but crucially the chairs and table cannot be viewed from the interior of the current building, so anyone using the terrace cannot view into or viewed from the current building.



19. However, the Application proposes full length sliding doors immediately adjacent to, and looking out onto, the terrace (see the proposed elevation below – the terrace sits on the boundary of the Property with the cricket field, to the right of the image before the drop in levels), and windows on the south elevation overlooking the terrace area.



20. This is nothing more than an attempt to ensure that the terrace can only be comfortably used by occupiers of the new building – any residents on the terrace will be in full view of the building’s occupiers at both ground and first floor level, who will be able to claim it as their *de facto* outdoor space (as the other residents will not wish to use it with such constraints on their privacy). This removal of a valuable communal amenity area is a clear breach of guidance and policy.

Trees

21. As can be seen from the above images, the amenity area (and indeed the whole rear of the garden) is home to a number of exotic trees such as Chusan Palms and vines. These provide valuable shade and enhance the amenity space and the Conservation Area.
22. The Applicant has submitted an arboricultural impact assessment, which disingenuously seeks to rely on a technicality to ignore the fact that a number of the Chusan Palm trees will need to be removed to facilitate the development. The AIA states that these are technically herbs, so therefore does not undertake any meaningful assessment, though it does confirm that the Chusan Palm trees are healthy and have a life expectancy of over 40 years.
23. With respect, this technicality entirely misses the point. The exotic planting is a valuable and intrinsic feature of the garden and Conservation Area – removing these trees would dramatically reduce residents’ enjoyment of the Property’s outdoor space, and this is in breach of the key messages in the Council’s Planning Guidance on trees, which include a requirement to retain and integrate existing significant trees during redevelopment.
24. The Council will note that (a) no replacement planting has been proposed, and (b) the applicant does not have the legal right to remove the trees or undertake any replanting (as this right rests with the freeholder), which are part of the communal garden. This latter point, coupled with the

attempt to take over the terrace, suggests that the applicant has no intention of being a good neighbour.

Design and Heritage

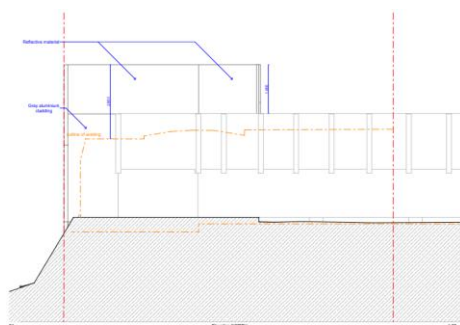
25. The Council will have seen the heritage report prepared in conjunction with the objection made by the owners of 22 Crediton Hill. Our client endorses that report – it is clear that the Application will be entirely out of keeping with the Property and the Conservation Area, and will appear as an incongruous and bulky addition. This is in contravention of Policies D1 and D2 of the Council's Local Plan and sections 2 and 3 of the Council's design guidance.
26. In terms of design generally, the Application is clearly an incongruous addition to the local area and will represent a departure in design terms from the surrounding buildings (many of which are noted in the Conservation Area appraisal as positive contributors. It will greatly increase the mass of built development and will mean that the building (originally designed as an ancillary conservatory) will no longer be subservient to the Property but will be a new bulky and intrusive structure, adding significant height to the building. The materials proposed bear no resemblance to anything in the locality and cannot be said to be in keeping with the street or conservation area.

Fire Appliance access

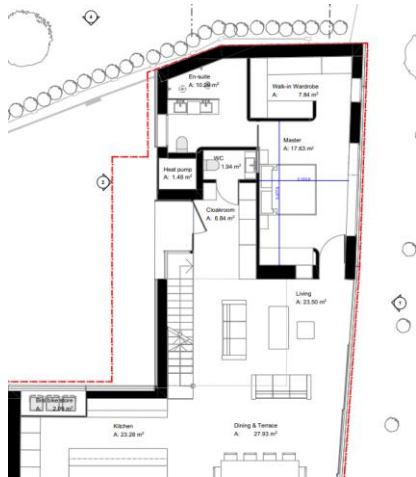
27. At its narrowest point, the access to the rear of the Property is around 8ft. It is doubtful that any fire appliance would be able to access this at speed in the event of an emergency, especially as the entrance to the access itself is narrow and on a curve in the road.
28. In addition, parts of the proposed new building will be more than 45m away from the public highway. This means that there are very real safety issues associated with the Application.

Refuse collection

29. As noted above, the Design and Access Statement submitted with the Application notes that *"Waste and recycling storage is strategically located (integrated into the northern façade)"*. However, no further details are given, and this is not noted on the submitted drawings.



30. In fact, it is difficult to see how this would even be possible – the northern façade of the proposed building directly abuts the land owned by 22 Crediton Hill so there cannot be any waste facilities within that façade.



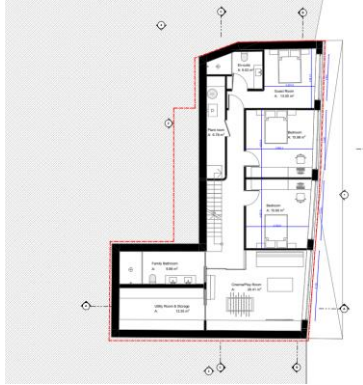
31. Assuming therefore that the new building will need to rely on communal waste facilities, the Council will note that the 9 existing flats at the Property should (under the Council's residential offer) each be entitled to a 120L black bin. However, there are currently only five bins on site, and the area to store these bins is now full – there is no further space (even if all the residents at the Property were provided the bins to which they are entitled).



32. Any additional bins would either block the access road or the forecourt and would further detract from the Conservation Area, in contravention of paragraph 8.33 of the Council's Planning Guidance on design.

Ownership

33. The Council will note that the Application proposes building right up to the redline boundary:



34. It is not clear that the applicant in fact owns all the land on which they intend to build. According to the Land Registry, there is a small strip of unregistered land to the rear of the Property (which we understand to be owned by the Cricket Club).



35. Whilst not strictly a planning matter, it would be a waste of time and resources for the LPA to grant permission for something which cannot be built. Until and unless this land is owned by the applicant, permission should not be granted.

Parking

36. As set out above, the submitted drawings refer to the applicant's rights for parking and garaging. Whilst there is a legal right to park in a garage, the Council will note that (a) the garages are now used as kitchen space so this right no longer exists and (b) even if this right did exist it would be removed pursuant to the Application which proposes residential space in the garage.
37. In addition, the basis for the applicant's alleged right to park on the forecourt is not entirely clear – whilst the applicant's lease over the garage may grant a right of way to drive to the garage (which would have lapsed once the garage became incapable of storing vehicles), as far as we are aware

none of the residents have the right to park on the forecourt itself, which is used for turning etc. Whilst an application was submitted in 2017 to include underground parking, and the applicant does appear to own some of the land on the forecourt (a) that application was withdrawn and not determined and (b) even had it been granted the right for underground parking, these rights would not extend to above ground rights.

38. In any event, were the Council minded to grant permission for the Application, Policy T2 of the Local Plan would require that the applicant has no right to either on-site or off-site parking, and a condition/s106 commitment should be included to this effect which would prohibit the applicant from obtaining CPZ permits or parking on-site.

Construction

39. This is clearly a constrained site, and it is difficult to see how any significant construction beyond that existing could take place safely and in a policy-compliant manner.
40. In the event that permission were granted, the Council is advised that our client has two children with health and mobility issues – any (even temporary) loss of on-site parking would be further detrimental to their health and therefore would be unacceptable (and the Council is reminded of its statutory duties towards disabled individuals). This will need to be taken into account in any CMP (into which our client should have full input), and we note that Policy A1 states that the impact of construction will be taken into account when determining planning applications. Self-evidently, if construction cannot take place in a safe and secure manner, permission should not be granted.
41. Also, and for the avoidance of doubt, our client has no intention of waiving its legal rights to park close to its property, and will consider any appropriate legal remedy should such access be obscured, delayed or prevented.

Conclusion

42. For all of these reasons, it is clear that the Application would be in clear breach of the Council's policies and guidance, and permission should therefore be refused. However, in the event that the Council is minded to grant permission, our client requests that the points above about restricted parking and construction are included in any conditions or section 106 agreement.

Please contact James Kon of this office on 0203 691 4797 or james.kon@asserson.co.uk should you require any further assistance.

Yours faithfully

Asserson Law Offices