

**From:** Daniel Farrand  
**Sent:** 08 August 2023 10:36  
**To:** Planning Planning  
**Cc:** Jean-Sébastien Pelland; Roisin Hogan; Matthew Dempsey  
**Subject:** RE: Objection - 13 Belsize Crescent, London NW3 5QY - 2023/0692/P [MDR-MISHCON\_LIVE.FID25313]

Dear Mr Dempsey

As you may recall, I act for a neighbour in relation to the above planning application. We have previously made representations on 23 June and 11 July. In response to those representations and others the applicant has prepared a document which was uploaded to the online system on 27<sup>th</sup> July. It is unfortunate that we were not notified of this further information however we have now seen this and reviewed the information and have the following comments.

- 1) Lightwell (see the 3<sup>rd</sup> and 7<sup>th</sup> pages of the unhelpfully unnumbered document) – The applicant confuses the objection in relation to the lightwell. This is shown particularly by their reference to the consent 2017/7050/P. A quick review of that permission shows that it relates to the enlargement of an existing cellar space and creation of a traditional lightwell. That lightwell has a window facing horizontally out into it and grill at ground level. That is not what is objected to by my client in this case.

The Applicant here already has such a front lightwell for his lower-ground level into which he is seeking to put the access lift. HOWEVER he is also seeking to install a glass roof panel for the further basement level into the floor of that light well. This can be seen on page 16/25 of the Desk Study in drawings 6.2 and 6.3 despite the unhelpful failure to properly line up those drawings on that page. It is shown in blue on 6.2 in front of the bay window and as a crossed rectangle on 6.3.

The applicant fails utterly to address the fact that such a roof light in the basement will project light vertically up the front face of the building NOT horizontally at the opposite wall of the lightwell as would be the traditional arrangement and as was the case in 2017/7050/P.

2017/7050/P generally is a poor example for the Applicant as it relates to the limited enlargement of an existing cellar and not the expansive and deep new basement proposed here.

Further – the examples shown in the pictures provided by the applicant which *are* in the correct orientation are pavement lights serving commercial or former commercial buildings. These are completely different than the single glass panel shown in this case for two reasons. First pavement lights are notorious for being poor at passing light compared to a single sheet of glass and are very dirty when set in the public highway compared with one at the bottom of a private lightwell. Second, commercial buildings are rarely occupied in the evening to the same extent as a residential building. They are designed to let daylight into the basement of the building during the day. Here this large panel will let our significant amounts of artificial light throughout the evening. Such pavement lights are much older and date from a time of different sensitivities and policies and form no precedent whatsoever. The buildings are of a completely different character to 13 Belsize Crescent.

The impact of the glass panel in the lightwell is not addressed at all by this confused response from the Applicant and remains a major unaddressed objection to the scheme.

The rear garden also appears to possibly include roof lights shown as circles on figures 6.2 and 6.3 in the rear garden. Whilst not the large panel proposed at the front, these will absolutely project light vertically in the rear garden in a manner inappropriate and likely to be adverse to neighbour amenity when used at night.

- 2) Traffic – The response addresses none of the specifics of complaints or objections. The examples of bay closures or unlawful use relate to short-term occurrences – e.g. the bay closed in front of 9 Belsize may, depending on the date taken, relate to works to No.11 under 2021/1860/P a scheme which is tiny in scope by comparison. The Applicant seeks to hand-wave away the real and clearly identified issues in the hopes that they can be resolved at some time in the future. Unless there is a reasonable prospect of them **actually** being capable of resolution in the future.

A suspension of a bay and deliveries on the road for a weekend or a couple of weeks is a completely different prospect to months of soil extraction work and concrete pouring. It is worrying that the Applicant's consultant can't or won't make that distinction and assumes that because one thing can be done a way can automatically be found for something orders of magnitude more difficult. It is also important to remember that attempts to limit the number of trips per day for instance necessarily leads to longer build times, especially with basement development. This has knock on effects in relation to elongating the period of unreasonable neighbour amenity issues. For this reason it is essential that proof of concept be required now and not merely all put off until permission is granted and it is too late to later turn around and say there is no solution that had no unreasonable effect.

- 3) Brick Strength – My client and others on the road have direct experience of the quality of the bricks and making a standard assumption is failing to take seriously the issue. The Applicant could, and should be required to, undertake tests now and adjust the scheme accordingly rather than obtain permission on an assumption and be forced to revisit matters when they "discover" something the neighbours have already told them. This has a knock on effect on the Applicant's assumptions about stability of party walls following the excavation of recesses within them. This therefore goes directly to stability issues and it is surprising that all parties would not want to bottom this out before permission is granted..
- 4) Water – The Applicant criticises my client's photograph showing water infiltration to the bricks but fails to acknowledge that there is no "rising damp" on the boundary wall on the opposite side showing that this is clearly a problem with waterlogging on the Applicant's side of the building. The claim that no water was found in boreholes taken in Autumn 2022 is of little comfort given the extensive drought in summer 2022 extending into September and slightly lower than average or just average rainfall in the autumn which would have taken time to recharge the ground water.
- 5) Hardstanding – the report contradicts itself as to whether there is hardstanding increase. On the 6<sup>th</sup> page of the response it refers to the propose plans not showing "an increase in hardstanding" yet on the final page of the letter (page 10 of the pdf) says that there is existing 1m of hardstanding from the back of the house "so any increase would be marginal". It is unclear, as many of the important details are in this application, whether there is in fact no increase or there is one of unknown size but the applicant claims it is marginal. Looking to the plans does not help at all because the plans – e.g. Figure 6.2 of the

BIA at page 38 of the pdf (labelled 16/25 in the corner) show an extensive area of what looks very much like hard paving extending into the garden, far beyond the original line of paving. The Applicant needs to be held to account to make this clearer and if necessary revised drawings being expressly clear should be submitted.

I would be grateful if you would review the above and include in the assessment of both whether further information needs to be required of the applicant, which we consider to absolutely be the case, and in determining the recommendation to be given to the committee.

**Daniel Farrand**

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Dear Mr Dempsey

Further to the objection below we have two further points to make. While we appreciate that the time for objection has passed, no decision has yet been made and as the following are clearly relevant material planning considerations they do need to be taken into account.

The first is that a number of documents have been uploaded to the website on 6 July without notice to any consultees. A quick review suggests that they are dated March 2023. It is unclear if these are newly submitted documents, documents which appear elsewhere under different names or as attachments to existing documents or if they constitute revisions to documents previously provided. It is not equitable to expect private individuals to regularly check this online information on the off-chance something new or different has been uploaded or even to expect them to engage professionals to do such comparison for them.

Please as a matter of urgency clarify the status of these documents and where they present new or revised information provide objectors a window of time in which to consider them.

Secondly and in light of recent weather and news information we note that the reports prepared by the applicant do not make any significant assessment of the effects of climate change on London Clay and in particular older properties whose foundations are shallow or non-existent. The linked news article highlights the issue (<https://apple.news/AIHmlbAIHSA6ebIZgFhSP6w>). Historic

approaches to assessing stability in London are becoming increasingly unrealistic and need to be reviewed and future proofed. Things which we got away with 10 or 15 years ago are not realistic protection against the effects of extended drying and wetting expected over the next few years and decades. There is only one opportunity to get this right which is the current planning decision.

I would be grateful if both of those could be treated as formal objections to the scheme.

In addition I renew my request for confirmation that this matter will be heard by committee, a confirmation of the expected committee date and confirmation that if this application is granted permission, that my client will be consulted on any management or traffic related plans submitted pursuant to conditions.

I would be grateful if you could copy in my colleague Roisin to any reply as we are entering the holiday season.

**Daniel Farrand**

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FAO Matthew Dempsey

Please see attached letter and enclosures relating to the above. Please notify us of any committee dates.

I will also submit a placeholder objection through the online portal to ensure that the existence of this email is not missed in case of email issues.

**Daniel Farrand**

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