

From: Tim Waters [REDACTED]
Sent: 03 October 2023 10:41
To: Ewan Campbell [REDACTED]
Subject: Re: (2023/0544/P) 2 Wadham Gardens, NW3 3DP

Dear Ewan,

Further to the below email (with attached representations), we are aware that the applicant has issued further documentation in support of this application, which, inter alia, appears to be confined to the details of a proposed front portico, although as the applicant has also proceeded to issue a full revision of the originally issued drawings, it would be appreciated if you could kindly confirm whether this is indeed the case for the avoidance of doubt.

We were not formally consulted on the submission of these drawings and we are aware from the applicant's covering letter that the submission is aimed at responding to your prior comments of 6 July. The covering letter cross-references your comments as an attachment, although this has not been uploaded online and so we would respectfully request for these comments to be disclosed for completeness.

Furthermore, we are aware that the points raised in our representations of 23 June have still not been responded to by the applicant and it is essential that this be done to inform a properly informed and legally robust decision on the application.

Finally, we have previously made the Council aware (in correspondence dated 5 July) of the fact that the applicant proceeded to implement planning permission 2021/4432/P without having discharged the required s106 planning obligations in advance. The current application (2023/0544/P) does not seek planning permission for the basement excavation being relied upon for the purposes of creating the proposed car lift access and so unless (and until such time) that planning permission 2021/4432/P has been lawfully implemented (and the basement excavation is formed), the Council is fettered in its ability to determine this current application, unless of course, the application is revised (including the proposed development description) so that planning permission is also expressly sought for the basement excavation.

Accordingly, we would be grateful if we could be updated on the current status of the Council's investigations in this respect.

Regards
Tim

From: Tim Waters [REDACTED]
Date: Friday, 23 June 2023 at 14:02
To: Ewan Campbell [REDACTED]
Subject: (2023/0544/P) 2 Wadham Gardens, NW3 3DP

Dear Ewan,

We are also instructed to object on behalf of the freehold owners of no. 4 Wadham Gardens to the above planning application and would be grateful if you could kindly acknowledge receipt of the attached in return.

Regards
Tim

Tim Waters
Director



W: renewplanning.co.uk
A: Work.Life Hammersmith, Kings House, 174 Hammersmith Road, London, W6 7JP

WE HAVE MOVED – PLEASE NOTE OUR NEW OFFICE ADDRESS

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23 June 2023

Camden Council
Development Control
Planning Services
Town Hall
Argyle Street
London
WC1H 8ND

Dear Sir/Madam,

2 Wadham Gardens, London, NW3 3DP
Planning Application Reference No. 2023/0544/P
Objection on behalf of Mr. & Mrs. Brown (4 Wadham Gardens)

We are instructed on behalf of the freehold owners of no. 4 Wadham Gardens (Mr. & Mrs. Brown and hereafter 'our client') to object to planning application reference no. 2023/0544/P relating to no. 2 Wadham Gardens and for the following proposed development:

"Erection of single storey rear extension, replacement of garage with new side/rear extension, rear roof infill extension and portico window, creation of a car lift to the basement at the front, new portico entrance, removal of roof lantern and three new roof lights proposed, hard and soft landscaping to the front and rear and new bin store".

The application was originally submitted to the Council on 30 January but only registered as being valid on 9 June 2023. Planning permission is now being sought for some additional design interventions to the historical plan form and appearance of the property beyond the substantial new basement excavation originally permitted under application reference no. 2007/6360/P and later amended under application reference no. 2021/4432/P. The amended basement permission was subject to a Section 106 Agreement requiring the applicant to submit a 'detailed basement construction plan' to the Council for approval prior to any such works commencing on site. The Agreement also included a series of regulatory planning obligations all of which are aimed at conferring additional protection on our client's neighbouring property. Notwithstanding this, the applicant has evidently proceeded to commence development without discharging the required provisions of the Section 106 Agreement in advance and so this blatant disregard of planning process (which included the destruction of a number of well-established trees belonging to our client and concerns about the boundary) has been reported to the Council's planning enforcement team.

Our client has several substantive concerns with this current planning application as follows:

1. Planning Procedure – The application proposes to install a single car lift to a basement that has not been excavated and cannot be excavated until such time that the applicant has fully discharged the planning obligations contained in the Section 106 Agreement pursuant to planning permission 2021/4432/P.



Hence, the ability to implement this element of the proposed development (if approved) would be dependent on the prior implementation of this preceding planning permission. Accordingly, the Council is fettered in its ability to determine this application until planning permission 2021/4431/P is implemented. Unless that is the case, the scope of this current application cannot simply be confined to the car lift only and planning permission should rightly be sought for the basement needed to accommodate it. The applicant has submitted a basement impact assessment with the application (CGL – October 2022), which might be a direct acknowledgement of this point, but as the current development description assumes the basement has already been formed, which is not the case, and so it will need to be changed.

2. Car Lift – the application documentation is lacking the necessary details on the precise position, form, and technical specification of the car lift to inform a proper planning assessment. The submitted proposed ground floor plan (2105(02)000) simply shows a generic arrow pointer to an indicative position to the side (north) of the main house entrance without showing the precise dimensions of the car lift and how this would be viewed on the ground in both its raised and lowered positions. By their very nature, car lifts have a utilitarian and industrial appearance which when raised would be readily visible in the streetscene and substantially detract from character and appearance of the Elsworthy Conservation Area. Furthermore, the applicant has failed to demonstrate through the submission of an acceptable noise assessment that the proposed car lift would not result in an unacceptable impact on the living conditions of our client's neighbouring property due to noise and disturbance. As the car lift could theoretically be used at any time throughout the day it is essential that these details are provided now so that a properly informed planning assessment can be undertaken on the material considerations of heritage and amenity impact. The applicant's 'heritage and architectural statement' contains no such assessment, and these are matters which are unable to be deferred to condition. Accordingly, in the absence of such assessments, the proposed development would be contrary Policies A1 (Managing the Impact of Development), A4 (Noise and Vibration) and D2 (Heritage) of the Camden Local Plan 2017 (including related policies of the London Plan).
3. Rear Elevation – the proposed ground floor rear extensions are substantially larger in scale and form than the original glazed extension approved under application 2007/6360/P. The cumulative impact of also infilling the pitched roof sections to the rear would also result a significant change to the historic rear elevation of the property, which merits more detailed assessment in circumstances where the Elsworthy Road Conservation Area Appraisal acknowledges how the historic pattern of rear elevations in a street are an integral part of the character and appearance of the conservation area and should not be unnecessarily compromised, especially in the case of buildings sharing an outlook into the private amenity space in Wadham Gardens (paragraph 13.20).



The applicant's own assessment appears to rely on the fact that the extensions would not be visible from the street and neighbouring properties. However, this overlooks the need to assess the cumulative impact of these rear elevation interventions on the character and appearance of the conservation area.

Hence, our client is registering a strong objection to this planning application on the above referenced grounds. Our client understands that the applicant is entitled to redevelop and has no issue with that principle. However, in view of the issues already reported to the Council our client simply wants to ensure that any works are confined to the applicant's property, would not trespass, or interfere with their property and furthermore, would not unacceptably impact on their residential amenity. We trust these comments helpfully inform the Council's continued assessment of this application and we would respectfully reserve the right to add to these comments in the event it is considered necessary to do so. If we can be of any further assistance in the meantime, please do not hesitate to contact the undersigned.

Yours faithfully,

A large black rectangular box used to redact the signature of Tim Waters.

Tim Waters
Director
For and on behalf of RENEW Planning Limited