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| 2023/3222/P | Holfeld | 24/10/2023 16:34:04 | OBJ | |
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We are the owners of Flat 2, 5 Hillfield Road.

Our flat is on the 1st floor, directly above Flat 1. The planning application would affect both the front and rear of our property. The extension to the rear of the property would significantly impact the rear living space, both of the 2 bedrooms of our flat currently look onto the garden of Flat 1. Our flat has a small balcony which has views of the green space below. If the extension to flat 1 were granted, it would result in a roof with skylight extending 2 m out from the balcony and take away the view of any green space at all resulting in a significant loss of outlook and give a sense of enclosure. The second bedroom would look on to the lightwell and an additional 4.5 metres of roof/lightwell, again this would totally block any view to green space and create a sense of enclosure.

The additional entrance and windows to the front of the property would completely change the character of the existing building. The basement windows would make the house look out of character with the rest of the street. We are also concerned that the significant excavation work required could damage the house's foundations and make it unsafe for habitation both during and upon completion of the works.

This proposed extension would significantly affect the amenity of our flat. The proposal is completely out of character with the existing building. It results in a bulk addition to the property, which is over bearing and harmful to the Council's policy D1 for design.

We have previously objected to the previous applications submitted by Flat 1, that were denied on appeal on the basis the proposal was in conflict with the Development Plan. We consider that the current application is significantly more intrusive as it will impact both the front and rear of the building and conflict with Camden's Development Plan.

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| 2023/3222/P | A J Kelly | 24/10/2023 17:42:17 | OBJNOT | COMMENTS ON 2023/3222/P 5 HILLFIELD ROAD |

The Applicant

I think it is important to clarify that, although this application is in the name of Gondar Gardens Investments Ltd, the person behind this company is Alexander Sebba of Elevations. He has a track record of submitting numerous planning applications in respect of numbers 2, 3 and 5 Hillfield Road. He and his co-director of GGI Ltd now live in number 3, having taken eight years to do work on what was a perfectly habitable house before he acquired it.

Number 2 is an even more depressing saga as Sebba acquired it in 2007 and 16 years on it is a derelict site after sporadic on / off attempts to do bits of work to it, which seem mainly to have consisted of rendering it uninhabitable.

The Application

The application is headed 'Extension and alteration to the residential mix including new entrance to the front elevation all associated with the creation of a new self-contained flat at lower ground level.'

This is grossly misleading. The application is in effect an attempt to revive planning applications already refused (with the refusals being upheld on appeal) in respect of the ground floor flat. It is also an application to dig out the existing cellar and extend it (and the ground floor) into the garden as far as the refused applications to squeeze more money out of the site by creating a new flat in the cellar. The 'new entrance' would involve ruining the look of number 5 and be totally out of keeping with the character of the rest of the terrace.

However, bizarrely, the application merely consists of four plans with no other supporting documentation and there has been no attempt to comply with the Planning Guidance on Basements issued in January 2021.

In addition, the plans submitted are misleading as they appear to indicate that the current ground floor extends further than it does i.e. past the end of numbers 7 and 9 etc. It also appears to suggest that the current cells is larger than it is. I would strongly recommend a site visit.

Ground Floor element

One of the issues with the scant detail in the application is the absence of any planning history. I will not rehearse it all here as the planning authority will be well aware of the history.

However, I do want to refer to two previous applications in detail. These are 2020/4971/P and 2020/5951/P. The first involved an extension to number 3 as well as number 5 and was refused by the planning authority with the reason being:

"The proposed single storey rear/side extensions, by reason of their combined depth, height, bulk and design, would be overly large and disproportionate in size to the original buildings. They would be detrimental to the character and appearance of the host properties and surrounding area, contrary to policy D1 (Design) of the Camden Local Plan 2017 and policy 2 (Design and Character) of the Fortune Green and West Hampstead Neighbourhood Plan 2015."

The Planning Inspector dismissed the subsequent appeal as follows: "I conclude that the proposal would

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significantly harm the character and appearance of the area, in conflict with the... aims of Policy D1 of the CLP and Policy 2 of the FG&WHNP to secure high quality design in all development. There would be a further conflict with the related aims of Chapter 11 of the Framework."

And further "I conclude that the proposal would result in conflict with the development plan, taken as a whole, There are no material consideration in this case which indicate that permission should nevertheless be granted in spite of this conflict. Therefore the appeal should be dismissed."

The other highly relevant application is 2020/5951/P which was in respect of number 5 only.

The planning authority refused it for the following reason:

"The proposed single storey rear/side extension, by reason of its combined depth, height, bulk and design, would be overly large and disproportionate in size to the original building and surrounding properties. It would be detrimental to the character and appearance of the host property and surrounding area, contrary to policy D1 (Design) of the Camden Local Plan 2017 and Policy 2 (Design and Character) of the Fortune Green and West Hampstead Neighbourhood Plan 2015."

The Planning Inspector dismissed the subsequent appeal as follows "I conclude that the proposal would significantly harm the character and appearance of the area, in conflict with the aforementioned aims of Policy D1 of the CLP and Policy 2 of the FG&WHNP to secure high quality design in all development. There would be further conflict with the related aims of Chapter 12 of the Framework.

And further "I conclude that the proposal would result in conflict with the development plan, taken as a whole. There are no material considerations in this case which indicate that permission should nevertheless be granted in spite of this conflict. Therefore, the appeal should be dismissed."

The quality of the plans submitted with the current application together with the lack of supporting documentation are unhelpful but a comparison of the plans with the plans attached to the 2020 applications indicates that the extent of the proposed development is substantially the same but squared off. Given this, the application should clearly be refused on the same grounds.

Cellar / basement element

The application does not comply with the Planning Guidance on Basements, despite clearly being basement development.

The Guidance defines basement as "a floor of a building which is partly or entirely below ground level. A ground or lower ground floor with a floor level partly below the ground level (for example on a steeply sloping site) will therefore generally be considered basement development."

The site of 5 Hillfield Road, and indeed of the whole terrace 1-13 is very steeply sloping. At the front of the property, there is a steep flight of 20 steps to the front door. However, the rear of the property is at ground level with the rear entrance opening out directly onto the ground.

The property has a cellar but this is not a habitable room. Any work to make it so would require considerable

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development. I wonder whether one reason for the absence of any real documentation to support the application is to minimise the extent of what is proposed.

The Guidance says that a storey which is accessed at ground level on one side of a sloping site will not normally be considered as a basement. However, that is not the case here. There is no access to either side of the cellar at ground level, only access to the ground floor. The cellar can only be accessed via the Ground Floor flat and is totally under the ground at the rear of the property.

According to the Guidance, basement development must not cause harm to:

- neighbouring properties
- the structural, ground, or water conditions of the area;
- the character and amenity of the area; and
- the architectural character and heritage significance of the building and area.

There is, of course, no Basement Impact Assessment with the application so it is not possible to demonstrate the absence of harm and I would contend that there would be likely to be considerable harm to neighbouring properties, the structural, ground and water conditions of the area and the architecture and heritage significance of the building and area. However, as there is no BIA, the application should be refused.

Even if there were a BIA which dealt with all these matters, the proposed development would still be problematic.

Numbers 1 - 13 Hillfield Road form a distinct terrace which finishes next to what was number 15 - now Kwame Nkrumah House. All the properties have steep flights of c. 20 steps up to the entrance with the front areas being very steep sloped gardens, which cover the foundations leaving only a few feet exposed. The foundations are comparatively shallow.

While permission was granted for the development of the basement of number 1, it is in the corner of the cul-de-sac with its flight of steps at right angles to the wall at the end of the road. Therefore, any development will not be very noticeable as it will lie behind the common land at the end of the road, hidden from view.

In contrast, digging out the garden of number 5 to provide an entrance for a new flat will change the facade of the property compete and it will be totally different from other properties in the terrace. It will break up the symmetry of the terrace and be totally out of character with both the terrace and the area.

There is no drawing reflecting how the terrace would look were this development to go ahead which is why a site visit would be useful.

The Application overall

Extending the property in the way the applicant intends would be overdevelopment. It would be garden grabbing and and result in a two storey unsightly structure not in keeping with the character of the property or the neighbourhood. The facade of the property would be totally distorted. It would detrimentally affect neighbouring properties both because of its visual impact and the consequential loss of amenity.

Overdevelopment

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Extending this property in the way that is proposed would be over-development. It would increase the size of the current ground floor flat by at least a third and extend the current cellar by about two thirds. This would result in a total extension which would be excessive in size and garden-grabbing. The unsightly structure would not be in keeping with the character of the property and, far from being subservient to the existing dwelling, it would over-dominate it.

Design and the effect on the character of the building / neighbourhood

The original design of this property is the same as others in Hillfield Road. They are typical late Victorian terraced houses with adjoining side returns which enhance the appearance of the property and also provide much needed space between each property. This mirror image layout is normal in Victorian terraces and part of the distinctive character.

While there are side infill and rear extensions to neighbouring properties on this side of Hillfield Road, these extensions are much more modest in overall size, are subordinate to the host dwelling and are appropriate in their context. There is currently a small infill extension to the ground floor of number 5 which was approved in 2020. This falls into this category.

The proposed extensions at number 5 are not in keeping with the original Victorian design and will be unsightly. They will simply create an unsightly box stuck on to the original Victorian property at the rear which is totally at odds with the late Victorian architecture and the architecture of the other properties in the road. It will extend the GF flat considerably and will not be subordinate to the host dwelling, even if that were the whole building.

In addition, the front elevation will be totally out of character with the terrace and the road as a whole.

This quote from the officer's report on 2020/4971/P is very relevant in the case of this application, given the fact that it is so much bigger. The "proposal constitutes an excessive and over-dominant addition to" the application property 'which detracts from the form, character and visual amenity of' the existing building and its garden. The proposal "would detract from the the aesthetic quality of the building and the spacing and character of the area".

The design of the new ground floor flat is also unsatisfactory. It involves the construction of a light well as otherwise there would be no natural light to the two small bedrooms on either side. Currently "bedroom two" has a window to the garden. The new "bedroom three" will be very small. It seems likely that there will be insufficient natural light to these bedrooms.

This comment also seems relevant and is particularly relevant to the flat it is proposed to create in the cellar which will involve a troglodyte existence.

Adverse effect on the amenity of neighbours

The proposed extensions will build several metres beyond the current building boundary and so impact on neighbouring properties, including the upper floor flats at number 5.

It will affect the amenity of number 3 because it is a mirror image extension and also consists of two floors.

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Loss of amenity to number 7 was previously dismissed, I still disagree with this and the fact that this is a two storey extension strengthens my contention. A site visit would demonstrate that the assumptions made are incorrect.

As this extension builds out beyond the current boundary it will cause loss of daylight to the part of the garden of number 7 that is used for sitting out and to the kitchen. This is because the ground level outside the rear of number 5 is about 1 m higher higher than that outside number 7. Erecting a 2m wall at number 5 will therefore have a serious effect on light to the kitchen and patio.

The patio would be completely overshadowed by the new extension. There would inevitably be overlooking and privacy would be greatly reduced.

There will also be noise. This has been problem in the past with the current lay out and will obviously be exacerbated by the extended GF and the new basement flat.

There will also be loss of amenity to the other flats at number 5. They will be deprived of a direct view onto the garden and will inevitably be disturbed by noise from the extension.

The effect on the amenity of South Mansions is also a factor as the noise from the extension will be greater because the flats extend well into the existing garden.

Visual impact

Adding a large two storey box onto the rear of the property will result in an unsightly construction. The sloping garden will exacerbate the visual impact.

In addition, it will be very visible from the upper floors of neighbouring properties, including the two upper facts at number 5, whose view of the garden will be severely curtailed and replaced by a view of roofs.

In addition, the excavation the cellar will result in an extremely deleterious impact on the visual aspect of the front of the property. It will make the property stick out like a sore thumb and disrupt the overall symmetry of the terrace.
