

## Application 2024/1274/P - Planning Application Objection

Re: 73 South End Road NW3 2RJ – Lower Ground Flat and Garden

**My standing is as a direct neighbour who will be adversely impacted by these proposals.**

**1 Extension to Flat:** The plan to extend their garden entrance will bring it well into sight and hearing of neighbours' houses on both sides. **Those neighbours are unhappy with the extension.**

**2 Garden: We object to the current proposal to remove trees and build a large structure**

2.1 The application<sup>1</sup> states that: *"The South End Triangle at the junction of Downshire Hill, South End Road, Willow Road and East Heath Road is defined as a Public Open Space in the UDP.4."* This garden directly adjoins the Private Open Space (POS). Six of the seven gardens next to 73 South End Road are in the designated POS and would be protected from such building.

Whether the POS applies directly or not, any "holistic approach"<sup>2</sup> (stressed in the Design and Access Statement) should take the POS into consideration in assessing the impact on the area and its amenities. Planning for this sensitive Conservation area in Hampstead includes preserving the remaining green spaces for the future in accordance with several of Camden's own Plans and the Hampstead Forum's approach. The Heath and Hampstead Society and Camden are discussing requiring Article 4 Directions for all gardens in the Conservation Area.

2.2 **Trees:** Camden's own Pre App of January 2024 stated: **"Any intervention in the garden should be minimal and all trees should remain."** Yet the proposal now includes felling 8 trees in the garden. The Design and Access statement is silent on this; this Pre App advice is ignored.

The application also refers to works to reduce and protect a large Magnolia Grandiflora that is in a neighbouring garden. **The harm to this tree could be considerable and work should be refused.**

The arboriculture consultant instructed by the applicant glosses over the trees and their significant value to the area and community. It refers to trees over 5m tall as "semi-mature." In this report, the trees they are all shown as **in Category B**<sup>3</sup>. The applicant's Planning Statement (see 5 below) states "... that **no Category A or B Trees...**" are to be removed". **We submit the applicant has in effect removed his option to fell Category B trees. They should be untouched.**

2.3 The damage to the environment and biodiversity goes beyond the removal of so many trees. It is a loss of space for wildlife. The building itself will occupy at least 40sqm but also have associated hard paving and paths over the access, removing far more of this precious green garden.

2.4 Policy A3 of the Local Plan states that the Council will resist the loss of trees and vegetation of significant amenity, historic, cultural or ecological value, including proposals which may threaten the continued well-being of such trees and vegetation. It requires that significant trees should be retained and that they should be satisfactorily protected during the demolition and construction phase of development. The biodiversity policy also advises that development should not result in a

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<sup>1</sup> The Applicant's Heritage Statement.

<sup>2</sup> See page 12 of the Applicant's Design and Access Statement.

<sup>3</sup> Defined as: "Trees of moderate quality with an estimated remaining life expectancy of at least 20 years."

net loss of landscaping or biodiversity; where the loss of trees or vegetation is agreed it is expected that proposals should incorporate replacement trees or vegetation.

The reduction of the green space at the far end of the garden would have a detrimental impact given that the proposal would fail to enhance or include any biodiversity benefits. This, combined with the loss of the 8 existing trees would further reduce biodiversity on the site (note that no replacement trees are proposed). This would be contrary to Policies NE3 and NE4 of the Hampstead Neighbourhood Plan which, amongst other things, requires new development to include measures to protect and assist in the restoration of Hampstead's tree lines, biodiversity corridors and reduce the incidence of breaks and the length of gaps. The proposal would result in permanent damage to the verdant character of the garden space.

Due to the loss of the existing trees and without an adequate tree replacement, the proposal would also be contrary to the London Plan 2012 and the NPPF 2023.

### **3 New Home-Working building in Garden: We object to this proposal. Any building should be greatly scaled down in height and area to be considered acceptable.**

3.1 The proposed outbuilding would be perhaps the largest structure<sup>4</sup> at 40sqm (volume of 120 cubic metre) within the rear gardens bounded by South End Green, Keats Grove and Downshire Hill. It should be noted that the majority of the gardens here remain undeveloped. The removal of existing vegetation and trees would further increase the prominence of the building. The proposal would be excessive in terms of size and appearance.

3.2 There is no stated justification why such a large outbuilding should be approved in a sensitive area.

- It is styled as a Home Office or as "Gym and Office" together with service and paved access paths. It is at some distance from the actual residence. It could potentially be used as a stand-alone residence as it will have services, including heating and drainage.
- Justification is stated by reference to (see 4.4 below) to other outbuildings in the area. This is misleading as these are *much* smaller and used as sheds or as conservatories. Many date back to when approval was not required or, if granted, was at a time when environmental considerations were far less important.
- **Approval here could create precedents for other developers to build ever larger buildings in the larger gardens in the conservation area.**

#### **On these grounds alone the current oversized building should be refused**

3.3 The applicant's garden adjoins no less than 7 gardens: 75, 77, 79, 83 and 85 South End Road and 11 and 12A Keats Grove and therefore impacts a number of people directly.

3.4 The new building is large in area and tall at almost 3m high<sup>5</sup>. The poorly defined drawings (notably without proper scaling) are potentially misleading, but do show it towering above the neighbouring garden walls.

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<sup>4</sup> For example: Recent approval in Pond Street for an similar outbuilding for an office was 15sqm in footprint

<sup>5</sup> The applicant claims that 3m height is "needed" which further implies a greater use such as residential

- The Outbuilding would be at least 20-30mm above the adjacent shed in 12a Keats Grove. It will be 1.1m above the garden wall
- It would tower over all the other garden walls.
- The new building would be visible to many gardens in the area, not just the 7 above. This will be detrimental to the amenity of the community in general and the residents in the area while reducing the green spaces as described above.

### 3.5 Garden Walls in the Conservation Area :

3.5.1 The building is shown located right up against the walls of at least 3 gardens in the POS. At least 4 other gardens, also in the POS, will be impacted by the work as a whole as there is a path and other works included.

3.5.2 The boundary walls of the adjoining gardens are generally very old and part of the heritage.

3.5.2.1 The drawings show the building on the boundary line of the existing garden walls. The applicant and his agent has told neighbours that he will propose party wall agreements to rebuild the garden walls at some 1 -2 meters higher to meet building roof level. This means that heritage garden walls will be demolished and neighbours would be faced with a building side.

3.5.2.2 **The application drawings downplay the dominance of the new structure over several gardens in the POS.** There would be a substantial increase in brick wall height and loss of amenity to several neighbours.

3.6 Adding a green roof, while welcome, is no mitigation of the environmental and other damage entailed.

**We submit: This proposal creates too much harm in many areas to allow a building of this design in the garden. It should be refused.**

The proposed overly large permanent structure (40Sqm and 120 cubic metres in volume) would be harmful to the character and appearance of the conservation area. While the proposal would not be prominent from the street, it would intrude into the gardens of up to ten neighbouring properties.

It also would be highly visible from the rear upper windows of neighbouring properties and the prominence (and dominance) of the proposed outbuilding would detract from the garden setting and verdant character, identified above as contributing to the significance of the Hampstead Conservation Area.

**Conclusion: The proposed outbuilding by way of its siting and appearance, including its size, scale and materials would fail to appear as a subordinate garden building, it would be over-dominant and inappropriate in the garden, harmful to the character of the site, the setting of the building/terrace and the character and appearance of the Conservation Area. It would therefore be contrary to policies D1 and D2 of the Camden Local Plan 2017 and policies DH1 and DH2 of the Hampstead Neighbourhood Plan 2018. It would also be contrary to the London Plan 2012 and the NPPF 2023.** Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area, under s66 and s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013.

**Due to the design and siting of the building, there could be increased light spill within the rear garden environment to the detriment of the amenity of occupiers of neighbouring properties. The proposal would therefore be contrary to policy A1 of the Camden Local Plan. It would also be contrary to the London Plan 2012 and the NPPF 2023.**

#### **4 Comments on the Design and Access Statement:**

Page 4: Even on early historic maps, there is a pattern of small outbuildings in rear gardens.

**Comment: This is not a “small outbuilding”. It is the size of a modest apartment with access, heating and so on.**

#### **5 Comments on the Planning Statement:**

5.1 Page 8: “Both elements of the proposal, the extension and the outbuilding, form an architectural ensemble to enhance the setting of the garden. The two elements can be read as a pair, and are aligned in terms of materiality and detailing”.

**Comment: This seeks to compare a timber clad outbuilding to a listed building.**

5.2 Page 9: “It is the applicant’s view, informed by the expert heritage advice, that *no harm* will result from the proposed development with respect to designated heritage asset of the conservation area, and accordingly paragraph 212 of the revised Framework is not engaged.”

**Comment: This is simply untrue as there will be “harm” caused by the development.** The question is one of balance – we submit there is enough harm to engage the Framework.

5.3 Page 9: “The proposed outbuilding and extension ...will not result in any additional overlooking of adjoining properties”

**Comment: The outbuilding is so dominant that it will be seen by adjacent properties**

5.4 Page 9: “The proposed development will not result in any adverse impact on the amenities of the adjoining and adjacent residential properties, in accordance with Policy D6 of the London Plan and Policy A1 of the Camden Local Plan”.

**Comment: Disagree. There will be an adverse impact by virtue of a large highly visible structure in the garden only given space by destroying much green space and trees.**

5.5 Page 9: Quote from the arboriculture report: “*no category ‘A’ or ‘B’ trees, and no trees of high landscape or biodiversity value are to be removed*”

**Comment: This is untrue. All the trees scheduled for removal are shown as Category B in the applicant’s own arboriculture report.**

**6 Comments on the Heritage Statement:** Para 5.11: However, the use of the space as a garden makes a positive contribution to the verdant character of this location. **Comment: That is why we are resisting any change to the “verdant character of the location!”**

#### **7 Other comments:**

7.1 There should be a binding condition that it cannot be let out or used as a separate residence and must remain for the use of the residents of the flat alone.

7.2 The outhouse is a large new building and will require services. These are not discussed in the proposal. Will it have connection to mains drainage, power, gas etc.?

7.3 Environmental : Heating and insulation: Should it not be in line with best practice such as a well-insulated building heated by a heat pump. Rainwater harvesting off the roof? While some of these issues may be for building control, the layout may impact the planning.