

Application No:	Consultees Name:	Received:	Comment:	Response:
2024/3028/P	Jakki Lewis	23/08/2024 22:24:07	OBJ	<p>Dear Sir/ Madam</p> <p>Re: Objection to proposed development at 9-11 Flat 5 Belsize Grove, Camden, London, NW3 4UU (Ref. 2024/3028/P)</p> <p>Also relevant to previous planning application (Ref: 2023/4603/P)</p> <p>Dear Sir/Madam,</p> <p>I am the owner of 49a Howitt Road, NW3 4LU, and am writing to formally object to the planning appeal for the proposed garden pavilion at Flat 5, 9-11 Belsize Grove, London, NW3 4UU which directly faces my garden and bedroom.</p> <p>As a neighbor directly affected by this development, I strongly believe that the 'revised' proposal, despite the 'reduction' in size, still significantly impacts my enjoyment of my property and garden. This was a major part of Camden Council's wise decision to originally reject the application which had many valid and concerned objections.</p> <p>The appeal was lodged and received after the 28 days' notice had been served of the local planning authority's notice of the denial of the original application (Ref: 2023/4603/P) and as such the Planning Inspectorate cannot take any further action.</p> <p>**Impact on Privacy and Enjoyment of Garden**</p> <p>The proposed structure, even with the minimally reduced height and width, remains excessively large and obtrusive. It dominates the view from my garden, infringing on my privacy and significantly affecting my ability to enjoy my outdoor space as per your own Planning Policy Guidelines. There is literally nothing to hide or obscure it based on its current size and location. Furthermore, for the past year since the structure was erected without planning permission, we have full scope of an already built and virtually complete eyesore. I have had to endure almost an entire year staring at this monstrosity literally right next to my boundary wall.</p> <p>The proposed 'revisions' to the size and height in the appeal is negligible. The length revision from 8M to 7.5M and eaves height from 2.4M to 2.3M is unsatisfactory and does nothing to address any of the multiple concerns raised by both myself and all my neighbours as well as Camden Council itself.</p> <p>The proposed pavilion, due to its location and size, casts a substantial shadow over my garden during large parts of the day, creating a feeling of enclosure that drastically reduces the natural light as well as the nature conservation surroundings I, and my neighbors currently enjoy. The enjoyment of my property is a right, and this development, as proposed, already severely curtails this.</p> <p>To directly quote Flat 5' appeal letter point 6.10, 6.11, 6.14 and 6.17 (Ref: 2023/4603/P) – we are perplexed as the sheer lack of consideration as to anyone else but themselves as pictures of our view clearly demonstrate:</p> <p>"The scale of the building is entirely appropriate in this context. It is not visually prominent, or at the very most, from the private areas of the surroundings, views would be largely transient as a result of the presence of built form and intervening structures, boundary treatments and natural landscaping that would largely screen any elements that would otherwise be visible. The hierarchy of built form would be maintained because the proposed development would not be discernibly more prominent than the existing boundary wall and the</p>

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sense of spaciousness from private vantage points would therefore be maintained. Its scale and massing is therefore considered to contextually align with the site and surroundings.”

“In terms of design and appearance, the building has been sited to sit comfortably and inconspicuously within the landscaped setting of the rear garden. Existing trees have been retained to ensure the building aligns naturally in the space.”

“The development is considered to sympathetically adjoin neighbouring development, would not be overly prominent in the wider surroundings and would provide for a simple and elegant form of development that both respects and responds to its context. The development is therefore considered to accord with the principles of the development plan and national planning policy guidance in this regard.”

“The outbuilding is located adjacent to the rear boundary of the site which is shared with properties on Howitt Road. It is acknowledged that the properties on Howitt Road benefit from only a modest rear garden area. However, the eaves height of the proposed building extends only marginally over the existing brick boundary wall and the pitched roof thereafter extends away from the shared boundary. This, in conjunction with significant boundary landscaping, ensures that the perception of the building from properties on Howitt Road would be minimal.”

I would urge you to consider the below visual proof that this building is “minimal” and has “significant boundary landscaping”

Before unpermitted structure was erected – picture taken in 2016:

Furthermore, the unpermitted development, by reason of construction methods and lack of protection, has resulted in unacceptable and irreparable harm to trees contrary to the aims of policies A2 (Open Space) and A3 (Biodiversity) of the Camden LP 2017.

Again, I refer you to images of what my view is like now – there are no trees providing me any kind of privacy – even in the summer in fuller bloom as the branches are higher than the eaves of the structure. Even having a retrospective Tree Survey and Arboricultural Impact Assessment to support the appeal is null and void – the damage has already been done and it is impossible to forget there is an overbearing and unnecessary structure so close and huge.

Moreover, within the Trees CPG (2019), it clearly states that planning legislation makes special provision for trees in conservation areas and highlights that all trees which contribute to the character and appearance of a conservation area should be retained and protected. Predominantly, rear gardens along Belsize Grove comprise a canopy of trees. These trees acted as a natural screening between the garden at the Site and the rear garden in 49a Howitt Road. This natural screening is no longer there resulting in a significant impact on the amenity of 49a Howitt Road and further results in a negative impact in terms of ecology.

To be clear, I have no issue with a resident wishing to improve their outdoor space. The issue is with the size

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and location of a significantly and unnecessarily overbearing, unsightly and size building designed to be situated far away from the site of Flat 5 back garden entrance (as stated in their appeal), and right next to our boundary wall. There is no consideration whatsoever of the impact to multiple neighbors and specifically to me. If Flat 5 had full confidence in their application, they would have erected the summer house much smaller and closer to their own home rather than at the very back of their extensive garden up close and personal to other homes.

****Inappropriate Comparison to Other Developments****

The application attempts to justify the proposal by citing a previous development on the same road that was granted planning permission. We, the neighbours directly impacted by this, made pains to point out a year ago that agreeing planning permission of Flat 6, Belsize Grove, would set an unnatural precedent and that Flat 5 and Flat 6 were directly in cahoots to ensure that once one planning permission was granted for one, it would pave the way for the other.

However, I must point out that the referenced structure was originally erected without permission. The owners claimed they did not know they needed consent as it was permitted development which is offensive and misguided given the many architects and builders they hired to erect it in the first place!

We have many, many confirmation letters from various members of the Council agreeing this, and that despite a Stop Works Enforcement order issued, the owner of Flat 5, 9-11 Belsize Grove continued to build and as such, has enjoyed the use of this 'summer house' throughout June/July/August 2024 and we have pictures and video to prove they have done so. The side of the structure has had a wall erected. The noise levels have increased tenfold, and I've literally had people looking over the wall into my private garden ruining any enjoyment of my garden due to unnatural proximity.

Blythe Smith's report of January 2024 included a picture taken on November 16:

However, the new planning application in July 2024 also clearly shows the continued use and building floor of the unpermitted structure despite the Stop Works Enforcement order.

I would also directly quote you the original Case Officer Blythe Smith's analysis report on the point about having a precedent directly affect an application as cited by Flat 5 in their appeal. The report analysis sheet specifically cites that "each planning application is assessed on its own merits and therefore there would be no 'precedent' set for new development" – rendering the majority of the appeal weak and desperate.

That in person assessment also clearly stated in point 3.4:

- "the outbuilding would be large, with a footprint of approx. 40 SQM and 91M long. Point 3.5 states this is "excessive and intrusive, and more akin to a standalone dwelling with its own individual architectural character rather than a domestic garden structure."
- Point 3.8 states "there are no public benefits that arise from this private ancillary outbuilding to outweigh the harm". The appeal with the very minor revisions do absolutely nothing to address these valid points and as such the application should be refused again, and the structure legally enforced to remove from its current location.
- Point 4.3 states "the outbuilding's size and location are considered uneighbourly in terms of affecting

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outlook. It is an overbearing structure when viewed from the adjacent gardens of No. 47 and No. 49 Howitt Road

The approval of the previous development at Flat 6 does not set a precedent that should justify further inappropriate constructions. We now have pictures of what that impact now is to the owner of 43 Howitt Road (enclosed below). They are left to stare at a true eyesore that runs the entire length of their garden with lack of enjoyment to their own rightful outdoor space, significant increase in noise and loss of natural surroundings in what is supposed to be a protected Conservation Zone.

****Incongruous Development in a Conservation Area****

The proposed garden pavilion, even in its revised form, is an incongruous addition to the Belsize Conservation Area. The structure's size, bulk, and modern design are inconsistent with the traditional character of the surrounding properties and gardens. The local planning authority previously refused the original application due to its adverse impact on the character and appearance of the area. The minor reductions proposed in this appeal do not adequately address these concerns, as the structure remains visually intrusive and out of place within the conservation area.

The proposed development continues to be contrary to Policies A1 (Managing the impact of development), D1 (Design) and Policy D2 (Heritage) of the LP 2017.

****Lack of Consideration for Neighboring Properties****

The appeal fails to fully consider the impact on neighboring properties, particularly those immediately adjacent to the proposed development. The structure's placement along the boundary wall already creates an overbearing presence, affecting not only my property but also those of other neighbors. The proposed pavilion would be one of the largest structures of its kind in the area, setting an unwelcome precedent for future developments.

In conclusion, I urge the planning inspectorate, Camden Council, Case Officer Henry Yeung and the entire Planning and Enforcement team to reject this appeal. We have already had Councilor Tom Simon round to see for himself the detrimental impact of this on our homes. The entire Planning Committee is aware of this having had tens of complaints and email correspondence over the past year.

We note with interest that the original planning case officer Blythe Smith is now reassigned, and a brand-new case officer Henry Yeung, someone who has no prior context or knowledge of this situation and who only joined Camden Council Planning team in June, is now assigned to this. We dearly hope he is provided with the true facts around what is a blatant attempt to bypass Camden Council's own planning guidelines, and a disrespect to the neighbours as well as to the original planning decision to refuse this unpermitted development once and for all. Meanwhile, Flat 5 and other residents of 9-11 Belsize Grove continue to use this structure daily.

The revised proposal absolutely does not sufficiently mitigate the negative impacts on my property and the surrounding area. The development remains too large, intrusive, and incompatible with the character of the conservation area, and it has already significantly diminished and practically removed my right to peacefully

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				enjoy my garden.
				Thank you for considering my objections.
				Yours sincerely,
				Jacquelyn Lewis Evans
