

T 01376 538532  
M 07825 633575  
F 01376 563240  
E [ian.coward@collinscoward.co.uk](mailto:ian.coward@collinscoward.co.uk)

Ref: IC/1552

**BY E-MAIL AND POST**

16<sup>th</sup> July 2014

Ms Nanayaa Ampoma  
Planning Officer  
Development Management  
Culture and Environment  
London Borough of Camden

Dear Ms Ampoma,

**8 LINDFIELD GARDENS 2014/3625/P  
APPLICANTS RESPOSNE TO**

Introduction

I write further to the submission of this application and recent correspondence in respect of the independent validation of our basement impact assessment.

I note that a number of objections have been submitted in relation to this application and we would like to respond to each of these in turn. We would add that we are not responding to every single comment as a number are repetitious.

We do, however, confirm our view that we have presented a comprehensive overview of all the comments (and objections) made and our response to them.

We would add that the statutory register also records a number of positive comments. We make the point that these weigh heavily in the planning balance and it is often the case that someone who is supporting an application does not tend to write in. As you are aware the local planning authority are more ordinarily likely to hear from an objector to a scheme.

- **There was no pre-application consultation**

The applicant is extremely disappointed that this statement has been made.

There was extensive pre-application consultation between the applicant and relevant parties. The italicised text below is directly from the applicants:

*As part of this process, we have in fact consulted in writing and in person with ALL leaseholders and can provide such evidence upon request. The following neighbours have been consulted:*

*Miss Kate Colleran – The Freeholder and owner of flat 4*

*Miss Colleran mentioned to us few times that she did not and will not raise an objection to the proposed plan. Miss Colleran raised no objection to the initial planning we have submitted and hence we were quite surprised to receive this letter with respect to a smaller and significantly lighter proposal we have submitted. Miss Colleran was not just consulted, she also took the opportunity to meet with our architect and we invited her construction advisor to visit and investigate the property.*

*Mr. Ian Wallis – Owner of flat A – Ground/ Basement flat.*

*Mr. Wallis raised an objection to the initial planning proposal. As we submitted the second proposal, we have consulted with Mr. Wallis and have held a conference call with him (as he resides in New Zealand), addressing all his concerns. Mr. Wallis's main concern was the potential impact of the proposed plan will have on his entrance. As Flat A entrance would be adjacent to our proposed entrance, we have explained to Mr. Wallis that we will remove the garage and improve the entrance plus will amend/ fix the paveway to his and our entrance in a way which should benefit both him and us. Mr. Wallis mentioned to us that he does not object to the proposed revised plan.*

*Mr. Morad Kamyab – The owner of flat 3*

*Mr. Morad and us have toured the property and have spent an hour on site presenting to him our proposed plan. Mr. Morad did not object to the initial proposal and expressed his support of our proposal, appreciating that it is a positive contribution to the building and area.*

*Miss Lidia Tyssczuk – The owner of flat 2:*

*We met with Miss Tyssczuk at her flat and presented to her the plan in much detail. Miss Tyssczuk raised no objection, however requested that we provide her with a large balcony above our proposed extension, which covers the full width of the extension. As this would have a material impact on the character of the building it was strongly rejected by the architect and the planning officer.*

*The proposed extension should have no impact whatsoever on Miss Tyssczuk views into our garden. If any, it may improve her view into our garden and hopefully this became evident in Miss Ampona's tour of the Property.*

*It is clear to us, that only two of the neighbours have raised an objection, surprisingly have previously conveyed to us that they will not do so.*

*In addition to the neighbours of the building, we have also consulted our neighbouring garden flats:*

*Lindfield Gardens 6 (Mr. Zaidman) and;  
Lindfield Gardens 10 (Mr. Jean-Luc Bernardi).*

*Both have expressed their support of the proposed refurbishment. As previously mentioned, both have undertaken a far more extensive refurbishment than the one submitted by us.*

- **The previous light wells were smaller and the current ones are against planning policy.**

The design has evolved and a specific scheme is now presented for determination. The light wells ensure the quality of the accommodation provided by the scheme. We understand that objectors are concerned about the possibility of light pollution however within an urban area with light coming from a large number of windows in the immediate area we do not accept that there is any clear evidence of harm arising from this matter.

- **The basement is larger than the last one.**

The basement itself is not any larger than the last application which was refused.

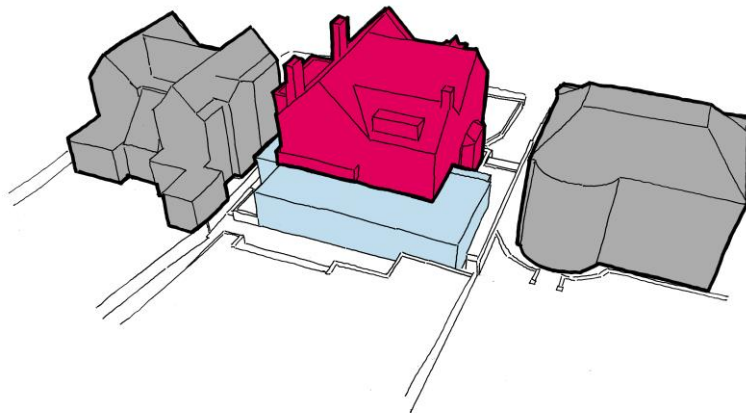
In any event the basement is now a specific scheme which is presented for determination and the size of the basement, subject to all matters being acceptable, is not an issue which in itself gives rise to planning harm.

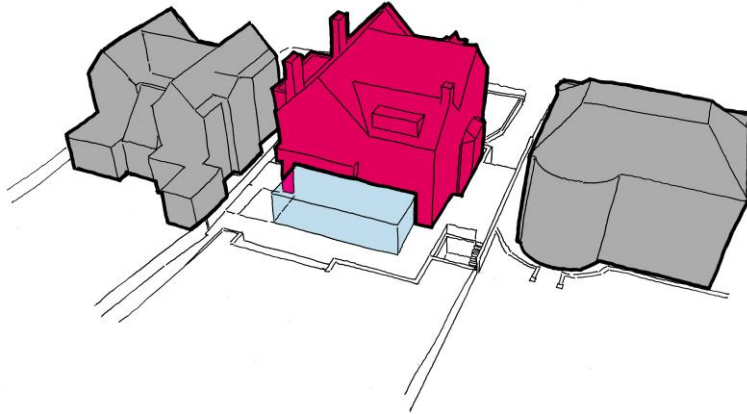
We note the larger basement approvals given in relation to nos 6 and 10 Lindfield Gardens (as cited in our application correspondence).

- **The extension is too big and will affect views from the objector's property into the rear garden.**

The extension is a single-storey above ground above addition to what is a significant mansion block. It is to be judged on its own merits and represents a significant reduction from the above ground extension which was the subject of the previous refusal.

The design and access statement sets out the manner in which the basement has been reduced in extent: this is shown diagrammatically below, with the top illustration being the previous scheme.





We have set out an assessment of this extension in both the planning statement and the design and access statement and whilst accepting that this matter is not determinative in its own right we do stress that none of this extension is visible from the public domain and wider conservation area.

In addition private views are very limited and will not prejudice views from the objectors property into the rear garden.

Notwithstanding these points the extension is of an appropriate size with regard to the building and relevant tests under planning policy.

We also note, as a matter of context, that if the property was a single dwelling a much larger extension could be built under permitted development rights.

- **The applicants have removed the green roof to its size and “that says it all”.**

It appears that our comment was misinterpreted.

We do not wish to have a green roof as it covers a relatively small area and will potentially give rise to management issues. It is also a personal preference of the applicants not to have such a finish.

We are certainly not suggesting that the roof is so large that a green-type structure would be too difficult to manage which is seemingly the manner in which our comment has been misinterpreted

- **The use of contemporary design and materials set it totally apart from the original character and appearance of the host building and the conservation area.**

We have previously confirmed that the extension will not be visible from the broader conservation area. It is not uncommon nor contrary to any aspect of planning policy to have contemporary design within the conservation area context.

Indeed conservation areas evolve and develop with time and an important component of their interest is the manner in which buildings have evolved through the years and how this evolution is reflected in the urban fabric.

The objector seems to be having a personal objection to anything modern within the conservation area which certainly not a position adopted by planning policy and also not the practical determination of other applications (see comparable cited in DAS). We have in fact been instructed that the objector has pursued a contemporary extension in the conservation area.

- **The proposal results in the loss of part of the spectacular garden.**

No green space is being lost. The ground floor extension is merely being incorporated within the confines of the existing hardstanding.

- **There is no evidence of the winter garden comparable. The illustrations submitted are speculative.**

The text above summarises two separate objections. Clearly there is some evidence as these are commented upon by the second objector. There is always a degree of interpretation to be made with any historical resource, however, to suggest it is purely speculative is a little unfair.

We have taken a historical resource and presented our best judgement as to what this would mean in terms of bulk and mass if on the site today. It is our view, and that of the scheme's architects, that the historical illustration shows that the winter garden previously on site is very much of the same scale as that which is now proposed.

- **Digging up the foundations to the building is harmful and the building has already suffered subsidence.**

There are a great deal of comments which express concern in respect of the structural stability of the property. There are concerns in respect of rising damp and a number of other technical matters such as a concern that the development will change ground water flow. It has also been suggested there has been a lack of assessment in respect of other properties.

A detailed basement impact assessment has been submitted which accords with planning policy.

In addition to this, as part of the planning application process, the basement impact assessment is to be independently validated such that the authority can determine the application on the basis of this independent validation (at the time of writing the client has agreed the fees for the instruction of "LBH Wembley").

It does, however, remain a fact that London is the subject of a significant number of large-scale construction projects (significantly larger than that which the subject of this application) and there is always a fair and reasonable technical response. This matter is also dealt with by the building regulation regime.

There is no reason why an appropriate scheme (which we submit is set out within our basement impact assessment) cannot result in the construction of this scheme without any of the concerns expressed by the objectors being a reality.

- **There will be noise during construction and there has been no construction management plan submitted by the applicants.**

There will of course be a degree of noise during construction, however, no planning application can be refused on this basis.

There will be a construction management plan which we submit is appropriately dealt with by means of a planning condition. The plans are the subject of a great deal of detailed work and it is only appropriate that they are dealt with once the planning permission has been granted.

The point therefore is that the detailed construction management plan will need to be submitted to the local planning authority as part of the relevant condition discharge and the scheme cannot go ahead until this detail has been agreed and "signed off".#

It is also noted that construction methods have moved on and basements proposals are now completed much more efficiently than in the past.

- **The basement is outside of the footprint of the original building.**

This is the case but this does not mean that planning harm will result. We are aware of a significant number of examples where there have been much larger scale basement proposals taking up a great deal of garden area.

We would also add that in many cases basement proposals can be permitted development (clearly not in this case), so issues such as those raised by the objectors are not always within the remit of the planning system.

- **The garden should not be compromised with the concern being set within the context of soil from the construction process being deposited on the garden.**

Clearly this will not occur and this matter will be dealt with by means of the construction management plan.

- **There are concerns in terms of impact upon trees.**

An arboricultural report was submitted in support of this application. It was submitted in support of the last application and did not comprise a reason for refusal.

### Conclusion

We therefore confirm that we have addressed each of the points raised by the objectors.

All the technical matters are addressed in the basement impact assessment and will be verified by the Council's own consultant.

We accept that basement proposals can be controversial and clearly this is one that is classified as such. However the local planning authority has granted a large number of consents for basement proposals and they are particularly commonplace within a number of

Central London authorities to include Camden, Westminster and Kensington and Chelsea as well as others. We also note that there is already a basement associated with this property and any further subterranean extension should be seen within this context.

We trust that this letter is helpful in confirming the applicant's view that we have addressed each and every relevant planning matter and indeed a number of matters which we feel are not technically planning matters and which have been presented in objection to the scheme.

Ian Coward from these offices is dealing with this matter.

Yours faithfully

**Collins & Coward  
encs**