

Gentet, Matthias

From: [REDACTED]
Sent: 24 January 2014 06:10
To: Olcar-Chamberlin, Aysegul
Cc: Planning
Subject: comments on Application 2013/6268/P : 252 Finchley Road
Attachments: objection letter.pdf

Categories: Orange Category

Dear Sir,

My wife and I are the owners of the house at 1 Frogna Lane, NW3 7DY London.
As we said the last time these same promoters try to push more or less the same building, we think the proposed building is oversized compared to the current edifice, it would remove a big part of the existing garden and trees and would also therefore overlook our property. Being in a conservation area, I would think that preserving old fine buildings and greenery is a priority. What would be Hampstead without trees, gardens and period properties?

For the most technical aspects, we commissioned a report from a specialist and I attach it here. We believe he raises very serious points about this project and we hope the council will see that too:

Many Thanks

Benjamin and Helene Marthan
Owners of 1 Frogna Lane

[REDACTED]

21st January 2014

Dear Sirs,

Town and Country Planning Act 1990
Site at 252 Finchley Road, London, NW3 7AA
Planning application ref: 2013/6268/P

I have been appointed by the occupiers of neighbouring residential properties to review the above planning application. I would make the following comments.

Structural stability and affect on ground water conditions.

A previous application was subject of an appeal decision (PINs ref APP/X5210A/1//2160566). This was dismissed on 1st February 2012.

A key concern of the Inspector was the structural impact of the proposed basement on nearby properties. The inspector referred to the 5-step approach for basement impact as set out by Policy DP27 from Camden's Development Plan.

The Inspector was critical of the basement impact report that was submitted with the application. He said it was a partial assessment and referred to the fact no surveys of the adjoining properties had been carried out. He also said the report left a number of unresolved points such as what ground movements would be associated with the excavation. He noted these were to be examined once the basement design had been finalised.

The Inspector concluded that on basis of Policy DP27 the report had failed to fully demonstrate that no harm would be created in advance of the development being permitted.

Turning to the current application another basement impact report has been submitted by Geotechnical and Environmental Associates (GEA). This report is more thorough than its predecessor and the results from exploratory boreholes reveal more information about the precise ground conditions and sub soil strata.

However, it is evident that no actual survey work has been undertaken in respect of the church and No. 254 Finchley Road and the findings and probable impact on these properties has once again been based upon a desktop study.

The report acknowledges these are sensitive structures. However, any ground movement associated with piling, excavation and construction of the basement is predictive and will be monitored during construction. Little information is given about the design of the basement retaining walls and the report states the design of the basement wall will be the responsibility of the final contractor.

In common with the previous basement impact report the findings of the current report are not 'technically' reassuring. Again it fails to answer crucial questions about the construction and design of the basement and soil stability. On the later point it simply concludes that any movement will be monitored during construction.

The basement excavation report that has been submitted with the current application therefore fails to overcome the precise concerns raised by the previous Inspector. It also fails to address the requirement of Policy DP27 of the Council's LDF. This states that Camden ...

'will only permit basement and underground construction that does not cause harm to the built and natural environment and local amenity and does not result in flooding and ground instability'.

As no final design of the basement walls have been submitted with the application it is not clear how ground water would be able to drain freely around the basement. This was another key concern of the inspector and accordingly the current application submission also fails to meet the requirement of Policy DP23.

Impact on the Heritage Asset

In the facing flank elevation of the neighbouring church there is also one of the last surviving examples in London of a stained glass window created by the famous artist Douglas Strachan.

On this point the previous inspector said that the additional mass of the building so close to the church and this window would be likely to result in a material reduction in the amount of daylight to this window.

The inspector went on to state that without an assessment based upon loss of day light to these windows and how this loss of light was perceived from within the church then it was not possible to understand how the development would impact on this heritage asset.

Para 133 of the NPPF

Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent,

Since the appeal was dismissed PPS5 has been replaced by the NPPF. However, many of its key principles have been transposed into the NPPF. In the context of the impact of the development on the church the above paragraph is relevant.

A heritage assessment has been submitted in support of the current application. On the matter of loss of light to this window it states that the amount of light may be reduced, but stained glass windows do not necessarily need an entirely open aspect to retain their significance. The report then states there are many examples the existing building at No. 252



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Finchley Road already reduces where buildings and light to the window obscure stained glass windows.

These assertions are disputed. The simple fact is that stained glass windows are reliant on light so that individuals can enjoy their colours, fine detailing and intrinsic beauty as works of art.

More often than not stain glass windows are not directly obscured by buildings and while there may be a few examples in the city this does not in itself provide adequate justification to obscure this significant window with a large building.

Furthermore the proximity and mass of the proposed building is far greater than the existing building and the submitted daylight sunlight survey reveals there will be daylight and sunlight loss to this window.

While it is subjective the heritage report makes no attempt to define how this loss of light would be perceived from within the church, despite the fact that the Inspector raised this as a key concern. On this point can be no doubt that the shadow of the proposed building will be cast over this window and it will harm intrinsic quality of the interior of the church.

In the light of this and the fact that the inspector said this window is a substantial element in the significance of the listed building, it is considered that the proposed development will lead to substantial harm and accordingly should be refused in the context of Para 133 of the NPPF.

The Council is respectfully asked to take the above into account and dismiss the application.

Yours sincerely,

Andrew Hollins

Andrew Hollins

Consultant Chartered Planner
MA MRTPI

