

Head of Planning
London Borough of Camden
6th Floor, Camden Town Hall Extension
Argyle Street
London
WC1H 8EQ

[REDACTED]
14th October 2014

FAO: Mr Oliver Nelson

Dear Sir,

Town and Country Planning Act 1990
Applications in respect of Flat 1, April House, 45 Maresfield Gardens, London, NW3 5TE
Application References 2014/5724/P and 2014/5725/P

We are instructed by Forty Five Maresfield Gardens Limited, the freehold owners of no. 45 Maresfield Gardens which is a residential block of flats immediately abutting the above site. On behalf of our client, we are instructed to object to the above planning applications, both of which seek retrospective planning consent for works either already undertaken or currently being undertaken at the site.

This site, as you will be aware, has been subject of significant controversy and has been the subject of enforcement investigations by your colleagues in the Enforcement Department. Works have proceeded on site in breach of planning legislation and without obtaining the necessary planning consents. As you will be further aware, those works resulted in a serious injury to one of the on-site construction workers and this in turn has led to an investigation into the on-site works by the Health & Safety Executive (HSE).

Whilst the history of works on site may not go to the planning merits of the application proposals, they do suggest to us and our client that your Council should take the upmost care in considering these proposals and only grant consent to them should you be fully satisfied that the proposals are acceptable in every respect. If there is any doubt whatsoever about the appropriateness of the works consent should be refused. Given the site's history, a very cautious approach to these applications is justified.

On behalf of our client we have already previously written to you requesting your Council seeks a cessation of the currently unauthorised works that have taken place on site and which continue to the present day. It remains our view that the current works should stop until the planning position for the site is resolved.

Our client objects to both of the above applications and, notwithstanding the planning history to the site, would urge that consent is refused to the proposals. The proposals, in our client's opinion, will result in an over-intensive use of the site which was not contemplated when the original consent in 2013 was granted which, at that point, envisaged the property being brought back into use as a single dwellinghouse. That earlier proposal also did not involve the substantial basement works which are now contemplated in the second of the above applications.

Against this background, and having particular regard to the potential intensity of use of the property and therein its impact on the amenities of the adjoining neighbouring properties, it is right and proper that these individual applications are considered on their own merits irrespective of any previous decisions that may have been reached by your Council on the earlier proposals.

Against this overarching background, we set out below our objections to each of the two applications.



(a) Application Reference 2014/5724/P

This application seeks consent for the ground and lower ground floor extension to the property similar but not identical to that granted consent under reference 2013/1071/P. That earlier proposal would have been in conjunction with the use of the property reverting to a single family dwellinghouse. That change of use will now not be the case and therefore the proposal will be solely in conjunction with the occupation of the ground and lower ground floors as a separate flat.

Our clients object to the proposed extension because of its impact on their properties and in particular, the impact of the proposed extension at lower ground floor level on the outlook from the rear bay windows in our client's property and in particular the ground floor flat, Flat A.

Contrary to the suggestion given with the present planning application (for example, paragraph 2.15 of the applicant's Planning Statement) the rear extension at lower ground and ground floor is not identical to that granted consent under permission 2013/1071/P. It is larger, and materially so in a way that will unacceptably impact on the adjoining residents and specifically the occupier of Flat A.

We attach two drawings with this letter. The first is the consented section (5835-16) under permission 2013/1071/P. The second is the applicant's proposed section (2045 (LAY-GA) 300). On the approved section the overall height of the rearward extension terminates some distance below cill level of the first floor windows. On the current application the overall height comes to actual cill level. This is a significant change which:-

- Is not explained or referenced anywhere in the applicant's submission.
- Would increase the overall height of the height of the rear extension by approximately 0.6m.
- Would further decrease light and increase the sense of enclosure to the ground floor bay window of Flat A which is just a few feet from this proposed extension.

This increased height of the extension, which as we say, is not explained in the application is wholly unacceptable and is reason in itself for refusing consent to the proposal. In particular, the proposal would be contrary to Policy DP24 which seeks to achieve a high quality in design which respects the context and form of its neighbours.

Whilst it is accepted the proposed extension would extend no further back than the previous, now demolished, conservatory building, that previous building, as illustrated on the submitted plans, had a circular or pyramid pitched roof which sloped away from our client's property and in particular away from the dividing boundary wall. The extension as proposed will now be constructed immediately on the boundary wall to a height of 7m. As such, it unacceptably impacts on the amenity and outlook from the ground floor windows in Flat A, Maresfield Gardens. Its unacceptable dominance is compounded by the increased height referred to above.

The applicant's Planning Statement (paragraph 6.20) suggests that:-

"To the lower ground floor rear, the existing three storey conservatory extension with hipped, glazed roof will be altered and reduced in scale and extent..."

This Statement is wholly misleading. The existing rear conservatory extension is not three storeys in height and the proposed extension, because of its rectangular form, is considerably more bulky and dominant than the existing hipped roof structure. That increased bulk directly impacts the adjoining neighbours in an unacceptable way.

The proximity and height of the proposed extension, notwithstanding your Council's previous decision, is unacceptably close to our client's property and, as such, would be contrary to Policy 24 of your Development Management policies which indicates new development should be of a high standard of design and respect the amenities of the adjacent properties.



The proposed extension fails to follow this guidance and as such is contrary to this adopted policy and should be refused for this reason.

(b) Application Reference 2014/5725/P

This application seeks an extension to the existing basement of the application site. It would both lower the existing ground floor level of the current basement and extend that basement further back under the main house towards the public highway. Again, our clients object to this application.

The key policy of your Council's Development Policies is DP27 which is concerned with basements and lightwells. That policy is an adopted policy and comprises part of the statutory Development Plan. As such, it carries significant weight and consistent with the NPPF (paragraph 14) the application should be determined in accordance with it. The policy, quite properly, takes a precautionary approach, recognising that new basements and extensions to basements can have a significant impact on the amenities of adjoining properties.

The policy requires developers proposing new basements to:

"Demonstrate by methodologies appropriate to the site that schemes;

(a) Maintain the structural stability of the building and neighbouring properties;"


So far as we can see, your Council has been provided with no adequate evidence to demonstrate that the proposed basement extension would maintain the stability of adjoining properties. On the contrary, the Basement Impact Assessment submitted with the application confirms that the extent of excavation works would be 'significant' (see question 13 of the BIA) and therefore before supporting any proposal your Council must be satisfied that the structure and stability of the adjacent properties will be maintained. Given the history to this site (and notably the accident on site earlier in the summer which was caused by a collapse on site) we would suggest that is all the more important in this instance.

The proposal, as we say, does not include adequate evidence to demonstrate the structural stability of the proposed basement and our clients are rightly concerned about the potential impact on their properties. For this reason alone consent should be refused to the application consistent with Policy DP27.

In conclusion, our client objects to both applications for the reasons outlined above. The applicant to date has shown a cavalier attitude to planning legislation and these current applications fail to fully justify or explain the current proposals. The increased height to the rear extension, which is not made clear in the application, is wholly unacceptable and the proposed basement works have not been supported by an appropriate construction statement. Both applications should therefore be refused consent.

Finally, we request that you undertake a site visit from our client's property before determining these applications.

Yours faithfully,

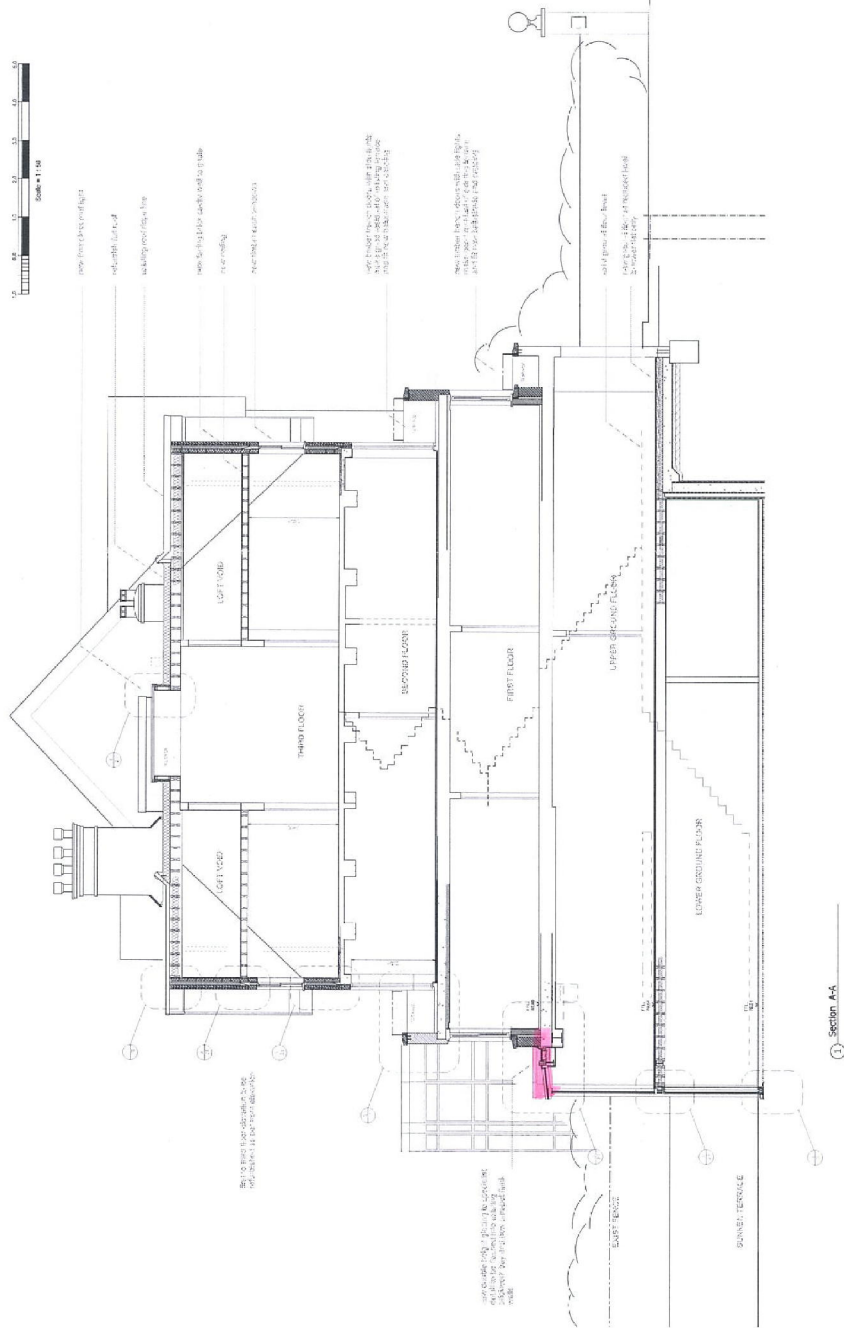

PP Roger Birtles
Director

Encs.

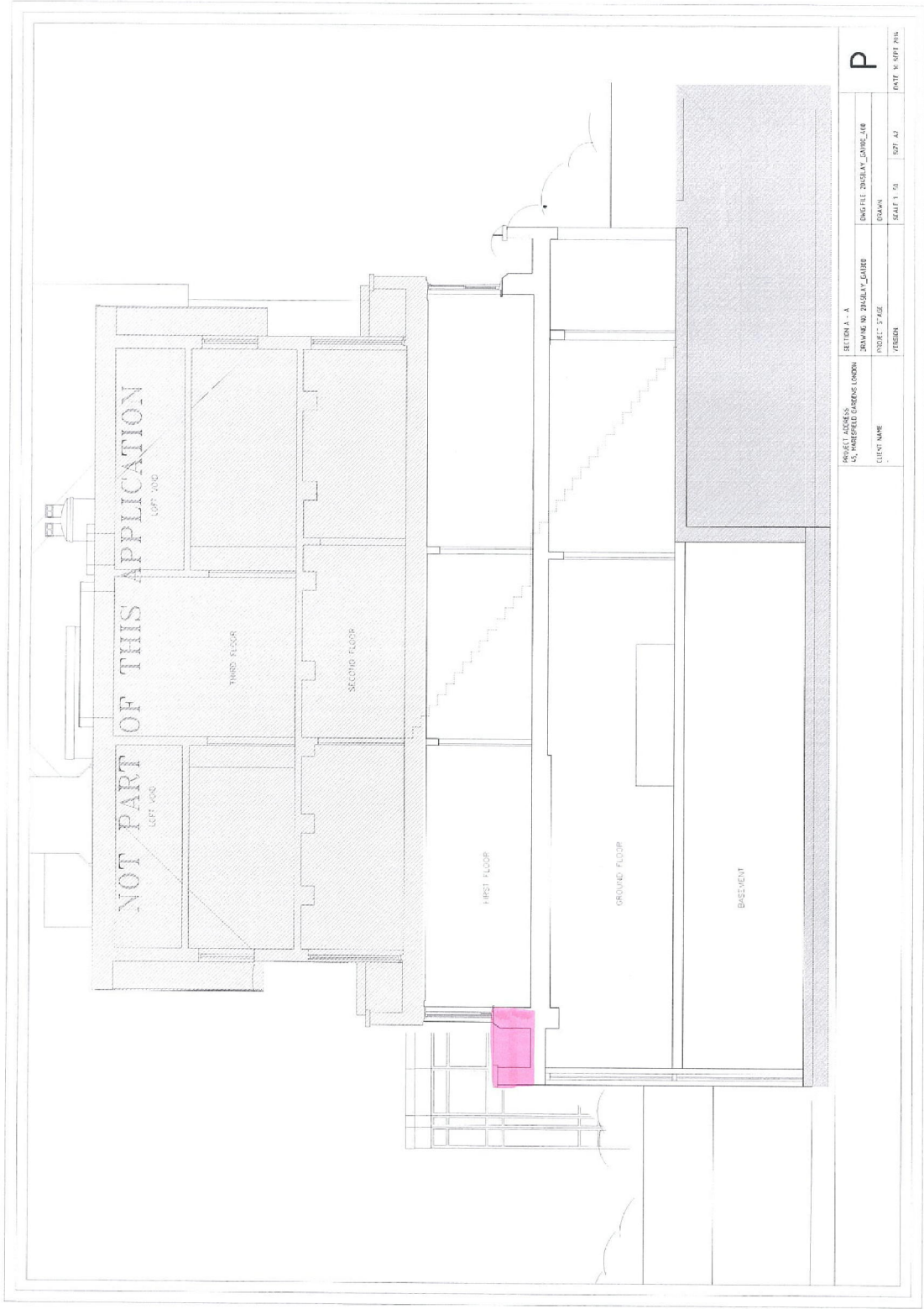
Answer:

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Rev.	Date	Remarks
Project		45 Mariposa Gardens
Drawing		Proposed Section
Scale	1:50	
Date	28-02-14	
Rev		
Status		
Drawing No.		SP43 - 10
Approved		



① Section A-A



PROJECT NAME 15, WINDYFIELD GARDENS LONDON	SECTION A - A		DATE & SHEET NO. P
	DRAWN BY D. J. JAMES	DRAWN BY D. J. JAMES	
	PROJECT NAME	PROJECT NAME	
	SCALE 1:50	SCALE 1:50	

From.
S. Coope Jalving.
53, Netherhall Gardens, NW3 5RE

ATTACHEMENTS TO OBJECTIONS RE:-

Planning Applications, April House, 45, Maresfield Gardens, NW3.

[2014/5724/P](#)

[2014/5725/P](#)

Re. Photographs attached.

No. 1..

Shows the PASSAGE (external) on the North side of 43, Maresfield Gardens, which is a Hostel. (Danish YWCA) Multi-occupancy building.
(Right-hand wall of the photograph is the wall of 45, Maresfield Gardens.)

The measurements re. the width of the passageway
between the walls of 43 and 45 Maresfield Gardens.

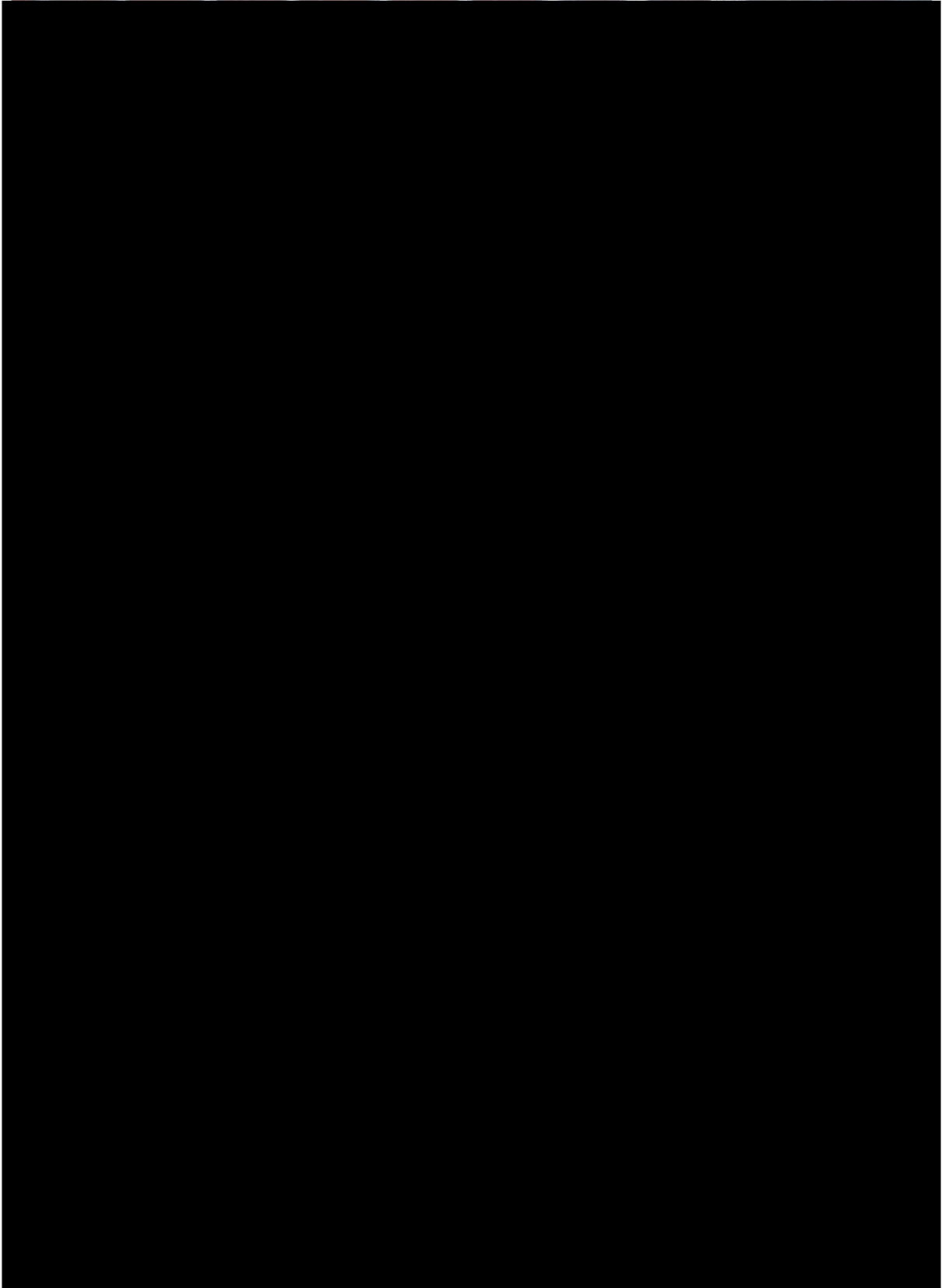
0.724 metres or 28.5 inches.

Narrower at Floor level 0.673 metres or 26.5 inches

An employee at 43 Maresfield, said the passage is for use as a Fire Exit??
A wheelchair could NOT use this exit.

The light to a window in the side of 43, Maresfield Gardens is, also, affected, (non habitable room), by the side extensions at 45, BUT it provided light to a staircase and a corridor, in a multi-occupancy building.
Electric lights will now be required, during the day, more expense.

Plus, I was told, the Danish YWCA will not be able to clean the window.







63, Netherhall Gardens,
London NW3 5RE

16th, October 2014

London Borough of Camden,
PLANNING DEPARTMENT
(Mr. Oliver Nelson, West Area Team,)
2nd Floor, 5, Pancras Square,
London N1C 4AG

To be sent by SPECIAL DELIVERY

Dear Sir,

Planning Applications --April House, 45, Maresfield Gardens, NW3
(plus the impact on the neighbouring Danish YWCA, at 43, Maresfield Gardens.)

Objections regarding the following

2014/5724/P	April House 45 Maresfield Gardens London NW3 5TE	Erection of a side extension at 1st floor level, including rear alterations (retrospective).	REGISTERED	29-09-2014
2014/5725/P	April House 45 Maresfield Gardens London NW3 5TE	Extension of existing basement level (retrospective).	REGISTERED	23-09-2014

I wish to record my objections regarding the above retrospective applications, in respect of a development in this area. I am, only, a resident of the area, but I have an interest in ensuring the Conservation Area is maintained.

I note objections were made regarding [2014/1956/P](#). No decision yet?

I, also, note that the developer has not combined the two flats into one house, for which the 2013 permission was granted. [2013/1071/P](#) There are still two flats. Plus two recent "retrospective" applications, details above.. These seem like flagrant breaches of planning permissions and the correct procedures?

However, my main concern is the retrospective application for the building of a basement, without permission, or consultation. [2014/5725/P](#) I strongly object to permission being granted for this, without stringent conditions. I wonder if a full survey been carried out? What will be the impact be on 43, Maresfield Gardens,, (the Danish YWCA)? The buildings are VERY close together. Approximately 0.724 metres gap. See below..

If granted, other developers will excavate basements, without planning permissions, in the knowledge that a retrospective application will be approved. It would set a precedent, if this is granted.

Re. [2014/5724/P](#) I have noticed that the side extension, already constructed, is extremely close to the north side wall of the Danish YWCA, at 43, Maresfield Gardens.

The width of the side passageway is 0.724 metres (28.5 inches). (At floor level, reduced to 0.673 metres (26.5 inches) Please see photographs.

Why did the Enforcement Department not stop the work, when the breaches were discovered? The work is continuing, at a pace. (The retrospective applications, and comments made by the Enforcement officer seem to imply a subsequent approval?)

In addition, is the fact that the Danish YWCA, at 43, Maresfield Gardens, is a multi-occupancy building, a Hostel, (not a single family home), mean stronger planning policies apply and required? Health & Safety requirements and Fire Regulations?? Especially re. lost light in communal areas, Interference to Fire exit routes etc.? I have been told the north side exterior passageway, at 43, close to 45. is a Fire Exit Discharge route Too narrow for wheelchairs?

There would be a loss of light in parts of the Hostel, 43, Maresfield Gardens- on stairs and in corridors. If electric lights are required. There will increase in the running costs of the Hostel. . Repairs may be required in future to the walls of either properties. Scaffolding might be needed for roof repairs, or the windows in 43 will require cleaning, How can these items be carried out in the narrow passage??

Are you aware that in the summer (August?) one of the construction workers a Polish citizen, who spoke no English, lost one leg and a foot from the other leg, because of a collapse of a new ceiling / concrete on the site?? The Fire Brigade had to cut him free.

From my observations Health & Safety standards, appeared poor. and still appear poor.

