



Dear Ms Haji-Ismael

Please find enclosed our comments dated 29 April 2015 re Application Ref 2015/2026/P lodged for 41 Frognal NW3 6YD. They are to be read in concert with the overarching comments (to be) submitted by MDA Planning on behalf of owner/occupiers in Frognal Close.

Here are our own additional personal views.

We OBJECT to the application on the following grounds:

1. Lack of meaningful consultation:

Camden's Zenab Haji-Ismael wrote to Chris Deeks of DP9 (the planning consultants and applicant) on 17.2.15 among other things stressing THREE times the need for local consultation:

'We would advise entering into consultation with local residents and the Redington and Frognal CAAC at this stage, in order to fully understand and address their concerns before an application is made'

'You are strongly encouraged to engage with neighbouring occupiers, the neighbourhood groups (Hampstead and Churchrow and Perrins Walk) and CAAC at an early stage in the process, given the likely concerns residents will have with the comings and goings of construction / delivery vehicles particularly if a demolition and excavation of basements construction are proposed. Although adjoining occupiers will be notified of any application by us, initial consultation may help offset any concerns neighbours have before any application is submitted.'

'Again, we strongly recommend that you consult the neighbourhood groups, CAAC and adjoining neighbours at an early stage given the history of the site and concerns expressed by neighbourhood groups.'

No such early consultation was made. All we received was a scant one-page letter from the applicant dated 18.3.15, but not arriving until 23.3.15, a mere ten days before the application was submitted. The letter presented a water-colour of the proposed house plus a brief description and invited comments but there was no hint of the scale or complexity of the project, nor any time for a meaningful response.

Furthermore, since the application was submitted on April 2 - carefully chosen perhaps to coincide with the time-consuming distractions of Easter bank holiday weekend - at least one adjoining neighbour, and another in Frognal Close, have still not received consultation letters as promised from Camden. Ours was only received on 13 April, eleven days after submission of the application. Nor have Camden as yet posted any lamp post notifications in the area. Anxious word of mouth has spread in the past few days, but in general this seems extremely unfair process, and gives the impression of disregard for local residents' opinions before a deeply invasive scheme is given full voice.

2. Heritage:

We support in full the comments (to be) submitted by MDA Planning on behalf of owner/occupiers in Frognal Close on this topic. It would seem not only is 41 Frognal itself deemed of particular architectural note but the whole cluster of buildings from 39 Frognal to Frognal Close is unique. The planning proposal alters this relationship completely particularly in terms of scale, inappropriate massing, inappropriate relationship to neighbouring properties, loss of original features and lost historical interest. All these run counter to large sections of Camden's local conservation policy. Most notably Camden's Redington and Frognal Conservation statement says: 'The Council will seek the retention of those buildings considered to make a positive contribution to the character of the area.' 41 Frognal is a noted contributor. The proposal claims to be 'refurbishing' the existing house. In reality, apart from the façade, it appears most of of Flinder's beautifully proportioned 1968 house - noted in Pevsner's Building of England - is to be demolished, replaced or built upon.

3. Scale:

We support in full the comments (to be) submitted by MDA Planning on behalf of owner/occupiers in Froggnal Close on this topic. The additional massing - from 4.5k sq ft to 20.5k sq ft, an increase in 450% - cuts into and bolts onto the original design and alters it beyond recognition radically changing its original humble and elegant design of sweeping horizontal lines. The proposed new upper story significantly alters the form, character and symmetry of the house. The house's existing low Prairie-style ground-hugging design is one of its most appealing characteristics when seen in long view from the street. The application makes continual coy reference to the creation of a 'modern family home with a single-story basement' and 'a home for a young family and their young children'; the house at 4.5k sq feet is already bigger than many of the family homes in the vicinity. Enlarging by 450% to 20.5k sq ft seems beyond excessive in a neighbourhood and conservation area of more modest domestic proportions. The modestly described 'single-story basement' is in fact a large complex of cinema rooms, underground swimming pool, gym, sauna and steam room extending well beyond the curtilage of the original house.

4. Loss of amenity:

The scale of the works, if approved, will involve serious disruption for two years including vast excavation, underpinning, drilling, lorries, skips, and huge tipper trucks four times per day collecting 5.25k cubic square feet of waste and spoil, which is modestly referred to as 'a robust amount'. Both my wife and I are professional self-employed writers and recording artists. We work largely from home. The access road where the lorries will arrive and reverse will be - according to the drawings - only two metres from our workspace, the full length of which runs immediately behind the boundary wall between our two properties. It is where we write, rehearse and often record. This will be impossible during working hours for anything up to two years. Furthermore, dust will inevitably blow through the air bricks and extractors on the boundary wall and through the skylight used for ventilation jeopardising computers and other valuable electronic and musical equipment. It is an understatement to say our lives and livelihood will be seriously compromised by the proposed works. I am not against local re-development and refurbishment per se - we have all refurbished homes - but development on this scale seems particularly anti-social and beyond what one might expect from domestic alterations for a 'a home for a young family and their young children'. Development Policy 26 (DP26) references noise and vibration by stating; "The Council will protect the quality of life of occupiers and neighbours by only granting permission for development that does not cause harm to amenity."

5. Subsidence and movement:

Nos 1 and 2 Froggnal Close are Grade II listed. Both already suffer from uneven floors and internal cracking. Are the planning officers confident the disruptions caused by the excavation and vibrations, and in particular the long-term arrival and departure of heavily-laden tipper trucks so close to the boundary wall, will seriously not jeopardise the structure of these two Ernst Freud houses, protected in large part for their unique brickwork and elevations. Furthermore, in spite of its scope and broadly upbeat conclusions, the Basement Impact Assessment draws attention to risks such as unknowable future heave and further groundwater issues from nearby underground rivers with 100m of the site, and accepts conclusions have currently been drawn from only two small exploratory bore holes drilled on the site, one of which was drilled well away from the house only a few metres from the dwarf wall on the boundary to Froggnal. Is this adequate sampling from which to draw such confident conclusions?

6. Screening / Overlooking:

We support in full the comments (to be) submitted by MDA Planning on behalf of owner/occupiers in Froggnal Close on this topic. The entire new top floor will overlook our bedrooms, bathrooms and back garden, significantly invading privacy, while cutting out autumn and winter sunlight.

7. Trees and Wildlife

The BIA states: "Trees will be felled during the development. It is likely that a number of trees will be felled during the proposed development and a number of trees have already been felled." The site has already lost a number of trees, all habitats for local wildlife. In the absence of tree protection orders, what is being done to protect further casual felling? Furthermore, it is suggested that the large plane tree between 2 Froggnal Close and the new development would have its crown lifted to 6 metres thereby removing the very screening the proposal claims to retain. Owls are a regular night time feature in the plane trees between the properties. Only this evening a female sparrow hawk was spotted on one of the very branches of the plane tree to be lifted. What has

been done to assess the impact on these and other wildlife?

8. Acoustics:

In my capacity as a recording artist and studio producer I am concerned about the science in the acoustic report provided in the application and the threat to ambient noise to houses in Frognal Close after completion. Even if the calculations are accurate - and without the time to recalculate at this stage given the scant consultation time we have been given - I deem the leeway for error extremely tight and the conclusions very optimistic. The report's conclusions are based on equipment being meticulously installed and rigorously maintained. Furthermore, issues of phasing are commonplace between these kind of units which could cause significant upping of low frequency sound levels, something that isn't addressed in the acoustic report. A conversation with leading London recording engineer, Crispin Guilde, confirmed my fears. Phasing was 'likely', he said. To add further weight to my suspicions, I decided to approach Jochen Veith, a top acoustics engineer recommended to me through Abbey Road Studios, and ask his opinion on the report. Based on the information available - and in the absence of newly measured data through severe time constraints - he drew the following conclusions, which re-inforce my concerns about margins of error. (See APPENDIX below). All in all, it seems to me the planning proposal is asking for an excessive amount of competing industrial-standard HVAC units in a quiet domestic conservation area that could very easily and quickly become a long-term nuisance to the rear elevations of houses on the south side of Frognal Close.

9: Increase in use of land:

We support in full the comments (to be) submitted by MDA Planning on behalf of owner/occupiers in Frognal Close on this topic.

10. Traffic

In 2011 I wrote to councillor Chris Knight regarding near fatalities on the zebra crossing immediately outside 41 Frognal. He subsequently alerted colleagues from Traffic Engineering and Parking and I received further correspondence from Simi Shah (Design Team Manager in Environment and Transport, Camden Council). It can be an extremely dangerous pinch-point when downhill city-bound traffic, school traffic, local traffic and school pedestrians converge. I have witnessed several near misses on the crossing itself as irate drivers overtake cars loitering on the white zig-zags. 41 Frognal is within the zig-zags with poor sightlines to the south. Increased heavy traffic to and from the site will only make matters worse. Furthermore, the applicant's motion report suggest tipper trucks will arrive outside school-run hours via Arkwright Road. The junction at Frognal and Arkwright Road is a tight crossroads. Left-angled uphill turns into Frognal are not easy even in a car, and the road next to the junction outside UCS is also often impeded by a phalanx of school coaches parked up on yellow lines encroaching into the highway DURING school hours. Wide-turning lorries will cause major congestion, even bottlenecks. The immediate neighbourhood is simply unsuited to the proposed traffic impact.

Final comments:

We trust these objections will be fully considered and assessed in the light of Camden's stated relevant policy, and in concert with the overarching comments provided by MDA Planning on our behalf. In spite of the council's urging, the applicant appears to have excluded locals from the debate until the eleventh hour to deter objections, while it would seem Camden itself has not fully informed the local public of the lodging of such a major application. In the meantime we have watched a neighbouring protected house fall into a two-year state of neglect to lend weight to a case for redevelopment.

To re-iterate, we are not against refurbishment per se, simply demolition and redevelopment that masquerades as refurbishment - particularly on such a gargantuan, neighbour-snubbing and anti-social scale - while simultaneously threatening well-documented safeguarded and listed houses in a noted conservation area.

Yours sincerely

B. Watt

on behalf of Mr & Mrs. B. Watt

APPENDIX

Comments from email from:

Jochen Veith
jv-acoustics
Audio & Acoustic Consulting
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"In Table 6.1 they display background noise measurement values for daytime, evening and night time and here always as an average level and an lowest/median LA90 level. Here it could be important to notice, that they marked the lowest LA90 level in the evening (36dB) as an anomaly, and the median level (41dB)" shall be taken". These values lead to the recommended or proposed noise limits for daytime, evening and nighttime in table 7.01. They are 5dB lower than the measured LA90 noise levels of table 6.1 due to the recommendations of the NPSE/NPPF for NOAEL – Lowest Observed Adverse Effect Level. NOEL – No observed Effect Level would be -10dB. In other words, they set the planning criteria for the units 5dB below the background noise level LA90.

In the following they explain that they had to convert the given data from the spec sheet of the Carolex Pool AHU from sound pressure levels (in 3m distance) to sound power levels in the ducts. These are approximate levels with the possibility of uncertainties (7.06). They further explain, that calculated expected values of the units in table 7.2 are based on stated attenuators for these units (see 7.07 and 7.09).

The crucial table is table 7.3 (marked as table 7.2 due to the fact that table 7.2 is marked as 7.1 once again). Here the comparison between the predicted noise level of the operating plants is compared to the planning criteria, which is given at 5dB below the environmental noise floor during day, evening and night (see also above). It is shown that during daytime the predicted noise level of the plants is 3dB below the planning criteria and during evening and night time it matches the planning criteria. The following has to be kept in mind regarding these results:

- Tolerances of the units are not taken into account (my experience is, that from time to time units exceed their spec values).
- It is assumed, that some of the units are switched off during night. If this will match reality is not known.
- Reflections from other buildings are not taken into account.
- The noise level measurements took place on a weekday not during a weekend or holidays. During the weekend or holidays the environmental noise levels could be lower.
- It is not known, if the correction of the noise level for the evening time (+5dB higher) is realistic. Especially during the weekend and on holidays this may not be realistic.
- The values of the Carolex Pool AHU have an uncertainty due to the conversion of the given data.
- Wind is not taken into account.
- There is no reserve of a few dBs
- It is absolutely crucial, that the attenuators are properly placed and built."