

45 Lancaster Grove London NW3 4HB

Objection to Planning Application

Application Ref 2015/2534/P

1. Background & Planning History

I live at 43a Lancaster Grove, immediately adjacent to the ground floor flat at 45a Lancaster Grove. I am a Chartered Surveyor with 50 years experience in the Development of buildings.

In 2012 the owners of No 45 constructed a large extension, without planning permission, and an enforcement order was served to demolish by April 2015. They have now made a further planning application to extend, which is hugely offensive to everyone and particularly to the adjoining owner at No 47.

I also represent the opinion of several neighbours.

- a. 3 permissions were granted between 2005, (the original application) and 2008. The second 2 were amendments to the 2005 scheme, to incorporate basements. The 2005 consent formed the basis for everything thereafter...

b. 1st Permission - 2005/3563/P Granted 14 Oct 05

Proposal: *Demolition of existing single storey extension and erection of a new single storey rear extension for the ground floor flat*

This application was to build an extension with a floor area of 20m²; planning permission granted was 21.50m². This application and the decision contained errors due to a scaling mistake by the Architect. The errors were not discovered in any of the 3 applications/permissions. The Planning Officer stated in his delegated report

- *The high quality design...contributes to making the proposed extension **subservient** to the existing building.*
- *The views of the bay window...means the proposal will **not affect the architectural integrity of the property***
- Para 67 of the Planning Inspector's decision stated
"The applicant accepted, (at the Planning Inquiry), that if the Council had properly appreciated its size (because of the scaling error) when the application was determined it would not have been permitted."

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2.Current Planning Application 2015/2534/P

Proposal: *Retention of a Basement extension to rear and erection of rear ground floor level extension and reinstatement of rear ground floor bay.*

The ground floor extension is 60.00m² plus basement. The built extension is 85.00m² so the proposal is still a massive 70% of that size.

a. *The Camden Planning Guidance 2011 states the following:*

- i. *The objective of achieving high quality design does not just concern new development or large-scale schemes, but also includes the replacement, **extension** or conversion of existing buildings. The detailed guidance contained within this section therefore considers a range of design-related issues for both residential and commercial property and the spaces around them.*
- ii. ***Extensions should be subordinate to the original building in terms of scale and situation***
- iii. ***Rear extensions that are insensitively or inappropriately designed can spoil the appearance of a property or group of properties***
- iv. *Rear extensions should be designed to:*
 - ***Be secondary to the building being extended, in terms of location, form, scale, proportions, dimensions and detailing;***
 - ***Respect and preserve the original design and proportions of the building, including its architectural period and style;***
 - ***Respect and preserve architectural features, such as projecting bays...***
 - ***Not cause a loss of amenity to adjacent properties with regard to sunlight, daylight, outlook, privacy/overlooking, and sense of enclosure;***

The design does not take any of these requirements into account.

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3. Our Objections

- 1) The Size of the proposal
- 2) The Length of the Extension & its impact on No 47 LG
- 3) The Width of the extension and the Junction with the Bay window
- 4) The Geotechnical Report
- 5) The Design & Access statement

1) The Size of the proposal

- i. Camden's reason 1 for refusing the retrospective application (2012/1510/P) was ...

*The proposed rear extension at ground floor level, by virtue of its **height**, bulk, mass, detailed design and materials would be detrimental to the character and appearance of the host property and the surrounding Belsize Park conservation area. The proposal would thereby be contrary to Policy CS14 (Promoting high quality places and conserving our heritage) of the Core Strategy and Policy DP24 (Securing high quality design) and DP25 (Heritage) of the Development Policies of the Camden Local Development Framework.*

- ii. The applicant has failed to include dimensions on his drawings so we have gauged the measurements from previous drawings and other information deemed accurate. This lack of dimension will clearly be a problem for Camden when they try to benchmark any construction against an approved scheme.
- iii. The proposed height is 3.3m from ground to roof. This has been measured using data on the applicants drawing and compared to the transom level on the Bay window.
- iv. The 2005 approved scheme was 2.6m high. The height can be measured on the section 933/15 and it is also referred to in the Officers Delegated report.
- v. The 2012 drawing LG10.11, measures 3.8m high from ground to the ridge point. The bottom edge of the rear roof slope terminated at 3.5m above ground level, just 200mm above the current proposal.

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- vi. Since Camden refused the 2012 scheme because of its height, this application should also be refused because of its similar height.

2) The Length of the Extension & its impact on No 47 LG

The Planning Portal states “A *Single-storey rear extension must not extend beyond the rear wall of the original house by more than four metres if a detached house.*”

A straight comparison of the proposed wall facing No 47, versus the demolished wall, will establish the harm done to 47.

- i. The proposed wall is 850mm higher than the demolished extension. This raised height will cause serious loss of sunlight and shadowing to the garden of 47. The ONLY source of sunlight to this garden is the afternoon sun from the West.
- ii. The demolished extension extended from the rear wall of No 45 to project beyond the rear wall of No 47, an overall distance of 8.9m.
- iii. The projection beyond the rear wall of No 47, scaled from the *Existing Ground Floor plan LG.10.01A (Hartleys Projects Ltd)*, was a length of 4.00m for a height of 2.4m.
- iv. It then extended a further 1.25m long but only at a height of 2.00m. At this height, this lower extension cannot be classified as habitable space and therefore there cannot be any grounds for a higher extension for this length. Furthermore, anything above this 2m height would cause immense damage to 47 through a loss of sky visibility, further loss of sunlight and an increase in the sense of enclosure
- v. The proposed extension projects several metres beyond the point at which a line, drawn at an angle of 45 degrees measured from the centre of the lounge window of No 47, would meet it.
- vi. It is gross overdevelopment and gives a sense of enclosure to No 47.
- vii. Any additional width of the extension should not *extend beyond the rear wall of the original house by more than four metres.*
- viii. An “L” shaped extension would be the most appropriate solution.

(Appendix x)

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3) The Width of the extension and the Junction with the Bay window

- i. The built extension is excessively wide.
 - a. The built extension is 9.2 metres wide and obstructs the Bay window.
 - b. This proposed extension is 6.0 metres wide for the full depth...still nearly 70% of the current size.
 - c. This proposal also harms the Bay window by abutting the side window.
- ii. The Planning Inspector's (PI's) Appeal decision made the following statements about the rear of No 45 and the Bay Window
 - a. Para 19. *"On the rear it had a bay window. That was to be retained as an external feature by the 'L' shaped arrangement of the schemes subject of the 2005 and 2007 permissions and was also unaffected by the 2008 scheme, but it has now been substantially incorporated into the 'as built' extension. To my mind the detailing and scale of this bay means it would have further enhanced the property's contribution to the significance of the historic surroundings."*
 - b. Para 20. *"...although subject to greater alteration over the years the buildings' rear elevations still contain much detailing that reflects their status and origins. Moreover, the verdant and secluded nature of the garden areas provides a tranquil setting for the buildings that complements their residential character. Therefore, the rear of the appeal property and its adjoining neighbours also makes a positive contribution to the conservation area."*
 - c. Para 22. *"I raise no objections in principle to contemporary additions to strident Victorian properties. However, clearly this does not mean all such additions would be acceptable. Rather they would still need to respect the existing development around. Such an approach accords with the Council's guidance in the BCAS".*

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- d. Para 23. *"The western elevation of the scheme would run off the bay... In my opinion this would be a cumbersome join and would mean the proposal related poorly to the architectural detailing of the main building. The extension would be of a significant scale and mass, and would sever the original house from its garden. Furthermore, its gable, which would be some 7m from the main rear elevation, would be a striking and relatively tall feature that rose up to a similar height to the top of the bay window...Therefore, taking these factors together with its form; it would not be a subservient addition to No 45. Rather it would be disproportionate and visually dominant, jarring sharply with the Victorian nature of the original property and significantly challenging the scale and architectural integrity of the building.*
- e. Para 24. *"...its scale and appearance mean it would be noticeable from many of the flats in the surrounding properties and when seen from those it would be an appreciable incursion into this leafy block of back gardens."*
- f. Para 25. *"For these reasons the extension ...would adversely affect the contribution the building and its garden made to the Belsize Conservation Area."*

These statements equally apply to the current design and its impact on No 45 Lancaster Grove.

- iii. The demolished extension varied in width from 2.35m wide to a maximum of 4.40m wide. Whilst it is accepted that it could be 4.40m wide for its length, any further extension should be no more than 4.00m long as prescribed by the Planning Portal.
- iv. Any extension should be subservient to the parent building.

4) The Geotechnical report

The applicant has applied to retain the unauthorised rear basement extension. The planning application 2012/1510/P was for a much shallower basement than was built and the inadequate geotechnical report that was submitted was

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in respect of that shallower basement. The applicant should now submit a full geotechnical report in accordance with Camden's requirements, to prove this deeper extension meets their criteria.

A report has been submitted by Geo-Environmental to Planning & Party Wall Specialists Ltd.

- i. The report states in Item 4. Fieldwork, "*The scope of works was agreed with the Client...*" It then lists 4 items of work covered by the report however it does not state that it provides all information required by Camden for new application that include a deep basement.
- ii. The intrusive investigation was carried out on the 15th December 2014
- iii. A subsequent visit made on the 7th January 2015, recorded the standpipe as dry.
- iv. Historic weather conditions for the period have been obtained from AccuWeather web site. These records show that on the previous 15 days
 - Zero rain fell on 7 days;
 - 1mm rain fell on 6 days
 - 4mm on 1 day
 - 9mm on 1 day

In the following 23 days to 7th Jan 15

- Zero rain fell on 9 days
- 1mm fell on 5 days
- 3mm fell on 1 day
- 5mm fell on 1 day
- 11mm fell on one day

Hence it is not surprising that the standpipe was dry and it suggests that the results are of no use whatsoever.

- v. Item 12 of the planning application form is headed **Assessment of Flood Risk.**
- vi. Against the box "Is the site within an area at risk of flooding?" the NO box has been ticked. This area has been identified as a flood area by Camden so the response is inaccurate. The other boxes are also ticked NO and are both wrong as a river is known to run through 43a

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site. The basement of 47 is deep and must have increased the flood risk so needs to be addressed correctly by the engineers.

vii. **Camden's requirements**

- Para 56 of PI's decision. *"Accordingly I conclude that it has not been shown the scheme would not adversely affect underground drainage or the structure of adjacent buildings, and so is in conflict with CDP Policy DP27 and CPG4."* This information to satisfy this requirement has still not been submitted.

5) The Design & Access Statement

G. Planning Merits of the Proposal

Paragraph 16.

- i. Sub 2nd Para. The applicant states that *"...the roof height reduces to 3.1m at commencement of rear garden."*
 - a. This dimension should not be used as a comparison to the dimensions of earlier proposals that were approved, because the garden area has been raised.
 - b. When compared with previous proposals it equates to 3.3m at commencement of rear garden.
- ii. Sub 4th Para. The applicant states that *"The bay will take pride of place in its former position where it is given space to breath on either side and therefore to form a focal point in terms of views from the rear garden."*
 - a. This statement is untrue since the west wall of the extension would still be a cumbersome join, just as defined by the PI, into the side of the bay window. It should be set at least 1m away to enable the bay window to breathe.
- iii. Sub 5th Para. The applicant states *"...whilst remaining clearly subordinate to the host property, would add positively to the host property and the wider conservation area in terms of size, bulk and visual amenity."*
 - i. This statement simply does not represent the proposed scheme for the many reasons stated elsewhere in this objection. In fact the reverse is true; the extension would adversely affect the contribution that the building and its garden make to the Belsize Conservation Area.

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Paragraph 17. Inspector's Decision Letter

The Rear Elevation Bay

- i. The applicant states that *he has responded to comments by the PI by allowing for the complete reinstatement and restoration of the rear elevation bay to match that of the original as part of the application.* He also says that this *Addresses the Inspector's comments.*
- ii. This statement is not the case. The applicant has introduced a glazed side to the extension that creates a cumbersome joint to the bay window, destroying the natural features of the bay window. The extension is located much too close to the bay and should be 1.00m away if it is properly going to "breathe".

The Ground Floor Rear Extension

- i. Sub 4th Para. The applicant states "*The width of this extension reached some 11.50m across the full width across the full width of the host property.*"
- ii. Sub 5th Para. "*In contrast, the present application proposes an extension almost half the width of the unauthorised ground floor extension.*"
The dimension 11.50m is incorrect. According to the applicant's own drawing LG-PP-RV-R100-B dated 29 December 2014, the width is 9.20m. Therefore the proposed extension has been designed as 6.00m wide; still nearly 70% the width of the built extension.
- iii. Sub 6th Para. "*The height of the extension has been considerably reduced from the 4.6m high unauthorised extension.*"
The height of the proposed extension is 3.30m. However the relevant comparison must be with the 2012/1510/P application, as that was of a similar height (3.8m to the ridge) that was refused by Camden and therefore must still be unacceptable. (See comment on Height above.)
- iv. Sub 8th Para. The applicants' statement is not accepted for the reasons stated above. It is clear that the proposed extension is much too large and would not be subservient to the main building.

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Impact of the Extension on no.47

The applicant refers to statements by the PI that conclude "... ***its effect on that property would not have been as great as the development now before me***"

Those comments are irrelevant in the context of this application.

The true comparison can only be between the proposed extension and the demolished extension. This difference will show the intense harm that would be caused to the enjoyment of the neighbour at No 47, which is the overriding consideration.

The solution, should be to design an extension no longer than 4.00m beyond the rear wall of No 47 and no higher than 2.4m, the height of the demolished extension.

Contemporary Elements of the Design

The present application is too large and must be reduced in height and plan size so it is really subordinate to the main building. Any permitted extension should have a green roof.

Comparison of the Existing Ground Floor Extension with that of the Proposed

- The length of the existing extension must be considered in 2 parts since the end 1.2m was only 2.00m high and should be ignored in the design of a new extension. This extension should be no longer than 8.9m from the rear of No 45. (see comments above). An extension 8.9m long would not be permitted now under the Planning Portal criteria.
- The applicant states that the existing extension was 4.90m wide at its widest point. That figure is wrong, as it measures 4.40m wide on Dwg. LG.10.01. A. (The Existing Ground Floor plan from Hartleys Projects Ltd, the applicants Architect.)
 - Their application is therefore 1.60m wider than the original.
 - The extension should therefore be no wider than 4.40m, Anything wider would create severe damage.
- The applicants' description, in Sub Para 4, are simply incorrect. We have dealt with the comparisons of height, length and depth in comments above.

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- The increase in size and scale of the now proposed ground floor extension would cause considerable harm to No 45, No 47 and those properties that overlook the rear of No 45.

Policy DP27 – Basements and Lightwells

Compliance

The applicant has not provided a full hydrogeological report as evidenced in our comments above.

3.Objection

I object to the planning application.

The proposal does not meet any of Camden's standards and should be refused.

The enforcement notice should be implemented, since no progress has been made in achieving a planning permission for an appropriate scheme. The High Court appeal was rejected in August 2014 and demolition should have been completed by April 2015.

Barrie Tankel FRICS

1 July 2015

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Dear Madam,

We are writing to object to the granting of permission for the planning application above.

The principle objections are to the unprecedented width and particularly the height which at 3.2 metres will severely reduce sunlight and daylight from the west, as well as causing a great degree of shadowing for no. 47 in particular and for others. It also appears very long.

We are very concerned at the size of this proposed extension, in view of the history of extensions on this property and more importantly, because of the precedent it would set for Belsize Park conservation area generally.

We fully support Barrie Tankel's comments on these proposals.

Yours faithfully,
Sarah Courtin and Chuck Despins