

COMMENTS ON APPLICATION FOR 26 NETHERHALL GARDENS 2015/3314/P

THIS REPORT IS PREPARED ON BEHALF OF THE OWNERS OF 24A NETHERHALL GARDENS WHICH ADJOINS THE APPLICATION SITE

A very similar proposal was submitted reference 2015/3314/P which was refused for the following reasons

LOSS OF THE EXISTING BUILDING

Reasons 1

The proposed demolition would result in the loss of a building which makes a positive contribution to the Fitzjohns and Netherhall Conservation Area to the detriment of the character and appearance of this part of the Fitzjohns and Netherhall Conservation Area, contrary to policy CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy and policies DP24 (Securing high quality design) and DP25 (Conserving Camden's heritage) of the London Borough of Camden Local Development Framework Development Policies.

This reason for refusal still stands as the existing building is being demolished in the current application.

OVER DEVELOPMENT OF BASEMENT

Reasons 2

The proposed basement, by reason of its site coverage and proximity to the boundaries of adjacent sites/buildings, coupled with the absence of a basement verification study and a S106 legal agreement to secure a basement construction plan would fail to sustain growth of vegetation and trees on the site boundaries harming the character and appearance of site, and fail to demonstrate that the proposal would maintain the structural stability of the neighbouring buildings, and would not adversely impact the local water environment and drainage. The proposal is thereby contrary to policy CS14 (Promoting high quality places and conserving our heritage), CS15 (Protecting and improving our parks and open spaces and encouraging biodiversity), CS19 (delivering and monitoring the Core Strategy) of the London Borough of Camden Local Development Framework Core Strategy and policies DP23 (Water), DP24 (Securing high quality design), DP25 (Conserving

Camden's heritage) DP27 (Basements and Lightwells) and of the London Borough of Camden Local Development Framework Development Policies.

The proposed drawings show a 3 storey basement being constructed, right on the boundary with No 24A

This would appear to be an unacceptable form of development due to

- **The effects of construction traffic and muck away Lorries on a quiet residential street over a prolonged period.**
- **The relatively different depths of adjacent foundations having a destabilising effect on adjacent properties, particularly No 24A**
- **The removal of trees on site, coupled with the excavation below the level of the water table would have an effect on the soil characteristics , and destabilise the foundations of adjacent buildings. The owner at No 24A is aware that consent would have to be agreed under the party wall process, however it is understood that it is not appropriate to grant planning consents for developments which cannot be implemented due to technical constraints.**





Whilst a single basement level may be appropriate as it would be above the water table and have less impact on neighbouring properties and disruption during construction; the current proposal for a 2/3 storey basement is considered unacceptable.

Reasons 3

The proposed residential units 1& 2 which include accommodation at basement level, by reason of their poor outlook and access to natural light to habitable rooms at basement level would result in sub-standard accommodation that would fail to provide an acceptable level of residential amenity to their occupants, contrary to policies CS5 (Managing the impact of growth and development) of the London Borough of Camden Local Development Framework Core Strategy and policy DP26 (Managing the impact of development on occupiers and neighbours) of the London Borough of Camden Local Development Framework Development Policies.

This would still appear to be a valid reason for concern as the proposed basement plan below demonstrates. Bedrooms do count as habitable rooms.

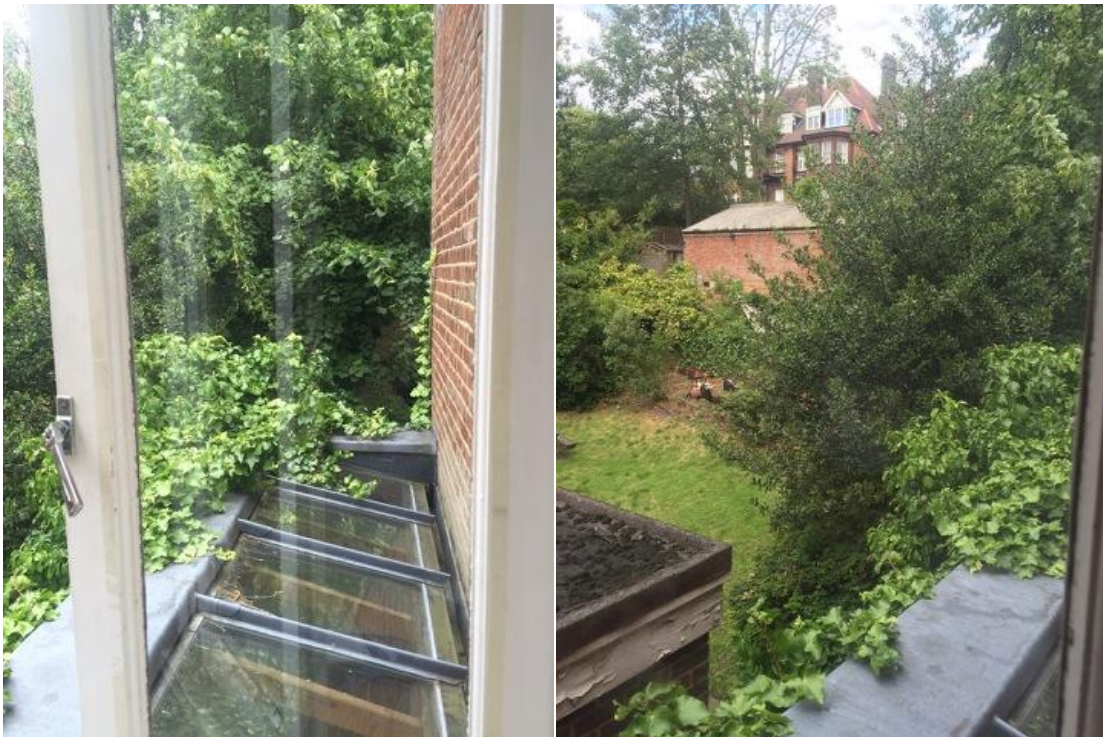


Reasons 4

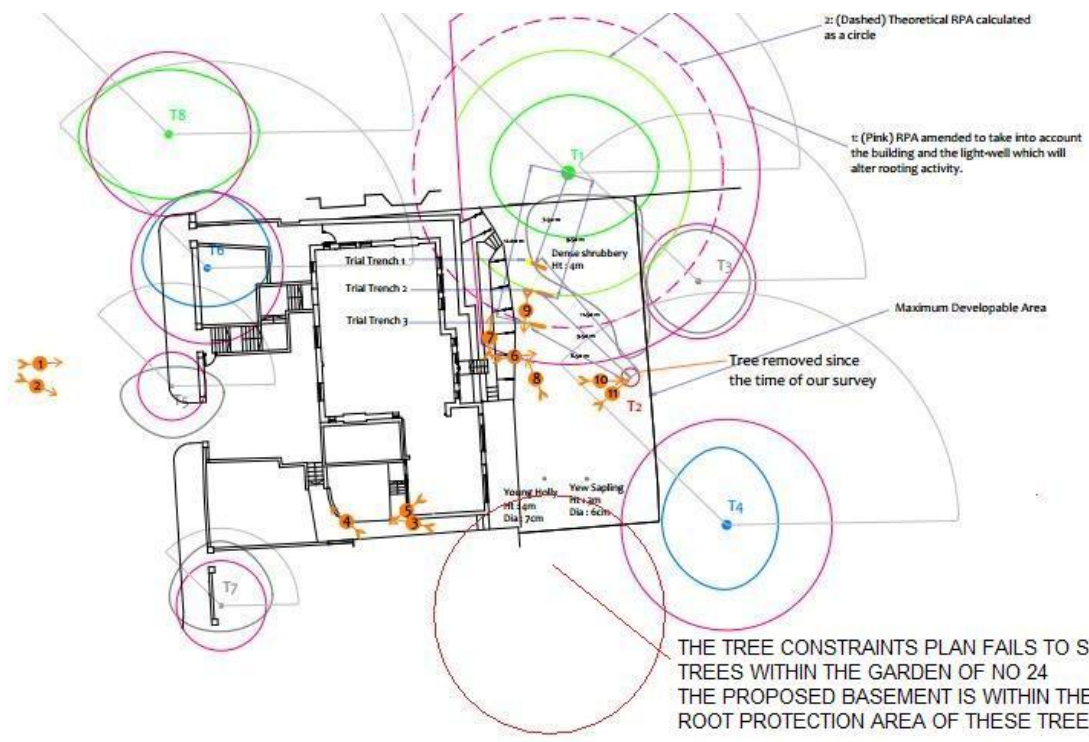
The proposed development, by reason of the felling of the mature category 'B' Lime tree (referred to as T6) would be detrimental to the character and appearance of the conservation area and is thereby contrary to policy CS14 (Promoting high quality places and conserving our heritage) and DP25 (Conserving Camden's heritage) of the London Borough of Camden Local Development Framework Development Policies.

DAMAGE TO TREES

This reason for refusal is still valid as the proposed application fails to take account of trees which are in the garden of No 24A on the boundary



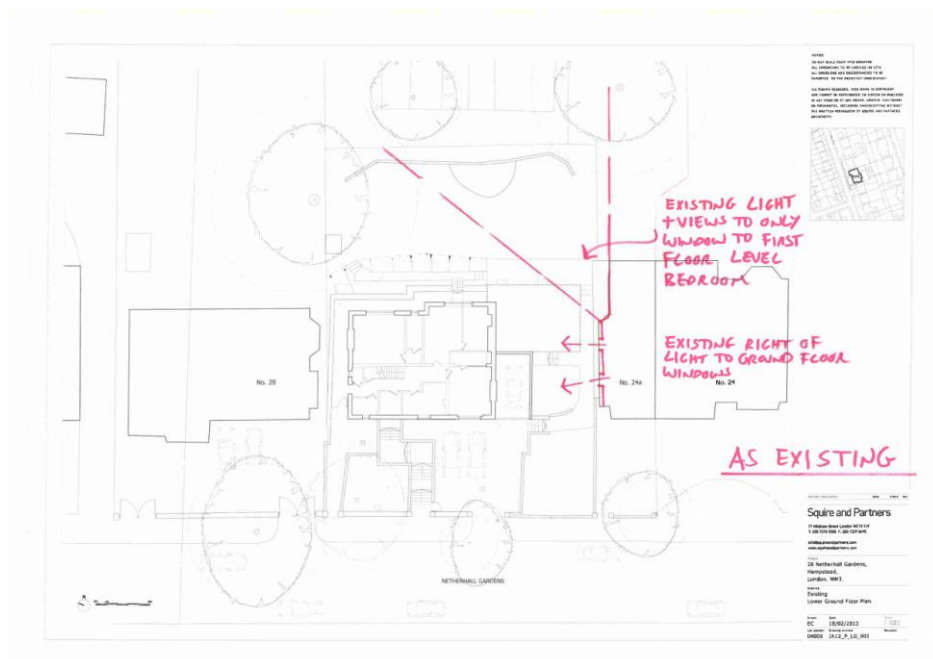
TREES VIEWED FROM THE FIRST FLOOR REAR / SIDE WINDOW TO 24A NETHEHALL GARDENS



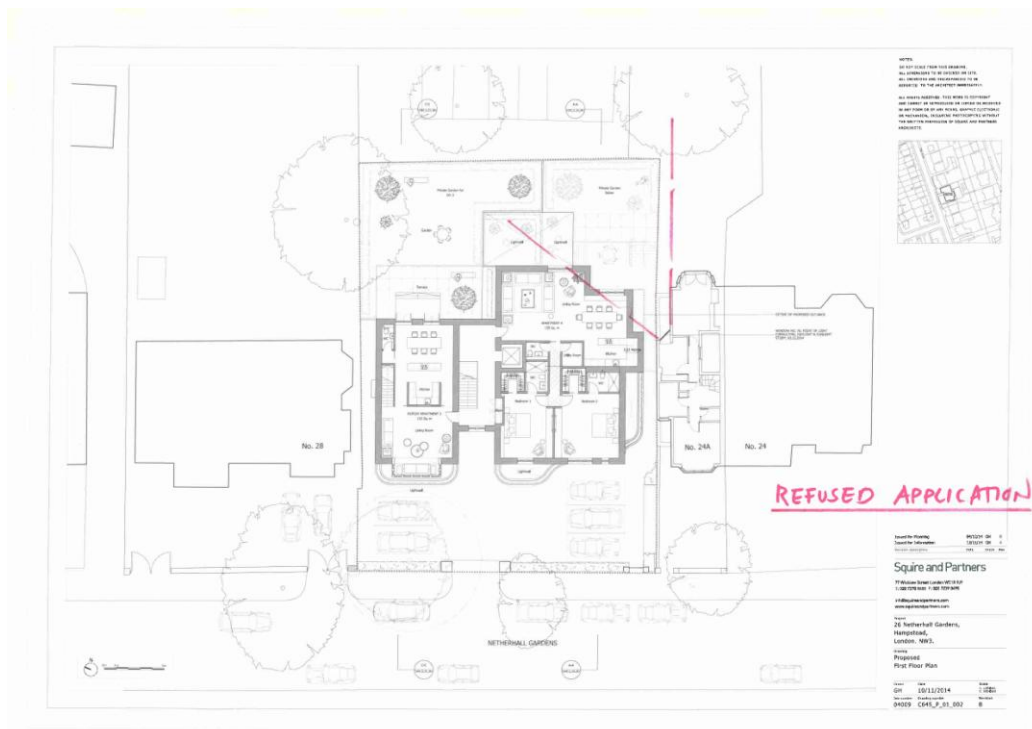
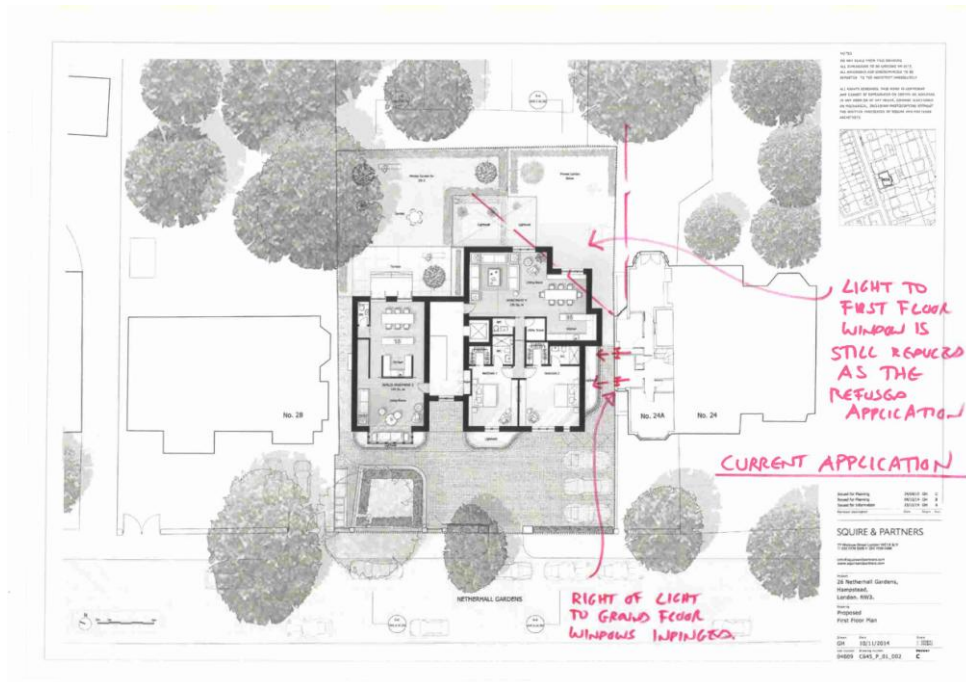
THE TREE CONSTRAINTS PLAN FAILS TO SHOW TREES WITHIN THE GARDEN OF NO 24 THE PROPOSED BASEMENT IS WITHIN THE ROOT PROTECTION AREA OF THESE TREES

LOSS OF LIGHT AND OUTLOOK TO NO 24A NETHERHALL GARDENS

The existing first floor window to the bedroom at No 24A has a window which is at 45deg to the boundary, and currently enjoys light and views as illustrated below.



The relationship between the first floor windows, and the ground floor windows on the boundary has not altered since the previously refused application.



RIGHT TO LIGHT

It is likely that the windows to the ground floor on the boundary have an established right to light which will be infringed by the proposed development.