

Application No:	Consultees Name:	Consultees Addr:	Received:	Comment:	Response:
2015/4485/P	John Gardiner	Admiral's House Admiral's Walk Hampstead London NW3 6RS	27/08/2015 12:33:43	OBJ	Admirals House Admirals Walk Hampstead London NW3 6RS

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 Gideon Whittingham Esq.
 Regeneration and Planning Development Management
 London Borough of Camden
 Town Hall
 Judd Street
 London
 WC1H 8ND

26th August 2015

Dear Mr. Whittingham,

Objections to the following
 Planning Applications 2015/4555/L and 2015/4485/P
 Grove Lodge, Admirals Walk

We object to the above two applications on the following grounds:

1 Listed building consent in relation in particular to the east facing facade

The existing facade demonstrates two elements that are fundamental to the heritage of the building and recognised in its listing. Those elements are the old farmhouse (the only remaining link to the area before Hampstead became residential) famous for its link as the lodge to Admirals House particularly in the Constable paintings and the modest 1920's extension built by John Galsworthy. The applications do substantial damage to those characteristics and significantly detract from the very rationale of the listing.

The fundamental legal starting point for authorities considering listed building consent is contained in sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 in the following terms that the authority should:

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“have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”

That special historic interest is the old farmhouse (and obviously including its entrance) and its relationship to the modest Galsworthy extension and their relationship to the adjacent Admirals House. The application proposes to destroy these features by seeking to create a new unified building with its substantial 21st century extension and new central entrance to serve this new building through the old limited Galsworthy extension.

The heritage statement relied on by the applicants misses this point entirely. It deals with the proposals which are the subject of the new applications at paragraph 5.7 and in its first (and assumedly most significant) bullet point makes the following statement:

“The John Galsworthy extension will be retained and remain completely intact and visually unaltered from the front elevation.”

This is downright wrong.

It will not remain intact – its rear wall has to be broken open to connect to the proposed new rear extension. Likewise its front wall has to be broken open to create a new entrance and new window. It will be substantially visually altered from the front elevation – compare drawing dNA GLR 00 200 (present elevation) and drawing dNA GLR 02 200 (proposed elevation). Further the present porch of the old farmhouse will be demolished (see Design and Access Statement pp. 28 and 29 Appendix B Ground Floor Plan 1. Demolition works 1.1.14 and 1.2.15) and that wall brought forward (compare drawing dNA GLR 00 101 PI (existing) with drawing dNA GLR 01 101 PI (proposed) and drawing dNA GLR 00 401, demolition: all drawings attached and difference highlighted. And see photo of the original porch (these copy drawings and photo being the best we can obtain from the Camden portal).

The description of the works proposed in the listed building application is likewise misleading in making no mention of these matters.

It follows that there is no heritage justification advanced by or on behalf of the applicants for the changes to the listed building and for the reasons already given the changes are detrimental to the heritage of the building and its listed status. Further, even if the house was not listed, this proposal would be objectionable. The Hampstead Conservation Area Design Guide Advice on alterations and repair following the introduction of an Article 4(1) Direction (adopted 2010) paragraph 2 Alterations to porches states:

“Adding a new porch or altering existing porches or porticos on front elevations (or side elevations where this fronts the street) now needs planning permission and will be resisted.”

For the above reasons both the listed building and planning applications should be rejected.

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It would appear to be unfortunate that no clear pictures or drawings of the Galsworthy extension are given in the applicants heritage report, in particular of the lower part of the extension. In addition to the existence of the small tree it appears to have been necessary to park the applicants vehicle and that of their advisers in front of Grove Lodge thereby obscuring the view but also being parked on the Admirals House part of the forecourt to do so (see e.g. figure 2, paragraph 2.3, page 464).

2 The “basement”

There is an existing small wine cellar at Grove Lodge of some 20m² with low headroom. What is proposed is an “extension” of this (although it has to be demolished and rebuilt not having the depth required) extending to some 220m² covering approximately half the area of the substantial garden (and providing eight rooms of accommodation equal to approximately three times the average Camden dwelling). Marginally smaller than before (although the original application gave no figures).

This proposal is objectionable for all of the following reasons:

- (1) It is a massive overdevelopment of the site and that is especially so when taken in conjunction with the major new wing on two floors to be developed above ground. These works will take 1,462 vehicle movements over an eighteen to twenty four month period through the narrow lanes around Grove Lodge and the closure of many resident parking bays.
- (2) It puts at serious risk in particular the two adjacent listed structures – the iconic Admirals House, some six storeys high, built in about 1700 without foundations and Terrace Lodge, an eighteenth century villa. The ground here is renowned for its water courses close to the source of the River Westbourne. The consultants responsible for these proposals are the same as those responsible for the previous construction proposals – described by one of the country’s leading hydrologists as “dangerous”. Those proposals, not surprisingly were abandoned in favour of entirely new proposed works as to which our advisers (who will be submitting technical reports) have no greater confidence. Once our consultants reports are in we would be content to abide by the views of any other independent firm (of hydrologists and structural engineers) of repute (who have not already advised on or considered the matter) because we are confident that they would have to reject this proposal.
- (3) Admirals House has an open well in its semi basement immediately adjacent to Grove Lodge from where one can see the entry of water at different levels. This provides the most significant evidence of water location and depth. Those acting for Grove Lodge have chosen to ignore the actual data relating to the well (and the evidence of substantial holes having arisen in the roadway of Admirals Walk and other evidence) in favour of their own guesstimates. Although the existence of the well and its water flows was well known to the applicants before their first planning application, they allowed their consultants to state that no wells existed within 100m of Grove Lodge.
- (4) This year Camden put out for consultation new policy proposals section A5 which it wishes to adopt relating inter alia to basement developments. The consultation period is over but the proposals

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are not to be formally adopted as policy until 2016. They propose, for good reason, that permission should not be given to development involving excavation under listed buildings and in their gardens. Camden clearly considered this was appropriate, otherwise it would not have put it forward. In accordance with the National Planning Policy Framework (paragraph 216 and Annex 1) it is appropriate in this application to take the proposed policy into account and having regard to the developments proposed size and the fact that it is not to be implemented until at the earliest 2017 permission should not be granted.

3 Footpath

There is a public footpath on the north side of Admirals Walk running in front of Admirals House, at high ground in front of Grove Lodge, Terrace Lodge and the back of Grove Lodge, Netley Cottage and then to Lower Terrace. That has been illegally blocked at the Netley Cottage end by the previous owners of Grove Lodge but it is obvious from the plans submitted that Grove Lodge now want to block this at the Admirals House end. These matters were drawn to Camden's attention on the previous application some five months ago and over three months ago by solicitors acting for residents and containing all the evidence of the continued existence of this path for over one hundred years and yet Camden have still done nothing about this.

4 Misleading Information

- (1) As noted above the applicants heritage report is factually incorrect.
- (2) The Ground Investigation Report by Southern Testing (A Introduction paragraph 3, page 159) part of the Basement Impact Assessment states that "the 1920's addition" (i.e. the Galsworthy extension) "is to be removed and replaced". This also refers to a further basement under the orangery. The conclusions in this report must be based on these factual assumptions. However, elsewhere the documents refer to the retention of the Galsworthy extension and only one basement. On that basis the conclusion in the Basement Impact Assessment cannot be relied on, starting from false factual premises.
- (3) There is further misleading information in the Basement Impact Assessment under the name of HR Wallingford (MAM 7409-RT002-R05-00 August 2015) at Appendix A.2.2 Admirals House in a paragraph commencing "It has been reported by an eye witness..." (see the exchange of e-mails attached hereto).
- (4) The above inconsistencies in the facts stated in the documents and the incorrect information given mean that it is very difficult for members of the public to understand precisely what is proposed and therefore come to an informed view of the matter. In consequence, in fairness to the public, the applications should be withdrawn and resubmitted (with these matters corrected) if so desired.

5 Generally

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Grove Lodge say they have consulted locally but there has been no substantial movement on the basement and the “residents group choice” in relation to the facade was that Grove Lodge offered a choice of three, two of which were simply a slightly smaller version of the neo Georgian mansion which had been overwhelmingly rejected. In support of the application a firm of property consultants, G. L. Hearn have put in a document entitled “Consultation Statement”. These people have no professional qualifications, are simply summarising the applicants views and the “consultees” were not consulted. As far as we are aware none of the objectors have ever heard of this firm until their name and paper appeared with the application. We do not think that their statements are a fair summary of what happened and on the issues set out in this statement the consultation position was as stated above.

6 Lateness

Since drafting the above we have become aware of the fact that additional documentation (hundreds of pages of technical material and calculations) have been added to Camden’s planning portal on behalf of the applicants. This was done late in the evening of 25th August. This is unacceptable. The applicants have had months, in fact well over a year, to present their case and the consultation period is presently due to end on 4th September having commenced on 13th August. That will not give sufficient time for those advising the public and the public themselves to consider the significance of these documents and their relationship to the documents already put in by the many other consultants for the applicants seemingly from the same or similar fields. In the circumstances it is only fair to the public to extend the consultation period by the minimum of at least twenty one days from 25th August i.e. to 15th September.

In the circumstances we obviously need a very prompt reply to this request and have sent this part of the letter directly to you.

Yours sincerely,

John and Pascal Gardiner

cc: Councillor Tom Currie (tom.currie@camden.gov.uk)
Hampstead Conservation Area Advisory Committee (john.jimba@talktalk.net)

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Drawings attached to original.

Grove Lodge

John Gardiner (admiralshousenw3@gmail.com) Mon, Aug 17, 2015 at 4:20 PM
To: Martin Smith (Martin.Smith@burkehunteradams.com)

Dear Mr. Smith,

I refer to your e-mails to me of June 21st whereby you sought information relating to the well and swimming pool in Admirals House on behalf of your client Mr. Berendsen, matters to which I responded and I note that some of this information (though not all) has been incorporated into the Basement Impact Assessment put in on behalf of your client under the name of HR Wallingford. I will need to revert to that matter later but for the moment I would appreciate your confirmation or otherwise of the following:

(i) The Basement Impact Assessment under the name of HR Wallingford (MAM 7409-RT002-R05-00 August 2015) at Appendix A.2.2. Admirals House in a paragraph commencing “It has been reported by an eye witness ..” Can you please inform me of the identity of this supposed eye witness, you must appreciate that the only access to that well is in our house and with our permission. We are quite well aware of the people who have seen it and it was hidden prior to our ownership. Furthermore, the paragraph proceeds to refer to “a consultation response to the first planning application.” We can find no such response in relation to the first planning application. Will you please identify it and email me a copy if it exists. Further, at para B 4.3 there is reference to a “Consultation Statement prepared by G L Hearn”. Again, I can find no such document from the Camden website in relation to the first application. If such was sent in to Camden and published by them I would again be grateful if you could email me a copy.

On the basis that the above references to documents are erroneous are we to assume that the reference in A.2.2. to water entering “about 5m down” is to be attributed to your eye witness? Again on the same basis will you please inform Camden that these references are incorrect and have them removed from the document. You must be in direct contact with Wallingford – if they are in a better position to respond to the above will you please ask them to do so.

Regards

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John Gardiner

John Gardiner (admiralshousenw3@gmail.com) Tue, Aug 18, 2015 at 10:27 AM
To: Martin Smith (Martin.Smith@burkehunteradams.com)

Dear Mr. Smith,

Please disregard the reference to GL Hearn in my earlier email. I now know who they are.

Regards

John Gardiner

Martin Smith (Martin.Smith@burkehunteradams.com) Tue, Aug 18, 2015 at 1:27 PM
To: John Gardiner (admiralshousenw3@gmail.com)
Cc: Casper Berendsen (Casper.Berendsen@Cinven.com)

Dear Mr Gardiner

I have received your email from yesterday afternoon and subsequently this morning.

I will review the points raised with the team and respond back as soon as possible.

Regards

Martin
Burke Hunter Adams LLP

Martin Smith (Martin.Smith@burkehunteradams.com) Thu, Aug 20, 2015 at 12:38 PM

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To: John Gardiner (admiralshousenw3@gmail.com)
Cc: Casper Berendsen (Casper.Berendsen@Cinven.com)

Dear Mr Gardiner

We reply to your email received on Monday.

1. The eye witnesses referred to at A.2.2 within the HR Wallingford BIA of August 2015 are Celia & Casper Berendsen. We are advised that you have shown them the well on two separate occasions.
2. The consultation response referred is the First Steps Limited paper dated 25 March 2015. We previously downloaded that paper from Camden's planning website but please let me know if you would like me to email a copy to you.
3. I believe your third query has been resolved but we can confirm that GL Hearn prepared the Consultation Statement in support of the current applications for planning permission and listed building consent.

We do not believe that the application documents are erroneous and therefore there is no requirement to amend them.

Regards

Martin Smith
Burke Hunter Adams LLP

John Gardiner (admiralshousenw3@gmail.com)
To: Martin Smith (Martin.Smith@burkehunteradams.com)

Thu, Aug 20, 2015 at 11:05 PM

Dear Mr. Smith,

I am afraid that your response to my email in relation to para A.2.2. of the Wallingford Report (page 140) and the consultation responses cannot possibly be correct.

On page 140 above the diagrams there is a reference to an eye witness (who you have now identified) and a "consultation response to the first planning application" and "initial information that water entered at about 5m down."

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Below the diagram it is stated that:

“In a separate consultation response prepared by consultants on behalf of Admirals House it is stated that the standing water level in the well on 20/03/2015 was at a depth of about 8m”.

I have emphasised the word separate since plainly this is a separate consultation from that referred to above the diagrams. The response prepared by consultants on behalf of Admirals House was of course that prepared by First Steps. What you were asked about was the first reference to a consultation response made above the drawings and which because of the reference to the separate consultation below the diagrams cannot have been to First Steps.

Your answer at 2 to my request cannot therefore be correct. Even if you were referring to First Steps you must know that they referred to a measured finding that the water was entering at a level of 2.0m - 2.5m below the top (figures which are nowhere referred to in your reports) and not 5m.

The following is clear from the above

(1) There was no such consultation responses as is referred to above the diagrams in section A.2.2. of the Wallingford Basement Impact Assessment and that that passage is positively misleading on a matter of some considerable significance. Your suggestion that it was a reference to the First Steps Report is demonstrably wrong for the reasons given. This passage needs to be withdrawn.

(2) We do not know where your associates got the reference to 5m. As I have said it cannot have been from First Steps. The only possibility would appear to be Mr and Mrs Berendsen which, in the light of your answer at 1 of your email would appear likely. It then follows that your associate professionally qualified colleagues prefer to rely on the unmeasured observations of non professionals (the Berendsens, people who having seen our swimming pool described it to others as Olympic when it is only 10m x 3.5) as opposed to the measured readings of a professional (Mr. de Freitas of First Steps) whose relevant measurements do not even get a mention. This is not an isolated comment from the report whose general approach seems to be to discard anything that does not support the desired conclusion.

(3) On the basis that the Berendsens were clearly so concerned with the well in Admirals House and the level of water entry into it can you please tell me why they never informed the consultants acting for them of the existence of this well immediately adjacent to their property considering they were first shown it by us in September 2014? Had they done so, that would have allowed their consultants to fill in the relevant forms on the basis that there was a known well within 100m of Grove Lodge. (Contrary of course, to what they did – stating that there were no such wells). Or is the position that they informed their consultants of the true position but they (the consultants) wilfully filled in the forms knowing that the answer to be false? These questions need to be answered and will you please direct them to your clients?

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Regards

John Gardiner
