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London Borough of Camden  
Town Hall  
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London  
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23 September 2015

Our Ref: GM/15/2476

Your Ref: 2015/4485/P & 2015/4555/L

Dear Gideon,

Planning and Listed Building Consent Applications at Grove Lodge, Hampstead

This letter is in response to consultation responses received to date in relation to the following applications;

Listed Building Consent for - *'Internal refurbishment and alterations including erection of side and rear extension, basement and outbuilding along with soft and hard landscaping and associated alterations following removal of existing extensions'* (Ref - 2015/4555/L)

Planning Consent for - *'Erection of side and rear extension, basement and outbuilding along with soft and hard landscaping and associated alterations following removal of existing extensions'* (Ref -2015/4485/P)

We have now had the opportunity to consider the majority of the comments and we are responding on all matters which we consider need further advice to assist the LPA. We set out below our formal response on behalf of the applicants, Mr and Mrs C Berendsen.

Firstly, it is important to note that no objections have been received from statutory consultees in relation to either of the applications. There have been a number of third party comments received, with the majority being objections, however it is worth noting that some close neighbours have also written in support.

**Directors**  
Helen Cuthbert | Stuart Slatter | Claire Temple  
**Associate Director**  
Alastair Close

**Consultants**  
Caroline Dawson | Dan Templeton  
**Associates**  
Rob Scadding | Katie Turvey | Heather Vickers | Alan Williams | Nick Willock

Following considerable discussions between the applicants and their nearest neighbours prior to submitting the applications, of the comments received from immediate neighbours at Admiral's Walk, there was one letter in support, and three letters in objection. Whilst Terrace Lodge have objected, the applicants had understood that the pre-application negotiations had met their concerns, so they are surprised that these objections have been made.

It is important to note that out of the objections received, the majority are more than 100m away. Due to the small scale nature of the application, the applicants focused the discussions on those neighbours who are closest to Grove Lodge, as those further away would not experience overlooking or structural and hydrology issues, nor would be directly affected by construction. It seems to the applicant's team that many of the objections are based on an incorrect assessment of the application. We would therefore request that those representations that have been received that are quite clearly factually inaccurate are not material considerations, and therefore are not included in the determination of this application.

#### **Planning & Procedural Matters**

- Description of Development

It has been suggested that the description of development is misleading, as it does not mention the alterations to the front façade of the building. However, the description makes clear that there will be alterations to the building and the exact works proposed are set out in the schedule of works and as shown on the proposed drawings. Therefore, we consider that we have been entirely clear in the submission on the proposed works sought by the applications and this complaint is unfounded.

- Basement Impact Assessment Audit

As you are aware, a Basement Impact Assessment (BIA) was submitted for Audit to the LPA's consultants Campbell Reith (CR) prior to the submission of the application as part of the pre-application process. This was to check the initial acceptability of the Basement Impact Assessment prior to the formal submission of the application. Some responses have suggested that the CR response should have been made available to the general public on the Council's website. We would like to point out that although we would not object to this becoming a public document, it was only pre-application advice for the benefit of the applicants and was not an application document. We understand that the formal audit response from Campbell Reith will be made public once it has been properly assessed against the application scheme.

We would also wish to raise that there is a slight misunderstanding in terms of the BIA Audit process and the requirement for the independent assessors to take into account representations received from third parties. As we understand from the LPA, and as outlined on the Council's website, the BIA Audit process does require the assessors to have regard to third party comments, and indeed, to liaise with 'approved' third parties. We therefore anticipate further review will be included in Campbell Reith's final response.

- Lateness

One objector claims that, as a result of additional documentation submitted late in the application process, that the consultation period should be extended. As you are aware, this documentation was submitted as per the request of Campbell Reith, who are concurrently auditing the Basement Impact Assessment. We are of the view that it is not unusual for additional information to be submitted throughout the application process, and we do not believe this material prejudices the application in any way. In any event, the three week consultation period is a statutory minimum.

- Misleading Information

It has been suggested that the Ground Investigation Report is factually incorrect. We can confirm that although the Southern Testing report was originally used as part of the documentation for the first planning application (hence the description of works is slightly different), it is predominantly related to the factual findings of the investigation, and to understand existing ground conditions, rather than an assessment of the proposals. We can therefore confirm that the report is not invalid in any way.

- The Emerging Local Plan

A few of the objectors suggest that the proposals need to be assessed against emerging policies in the new Local Plan. However, as set out in our Planning Statement on page 18, the emerging Camden Local Plan currently has no status in application to this proposal as it is yet to be the subject of full consultation and Examination. Therefore, we are not required to assess the proposals against the forthcoming plan, until at least, it gains more material status. Still notwithstanding, we have considered the scheme against policy objectives and this is set out in the Planning Statement.

## Heritage, Design & Amenity

- Over-development

Many of the comments received focus around matters of 'over-development'. However, we consider that this is simply not the case, and the proposals do not represent overdevelopment of the site and that these comments are most likely based on a lack of understanding of the proposals. To be clear: the basement will result in an increase of 223 sqm, so the point raised by one objector that the basement covers *'half the area of the substantial garden'* is incorrect. The site area is 1404m<sup>2</sup>, and so the basement (including sunken courtyard) occupies only 20.7% of the total site, and is, of course underground. In relative terms, we wish to highlight that the basement size is less than average of local basements. Based on figures obtained from the Council's website from 12 planning applications, the average size of basements in comparison to the total site area is 37.6%.

The Design and Access Statement sets out that the new extension will only result in an addition of 29 sqm GIA to the building's above ground area, and at ground floor level there is in fact a reduction in area, as the extension replaces the existing garage and games room. The house is, and will remain, a single family dwelling with no material additional impacts arising from the development. We therefore, do not consider that the application could be considered as an over-development of the site.

- Extension and External Alterations

A number of objectors claim that the relevant statutory tests have not been met by the proposals, and that the alterations to the Galsworthy extension and new extension will not preserve the architectural and historic interest of the original building.

Again, we believe that these objections stem from a lack of understanding of the application and the material submitted in support of it. The Heritage Report produced by Portico Heritage clearly assesses the application scheme against the statutory tests and finds it to be acceptable. A further response has also been prepared by Portico Heritage to respond to comments received during the application process and this is attached to this letter at **Appendix A**.

The extension has been thoughtfully designed to be subservient to the original building, and adjoining buildings and is responsive to their architectural and historic interest. The proposed extension replaces the unattractive modern ad-hoc extensions with a sensitive addition, which has been designed to

sympathetically fit in with the adjacent buildings and the Conservation Area. The current proposals were the result of significant discussions with neighbours and a number of iterations were consulted on before deciding on this approach as the one that both achieved what the applicant desired and met the wishes of most of their neighbours.

There are suggestions that the Galsworthy extension will be significantly altered as a result of the proposals. It is important to make clear that architecturally, the Galsworthy extension will remain visually unaltered when viewed from Admiral's Walk. It is proposed to create a new door out of the existing window, but this door will replace the secondary door already on this elevation hidden by the existing tall wall. Just like the existing door, the new door will also be largely hidden from view by the lowered wall with railings, so the Galsworthy extension will remain visually unaltered when viewed from Admiral's Walk.

There have been comments that the photographs provided with the application do not represent the views of the Galsworthy extension. Following this request, we have included with this response, a further photograph of the Galsworthy extension, without the vehicles in front of the house for further appreciation at **Appendix B**.

There are also comments that the rear wall is to be broken open to join with the proposed extension. It should be recognised that internally, the Galsworthy extension has experienced much alteration since it was built, and the proposals intend to reinstate walls which were previously removed. With respect to the ground floor, it is currently open at the back and at the side, and the proposals involve partially reinstating the walls to close it off. On the first floor (rear wall), there is also an existing window, that is proposed to be enlarged and relocated to form a door.

The representations suggest that the front elevation will change significantly as a result of the removal of the front porch and creation of a new front entrance. It has been suggested that the front entrance makes a contribution to the listed building and Conservation Area, and in line with Camden's Guidance any alterations to it should be resisted. However, as set out in the Heritage Note, the main entrance is an addition to a later 19<sup>th</sup> century part of the building, which does not contribute to the overall significance of the building.

The changes to the front entrance are minimal; the existing entrance is proposed to be relocated to become parallel with the front elevation, and the current entrance is being kept aesthetically the same but no longer in use as a functioning door. Although, the Hampstead Conservation Area Design Guide (2010) advises that altering existing porches will be resisted, it is not unusual for doors to be non-functioning, and there are

many historic buildings where doors are closed up but still read as doors. This allows the heritage to be respected and the building to be appropriately functional.

The proposed alterations and additions will therefore not have the detrimental impact as suggested and rather, the changes will enhance and better reveal the significance of Grove Lodge as a heritage asset.

- Basement

The impact of the basement works have also been cited as a reason for objecting to the proposals, in particular concerns have been raised relating to hydrology and structural stability.

Whilst several of the objectors have expressed concerns about the perceived impacts of the proposed basement, many of the comments are unsubstantiated and display insufficient understanding of the groundwater issues and information presented in the Basement Impact Assessment (BIA) and its associated documents. Comments are often inappropriate/ exaggerations, are general in nature, and do not relate to the specific site and the proposals.

The evidence contained within the BIA and accompanying Structural Report and Ground Movement Assessment has been provided to demonstrate that the construction of the basement will not cause harm to the structural stability of either the building or neighbouring properties and will have no impact on ground stability. Nor will the basement adversely affect drainage and run-off or cause harm to the surrounding water environment. A response to technical objections has also been prepared by our colleagues and this is provided as a separate standalone document.

One objector suggests that the BIA does not give a clear assessment of the potential damage of the basement excavation and construction works. As you are aware, we have submitted a Ground Movement Assessment (Ref: CGL, Aug15 CG09013) as part of the application which states that expected impact on Admiral's House is no worse than category 0, negligible, and on Terrace Lodge and Grove Lodge, no worse than category 1, very slight. This damage category falls within the limits as specified by London Borough of Camden's Planning Guidance: Basements and Lightwells, September 2013, so it is considered acceptable.

Concern has also been raised about the presence of a well and the applicant's reluctance to acknowledge the well. We would respectfully draw attention to the application documents, including page 16 of the Consultation Statement and page 16 of the Basement Impact Assessment where the well is discussed at

great length. A full assessment of the well is in Appendix B of the BIA, where consideration is given to ground conditions, groundwater levels and basement design principles.

Information related to the well, and its relevance to this planning application, is also discussed in the response to the technical objections that have been presented.

## Landscaping

- Loss of Trees

A few concerns were raised in relation to trees, and these issues are addressed below;

1. The threat of waterlogging

Our Tree Consultant advises that significant and prolonged waterlogging of soil can be a serious problem for tree roots as it creates anaerobic conditions which starve the roots of gas exchange and water and mineral uptake. However, we can confirm that there is no evidence from the technical reports prepared that suggest that changes to soil hydrology will occur as a result of the basement construction works that would impact upon the trees. In any event, the trees could be monitored following the development and if any symptoms of waterlogging are observed then some form of irrigation could be implemented to help drain the soil.

2. Linkage between trees and subsidence

If a tree within the conservation area is implicated in subsidence claim then before it is removed a notice would have to be served on the LPA who would in turn be obliged to undertake public consultation. It is not possible to stop insurance companies making accusations against trees but if a tree is covered by a TPO or is in a Conservation Area they would need to provide adequate proof that the tree is the sole cause of the subsidence and that removing the tree is the only reasonable course of action before it can be felled.

3. The removal of the lime tree is not justified

We refer to paragraphs 4.2.6 – 4.2.16 of the Arboricultural Impacts Report. These paragraphs thoroughly discuss the classification of the tree as category 'C', the reasons for having to remove it and consideration of options for its retention. Regardless of the building works, lime tree 1's roots will not survive the repair of the boundary wall, which is required by Camden's Engineering Department.

#### 4. The lime trees are not sufficiently protected

As noted in the application documents, the owners are committed to retaining the lime trees, in particular the unhealthy tree for as long as possible, and are also committed to planting 3 additional semi mature lime trees along Lower Terrace as per the advice outlined within the Arboricultural Implications Report.

All the remaining lime trees will be retained and protected on site and site supervision procedures will be in place to ensure that there is no damage during demolition and construction. These tree protection measures are fully outlined within the Arboricultural Implications Report.

#### 4. The position of the proposed lime trees

The thought behind the position of the new lime trees in the rear garden was based on a number of factors, those being: the retention of the existing apple trees, the future relationship between the trees and the wall and the historic alignment of the rear boundary of Grove Lodge (which was originally where the internal wall still is). The 1866 OS map submitted as part of one objection to the previous application shows the historic alignment of the rear boundary, and it was this recommendation which was taken into consideration for the location of the new lime trees. However, as they are new trees there is no reason why their location cannot be flexible and our Tree Consultant welcomes discussion with the LPA's Tree Officer.

#### 5. Size of replacement tree inadequate

Quite simply it is not practicable or proportionate to plant a larger tree in this location. The reason for removing the tree is discussed in detail in the Arboricultural Report. Planting a larger replacement would require a large pit to be excavated which would not only harm the retained trees but there simply is not space in this location. There is a balance to be struck between size of tree planted and the success and speed of establishment. It is considered that the specification recommended strikes the right balance.

- Height of the Boundary Wall to Lower Terrace

One neighbour objects to the raising the height of the boundary wall on Lower Terrace. The reason for this is to enhance the security for the house in response to a previous security breach where there was forced



entry to the property. Walls of this height are a common feature in the Conservation Area so this is not considered excessive in this context. Further, it will not compromise the Conservation Area as the wall is not particularly old and its appearance will remain largely the same. It is important, however, to ensure the security of the family home.

- Orangery

One objector raised concern about the size of the orangery and consider that it will result in adverse visual impact, as well as setting a precedent for back garden development.

This is not the case, as the proposed Orangery will be of a modest size, replacing the existing outbuildings, resulting instead in a net reduction in built form in the garden. In the previous application, the Orangery sat further West and included a basement. In addition, in comparison to the previous scheme, the Orangery no longer includes a basement and has been moved further into the garden out of view as it sits behind the boundary wall. The proposal will therefore have minimal impact on the amenity of nearby local residents. Indeed, the immediate neighbours to the property have raised no objection to the orangery proposal, so we consider it is acceptable.

## Legal Matters

- Public Footpath

A number of the representations claim that there is a 'public footpath' which would be affected by the proposed development. Whilst there is a right of way on the forecourt of Grove Lodge, detailed investigation has been undertaken which has concluded that there is no right of way across the house or its gardens. We are therefore uncertain as to where the concern comes from, and why a number of objectors, many of them who do not live close to the site, should believe that there is a footpath and that it is being lost. In any event, it is a well-established principle that this issue is not material to the proper determination of the planning application, and these are separate legal matters entirely.

## Construction Process

Some of the objectors are concerned about the impact of traffic and disturbance to adjoining neighbours, as well as harm to neighbouring properties including the nearby Grade I Listed Fenton House.

A Construction Management Plan has been prepared to manage the construction of the development, particularly effects on nearby properties and highways. The CMP carefully considers matters of phasing and access, timing and routing of deliveries and vehicle movements, co-ordination of contractors and management of noise and disturbance. This phasing of construction traffic servicing has been developed during the course of detailed and lengthy discussions with nearby local residents.

- National Trust

Further to discussions with the National Trust (NT), the applicants are agreeable to the conditions suggested, including the following;

- To condition the method of piling to ensure vibration impact is minimised
- To condition monitoring of ground movement

The NT also requests that additional mitigation measures are put in place to avoid any skip lorries of similar size colliding with or damaging the walls of Fenton House. The applicant finds this to be acceptable and considers this can be captured within the final CMP.

The NT suggest that there should be an informative for a restriction on loud construction works on weekends or public and bank holidays to coordinate with NT's planned events. The applicant welcomes an informative, however we would like to point out that the CMP already states that no loud works will occur at weekends and bank holidays.

- Noise and Disruption

Concerns have been raised that there will be substantial noise due to the demolition, excavation and construction activities.

Whilst all construction generates noise and disruption, the applicants have put a considerable amount of effort into ensuring that these are kept to a minimum, both in terms of the overall length of the programme and in terms of the way works are undertaken, and the CMP deals with these issues at Section 6.01 Noise and Vibration. It identifies that the work will be undertaken using Best Practical Means, identifying specific methodologies to ameliorate noise and vibration from the construction works. In addition, the CMP at

Section 6.02 requires the Contractor to undertake prediction of noise and vibration levels, to register these with LBC and to monitor.

Furthermore the CMP identifies at Section 7.07 that the Contractor's performance against the agreed CMP will be independently monitored and reported back to the Client and his Project Manager. The applicant is willing to consider sharing the monitoring feedback with neighbours and local residents.

The applicant also welcomes a control on working hours and hours of noisy activities, and these can be conditioned.

- Loss of Residents Parking

As already noted, the applicant has striven to minimise the impact of the construction works on the local environment and infrastructure. Through discussion with the local residents' group, the preferred access arrangements have been developed in some detail allowing for a reduced period of loss of residents parking spaces. The residents parking spaces on Admiral's Walk are unaffected by the Grove Lodge construction works.

The CMP at Section 5.04 identifies that there will be no parking in the vicinity of the site for the Contractor's staff, managers, operatives or site visitors. All site personnel will be directed to use public transport to and from the area and to approach the site on foot.

- Cumulative Impact of the Works

Concerns have been raised regarding the cumulative impact of the Grove Lodge works with other local projects. At Section 7.06, the CMP not only considers cumulative impact of the Grove Lodge works, but also offers to defer the start of the construction works to January 2017 in order to avoid the disruption of two local construction projects being on site at the same time.

In addition, communication and cooperation between Contractors will be promoted so as to coordinate and plan construction works with the intention of minimising the impact of construction works on local residents and occupiers and to minimise conflict between Contractors

- Road Closures

Concern has been raised that there will road closures required to implement the Grove Lodge construction works; we have already stated at Section 4.06 that none are required.

- Monitoring Construction Damage

The owners have also agreed to extensive monitoring, reporting and consultation throughout the construction process to ensure that there is minimal impact on local residents. It is understood that neighbours prefer this to be done by a private firm; the owners have no preference between a private firm and the LPA if they so wish.

Request has been made for the applicant to provide CCTV monitoring and recording of Admiral's Walk and Lower Terrace.

This is already provided within the CMP at Section 4.03 but subject to regulatory compliance, agreement with LBC and the local residents.

- Impact on Traffic / Vehicle Movements

The CMP identifies that movement of construction service vehicles will be limited to the hours between 10.00 and 15.00 Monday to Friday. This is a further restriction on LBC's stipulated hours from 09.30 to 15.00 in the locality and in direct response to discussions with neighbours.

A clear and transparent prediction of the Construction Vehicle Servicing has been provided. The most intensive construction vehicle servicing is during Phase 2 of the works when access is from Lower Terrace with an average weekly vehicle count of 13.1 equating to 2.6 vehicles per day. Construction Vehicle Servicing is restricted to 5 hours per day as noted above. Therefore the daily rate averages out to 0.5 vehicles per hour permitted i.e. 1 vehicle movement on or off site per hour. This is not considered to be detrimental to the local traffic flows.

In addition, skip lorries have already been trialled and tested across the route, to ensure that the proposed routes are not only feasible but also safe.

- Construction Period

It has been suggested that the construction works would be over 18 – 24 months which is incorrect.

The Construction duration has been determined at 70 working weeks as per the Programme included at Section 3.03 of the CMP. 70 working weeks equates to 72 calendar weeks allowing for a two week Christmas shutdown period, a little under 17 months.

- Additional Conditions

The applicant notes construction management conditions recommended by one objector and makes the following observations;

1. All works will be done without permanent road closures

*Note - We have already noted within the CMP at Section 4.06 that permanent road closures are not required.*

2. That Grove Lodge will not support any extension of the Fleet House road closure or otherwise make use of it

*Note - The Applicant does not wish to close any roads to facilitate the works nor make use of the road closure sought by the Fleet House project team.*

3. That Grove Lodge will delay the start of its works until Fleet House road closure is lifted so as carry out the plan submitted and not move all construction traffic to Lower Terrace

*Note - The Applicant has discussed and developed the phased construction access in consultation with neighbours and does not wish to move all construction traffic to Lower Terrace.*

4. Any change to construction management, traffic management, or parking suspension during construction need to be subject to council approval following local consultation.

*Note - The CMP at Section 2.03 notes that the Contractor will be required to accept, adopt, finalise and implement the CMP for the Works and that that commitment will be enforced with a contractual obligation placed upon the Contractor through the Building Contract. The CMP will need to be finalised by the Contractor and then submitted to LB Camden for approval which is subject to consultation.*

5. That Grove Lodge provide that its construction managers will operate a CCTV system capable of recording lorry movements and any damage to parked cars or property on Admiral's Walk and Lower Terrace, as most certainly will happen.

*Note - CCTV monitoring and recording is already proposed within the CMP at Section 4.03 but subject to Regulatory compliance, agreement with LBC and the local residents.*

We would like to raise that most of these points are already addressed in the submitted CMP, which can be conditioned so that any changes will require LPA approval.

We trust that our response will be given consideration in the determination of the application and we look forward to receiving your feedback once you have had the opportunity to consider all the relevant information.

If, in the meantime, you have any queries, please do not hesitate to contact me.

Yours sincerely



Grace Mollart  
Assistant Planner  
**Planning Potential**

Enc.  
**Planning Potential**  
[Office]

Enc.

## **APPENDIX A**

### **Grove Lodge Objection Response – Heritage**

The evolution of the building from its origins is discussed in some detail in the Heritage Statement, as is the relative importance of the John Galsworthy's tenure at the house and his extension recognized in the Heritage Statement. We do not consider that the proposals would cause substantial harm to Grove Lodge. The Galsworthy extension has been retained and the proposed scheme is of a reduced scale that reinforces the building's farmhouse character

The Heritage Statement is not inaccurate with regards the Galsworthy extension. Visually, from the front elevation, the extension will remain in tact and its relationship to the original house will remain unchanged in this view therefore retaining its existing character and significance. The Galsworthy extension has already had alterations internally since it was built and the proposals, contrary to comments made, re-instate walls previously removed, therefore enhancing it.

The application proposes the creation of a door in place of an existing window to the front of the Galsworthy extension. There is an existing secondary door on this elevation already, be it hidden by the high front wall (see attached photograph). The re-positioning of the door will have no impact on the character or significance of this part of the building or elevation.

The scheme proposes lowering the existing front wall in front of the Galsworthy extension therefore better revealing it from the street front.

Equally reconfiguring the main entrance to the house is a minor alteration to a later, nineteenth century, part of the building which is tucked to the side of the front courtyard and again will have no detrimental impact on the overall significance of the building.

An assessment of local views and the view painted by John Constable has been set out in the heritage statement. The views of John Constable are discussed in some detail and the conclusion is that these would not be unduly harmed (and also that they have changed significantly).

Constable's views no longer truly exist for reasons set out in the heritage Statement. Elements of Constable's work can be seen and this will continue to be the case. Views of the building will change but the revised scheme is intended to reinforce the historic character of the building and its context rather than encroach upon views.

The impact on local views is very limited and the existing garage, for example, terminates the view along Admiral's Walk. The proposed scheme seeks to enhance this view with a more considered, extension, which, to the south remains visually single storey and to the rear has purposefully been designed to allow the Galsworthy extension to be the dominant feature in views of the house.

Grove Lodge has been constantly evolving throughout its history from its humble origins and elements of this evolution are recognized as now forming part of its significance. The proposals enable the repair of past interventions that have unfavorably impacted on Grove Lodge whilst extending it in way that is visually modest and respectful.





APPENDIX B

