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London Borough of Camden
Development Management
Camden Town Hall
Judd Street WC1H 9JE

31 January 2016

Reference 66 Fitzjohn's Avenue Planning Application 2015/5847/P

I am writing in my capacity as Manager of 64 Fitzjohn's Avenue, appointed by the Leasehold Valuation Tribunal to undertake the responsibilities normally held by the Freeholder. My role is to ensure that an approved programme of works to repair, refurbish and maintain 64 Fitzjohn's Avenue is completed within the time frame set out by the Tribunal and to further ensure that the building is kept in good repair for the benefit of its residents. My principal obligation is to protect this building and ensure that the value of leases is not degraded

64 Fitzjohn's Avenue is one of the buildings most affected by what I would regard as the proposed over-development of this small and enclosed site and, therefore, I wish to lodge my objection.

Firstly, the Application makes some inaccurate statements:

It is claimed that the area to the side of the access drive will be retained to provide waste and recycling facilities. This cannot be the case since this area is part of the freehold of 64, constructed prior to the development of 66 and funded by the lessees. Its refurbishment to allow for the removal of green bins from the front garden is included on the schedule of works to be undertaken at 64.

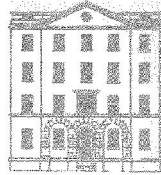
It is also claimed that the building cannot be seen from the public highway. Again, this is not the case. The building can be seen from Fitzjohn's Avenue to the front and Akenside Road to the rear.

Secondly, it seems to me that the proposal ignores Camden's planning guidance as set out in CPG4, Basements and Light Wells. The depth of the basement proposed is more than would be appropriate for a single storey. It extends not just below the footprint of the existing building, but outside it under the entire courtyard area and up to within a few feet of 64. The CPG4 defines this as over development.

Thirdly, the document raises points of specific concern to me in my role as manager of 64. These refer to site stability and potential damage to neighbouring buildings and the natural environment. The proposed development impacts significantly in terms of its size, design, visibility from the public highway and its very close proximity to neighbouring buildings; most particularly 64. All this has negative impact on the amenity of residents within the conservation area and devalues their leases as a consequence.

There are risks involved during construction which it is unreasonable to ask residents of adjoining properties to bear. Even under Burland category 2, "slight" risk may include the need to repaint, fill cracks, redecorate and unstick windows and doors. This would involve residents in considerable inconvenience and expense.

I would note that the Applicant has made no contact with me to discuss any such potential issues, or to offer a bond of insurance, or a party wall agreement. I would further note that there would appear to be



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no provision to separate the drains of this new building from those of 64. Given the high water table in this area and the fact that in the past we have had to deal with problems of overloaded drains and sewage overflow affecting the lower ground floor flat at 64, the likely impact of this basement development seems fraught with potential problems. Even if the CMP attempts to mitigate such risks, I would argue that it is unreasonable to ask residents to bear them for the sake of developing an already over-developed back land site.

Fourthly, the height of the proposed new building impacts significantly upon neighbouring buildings. An additional storey represents a degradation of amenity for neighbours in such close proximity, reducing light and sunlight to the lower apartments of 64 Fitzjohn's Avenue. The design is visually oppressive in the context of such a tiny back land site. The proposed windows, contributing to the impression of being overlooked, and the inevitable light pollution at night, are a further degradation of amenity for the residents of 64.

Since the height of the proposed new development, and its attempts to mitigate the effect of that height on immediate neighbours, is dependent on the extended depth of the basement, the entire project appears to be flawed.

Please refuse planning permission.

Yours Faithfully

A solid black rectangular box redacting the signature of Martin Kingsley.

Martin Kingsley MIRPM Director

To the London Borough of Camden, Development Control Team
25th January, 2016

Planning Application 2015/5847/P
66 Fitzjohn's Avenue

OBJECTION

I wish to lodge my objection to this proposal.

BACKGROUND

This site was developed in the 1980s, turning a single storey building that had provided garaging for the residents of 64 Fitzjohn's Avenue into a two storey building. Camden Planning rejected the proposal, but their decision was overturned on appeal to the Department of the Environment.

The height of the building was raised to accommodate a second storey and the Victorian drains servicing 64 were cut into to carry water and sewage from two new homes.

What had remained of the garden of 64 was demised to these two homes and was cobbled to provide hard standing for two cars bordered by some planting. The rest of the garden of 64 had been lost to a much earlier development, the building of a large family house at 12 Akenside Road.

OVERDEVELOPMENT

When compared to other Victorian villas in Fitzjohn's Avenue, this is already an overdeveloped site. There is no demonstrable need to demolish these two houses. The proposal does not represent improvement, only enlargement for its own sake.

The current houses are modest and architecturally signal a reference to the kind of mews cottages that might have serviced the large Victorian villas of Fitzjohn's Avenue. In contrast, the proposed development is oversized and of a scale and design out of keeping with its setting. It would probably sit more easily into a mixed commercial and residential environment.

CHARACTER OF THE CONSERVATION AREA

The current two storey building can clearly be seen from both Fitzjohn's Avenue and Akenside Road. Further development will have a detrimental impact on the conservation area. Long views through mature trees to traditional pitched roofs are a significant visual amenity contributing to the character of this area.

The proposed third storey will present a visually disturbing and unwelcome intrusion, abruptly penetrating these views. It is completely inappropriate here in a conservation area and in such close proximity to its immediate neighbours at 64 Fitzjohn's Avenue and 12 Akenside Road. It will also eliminate one of the principal attractions of the upper flats of 64.

TREES

The risk to mature trees is not convincingly assessed and one mature magnolia tree in the garden of 12 Akenside, hard against the rear wall of 66 is not included in the report. These trees all pre-date the original development of 66. Their canopies and root systems are likely to suffer from the detrimental effects of demolition and excavation. It is hard to see how extensive root systems can avoid damage impacting on the life and health of the trees which are a major feature of this environment.

SERVICES

SEWERS AND DRAINS

It is not clear how the Victorian sewer/ main drain, already under pressure from the additional inputs from the current development, will cope with further bathrooms and heavier usage that would be anticipated from a larger development. There have been frequent instances of blockage, which impact largely on the lower ground floor of 64. The proposed development does not appear to address the issue of providing services separate from those for 64.

ground floor level. It was noted then that this property was, among many others on Fitzjohn's Avenue, constructed on what was effectively a raft of clays subject to changes in the water table and best left undisturbed.

A programme of major works, required by the Leasehold Valuation Tribunal, is scheduled to take place at 64 Fitzjohn's Avenue in 2016. Tenders have already been received and await selection. This work has a time frame required by the court and cannot be delayed by this proposal. Were planning permission to be granted it is essential that the outstanding work on 64 take priority. For reasons of Health and Safety, it would clearly not be possible for both projects to take place simultaneously.

The CMP demands demolition of the existing houses, deep drilling to install secant piling, dewatering and deep excavation over the entire site with the only access to the site being a narrow driveway flanking the north side of 64 which leads onto Fitzjohn's Avenue. Where will these construction and site vehicles park? What will be the impact of their exits and entrances onto Fitzjohn's Avenue, in close proximity to St. Mary's School?

The key phases of basement construction outlined in the Civil Engineer's Report and the SLR compound the negative impact on 64, despite the mitigating measures proposed to reduce vibration from heavily laden lorries and heavy plant moving to and from the site. The scope of the construction proposed for this small site is a request for neighbours to bear risk. This is not acceptable.

It is unreasonable to expect neighbours to accept an unquantifiable risk to their property, no matter how slight, for the sake of unnecessary overdevelopment.

The basement proposal is flawed at many levels.

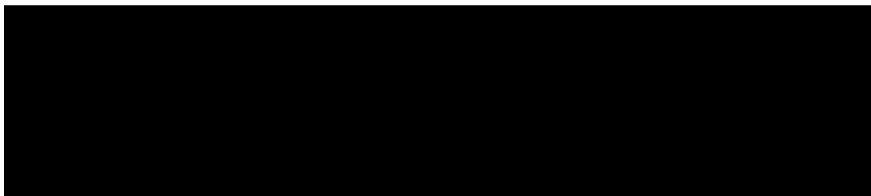
PARKING

Given that the proposed development would need to house its own waste and recycling bins together with parking and turning space for two cars, it is hard to see how roof lighting for the basement could be effectively achieved.

Given the proposed increase in the number of bedrooms, it seems highly likely that this development will result in additional cars seeking to park on the street exacerbating parking problems on Fitzjohn's Avenue.

Please refuse this development application.

Susan Oldroyd
Flat D, 64 Fitzjohn's Avenue, NW3 5LT



PLANNING APPLICATION 2015/5847/P
66 FITZJOHN'S AVENUE

APPENDIX TO LETTER OF OBJECTION
SUSAN OLDROYD
64 D Fitzjohn's Avenue
London NW3 5LT

29th January, 2016

PREAMBLE

My letter of objection appeared on the Camden Planning website on 26th January.

Following advice from CRASH, I am presenting here the appendix of references that support the comments in the letter. Please consider the letter and its appendix together. I hope this will be helpful.

My letter references Camden Planning Guidance 4, Basements and Light Wells (CPG4), a document which supports Camden's policy DP27, Local Development Framework Policy (LDF), and is consistent with Core Strategy (CS). Of particular relevance in the Core Strategy are CS5, managing the impact of growth and development and CS18, dealing with waste and recycling.

I also reference Camden Planning Guidance 1, Design (CPG1). My letter is also supported by reference to The Party Wall Act of 1996

The letter in general makes objection to the Planning Application on two grounds:

1. The over development of a very small back land site in close proximity to neighbours and,
2. The negative effects of the proposal both in terms of risk and in terms of loss of amenity to neighbours and to the character of the conservation area.

APPENDIX OF REFERENCES IN SUPPORT OF REFUSING PLANNING PERMISSION

CPG4 states that while basements can help make use of limited land, they can cause harm to the amenity of neighbours, affect the stability of buildings, cause drainage and flooding problems, damage the character of areas and the environment.

Key Messages includes the statement that basement development will only be permitted if it does not cause harm to the built and natural environment and local amenity, result in flooding, or lead to ground instability.

Factors defining the over-development of basements (2.5) are stated as:

1. Larger developments such as those of more than one storey in depth or which extend outside the footprint of the building.
2. Developments involving more extensive excavation, therefore longer construction periods and more vehicle movements to remove spoil.
3. Developments with significant impact on adjacent buildings through disturbance and noise, vibration, dust, traffic issues.
4. Developments that impact on the water environment, reducing area for run off and soak away and reduce the ability for the area to support trees and other vegetation, thus making for poor environment and loss of amenity.

The Council's Preferred Approach (2.6) states that basement development should not extend beyond the footprint of the building and no deeper than one storey (approximately 3 metres).

It further notes that: The internal environment (of the basement) should be fit for purpose.

For a building to be fit for purpose adequate attention must be given to the quality of lighting and ventilation; the stability of the building; any potential water/damp and flooding problems and appropriateness of access.

My letter refers to the proposed basement extending beyond the footprint of the building and to a lower depth to ameliorate the height of an additional storey. It suggests that the site's inability to accommodate, realistically, waste and recycling, provide adequate lighting of basement rooms, while at the same time including space for parking, is a problem. It further refers to ground floor entry to this new build requiring downward sloping ramps. I note that another filed objection to the proposal refers to the lack of clarity over how the proposed basement would be ventilated.

The Council's Preferred Approach goes on to state that there should be no impact on any trees on or adjoining the site, or to the water environment or land stability. The developer will be expected to provide appropriate evidence to demonstrate to the council's satisfaction that the development does not harm the built and natural environment, or local amenity.

My letter refers to problems with the Construction Management Plan (CMP) to protect convincingly the eco environment of trees and vegetation. It further notes that the impact of the project extends into potential future negative consequences.

Section 3 of CPG4 considers the three stages of a Basement Impact Assessment (BIA). It notes that during the Scoping stage (2), the Applicant should enter pre-consultation or set up a working group with local residents and amenity groups.

This expectation has not been met. For information, I include reference to The Party Wall Act of 1996 at the end of this appendix.

In stage (3), the Site Investigation Study, reference is made to the Burland Scale rating levels of damage that can occur during construction. Burland states that the objective is to keep risk to category 2, 'slight'. It is noted that on aesthetic matters even category 2 risk can involve re-pointing, filling cracks, redecoration, the un-sticking of windows and doors and considerable expense and inconvenience to neighbours.

My letter refers to the unacceptable risks that neighbours will be asked to bear for the sake of over-developing this tiny site.

The Geological and Hydro-geological surveys of the area note that there is risk from surface flow flooding when heavy rainfall puts pressure on the sewer system. It is further noted that developments affecting the upper aquifer (ie river terrace deposits, Bagshot Formation, clay gate member) are of most concern.

My letter refers to the 'raft of clays' on which 64 Fitzjohn's Avenue is built. It also refers to the high water table in this area and the proximity of underground watercourses. It notes that the drains of 64 are already under pressure from carrying water and sewage from the existing two houses that form 66 Fitzjohn's Avenue, and refers to problems we have had in the past.

Camden Planning Guidance 1 refers to Design.

Key Messages state that the council will only permit development within conservation areas that preserve and enhance the character and appearance of the area. Conservation areas are defined as "heritage assets".

The context of this document states that good design should positively enhance the character, history, archaeology and nature of existing buildings immediately adjacent and in the surrounding area (ref 2.1). It should consider the extent to which the development may overlook the windows or private garden area of another dwelling and consider the degree of openness of an area and of open spaces, including views in and out of these spaces (ref 2.10). Materials "should relate to the character and appearance of the area, particularly in conservation areas (ref 2.12).

Section 5 of CPG1 refers to extensions, but makes points relevant to this Application. It states that a roof alteration or addition is likely to be unacceptable where there is likely be an adverse affect on the skyline or the surrounding street scene (ref 5.8).

It further states that for some contemporary buildings proposals should still have regard for the following general principles:

1. Visual prominence, scale and bulk of the extension
2. The use of high quality materials and details
3. Sympathetic design and relationship to the main building
4. The impact on adjoining properties both in terms of build and design and amenity of neighbours, including loss of light due to additional height (5.20)

My letter refers to the inappropriate intrusiveness and overbearing aspects of the proposed design in the context of a small back land site, both in relation to degradation of amenity for immediate neighbours and degradation to the character of the conservation area. It also notes an inaccurate statement in the Application which claims that the site cannot be seen from the public highway.

Section 10.5 of CPG1 refers to Waste and Recycling. It refers to all new build development and includes information on where bins should be sited in relation to windows. There is a requirement that internal and external storage areas are designed into each unit (ref 10.8)

My letter notes that the application does not do this and includes an inaccurate statement. Further, my letter also questions how lighting the basement and providing parking as well as accommodating waste and recycling bins could be effectively achieved.

In Camden Urban Development (UDP) Section 3 - Built Environment it states that development should respect its site and setting (B1a) and seek to improve the attractiveness of an area and not harm its appearance or amenity (B1f).

It goes on to state that in assessing how the design of a development has taken these principles into account, the Council will consider:

1. Building lines and plot sizes in the surrounding area (B1g)
2. The height bulk and scale of neighbouring buildings (B1i)
3. Existing natural features, such as topography and trees (B1j)
4. The design of neighbouring buildings (B1k)
5. The quality and appropriateness of detailing and materials used (B1l)
6. The impact on views and skylines (B1n).

My letter makes reference to the negative impacts of visually inappropriate over development of a small back land site in a conservation area, particularly in relation to height, scale and impact on trees and views.

In The Party Wall Act of 1996, Section 26 refers to what is required of a developer seeking to excavate within 3 or 6 metres of a neighbouring building. It states that if you plan to excavate, or excavate and construct foundations for a new building or structure within 3 metres of a neighbouring owner's building or structure where you will go deeper than the neighbour's foundations; or excavate, or excavate for and construct foundations for a new building or structure, within 6 metres of a neighbouring owner's building or structure where that work will cut a line drawn downwards at 45 degrees from the bottom of the neighbour's foundations you must inform the Adjoining Owner or Owners by serving a notice.

The proposed basement plans are to excavate lower than the foundations of 64 and in very close proximity to this building. Other than publishing the proposed plans on Camden's website, no attempt has been made to inform Adjoining Owners of the basement plan.

