

Application No:	Consultees Name:	Consultees Addr:	Received:	Comment:	Response:
2015/6734/P	Catherine Marsh and Nicholas Field	12 Clorane Gdns NW3 7PR	16/02/2016 12:39:01	OBJ	<p>We have the following comments on/objections to the above application:</p> <p>1. Expert reports</p> <p>1.1 Ground conditions - report</p> <p>(A) Please see the attached report from Michael H de Freitas CGeol, PhD, DIC, Reader Emeritus in Engineering Geology, Dept. Civil &amp; Environmental Engineering, Imperial College London, UK Registered Ground Engineering Adviser. He has reviewed the application for a basement and reports on the extent to which it satisfies the requirements of DP27. He raises in his conclusion (pages 5-6) detailed issues which should be addressed before planning permission is sought because they arise from the Basement Impact Assessment (“BIA”) and as such should be dealt with to comply with the requirements of DP27.</p> <p>(B) We would ask that the issues raised by Dr de Freitas with respect to the applicant's understanding of the ground be addressed before the granting of planning permission is considered.</p> <p>(C) Dr de Freitas refers in his report to matters that will need to be addressed in the construction management plan (“CMP”). His report was written just before the CMP was submitted. However, the CMP does not appear to address any of the issues in Dr de Freitas’ report, so all the points raised remain valid.</p> <p>1.2 Structural engineer’s report</p> <p>(A) The applicant’s submitted documentation does not deal with the issue of our own basement at 12 Clorane Gardens or indeed how the predicted ground movements around the basement at number 10 will affect our basement, at basement level. This means we have had to appoint a second advisor at a later date in the consultation period, Michael Eldred MSc CEng FStructE MICE of Eldred Geotechnics Ltd. As you know, the engineers’ drawings referred to in the BIA have only just been posted for comment, at Mr Eldred’s request. Accordingly, Mr Eldred will require a suitable period in which to review them and will post his report once he has had the opportunity to do so. Mr Eldred has spoken to you about this.</p> <p>(B) We would ask that this application not be considered until Mr Eldred has had the opportunity to conduct a full review and submitted his report to Camden Council.</p> <p>1.3 In conclusion on this point, we are not objecting to the principle of a basement but based on the inadequacy of the information thus far received, we do object to the proposal on the grounds that it would clearly contravene Policies DP26 and DP27 of the Camden Development Management Plan which requires development of this type not to harm neighbouring property and residential amenity.</p> <p>3. Tree issues:</p> <p>3.1 According to the arboricultural survey, the eucalyptus tree in the applicant’s garden “is in the way of the proposal and will be need to be removed”. This is a large, mature and apparently healthy tree (the report does not suggest otherwise) and as such we would oppose its removal. This tree provides greenery and helps block the traffic noise from the nearby A41 and Finchley Road. This removal of this tree is against clause 2.6 of CPG4 which states that “there should be no impact on any trees or on any</p>

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adjoining site". It is hard to see how the applicants can claim "the retention of the majority of dense vegetation to the perimeter of the site" when they are asking to remove the largest tree in their garden that provides privacy between our house and theirs.

3.2 The arboricultural report refers to the mature lime and sycamore trees "offsite", the lime tree being in our garden. In clause 5.2 these are labelled as T5 (lime) and T6 (sycamore). Clause 6.9 refers to T1 (eucalyptus), T2 (plum) and T3 (apple) as being those trees the applicant wishes to be removed. However, in clause 10 (headed "images") the lime tree is referred to as T2 and the sycamore as T3. This inconsistency in labelling means it is unclear which trees exactly it is proposed are to be removed. If it is the sycamore and lime trees, then we would oppose this in the strongest terms as they are mature trees that if removed would denude the green environment in this location. Before planning permission is considered, clarification needs to be sought from the applicant as to which trees it is in fact seeking permission to remove.

#### 4. Design:

4.1 Glass dome on extension: Contrary to CPG 1, this construction is wholly out of keeping with existing building and the buildings in the locality. It does not "preserve or enhance" the character and appearance of the building or locality. Nor does it take into account the character and design of the property and its surroundings (CPG 1, clause 4.7). The glass dome will be clearly visible from our garden; a simple Velux type roof light, which is not visually obtrusive, would provide light and be less obtrusive. There is also concerns that a glass dome could result in undue light spillage that would affect not only neighbours but also the local night wildlife in the rear gardens.

4.2 Balcony: This will enable people using the balcony to overlook our garden and reduce our privacy. The application states that "There will be limited opportunity for overlooking due to a retained dormer above setting the current extents of view." With respect, there is a considerable difference between the degree of overlooking permitted by a simple dormer window and that of a balcony on which people can stand and look out. In addition, the balcony appears to protrude beyond the level of the dormer window. Furthermore, the proposed removal of the eucalyptus tree (see clause 3.1 above) means that it is not the case that "The retention of the majority of dense vegetation to the perimeter of the site will further protect neighbouring privacy".

#### 5. Construction Management Plan.

5.1 We are concerned about the impact on traffic parking and road safety. Clorane Gardens is a small residential road with a steep curve in the middle (just outside our house). Lorries delivering material and skips block up the road, preventing vehicular access, and on occasion having difficulties entering and exiting the road. Briardale Gardens, the adjoining road, is very narrow (only one car can pass at a time). Both roads already have high volumes of traffic from drivers using them as a short cut through to Hampstead (and beyond) and to avoid the Finchley Road. This situation will be aggravated by the extra traffic a basement excavation of this type will cause. In addition, there is the noise, vibration, pollution, dust and dirt caused by basement excavations.

5.2 We are also concerned that site traffic will block the driveways at numbers 8, 10 and 12 during the construction process. We share a driveway with the applicant (down which we have legal right of way - see below) and we need to retain access down the driveway throughout the construction process. We have asked the applicant by letter dated 2 February 2016 for details of how the construction is to be

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					<p>managed, given this right of way. We have not yet had a response.</p> <p>5.3 Given the above, we would therefore strongly urge that the applicant be required to provide details of the above in her CMP. On our current reading of the CMP it does not do so. As mentioned above (clause 1.2) we have asked Michael Eldred to report on the structural engineering report. He will also cover issues raised by the CMP.</p> <p>6. Right of Way</p> <p>6.1 The planning application includes “the construction of a new single-storey rear extension which will extend out from the west corner of the building into part of the existing driveway”.</p> <p>6.2 Under the terms of a deed dated 4 April 1977 (referred to in the Land Registry titles for both 10 and 12 Clorane Gardens) the owners of 12 Clorane Gardens have a right of way over the entirety of 10 Clorane Garden’s section of the driveway and vice versa. Building into the driveway would narrow and infringe this right of way. A letter was sent to the applicant on 2 February 2016 pointing this out, to which we have received no response. We understand that Camden is not able to take this into account in reaching a decision but would point out that we have suggested that the applicant voluntarily amend her plan at this stage.</p> <p>6.3 As we have a shared right of way, it is our belief that the applicant should have served notice on us and signed Certificate B on the application form. Unless this is undertaken, it is our view that the application cannot be regarded as legally valid.</p>

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