

Dear Sir,

Re: 20115/6278/P 15 Lyndhurst Terrace London NW3 5QA

I am writing as Tree Officer of the Planning sub-committee Heath & Hampstead Society. My colleagues have already commented on the replacement building. They did this at a time when very little notice was given to comment on this application and before there was time to review the value of the present building, now known to have been designed by the architect Ted Levy for the Serota family. I am making some comments on the sustainability and heritage aspects of the demolition, the sustainability of the proposed building and the effects on trees of both demolition and new build on this site.

HERITAGE

From the applicant's Design & Access Statement:

Impact of the proposed replacement dwelling on the Conservation Area: "Fitting better in the streetscape is the 2 storey No.15, (built in the late 1960s), a narrow brick and glass building."

What this misses from Conservation Area Statement 18 Fitzjohns/Netherhall: page 30:

BUILDINGS WHICH MAKE A POSITIVE CONTRIBUTION

"The distinct quality of Fitzjohns/Netherhall is that it largely retains its homogenous mid-late 19th century architectural character. ... There is also some 20th century re-development and infill which contributes to the character of the area as it is today. Although not listed, the Government requires that proposals to demolish these buildings should be assessed against the same broad criteria as proposals to demolish listed buildings (PPG 15, paragraphs 3.16-3.19)."

"The unlisted buildings which make a **positive contribution** to the special character and appearance of the area: Lyndhurst Terrace 2, 5, 7, 13, **15**, 17, 19."

Since then PPS5 'Planning for the Historic Environment' has overtaken PPG15.

From **Designated Assets**: Conservation areas are designated under the Planning (Listed Buildings and Conservation Areas) Act 1990, primarily by local authorities, for their special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance.

Substantial harm, demolition or destruction 91. Where substantial harm to, or total loss of, the asset's significance is proposed a case can be made on the grounds that it is necessary to allow a proposal that *offers substantial public benefits*. For the loss to be necessary there will be no other reasonable means of delivering similar public benefits, for example through different design or development of an appropriate alternative site.

I therefore object to the demolition of 15 Lyndhurst Terrace that makes a positive contribution to the Conservation Area and failure to replace it with a building that at the very least gives public benefit. Re-fit should always be favoured over demolition (CPG3) not least for the associated carbon loss of demolition.

SUSTAINABILITY

Applicant's Design & Access Statement:

"It accounts for overheating & glare by using frosted insulated glass system from Linit."

This is inappropriate for the Conservation Area where shading by trees is a more effective and cheaper solution that accords with the character of the CA, and was used by the present building prior to the partly illegal complete clear out of the garden of all on-site trees.

"Photo voltaic panels will be mounted flush on the roof to the rear to provide electrical energy to heat and in combination with high thermal performance, the energy produced will be almost sufficient to heat the space during even the coldest of winter months."

These are incompatible with tall trees with large canopies and thus inappropriate for Hampstead. All the trees on site are reported by the current owner to have been felled expressly to assist this building of a larger property on this small site. Photovoltaic panels require full sunshine so the chance of replacement trees is zero. The neighbour's trees on this side of the house are only about 25 feet away. Even more to the point,

number 13 Lyndhurst Terrace to the south will completely shadow this area being one and a half storeys and the roof higher, with 2 large chimney stacks - see architect's plan.

Also, "we propose a Solar thermal water heating system to provide domestic hot water." and "There will be a Green roof to the rear to be visually more aesthetic and to reduce rain water run-of." At approximately 6 x 12 foot on the western side of the first floor roof and overshadowed by 13 Lyndhurst Terrace, this is ridiculous.

These three statements cannot all be fulfilled. Green roofs provide no aesthetic benefit, and if the current state of the garden is anything to go by will rapidly die - as has happened to the few other roofs that have unfortunately been allowed to be laid in Hampstead.

"There will also be subterranean rain water storage tanks with an automated watering system to be used to maintain the garden areas." These do not appear on any proposed drawings, and there would appear to be no remaining space for them next to the proposed basement unless they are going under the few shrubs in the tiny space outside the rear French windows. This statement can be given no credence without proof.

TREES AND GARDEN

Applicant's Design & Access Statement:

"We recognise that the CAAC are concerned by the loss of front gardens in the area. At present there is no front garden at No.15. The original garden had been replaced with hard paving. Part of our proposal is to reduce this to allow the implementation of a small garden. Planting about the perimeter will soften the proposal maintaining an area of parking."

This site has already suffered from demolition of the integral planter - a section of the front of the building removed without planning permission in a CA - and the earth bank of a large part of the front garden. Every single tree (3 at the front illegally, 2 at the rear legally) have been felled, expressly to enable demolition and build a larger property for profit. This has turned an existing beautiful garden with a large area of soft landscaping and biodiversity value (see photographs provided within Judith Serota's objection) into hard landscaping: a car park for 5 cars. Loss of front gardens - and rear - would be better achieved by retaining the house and replacing the planter - integral to this architecturally significant house - bank, front garden and illegally felled trees.

Google Earth pictures looking west showing planter integral to the house, bank and trees, now removed



Dec 2003



June 2010



July 2013



July 2015: parking space now for 5 cars

Applicant's Tree Report

"The Horse Chestnut T1 within the front garden of number 17..."

I strongly contest the statement: "*considerable evidence of previous upper crown break-out and damage along with poor tree pruning and management.*" This indicates that a story was spun to the arboriculturalist rather than the facts: the tree owner was threatened into reducing a good tree by the then owner of number 15's insurance company.

"The tree is of low amenity with a limited lifespan and any impact from the proposed basement is unlikely to affect this outcome." This tree is of immense amenity to the road's treescape and also for biodiversity. It is a healthy, strong tall tree with a balanced if narrow canopy. It has areas of potentially high value for biodiversity. Bats are present in the garden of 17 and 19 Lyndhurst Terrace and could make future use of this tree for roosting without reducing its long life span. Arboriculturalist Simon Pryce has a high reputation and has placed the tree in category C despite the damage to it inflicted as a result of 15 Lyndhurst Terrace's insurance company. No doubt this tree would be deemed category B if there had been no intervention.

The aerial view of the property within the Introduction of the 'BIA Supporting Information' shows just what a beautiful tree this is in full leaf.

"Site Storage and Accommodation Location not currently known".

This is completely inadequate. With such a large basement for the site contributing to a more than three-fold increase in floor space, it is clear that materials will have to be stored off site or over the roots of T1. Since this tree does not belong to the owner of 15 Lyndhurst Terrace, its actual owner and others (Thurlow Road Residents Association, the HCAAC and the Heath & Hampstead Society) are resolute that this tree not be removed or put at any risk, the proposed building cannot be built.

According to BS5837: 2005 'Trees in relation to Design, Demolition & Construction' there could be flexibility to allow a 20% setback of the RPA [Root Protection Area] - where there is space elsewhere for this to occur. In BS5837: 2012 however, it is clear that this assumption no longer applies: it is not a given that building in the RPA is considered acceptable. In addition in this case, considering the areas either side of the front garden of 15 Lyndhurst Terrace and the tree - while gravel or crazy paving - are actually lined with concrete, are not therefore able to provide any set-back for RPA encroachment by the development and since they are owned by others are not under the applicant's control.

The BIA demonstrates the permeability of the underlying Claygate Beds with a significant proportion of silt and sand. A basement that extends over much of the front and rear gardens here will not only increase run-off, but will remove a considerable volume of water-absorbent soil, detrimentally impacting flooding of properties in roads 'downstream' of this one, as occurred in 1976 and 2002.

I ask Camden Officers to reject this application: for the demolition of an existing building making a positive contribution to the Conservation Area; for the extensive loss of current garden and future garden potential that the large basement will bring; on heritage, sustainability, biodiversity and flooding grounds; for unacceptable damage to the horse chestnut T1 in a neighbour's garden, according to BS5837: 2012.

I also call on Camden Officers to enforce the return of the integral planter and earth bank and replacement of all removed trees within the front garden; all were removed without permission. Their reinstatement/replacement and some basic maintenance and re-decoration would surely markedly increase the value and public amenity of this Ted Levy property, rendering its demolition irrelevant.

Dr Vicki Harding
Volunteer Tree Officer, Heath & Hampstead Society

11th February 2016