

Mr Rob Tulloch
Planning and Build Environment
Camden Council

Peter and Rosalba Moores
20 Kemplay road
London NW3

March 24th 2016

APPLICATION REF: 2015/4373/P - OBJECTION:

Please refuse application ref: 2015/4373/P for the demolishing of and rebuilding of a new detached 4 storey house, which includes a new basement:

We live directly opposite the proposed development. We have not sought to incorporate the legal bases for the objection which are comprehensively covered in the objections mentioned below but fully concur with those objections:

1. Heath & Hampstead Society
2. Willoughby to Pilgrim's Lane Association
3. Hollins Planning

They should be deemed incorporated by reference and are largely still relevant as there has been virtually no changes in the proposed development bar a small reduction in size of the basement, what appears to be the removal of the driveway/crossover but an increase in the size of the ground floor i.e. the side extension has got larger.

We object to this planning application for the following reasons which are largely unchanged and therefore request that the application is refused (please see more detail rationale for the objection in the following pages):

1. Impact on the character of terrace and the conservation area (CS14 (Heritage), DP24 (design), DP25 (Conserving heritage))
2. Impact on the setting of Rosslyn Hill Chapel (CS14 (Heritage), DP24 (design), DP25 (Conserving heritage))
3. Neighbourhood amenity (DP26 (Impact on neighbours))
4. Basement Impact Assessment (DP 23 (Water), DP24 (Design), DP 26 (Impact), CPG4 (basements/light wells))
5. Trees (DP24 (Design))
6. Construction Management Report

Our understanding is that any demolition within a Conservation area needs to go to Committee.

Our comments provide additional considerations below are meant to supplement and minimize any repetition with the above mentioned objections.

Objections

1. Impact on the character of terrace and the conservation area (CS14 (Heritage), DP24 (design), DP25 (Conserving heritage)):

The existing circa 700 sqft terraced house will be demolished and replaced with a new circa 2,700 sqft detached 4 storey house (basement plus three storeys above ground).

Its detachment from the existing terrace by approx. 1m is disruptive to the character of Kemplay Road, seeking to set it apart from the present modest terrace, with contrasting form, details and material colours. It also narrows the view of the Chapel from Kemplay road and looks cramped. We think it should be refused on those grounds. If the developer (Kemplay road Ltd.) wishes to demolish and rebuild the building, they should ideally redevelop it within the existing footprint of the building and certainly not be permitted to detach the new development from the existing terrace.

Leaving it attached to the terrace will widen the view of the Chapel from Kemplay road by 1m without compromising the size of the development. Detaching the terrace coupled with widening the second floor reduces the view of the Chapel from Kemplay road by at least 2.7m.

The current terraced houses have a stepped ridge line so any new property should reflect the gradient of Kemplay road. Gradient should be used as an opportunity to reduce the height of the building i.e. drop down versus as excuse to build a taller building than the existing one.

Pre-App Advice:

The Design & Access Statements p.8 refers to a consultation Ref: 2014/7433/NEW where e.g. "It was agreed that the ridge and eaves lines of the new building are to correspond with ridge and eaves lines of the adjacent building". Our understanding correct that any pre-app advice is not binding so that nothing could have been "agreed".

In the event permission is granted for the house but not the ugly and inadequately subordinate side extension, we would like some restriction placed on future development i.e. that no side extension can be built on at any point in the future. If permission is granted for a side extension (no matter the size), we would like to ensure that no in-fill extension can be built on the 1st & 2nd floor at any point in the future which could further obstruct the view of the Chapel from Kemplay road. This would reduce the harm to the setting of the Grade II listed Chapel at a future date.

The proposed plans do not contribute to the character of the Conservation Area. The development significantly impacts and does harm to the setting of the Chapel and impacts the views from Kemplay road.

2. Impact on the setting of Rosslyn Hill Chapel (CS14 (Heritage), DP24 (design), DP25 (Conserving heritage))

We believe the consequences of this development place the "developer's interest" ahead of the "public's interest" by allowing them to increase footprint, width and mass of house which will harm the setting of the Grade II listed Rosslyn Hill Chapel:

- Footprint:
 - More than doubles from circa 40 sqm to over 80 sqm reducing significant green space.
- Street frontage:
 - Ground floor: gone from 5.2m to 10.97m wide including the extension (+5.8m)
 - 1st floor and loft is approximately 7m wide up from 5.2m wide (+1.8m)

- Depth:
 - Increased to a depth from 7.64m to 9.945m (+2.3m)
- Corridor/Side Alley:
 - Approximately 1m wide (+1m)
- Outcome: It competes with and setting of the Chapel and obstructs the view of the Chapel by 2.7m from Kemplay road which is not in the public's interest.

The Heritage Statement fails to mention the fact that the Rosslyn Hill Chapel is Grade II listed which is deeply concerning and does not appear to have been updated to reflect the revised plans. There will be considerable harm to the view of the Chapel from Kemplay road yet there is no mention of the public benefit of the development to help justify restricting the view.

3. Neighbourhood amenity (DP26 (Impact on neighbours))

The depth of the proposed dwelling will increase from 7.64m to 9.945m which will include a two storey flank wall jutting out into garden which will create effectively a corridor which will dramatically impact the amenity of number 15. No proper light survey appears to have been conducted.

4. Basement Impact Assessment (DP 23 (Water), DP24 (Design), DP 26 (Impact), CPG4 (basements/light wells))

Concur with comments made by 18 Kemplay Road Management dated March 24th, 2016 which should be deemed incorporated by reference. Construction of the basement are dealt with badly in both the BIA and the submitted drawings. We strongly oppose permission for the basement on Kemplay road.

5. Trees (DP24 (Design))

Concur with comments made by Dr Vicki Harding dated March 23rd, 2016 which should be deemed incorporated by reference.

Based on all the above mentioned reasons please refuse permission for this development.

Thank you and best regards

Peter and Rosalba Moores

Camden Council Customer feedback and enquiries
Comments on a current Planning Application - Ref. 20525473

Planning Application Details

Year	2015
Number	4373
Letter	P
Planning application address	13 Kemplay Road
Title	Mr.
Your First Name	John
Initial	
Last Name	Fanshawe
Organisation	
Comment Type	Object
Postcode	NW3 1SY
Address line 1	22 Kemplay Road
Address line 2	LONDON
Address line 3	
Postcode	NW3 1SY



Your comments on the planning application

From John & Liz Fanshawe, 22 Kemplay Road:

We are pleased that the proposed development at 13 Kemplay Road has been amended to exclude a front parking area, also that the issue of tree removal/retention has now been addressed.

However, we are concerned that the revised plans require the removal of a mature tree at the front of the property. From our perspective this is a wonderful tree, the removal of which will have a significant and (we believe) unnecessary

Camden Council Customer feedback and enquiries Comments on a current Planning Application - Ref. 20525473

Planning Application Details

impact on our amenity and the appearance of the street.

We also reiterate the point made in our earlier comments on the quality of the architecture. If built as shown in the plans, this will be a ho-hum development and surely an opportunity lost.

If you wish to upload a file containing your comments then use the link below

No files attached

About this form

Issued by	Camden Council Customer feedback and enquiries Camden Town Hall Judd Street London WC1H 9JE
Form reference	20525473

25 Kemplay Road

London, NW3 1TA

28 March, 2016

Rob Tulloch

Development Control Planning Services

London Borough of Camden

Town Hall

Argyle Street

London WC1H 8ND

Application Ref: 2015/4373/P

Dear Mr. Tulloch,

This remains a hideous proposal which would never fit in Kemplay Road. Furthermore, if allowed, it would cause untold suffering (noise, dust, vibration, road congestion, possible subsidence) and anger among its neighbours, many of whom are in delicate health and home all day. Once again, as in my letter to you of 12 October 2015, I hope I can rely on Camden to quash this or any other major building proposal from this selfish, troublesome neighbour.

Sincerely yours,



(Ms. Erica Bloch)

25 Kemplay Road

London, NW3 1TA

12 October, 2015

Rob Tulloch

Senior Planning Officer

London Borough of Camden

5 Pancras Square

London, N1C 4AG

Dear Mr. Tulloch,

I have just received information on the building proposal for 13 Kemplay Road. I am shocked and horrified! Kemplay Road has been my home for 39 years, and this proposal, if allowed, would totally ruin the cohesive ^{architectural} ~~architectural~~ mix of our street, forever sticking out like a very sore thumb. This is an outrageously selfish proposal motivated, I should think, by pure greed. I hope I can rely on Camden to quash this or any similar proposal, as it totally flies in the face of neighbourliness and social cohesion.

Sincerely yours,



(Ms. Erica Bloch)

[REDACTED]

From: Sonia Sciama Daniels <[REDACTED]>

[REDACTED]

ref: 2015/4373/P

With respect to the above planning application

I believe that the proposed plans would increase the amount of building/brick/concrete in the street in a number of different directions, vertically, horizontally etc. This brings down the quality of the environment for the residents without necessarily increasing the quality of life for anyone. Hampstead benefits from the green in the area and the space available, by increasing the density of manmade materials there is no benefit to the residents, I believe.

I realise I am a day late in expressing my opinion, but hope that it could be taken into account.

Regards,
A resident of Hampstead.

Mr Rob Tulloch
Planning and Build Environment
Camden Council

24/03/2016

Dear Mr. Tulloch,

Town and Country Planning Act 1990
Site at 13 Kemplay Road, London.
Application ref: 2015/4373/P.

I have been appointed by residents on Kemplay Road to review the amended drawings.

Impact on the character of terrace and the conservation area.

I have compared and contrasted the drawings that were originally submitted with the application last year with the amendments that were submitted to the council on 11/03/2016.

As far as I can see there is very little difference. I can see that the front off street parking space has been removed, presumably to keep highways happy. However, this has given the applicant an opportunity to increase the size of the ground floor side bunker/addition.

Given the limited changes, I consider that all of the comments in my previous objection letter are still relevant.

In addition to my previous comments the Council needs to take into account recent case law, particularly the Barnwell Manor (2014) EWCA Civ 137 case. This upheld the statutory duty for decision makers to give special weight to the impact of development on Heritage Assets.

Closer to home there is the more recent example of Obar Camden Limited v The London Borough of Camden [2015] EWHC 2475.

In this case the judgement quashed the Council's decision to grant planning permission because the council had failed to have regard to s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which required 'special regard' to be given to the desirability of preserving a listed building or its setting. The judgement was also critical of officer's because they had failed to give due regard to the requirements of Section 12 of the NPPF.

I note that while the applicant has submitted new drawings, the submission is still reliant on the original heritage statement.

My previous objection was critical of this statement, because it failed to take into account the impact of the proposed development on the setting of Rosslyn Hill Chapel (listed description in box overleaf), particularly as the proposed development appears to being erected in what

Chartered Town Planners. **Director. Andy Hollins MA MRTPI**
The Boathouse, 27 Ferry Road, Teddington, Middlesex, TW11 9NN
02089730065 hollinsplanning@virginmedia.com hollinsplanning.co.uk

perhaps was once the original grounds of the chapel. It would also restrict one of the few remaining street views of the chapel.

TQ2685NE ROSSLYN HILL 798-1/27/1399 (North East side) 14/05/74 Rosslyn Hill Unitarian Chapel

GV II

Unitarian chapel. 1862 by John Johnson; 1885, north aisle, chancel and committee room added by Thomas Worthington, a Manchester Unitarian. Kentish ragstone rubble with Portland stone dressings. Slated pitched roof with fleche. Gothic style. Wide aisled nave of 7 bays with sanctuary. INTERIOR: with vaulted timber roof and gallery at west end. 2 plaster relief panels in chancel attributed to John Flaxman. Good range of C19 stained glass, in geometrical tracery, by Morris and Co to cartoons by Burne Jones, Henry Holiday, Clayton & Bell, Wilson & Hammond, Lavers & Westlake and Mayer & Co of Munich. Good range of memorials including a memorial to the artist Helen Allingham.

The applicant's submission is also contrary to the following paragraphs of the NPPF.

Para 128 of the NPPF states that when determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

Para 133 of The NPPF states that in circumstances where a development proposal will lead to substantial harm to a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrate that this harm is necessary to achieve substantial public benefits.

Even if the Council considers the proposals would create less than substantial harm, **Paragraph 134 of the NPPF** still requires the council to consider the public benefits of a proposal.

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The Boathouse, 27 Ferry Road, Teddington, Middlesex, TW11 9NN
02089730065 hollinsplanning@virginmedia.com hollinsplanning.co.uk

The seriousness of this issue should not be taken lightly. The council has a statutory duty to determine whether a proposed development would preserve and enhance the setting and character of a Heritage Asset.

I am perplexed as to why this application is still being determined by the council. In my opinion the application should have been refused when the statutory 8-week determination period expired over 6 months ago.

I am even more perplexed as to why the Council has invited the applicant to submit revisions for essentially the same property, but with a larger ground floor footprint.

The bottom line is if you are contemplating a positive recommendation then please think again because in my opinion this should be a straight forward delegated refusal.

At the very least the submission needs to be accompanied by a robust heritage statement so the impact of the proposed development on the setting of a listed building can be properly understood.

Yours sincerely,

Andrew Hollins
Consultant Chartered Planner
MA MRTPI

Chartered Town Planners. **Director. Andy Hollins MA MRTPI**
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02089730065 hollinsplanning@virginmedia.com hollinsplanning.co.uk