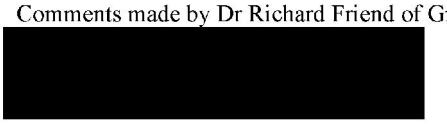
I strongly object to the proposed development for 17 Branch Hill. This is a conservation area right across the road - just metres from the part Constable painted in his famous paintings of Branch Hill - when there was a large pond here. That leads on to my next point that this part of the Heath is the source of the River Westbourne and has been the source of much flooding in the area as experienced in recent years at one of the adjacent properties: Leavesden Cottage. Extensive piling and a new outdoor swimming pool may well have a huge and damaging impact on the soil stability here. This part of Hampstead Heath is used by many people in London and the positioning of a new higher rise building (with an extra storey) would be completely out of character with this part of Hampstead Heath. I particularly and most strongly would also like to object to the proposed outdoor swimming pool. As a peaceful conservation area, the noise levels related to the outdoor swimming pool would be out of keeping. The garden at 17 Branch Hill is a relatively small enclosure and yet surrounded by many residences housing scores of people (these include Savoy Court, Holme Vale House, The Chestnuts, Leavesden Cottage, Leavesden and Oakhurst.) Noise pollution would also not be very pleasant for the many visitors to the Heath, who come to appreciate the serenity of the area - one of the rare pockets of serenity so close to the centre of London. This proposed building could not be more out of character with the locale and a planned 2 year build is I feel unacceptable.

Comments made by Dr Richard Friend of Ground Floor Flat, Leavesden, Branch Hill, London, NW3 7LY



Comment Type is Objection

Begin forwarded message:

Subject: 17 Branch Hill Planning application - 2015/3377/P - OBJECTION

Dear Development Control Committee,

We are the closest neighbours to the proposed development and strongly **OBJECT** to the scheme for 17 Branch Hill London NW3 7LS (ref. no. 2015/3377/P), withdrawn from (ref. no. 2015/0457/P).
We respectful ask to register our desire to speak at the Committee meeting on Tuesday 12th April and attach our two-page statement of objections.
The more detailed objections have already been presented to the Planning Team on 11th March and 18th August 2015, respectively.

Yours sincerely,

Mr. Gus Majed
(Mrs) Catherine Gale

Gus Majed
Founding Partner & CIO
Beca Capital LLP
83 Baker Street,
London, W1U 6AG
United Kingdom

From: Mr Gus Majed & Mrs Catherine Gale, Holme Vale House, Branch Hill, Hampstead NW3 7NA

Dear Development Control Committee, **8th April 2016**

Re: 17 Branch Hill London NW3 7LS (ref. no. 2015/3377/P), withdrawn from (ref. no. 2015/0457/P)

We are the owners of Holme Vale House, Branch Hill and the closest neighbours to the proposed development. We wish to register our interest to speak to the Committee please. The proposed scheme is at the rear of our garden, abutting our residential annexe building, where our nanny lives full-time. We strongly **OBJECT** to the scheme, as do many of our neighbours - a 91 week construction timeframe is inordinately long and will material affect the quality of life of many residents in our neighbourhood.
All our **OBJECTIONS** (11th March and 18th August 2015 have been forwarded to the Planning Team/ Mr Peres Da Costa). We **OBJECT** to the current Planning Application for the following reasons:

(i) Unneighbourly development:

The eastern elevation of the existing house runs along approximately half of the rear boundary of our house. We have clear views through the other half. We benefit from natural light, the view and enjoy spending time in our open garden. The re-submitted replacement house still obliterates all of the above (Design & Access Statement p.12). The majority of our family time is spent in the lower ground floor kitchen, living area and garden and residential annexe in the garden. The fact that the some foliage on a 'stepped' arrangement (Proposed – East Elevation) has been added to pass the eco-credentials just obfuscates the permanent loss of amenity and space, whilst increasing the sense of overbearing. Our garden, lower level of the house and residential annexe would be dominated by the new extension. Paragraph 4.10 of the Council's Design Guidance makes it clear: *"rear extensions should be designed to not cause loss of amenity to adjacent properties with regard to sunlight, daylight, outlook, overshadowing, light pollution/spillage, privacy/overlooking, and sense of enclosure."*

The principles of paragraph 4.10 apply equally to a new build as they do an extension. Whilst some of these assessments might be partly quantitative (eg sunlight), the qualitative judgments on matters such as privacy, overlooking, overshadowing and sense of enclosure are subjective planning judgments. In our view, those judgments should be made having regard to the overarching objective of the guidance, which is to prevent development that causes a loss to amenity. We note that the applicant did not include 3-Dimensional visualisations or rendering of this eastern elevation, instead choosing to include rendered perspectives of the north and south elevations (Design & Access Statement p.14). Whether a curved or flat roof is used is immaterial – the loss of amenity and overbearing is stark. The use of a 'living garden' purports to fly the ecological flag to gain planning consent. Why had none of the previous pre-application ever incorporated a 'living garden' roof before?

We note from the Design & Access Statement – Executive Summary (p.3) that the existing building will be replaced with a '*single family dwelling on a re-arranged **slightly** larger footprint*'. We note the lack of clear presentation of total area (sq. m.) or volume (m3) in the proposed development in the Design & Access Statement. Obviously, these critical metrics have been left out intentionally to make it harder to raise concerns regarding the exact increase in area and volume, thereby triggering detailed objections and discussions pertaining to over-development and excessive construction area. We calculate that the increase in square metres is considerably higher in area and, particularly, by volume.

(ii) Misleading Statements

We note the premise that all information provided to the Council for purposes of planning and development must be complete, accurate and not misleading. As such, any information which is misleading or factually inaccurate should prejudice the entire application and result is its total rejection in full.

We must highlight seriously misleading inaccuracies in the applicant's Design & Access Statement (p.12) '*the neighbours' concerns of garden sunlight*', and particularly with the Withdrawn Scheme (2015/0457/P) (p.11), '*early engagement with the neighbours No.1 and 2. Branch Hill raised potential concerns of loss of afternoon sunlight into their garden*.' We met with Mr. Kaye and his architect in December 2014 and we highlighted our concerns. We also emailed them to him on 15th January 2015 (provided to Planning Team), prior to formal application submission. In the email, we had several concerns but never made any objections relating to loss of sunlight with Mr. Kaye and his architect in December 2014, as we know the garden sunlight concerns would be a very subjective point. To corroborate our point, Mr James Hart, of SHH Architects, emailed us previously on 23rd December 2014 with a light study that was undertaken of our property during the discussion phase.

We have checked with the previous owner of The Chestnuts (No.1 Branch Hill), Mr Eric Nobileau, whose previous objection covered the pre-application and withdrawn application period. Mr Nobileau confirms that he never discussed sunlight access concerns with any party related to the development and Mr. Nobileau recently wrote to the Council to highlight this misleading point as well. We, thus, strongly urge the Planning Team to reject the entire application on the grounds of these misleading inaccuracies alone.

Moreover, we draw your attention to the Construction Management Plan, Section 5.1 Community Consultation which states *"a series of consultative meetings have been held with Mr Gus Majed, the occupier of Nr1 branch Hill"*. This is a very misleading entry and we object to it strongly as it gives the impression that there is some tacit approval or that we were part of the process,

which is most certainly not the case. There is no mention of our pre-application concerns whatsoever. The applicant has once again falsely maintained this point in the newly submitted Community Consultation section.

(iii) **Character of the conservation area:**

We believe that the application is so overbearing and unneighbourly, that those are all sufficient reasons in themselves for it to be recommended for refusal. In the Design and Access Statement, there are several references to the site as "*backland*", "*off-street location*" etc. In effect, the applicant proposes the scheme will preserve the character of the conservation area as it won't be readily visible. There are two points to note here. Firstly, it can be seen from numerous locations: Savoy Court, St. Regis Heights, our house, our neighbour's house at The Chestnuts, everyone living in Leavesden and Leavesden Cottage. The applicant does not live in splendid isolation, and no amount of screening and landscaping will hide it from public view.

The second point is a legal one. Our lawyer has confirmed that screening a house, eg with landscaping, cannot be used as justification for saying that the house doesn't have a negative impact on the character of the area. He's referred us to a case called *Great Trippets Estate Ltd* [2011], which confirmed this as legally correct. As that is the legal position, the scheme cannot be justified by the applicant saying it has no practical effect on the character of the conservation area. Instead, the proper approach is that as new development in conservation areas must either preserve or enhance the character of the conservation area, the LPA must decide on the impact that the house has on the conservation area. The application documents did not include any heritage statements, apart from a few references in the Design and Access Statement. We commissioned our own heritage study (provided to the Planning Team), by Mr Kevin Murphy, who found the Withdrawn Application (ref. no. 2015/0457/P) to be woefully inappropriate and failed to acknowledge and reflect the characteristics of the conservation area, therefore detracting from its character and appearance. We ask the Committee to request a full heritage report prior to making any binding planning decisions.

Mr Murphy asserted that the development, due to its proximity, scale and inappropriate appearance, would have a negative impact on the immediately adjacent properties. Further, Kevin Murphy emphasised that irrespective of tree cover, a new development should be "subservient and respectful to the older context that provides the conservation area with its character and appearance". Despite the minor changes made in the re-submitted application, we strongly feel the proposed development will not preserve nor enhance the character and appearance of the Hampstead Conservation Area. We have also read that in pre-application discussions with the LPA, the applicant was advised of the need to make the proposal subservient to our house, and our neighbour. Instead, the applicant states (Design & Access Statement – Comparative Study – Current Scheme (p.12.)) that a curved roof has been abandoned and replaced by a flat roof. A flat roof of the size being proposed is just as dominant as a curved roof, as has been introduced in the newly re-submitted Current Scheme

(iv) **Justification**

The proposed development argues in the Design & Access Statement was for the demolition and replacement with a '*single family dwelling*' (p.3) - Existing Site (p.6) '*the current users of the existing building experience high on-going living and maintenance costs due to insufficient choice of materials during the construction*'. The existing structure was constructed with Camden Council Planning Team's approval, passing all current and best practice buildings regulations, materials and codes in the early 2000's. The existing building is modern when compared to considerably older neighbours, The Chestnuts, Holme Vale House and the Leavesden section of properties. To argue that a modern building is now costly to maintain and justifies a knock-down would set a very dangerous precedent within the Borough of Camden, as anyone fancying a larger and more contemporary design could use this line of argument. Furthermore, the existing building's choice of materials was approved by Camden Council Planning Team, as per best practice industry and national codes of the time. This implies that the Planning approval decision was sub-optimal and below national standards, clearly not the case.

The applicant is arguing that the original choice of materials now justifies the expense of demolition, re-designing and re-building. This takes no account of the implicit cost to our environment, the ecology of our Conservation Area, and the increase in carbon impact from the development nor the 91 week disruption. We strongly urge the Planning Team to reject the application only on this point alone as it would set a very dangerous precedent. Finally, the existing property in question is now up for sale through TK International for £9.0 million. The intention by the owner is clearly not to keep the property for their own family residence but, presumably, to sell onto a developer/interested-party with planning for commercial reasons. This development clearly contradicts the ethos of their own Design and Access Statement – there is no intention to keep the property - and our entire neighbourhood, with many elderly residents and children, will be subjected to 2 years of sheer hell for reasons of profit – there is no benefit to the wider community. We note the Committee recently required an applicant, as part of a re-build to contribute £600,000 towards social housing. I would urge the Council to impose this policy across all developments and help our communities instead of aiding profiteering. I urge the Committee to listen to the community and reject this application.

Yours sincerely,

Mr. Gus Majed & Mrs Catherine Gale

[redacted]

Comments on a current Planning Application - Ref. 9991851

Planning Application Details

Year	2015
Number	0457
Letter	P
Planning application address	17 Branch Hill
Title	Ms.
Your First Name	Alexandra
Initial	
Last Name	Klinger
Organisation	
Comment Type	Object
Postcode	NW3 7LY
Address line 1	Flat Ground FloorLeavesdenBranch Hill
Address line 2	LONDON
Address line 3	
Postcode	NW3 7LY

[redacted]

[redacted]

Your comments on the planning application	This building is out of keeping with the conservation area. It will be too large and modern and will be detrimental to the environment in look and in its use of totally unsuitable materials. Its construction will take nearly 2 years and will generate dust,excess noise and cause considerable traffic disruption due to the number of vehicles servicing the site . It will stress the neighbours and the surrounding flora and fauna .It will cause long term damage to the local flora and fauna. The deep piling which will take place will cause damage to the soil and there will be a danger of local flooding due to the Westbourne River which runs underneath . This is an unsympathetic and unnecessary project which will dominate the landscape in a negative aspect and darken our lives in every way. This unneighbourly Project must be stopped .

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

No files attached

About this form

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