

[REDACTED]
Flat 1, 69 Fordwych Road
London
NW2 3TL

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Development Management
Camden Town Hall
Judd Street
WC1H 9JE

Application ref. 2016/0309/P – 71 Fordwych Road, NW2 3TL

6th June 2016

Dear Ms Whittredge,

Following receipt of your letter dated 13/05/2016, we are writing to object to planning application reference 2016/0309/P at 71 Fordwych Road, London, NW2 3TL.

We are the owners of the ground floor flat at number 69 Fordwych Road, London, NW2 3TL being the adjoining property, having lived there since we acquired the long leasehold interest in 2009.

We are objecting to the application on the following grounds:

1. Loss of light and the privacy of neighbours

- a. The Daylight and Sunlight Assessment provided by Herrington Consulting Limited, dated 15 October 2015, incorrectly identifies the property on page 2 (section 2.1). It is unclear whether this has materially impacted the assessment provided within the remainder of the report and this should therefore be confirmed. In addition, the included drawings within 'Appendix A.1 – Scheme Drawings' do not include the extension at our property (69 Fordwych Road), which was full completed many months prior to the report in question. The assessment and conclusions do not reflect an assessment of the current as built context.
- b. The Daylight and Sunlight Assessment report included within the planning application documents provides no indication that consideration has been made to the loss of light for the neighbours – in this instance, our adjoining property at 69 Fordwych Road, NW2 3TL. The rear extension, being higher and extending further than the existing building line will have a detrimental impact through overshadowing/loss of light for the principle rooms of our property. The loss of light will be material in both the room facing the garden and the room within the extension. Notably, there is a window directly facing the proposed rear extension which will be overshadowed and its view almost entirely obscured by the proposed extension side elevation (please see existing images below).



Fig. 1 - View from kitchen facing no. 71 Fordywch Road



Fig.2 - View from main living area showing view, including height of our extension at no. 69 Fordywch Road which would be proposed at no. 71 Fordywch Road and which would materially overshadow the outside and reduce the natural light within the main living area

- c. Referencing section 3.4 of the Design and Access Statement (“DAS”), it is noted that the “planner officer [sic]” had concerns regarding the perceived ‘enclosure’ of the rear of 69 Fordywch Road and this is mirrored by our concerns which are further detailed within section 2 below.

- d. In relation to privacy, it is noted that the DAS, in section 3.7 states that “In fact, many properties in London do not have such good arrangement [sic].” This does not appear to be relevant, since it is an entirely subjective view and we would suggest that the DAS should instead refer to a local context.

2. The design, size and height of new buildings or extensions

- a. The rear extension proposed at 71 Fordwych Road, being the full width of the existing property, is not in keeping with modern rear extensions at neighbouring properties along the street, which typically only represent c.50% of the width of the property. We contend therefore that the mass, bulk and proximity of the rear elevation would present an overbearing and intrusive element to us at 69 Fordwych Road. Additionally, the comment that “the proposed single storey rear extension is reasonable and acceptable” is subjective, not within the scope of a DAS and is intended to persuade the planning authority. As such, it is proposed that this statement is disregarded.
- b. Section 3.4 of the DAS notes that “many London properties rear windows have two or three storey closet wing rear extension on both sides [sic]”. It is contended that this is immaterial in a local planning context and should not therefore be included within the DAS, nor included within the context of the decision making of the planning authority. The DAS should refer to local context only and, hence, this comment is not relevant.
- c. Section 3.4 of the DAS also contends that “the impact to the adjoining no. 69 should be minimal.” As a purely subjective view, it is suggested that this statement is disregarded. Similarly, the comment within the same section that the rear window at number 69 is “unusually large” is equally subjective, entirely without justification and beyond the scope of this DAS. Therefore, it is suggested that these comments are not included within a consideration of the outcome to this application.
- d. Section 3.4 also refers to refuse collection. If there are 16 proposed tenants, the bin storage solutions, as a HMO, seem inadequate – the access gap to the side of the property, coupled with the proposal to store bins at the rear, seems unworkable. Additionally the suggestion that the management company will move bins to the front of the property on collection day is not in keeping with our experience (noted as a neighbour) over recent years. In addition, the statement that bins will be returned ‘into the store during the week’ is not in keeping with local refuse rules, which preclude the storage of refuse receptacles on the public highway and pavements (incidentally, this would also go against the Fortune Green & West Hampstead Neighbourhood Plan (March 2015), Section 04 Policies, A. Housing, Design & Character Design, Section A.17, which states that waste and recycling bins “should not encroach onto pavement and should not have a negative impact on the public realm.”
- e. Finally in this regard, the comment that a new arrangement “will avoid bins laying around at the front of the building” is, quite frankly, preposterous. The cause of this

is the same management company who, within the same proposal section, are supposed to be tasked with moving bins on a bi-weekly basis going forwards – if they cannot do this now, how are we to assume they will fulfil these duties going forwards?

- f. Section 3.4 of the DAS also incorrectly states that the distance between the proposed extension at 71 Fordwych Road and the window on the rear elevation at number 69 is “approximately 4 metre[s] [sic]”. This is incorrect – the distance is, in fact, half that. Given the material discrepancies between section 3.4 and reality, it is suggested that the whole section be ignored for the purposes of decision making in relation to the planning application.
- g. The rear extension at our property (69 Fordwych Road) is located on the side of the building not adjoining the neighbouring property. It therefore has a side return on the side of number 67 Fordwych Road (matched by a similar side return at number 67), and a courtyard of approximately 4 metres width on the side closest to number 71 Fordwych Road. We contend that a similar half-width extension would be more in keeping with other extensions along Fordwych Road and that one dimension of our extension (its depth) does not intimate that a similarly deep full-width extension is appropriate.
- h. Sections 2.4 and 3.1 of the DAS (April 2016, Rev A) stipulate a 1.65m height of the street. This disagrees with the BIA and the other main surveys, which stipulate a 1.07m height above street level. This brings into question the reliability of the documentation supporting the application.
- i. Section 2.11 of the DAS references ‘relevant’ planning history in the local area – here, it is worth highlighting that the extension tests within part A. 1 (i) (ii) of the Delegated Report for neighbouring applications question whether the development will ‘have a width greater than half the width of the original dwelling house’. Clearly this would be so. Additionally, of the five instances cited for ‘Relevant Planning History’ only one includes a full-width extension, illustrating the lack of pre-existing evidence along Fordwych Road supporting the proposed development.
- j. Section 3.1 of the DAS cites a basement level of “1.15m below street.” Such poor drafting makes it difficult to objectively determine the intended spirit of the application.
- k. The DAS additionally proposes, within section 3.1, that “Many properties with lower ground floor in London have similar style and character.” It is difficult to determine why the characteristics of the wider London area are applicable to this application and it is therefore suggested that this comment be disregarded. The DAS should reference local property characteristics.
- l. The DAS, within section 3.2, refers to both a rear light well and a single sunken courtyard. It can be argued that these are the same physical features and, therefore, the repetition of the same feature is misleading and should be ignored.

- m. The DAS, additionally within section 3.2, cites a 2-bed/3-person flat. The associated drawings show nothing of a 3-person flat, nor is it included within the planning Application Form (Section 17) or Section 3.10 of the DAS where an increase in the number of habitable rooms would necessitate a recalculation of the density calculations. Again, this illustrates the poor quality of the drafted application and DAS and is supportive of it being brought into question on the grounds of ambiguity.
- n. The Lifetime Homes Standard referred to within the DAS cites, within section 4 (d) the requirement for weather protection (i.e. a canopy) on the main entrance. This is not referenced or shown in any of the drawings or elevations and is not in keeping with any of the properties along Fordwych Road. Similarly there is a statement in section 4 (b) noting a level threshold for access (<15mm) – this adjustment to the front of the property is not shown in any of the drawings or elevations. Are these regulations just being used to try and influence a planning outcome?

3. The impact of development on traffic parking and road safety

- a. The DAS makes a claim for the proposals to be a ‘car-free development’ in section 3.9. Whilst this would certainly a development with no car parking provision, how would it be ensured that there are no cars associated with the tenants? Would there be a restriction on the tenants such that they cannot, as residents of 71 Fordwych Road, London, NW2 3TL apply for parking permits through Camden Council?
- b. Permission granted at 56 Fordwych Road, ref. 2014/3027/P noted in section 7.2 (Transport) that “Given the limited nature of parking availability within the area, in order to be acceptable in transport terms, the new residential units are recommended to be designated car-free, in that future occupiers will not be eligible for on-street parking permits.” Would this be made a condition of any planning permission granted under Camden Development Policy DP18 (2010)? Otherwise, if not, this would be a development which provides no car parking for its proposed residents and would have a material detrimental impact on the availability of car parking spaces, which are already “currently experiencing parking stress,” according to the Delegated Report of application ref. 2014/3027/P, written by Olivier Nelson (Planning Officer). Indeed, the existing high density of residents (reflecting the multi-tenanted nature of many properties along Fordwych Road) results in numerous instances of people parking across driveways and blocking access due to the limited number of on-street spaces available.
- c. As per permission granted at 56 Fordwych Road (planning application reference 2014/3027/P) it is suggested that the provision of cycle parking facilities be not merely indicative as per the design and layout plans but a permanent planning condition (subject to planning for this development being approved) to meet policy CS11 of the London Borough of Camden Local Development Framework Core Strategy and policies DP17 and DP18 of the London Borough of Camden Local Development Framework Development Policies.

- d. Notably, in this regard (relating to Camden Local Development Policy DP18, section 18.13), the indicative layout drawings propose the storage of residents' bikes on lower ground floor level at the rear of the property (for residents within the new basement extension) appears entirely unworkable. This would not fit within policy point 18.13 which suggests that "Cycle parking provision should be provided with convenient access to street level." Within the proposed development for which planning is being considered, any bikes would have to be taken from road level, up into the main entrance, down the stairs into the basement flat and then through a bedroom out into the courtyard – it is suggested that this is almost unworkable. The proposed suggestion may result in bikes being stored within access corridors within the building (breaching any HMO license) or at the front of the property – both of which are not acceptable. It is argued that whilst this planning application purports to be a car-free development, the practical realities required to satisfy local planning policies are not addressed.

4. Impact on drainage

- a. The Basement Impact Screening Assessment ("BIA"), undertaken by Geo-Environmental and provided as a supporting document, concludes that "the proposed basement development will have to mitigate potential concerns relating to land or slope stability and hydrology of the site," and that "it is recommended that as a planning condition of the planning consent, an intrusive ground investigation is undertaken." Surely it would be prudent to insist that these investigations are undertaken prior to the granting of permission?
- b. The BIA, in Section 2.0 (The Site) notes that the existing basement was "flooded with water," at the time of the survey. There have been numerous reports of similarly flooded basements along Fordwych Road. The lining of any proposed basement will directly impact the groundwater movement under 71 Fordwych Road – whilst this can be resolved for that location, what consideration is given to the impact on adjacent properties? Recent developments in the area (e.g. Mill Lane Apartments) have already coincided with an increased prevalence of the flooding of basements/cellars along Fordwych Road which would be further exacerbated by the alteration/removal of yet more subterranean ground material as part of an enlarged basement.
- c. In addition, the BIA in section 3.1.1., parts 4 and 5, highlights the risk of increased run off associated with a removal of part of the rear garden. This will further exacerbate the flooding risks detailed above. Again, what would be proposed to address the risks of drainage impact of the works at 71 Fordwych Road on adjacent properties?
- d. The Fortune Green & West Hampstead Neighbourhood Plan (March 2015) notes in 'Section 04 Policies, A. Housing, Design & Character Design, section A15. Basement

developments' that there are concerns relating to stability and drainage of such developments. The same section of that document also notes that "Camden Planning Guidance (CPG4) states that the council will only permit basement and underground developments that do not: cause harm to the built and natural environment and local amenity; result in flooding; or lead to ground instability." It goes on to note that West Hampstead and Cricklewood are areas which have already been identified as being susceptible to localised flooding and states that "Basement and underground developments in these areas should normally be avoided."

- e. Given the existing drainage and stability concerns highlighted in the applicant's own BIA, the caution cited in relation to basement developments within the Neighbourhood Plan and Camden's own Planning Guidance, it is difficult to see how permission could be granted until far more detailed investigations – and proposals to mitigate any impact on the adjacent property and the wider area – have been undertaken and submitted for review.

5. Development contrary to London Plan Density Matrix and local UDP

- a. Whilst the DAS states within its conclusion that no additional units will be added, the Application Form (submitted/dated 11/01/2016) states a proposed increase from 8 residential units to 9 (section 17).
- b. It is stated in section 2.10 of the DAS that the property has a PTAL rating of 4. Based on the PTAL for the property's address using Eastings and Northings (524653,185010), rather than the postcode which is not building specific, the TfL Public Transport Accessibility Level (PTAL) is in fact 3 and not 4.
- c. In addition, the cited setting in section 3.10 of the same document is incorrect. According to the London Plan Density Matrix (Interim Edition, August 2010, page 29), the setting would be most accurately categorised as Urban and not Central, comprising buildings of four storeys or below and having no mixed use in the immediate surroundings (being entirely residential with the exception of a church).
- d. Taking both of these points together, the density matrix provides for a habitable room per hectare rate of 200-450. With a total area stated of 419.5 sq m (0.04195 ha) the density matrix provides a site rate of 8.39-18.88 hr. Based on the 2.7-3.0hr/unit rate of the Urban setting, at a PTAL level of 3, the number of units should fall between 2.9 and 7.1. The existing property already provides for this level of density and therefore an increase cannot be justified as currently presented under the London Plan framework and associated guidance on density.
- e. As confirmed within the applicant's own supporting DAS, in section 4 (Conclusion), the development does not meet the requirements of Policy DP5. It is difficult to see how when, by the applicant's own admission that it doesn't meet policy guidelines, the application could be approved.

6. Impact of noise from plant equipment

- a. The proposed works are extensive and will require significant volumes of material to be removed from the property to facilitate the inclusion of an extended basement flat, in addition to the works required for the rear extension. Whilst modernisation and upgrade works are justifiable, there is an inevitable concern that these works will be extremely disruptive from both a noise and detritus perspective (notably where the works will be occurring at a subterranean level in a property where there is already shared airspace underneath raised flooring which will stop neither dust/detritus or noise). Having witnessed the sheer volume of material removed during the dig out of a basement within works at 81 Fordwych Road, the damage done to the streetscape (pavement and kerb stones crushed under the weight of a dirt-removing articulated lorry) and the total disregard of contractors in respect of the permitted hours of working, the impact of noise from plant equipment is clearly a material concern. This concern is shared by neighbours within our property (69 Fordwych Road) as well as neighbours (who are obviously tenants) within 71 Fordwych Road.
- b. In addition, given the lack of space between the front of the property boundary and the highway for a skip, it is assumed that there will need to be a long-term suspension of the parking bay(s), further reducing the available parking provision in the area (an issue highlighted in point 4.a below)

Concluding remarks

The quality of the DAS (April 2016, Rev A) – and indeed the submitted third-party surveys – is generally poor. Indeed in parts it is difficult to assess objectively given the incorrect use of grammar, terminology and units of measurement, notwithstanding the contradictory facts present within the supporting documents and the application. We therefore have a material concern that the intention of the submitted document will not align with its interpretation from a planning perspective and will not align with any works undertaken if planning permission is granted.

In addition, many statements in Section 4 (Conclusion) are entirely subjective. “The proposed scheme demonstrates a high quality design [subjective] and sensitive response [subjective] to its well-developed [subjective] residential surroundings. The proposed front façade has minimum changes [subjective]. The changing of rear façade will certainly provide an improvement of the existing unattractive rear setting [subjective and incidentally entirely within the applicant’s control]. The two new 2-bed self-contained residential units will make a positive contribution [subjective] to the need for new housing in the area.” Taking that last point alone, the proposed need for new housing in the area won’t be addressed by a development which does not offer any additional bed spaces.

Overall we would argue there is no demonstrable need for the additional floorspace and reconfiguration of the flats from a local demand perspective. Similarly the development does not meet policy requirements (e.g. DP5). As local residents can attest, the neighbourhood is seeing the addition of 800 homes and this extension is being driven not by the requirements for space of property occupiers but the search for income and value by landlords. The Fortune Green & West

Hampstead Neighbourhood Plan (March 2015) notes in Section 04 Policies, A. Housing, Design & Character Design, Policy 2: Design & Character (p16) that “all development shall be of a high quality design, which complements and enhances the distinct local character and identity... [to be] achieved by: (ii) Development which maintains the positive contributions to character of existing buildings and structures.” It is difficult to see how this is being achieved with the proposed development. Similarly, we would argue that item (iv) of the same section “Development which has regard to the form, function, structure and heritage of its context” is also not addressed. Above all, we would argue that the proposed rear extension is direct contravention of item (vii), namely “Extensions – and infill development – being in character and proportion with its context and setting, including the relationship to any adjoining properties.”

The extension to our property, whilst not the subject of this letter, was referenced within the application. We would therefore like to note that our extension was less intrusive to our immediate neighbours being offside (closest neighbour having separation of our and their side returns) and on an area of rear patio/garden over which the neighbouring property had no outlook. Here the proposed extension to 71 Fordwych Road is not in keeping with the surrounding properties on Fordwych Road (including our own), and would be oppressive when viewed from inside our property (with associated light loss) to the detriment of our property and its own outside area.

Finally, we would note that such applications, if permission is granted, set a dangerous precedent for greater subterranean development along the road, which is clearly a questionable policy in the context of an area prone to subsidence and groundwater flooding and goes against Camden Planning Guidance (CPG4) and the adopted Fortune Green & West Hampstead Neighbourhood Plan (March 2015).

We would be willing to discuss this objection further as required.

Yours sincerely,

[Redacted Signature]

Flat 1, 69 Fordwych Road, London. NW2 3TL

[Redacted Contact Information]



Fig.3 - View from rear garden highlighting gap between rear extension at 69 Fordwych Road and the adjacent property at 67 Fordwych Road



Fig.4 - View from rear garden showing rear of 71 Fordwych Road. The proposed extension would overshadow the existing white boundary wall and at least the first fence panel of the boundary



Fig.5 - View from rear patio showing rear of 71 Fordywch Road. The proposed extension would overshadow the existing white boundary wall and at least the first fence panel of the boundary and would almost entirely block out the visible sky at eye level



Fig.6 - View from rear garden showing proportion of extension which is in keeping with the height of the existing rear (white) elevation. The extension is also half-width, being an additional space, rather than a dominant full extension of the whole property as is proposed at 71 Fordywch Road.