

15A Fitzroy Square, Lower Ground Flat, London W1T 6EF

Robert Lester Esq, Case Officer
Stuart Minty Esq, Head of planning
Camden Council, Planning Department

4th July 2016

Dear Sirs

Re 19 Fitzroy Square
Planning Application Ref: 2016/2046/P & Listed Building Ref: 2016/2825/
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I write to object to the above applications for planning permission and listed building consent. I am particularly concerned about the proposal to construct an extremely deep basement, extending two storeys beneath the existing basement/lower ground floor level. The proposal would cause significant harm to our property, the local area, and to listed buildings. It would be flatly contrary to the development plan.

The proposals

1. **Original proposal for conversion from offices to residential house, filed in October 2014 accepted.** No.19 Fitzroy Square is a Grade II* listed building forming part of a terrace within the conservation area. For some years it was in use as offices. Planning permission has been granted to enable its re-conversion to a single house. We have no objection to this proposed use.

2. **The main purpose of this application is the addition of a basement for a pool.** Through the present proposals the applicant proposes to undertake very extensive demolition and excavation work to create an "iceberg" house with a substantial basement containing a swimming pool and various other facilities. I would note at the outset that it is clearly not the case that such development is required to make the residential conversion viable. There is strong demand for houses such as this, without the need to create a swimming pool deep beneath ground level. This is relevant to the impact on heritage assets since there is absolutely no public benefit derived from these proposals, and accordingly no justification for the harm that would be caused to the listed building, the conservation area and to our family life. It goes without saying that the accommodation provided by the house without the proposed basement pool would be more than adequate to meet the needs of any future occupier.

The pleasure of a pool and other similar facilities to the occupants cannot justify the nuisance to be created in the neighbourhood for years to come. This is true

whether the works envisaged are planned for the benefit of the owners; it is a fortiori true if the house is to be resold for a profit once the project finished, by the property company who owns the building and on whose behalf the planning application has been filed.

3. Insufficient notification to the neighbourhood. In light of the extensive nature of this iceberg basement and the impact on the neighbourhood, all the neighbours close to the building site should have been notified. This was not the case.

Impact during construction

1. The Council is aware of the impact of basements since it is proposing new guidelines in the Local Plan. As the Council has noted in preparing its Local Plan likely to be adopted in the near future, there is considerable and well-placed concern about the construction impacts of basement excavations. Those concerns are particularly acute and often permanent where the works require the substantial demolition of the rear of a building, are being carried out in a listed building in the heart of a conservation area, and where the house forms part of a listed terrace. These proposals include a wholly exceptional level of excavation - to a level three storeys below street level - which will necessitate a construction process unlike anything normally seen in a residential street such as ours.

2. Impact well beyond what it would be if the house was being converted. The noise and disturbance caused by the construction of the basement will be significant. Whilst the Council will doubtless refer to its normal controls on construction sites, the noise will be experienced by neighbours in the form of constant ground borne noise over the course of many months, of drilling of one sort or another to excavate the basement. We have yet to see the noise assessment report which was not attached to the planning application when we downloaded it a few weeks ago. In addition, there will be a ballet of trucks driving in and out of the area to bring materials and taking out the earth dug out to build this pool. All this constitutes nuisance well above what it would be in the case of the buildings being converted.

In addition, a pool involves pumps, engines, a plant room, ventilation. This equipment in itself makes noise on a permanent basis and emit air smelling of chlorine as experienced by those who live next door to private pools.

3. Impact for a considerable amount of time. There will also be a considerable visual impact on the listed building and the conservation area as a whole during the construction works. Substantial hoardings will be required for many months and most likely years. Whilst such impacts are expected to be temporary, they still fall to be assessed when the Council is considering its statutory duties in respect of heritage assets. Furthermore, from [first or second] hand experience, the duration of the work is always much longer and creates far more damage than represented by planning consultants and architects, usually running in years.

4. Establishment of a precedent. We know that Councils review each planning application on its own merit. It is however the case, that once a project of a certain form has been approved once, it is in effect encouraging others to apply for similar projects.

5. Damage to adjoining properties. Perhaps most significantly, the excavation works will take place within millimetres of party structures including the walls of the neighbouring houses. Specialists have reviewed the Basement Impact Assessment and it provides us with no confidence that the works will not cause damage to homes. This is not simply property damage which can be resolved through party wall agreements; it is damage to listed buildings which the Council is under a statutory duty to preserve. I understand that the Council will carry out an assessment of the impacts of the proposal with the assistance of experts. I request that I am provided with a copy of that assessment in due course and afforded an opportunity, if necessary, to obtain expert advice from a structural engineer before the matter is determined.

6. Cumulative nuisance effect of construction projects in Fitzroy Square. This project will be in addition to the project at no. 8 Fitzroy Square, the extensive works planned at no. 26 Fitzroy Square and to the extensive construction project in the pipeline on the other side of the Square on Fitzroy Street, where a whole block will be replaced by a bloc of flats. The quality of life in Fitzroy Square will be already diminished. This should not be compounded by a project which would involve the excavation of a double basement for a pool, when the conversion from office to a residential house is a viable alternative.

Impact on listed building

1. Application runs against paragraph 34 of the NPPF: harm to a listed building with no public benefit. The applicant seems to pay little attention to the harm to the listed building which would be caused by these proposals. It goes without saying that subterranean swimming pools form no part of the historic floor plan of this Grade II* listed building. The proposals necessitate considerable harm to the historic fabric. As the Council notes in its draft Plan (6.137):

“The addition of a floor level beneath the original lowest floor level of a listed building (basement, cellar, or vault) may affect the hierarchy and historic integrity of the floor levels within the building. The development of a basement beneath a listed building can also necessitate the removal of significant parts of the original structure and fabric of the building.”

2. Heritage Statement to be rejected. The Heritage Statement submitted with the application fails to reach a clear conclusion on whether there would be harm to the listed building, but in recognising that the proposal needs to be considered under paragraph 134 of the NPPF there is acceptance that the proposal causes “less than substantial harm” to the heritage asset. It claims, unrealistically, that the proposal “re-establishes the original use as the viable use for this building thereby as acknowledged in the NPPF providing a public benefit”. As explained above, this is entirely misconceived.

3. Permission for conversion already granted. The building already has planning permission for the reinstatement of the original use. There is no suggestion that it would not be viable to carry out that conversion - indeed it is obvious that such conversion would be viable. In those circumstances there is no public benefit whatsoever, on the contrary as I have developed above, flowing from this proposed development. The position adopted in the Heritage Statement should be rejected, and planning permission refused because there are no public benefits to be weighed against the obvious harm to the fabric and historic interest of the building, together with the wider impacts on neighbouring listed buildings and the conservation area.

Personal impact

1. Impact on my work. I am concerned about these impacts because of the need to work in my home during construction hours.

2. Impact on our family life and health. This is also about our right to live as a family in peace without more disturbance than necessary.

Conclusions

1. Ready to bear the disturbance of a reasonable refurbishment project: We are ready to accept the disturbance, the noise, the dust of reasonable project designed to convert the current office building into a residential family home. We are ready to facilitate it in any way we can as it is in our interest as much as it is in the interest of the developers that the project is finished as quickly as possible.

2. The neighbourhood is opposed to this project. The January minutes of the Fitzroy Square Frontagers clearly states that the digging of such a basement is highly undesirable. Most neighbours and businesses as well as other residents are opposed to this project. A few years ago, we all fought successfully against the installation of a compound which was expected to take just under a quarter of the Square whilst no. 7 FS was under refurbishment together with the erection of a new building in the mews behind; we accepted a much smaller compound. Similarly here, we will fight this pool/basement which is highly undesirable in our historical neighbourhood.

3. Council to postpone determination until the Local Plan is adopted. I am grateful that the Council now acknowledges the huge burden placed on neighbours through basement excavations and has promoted its new policy accordingly. I would ask that this application be determined under that policy and therefore refused. If the Council will not apply the policy to this application because it has not yet been adopted, I ask that this application is not determined until the Plan is adopted. This approach was taken by the Royal Borough of Kensington and Chelsea in almost identical circumstances, so is therefore shown to be both lawful and appropriate. The difference is that in RBKC there was considerable objection to the new basement policy but in Camden there is only support and arguments for an even more restrictive policy.

When reviewing the application, we hope that you will take into consideration all the points developed in this letter.

Yours sincerely,

A solid black rectangular box used to redact the signature of Andrew Maynard.

Andrew Maynard