

2 Elsworthy Terrace

London NW3 3DR

Nora-Andreea Constantinescu
Planning Development Management
London Borough of Camden
5 Pancras Square London N1C4AG

5 August, 2016
BY HAND AND EMAIL

Dear Ms Constantinescu,

Planning Application 2016/3495/P, 1 Elsworthy Terrace, NW3 3DR
OBJECTION

We are the freehold owners and occupiers of 2 Elsworthy Terrace, where we have lived for 45 years. We write to object to the above planning application. The applicant seeks permission to build a house on the back part of the garden of 1 Elsworthy Terrace (the Rear Garden).¹ Elsworthy Terrace has since 1985 been in the Elsworthy Road Conservation Area (ECA). The Rear Garden has been part of the garden of 1 Elsworthy Terrace since the terrace was built in about 1880. A year or so ago the property company which owns 1 Elsworthy Terrace decided to sell the Rear Garden. The sale of the Rear Garden did not turn a garden into a development site. The Rear Garden remains a garden and preferably should be reunited with the rest of the garden of 1 Elsworthy Terrace.

1. Principle against Development of Garden Land

There is a developing policy at a strategic level, supported by case law, against development of back gardens. The policy recognises the importance of preserving this valuable space resource, especially within the context of relatively dense urban development, and is reflected for example in the London Plan 2015.

2. Inappropriate Development within Conservation Areas

In the 2010 adopted version of Camden's Development Policies, DP25, states that Camden will 'only permit development within conservation areas that preserves and enhances the character and appearance of the area' and will 'preserve trees and garden spaces which contribute to the character of a conservation area and which provide a setting for Camden's architectural heritage'. The Rear Garden lies between and sets off the large Victorian dwellings in Elsworthy Road and Elsworthy Terrace. The building of a modern house in the Rear Garden would be contrary to DP25.

3. The Rear Garden is not an Opportunity Site

Further, Paragraph 7.7 of the ECA Appraisal and Management Strategy (ECA Strategy) states that there are no opportunity sites identified within the Conservation Area in the London Borough of Camden Replacement Unitary Development Plan adopted June 2006.

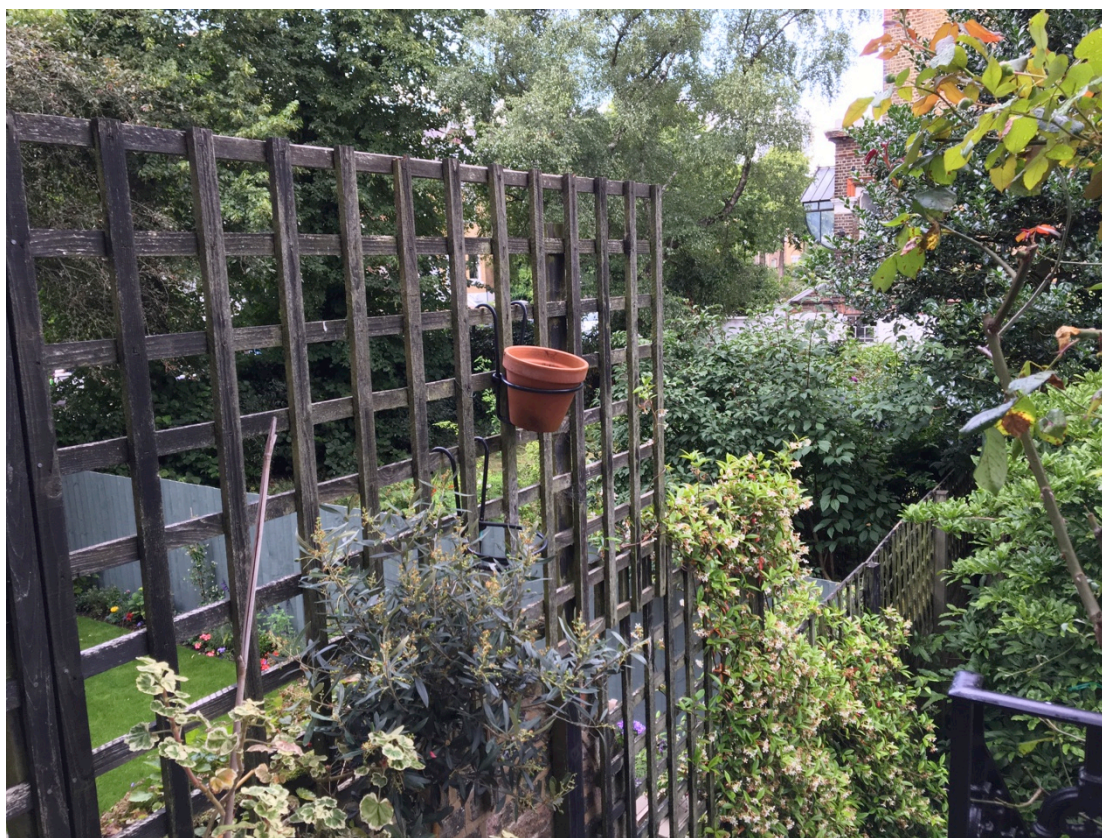
¹ Please note that the address of the site is 1 Elsworthy Terrace, despite a number of the applicant's supporting documents referring to the address as Elsworthy Road.

4. Inappropriate Plot Subdivision and Infill

The Rear Garden is a positive element within the ECA and is not a site which is suitable for infill development. The ECA Strategy summarises in Paragraph 3.7 that ‘the area’s spatial character derives from the spacious leafy streets and generously laid out plot sizes’. Furthermore, in Para.12.4, subdivision of existing plots will be discouraged where it interrupts the rhythm and form of development of both buildings and boundary treatments, or results in the loss of features that contribute to the character of the area. The proposal permanently to divide the garden of 1 Elmsworthy Terrace with a brick wall is particularly harmful.

5. Harmful Loss of Garden Space

Paragraph 6.37 of the 2016 Local Plan Submission Draft (Submission Draft) states that ‘we will resist development that occupies an excessive part of the garden, and where there is a loss of garden space which contributes to the character of the townscape’. The applicant seeks permanently to divide the garden of 1 Elmsworthy Terrace, and an ‘excessive’ part of the garden would be occupied.



The proposed development site as seen from the rear terrace of No. 2 Elmsworthy Terrace.

6. Harmful Impact on the Green Corridor and Views

The important green corridor views from Elmsworthy Road to Primrose Hill across the highly characterful rear elevations of Elmsworthy Terrace and its balconies and curved garden walls would be lost. Paragraph 13.20 of the ECA Strategy states that ‘the integral visual relationship with the complementary open rural aspect of Primrose Hill is a marked characteristic of the Conservation Area’. Paragraph 6.38 of the Submission Draft says that Camden ‘seeks the retention of important views and glimpses of green space where these have been identified in a Conservation Area Appraisal’, and this is particularly the case where ‘these views may also help to define the significance of heritage assets’. The proposed development would cause serious harm to the ECA in

terms of streetscene, disturbance to the existing rhythm and blocking of views to and from the Royal Park. The ECA Strategy refers to the overriding importance of views in and out of Primrose Hill (Paragraph 3.8), and the need to reflect and reinforce the original rhythm and density of development (Paragraph 12.4).



Green Corridor to rear of Elsworthy Terrace towards Primrose Hill as viewed from upper storey of No. 2

7. Harmful Impact on the Historic Pattern of Subdivision

Paragraph 13.20 of the ECA Strategy also emphasises that ‘the original historic pattern of rear elevations within a street or group of buildings is an integral part of the character and appearance of the Conservation Area’. The significance of the rear elevations and garden walls at the rear of Elsworthy Terrace are specifically identified in the character analysis of the ECA Strategy. Paragraph 6.40 states, ‘Another feature (of note) is the continuous balcony with cast iron railings which until recently adorned the ground floor level of the entire rear elevation of Nos. 2-6 on the east side of Elsworthy Terrace...the balconies are offset by curving walls connected to the garden level’. The loss of the important views across these rear balconies and offset walls caused by the proposed development would have a materially harmful impact on the character and setting of the ECA.



Existing views across the characterful rear elevation of Elsworth Terrace and the green corridor to Primrose Hill that would be lost under the proposals. Note the curved brick party fence walls.

8. Harmful Impact on Brick Party Fence Walls

Further consider the impact on the characterful rear party fence wall between No 1 and 2 Elsworthy Terrace. The significance of the curved garden walls to the heritage asset has been identified above. The abutment of the proposed development against the party garden fence/wall between the properties and rising substantially higher would have a harmful visual impact on this important positive element within the ECA, and the wider views identified above. The curved wall between the properties is not shown on the application drawings.

9. Harmful Impact on Historic Garden Wall fronting Elsworthy Road

It is unlikely that the brickwork would survive the construction process. Creating a new wooden gate opening through the garden wall would be harmful to the character and setting of the ECA.

10. Lack of Public Benefit

There is negligible public benefit to mitigate the harm caused to the heritage asset outlined above, as required under the National Planning Policy Framework.

11. False Use of the Garages Site to Support the Application

The applicant asserts that permission to demolish the garages behind 15 Elsworthy Terrace (the Garages Site) and to replace the garages by a house supports the principle of residential development on the Rear Garden. That assertion is false. Five unsightly single storey garages were erected on the Garages Site over 50 years ago, long before this part of the ECA was designated in 1985. By 2000 the garages were derelict and suspected of being used for illegal purposes. Paragraph 7.7 of the ECA Strategy states, 'There are no opportunity sites identified within the Conservation Area in the London Borough of Camden Replacement Unitary Development Plan adopted June 2006.' Further, Paragraph 7.8 of the ECA Strategy sets out exceptions: 'Where buildings currently detract from the appearance of the Conservation Area sensitive redevelopment may provide an opportunity for enhancement. For example, the following buildings are sites that have been identified...garages between No.15 Elsworthy Terrace and No. 25 Elsworthy Road.' When the application to replace the garages with a house was made, the granting of permission on this brownfield site was justified by Camden's adopted policy. Camden stated that it would be desirable to see the Garages Site returned to green space but, since there was no reasonable prospect of it being so returned, the next most appropriate use for the site would be a change to residential. The Rear Garden is in Camden's preferred state; it is a garden. The history of the Garages Site supports the argument that the Rear Garden should remain a garden.

12. Harmful Impact on Protected Trees

The trees on the Rear Garden protected by Tree Preservation Orders would be at risk if a house is built on the Rear Garden. For example, the applicant's arboricultural survey does not adequately address the effect of construction activity within the Root Protection Area (RPA) on the retained trees, or the effect on them of the proposed brick wall cross the site. Different rule scales appear to have been used on the map plotting the RPAs. Until the confusion is resolved, it is unclear how far the RPAs extend into the Rear Garden.

13. Harmful Impact on Ground Hydrology

There is local knowledge of substantial run off from Primrose Hill that is not mentioned in the application. Those excavating the house on the Garages Site pumped out water for six months before it could be controlled. The basement garage below the flats at 17-19 Elsworthy Road used to flood

regularly prior to remedial work. There are two seasonal springs on the slope of Primrose Hill facing Elsworthy Road. We believe that the borehole investigation is flawed. In the desk top report from the hydrologists a number of boxes have been ticked, we believe incorrectly. The distance from the spring on Primrose Hill to the Rear Garden is less than 100 metres. If a sub basement were to be built on the Rear Garden abutting the garden wall at almost its full length, it is highly probable that water would be held back and would at times have a detrimental impact on the garden of 2 Elsworthy Terrace and even more importantly on the lower ground floor of 2 Elsworthy Terrace.

Some two years ago we examined the drainage charts for Primrose Hill in the Royal Parks' Office in Regent's Park, and these confirm that the north facing slope of Primrose Hill was never drained. The only drainage that exists is from the sports ground on Primrose Hill into the north west corner of Primrose Hill where there is evidence of a tributary of the Tyburn River. We have not yet carried out a professional review. However, local knowledge confirms the above.

14. Harmful Impact on the Amenity of the ECA

Construction would cause an unacceptable harm to amenity within the neighbourhood. The building of a house on the Garages Site took three years, and caused much distress, noise and disruption to residents and visitors to the area. Loss of parking, danger from construction vehicles to pedestrians, cyclists and park visitors are some of the issues.

15. Lack of Construction Plan

The applicant has not filed a meaningful Construction Plan. Any building on the Rear Garden will seriously affect pedestrian access to St Paul's Primary School and Primrose Hill, and reduce parking availability. It will require portacabins and a generator running all day and months of trucks collecting excavated clay, and cement mixers for a lengthy period of time. Water pumping lasting for some months (as occurred at the Garages Site) is also likely to be necessary.

In principle, there should be no building on the Rear Garden. This unacceptable intrusive and insensitive proposal would harm the residential amenity of the area and in particular that of the immediate neighbours at 2 Elsworthy Terrace.

Having set out why there should be no building on the Rear Garden we must comment on the proposed building and its effect on our neighbours and us.

16. Poor Design Quality

The overall design is of very poor quality and bears no understandable relationship to the character and setting of the Conservation Area in terms of its form and materiality. The strong vertical emphasis to the architectural detail and fenestration is entirely counter to the 'low lying' ambitions of the design and the use of substantial amounts of green roofing and walling is alien to the defined material characteristics of the Conservation Area as outlined in the ECA Strategy.

The first floor projection (3.5 metres above the existing garden party wall line) projects a very top heavy appearance as a result of the strong vertical articulation.

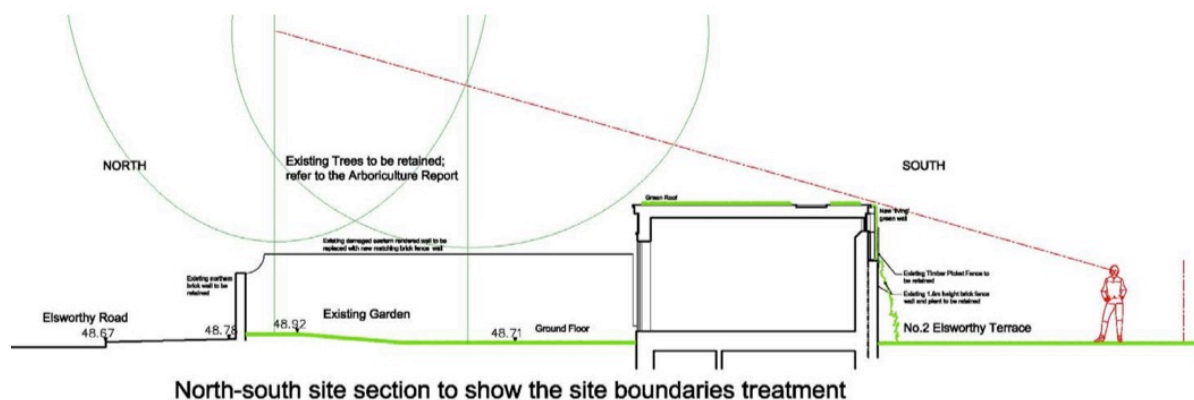
The design relies far too heavily on covering the building with green roofs and floral walls to compensate for the gross loss of outlook from neighbouring properties. This is a highly naive, insensitive approach to designing within an important established townscape where long natural green

The reliance on basement excavation and a deep lightwell to provide sufficient accommodation is clearly overdevelopment. The quality of accommodation would be poor and is not acceptable in design terms. The reliance on glazing adjacent to the property boundary is a reflection of poor design quality.

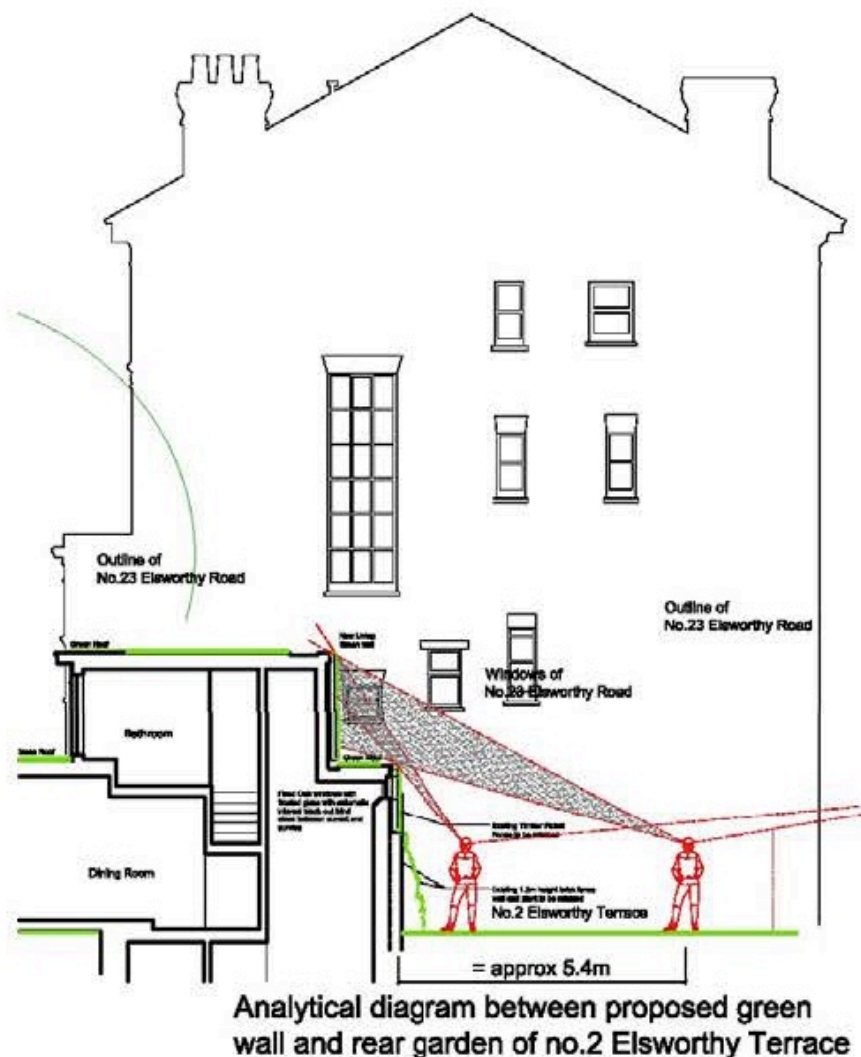
17. Loss of Amenity to 2 Elsworthy Terrace.

The raising of the boundary wall by over 1.5 metres and a development height of over 5 metres within one metre of the property boundary is gross overdevelopment of the Rear Garden, will substantially harm the amenity of 2 Elsworthy Terrace, and will provide an excessive sense of enclosure and entrapment to both the house and garden of 2 Elsworthy Terrace. This will also result in the substantial loss of daylight from the rear of our house, in particular at lower ground floor level.

The proposals to provide six windows immediately adjacent and above the existing party fence/wall (resembling public convenience architecture) would lead to a rights of light easement over our property that is not acceptable to us; we would legally contest this. Furthermore, the basement construction would result in the likely collapse of the party/fence wall (over 14 metres) and the curved wall between 1 and 2 Elsworth Terrace. The substantial green walls proposed adjacent to and above the existing brick party fence wall, and even growing through the trellis on the fence wall, would be a visual eyesore from our garden and would be unmaintainable without accessing our property. The proposals to provide the six south facing windows would cause light pollution and a substantial loss of privacy to our rear living accommodation, balcony/terrace at raised ground level and patio garden beneath the balcony steps. Frosted glass will not mitigate against this loss; it is unsightly and suitable only for public conveniences. Reliance on automatic closing blinds to control light spillage into the garden of No 2 lacks both integrity and sustainability.



The above diagram of the boundary treatment to No. 2 Elsworthy Terrace from the submitted Design and Access Statement (3.2) demonstrate the unserviceable nature of the green party wall, the misleading representation of the existing wall height and and the illegal nature of the boundary clerestory glazing adjacent to the garden of 2 Elsworthy Terrace.



The above diagram of the boundary treatment to No. 2 Elsworth Terrace from the submitted Design and Access Statement (3.4) demonstrates the substantial sense of enclosure and loss of outlook to the garden that would be caused by the development. The first floor projection is only 1 metre from the property boundary.

18. Inappropriateness of Basement Construction

Basements require lightwells and continuous ventilation. Light pollution and noise are likely to result. The creation of a multi-level basement on the property boundary would have a harmful impact on the historic party/fence wall, the hydrology of the site, and the use of the neighbouring garden at No 2, with the consequent threat to its mature trees and shrubs. The impact of this scheme would render it impossible for us and any future owner to return the garden to the one which our family have enjoyed for almost half a century.

19. Inaccuracy of the submitted drawings

The submitted drawings are inaccurate and misrepresentative in the following ways:

The height of the party fence wall between the development site and No. 2 Elsworth Terrace is drawn as 1.8m high, and this dimension is confirmed in the Design and Access Statement (Para. 3.2).

The existing wall is in fact 1.3 - 1.5m high (measured from both sides). The inaccurate and misleading drawings therefore show a much reduced impact of the development on the existing party fence wall than would be the reality. The boundary will be raised to 3m high which is twice the height of the existing brick garden wall at its highest point. While the submitted drawings have sought to reduce the apparent height by **falsely** raising the existing wall, the photograph below demonstrates the height of the development relative to the existing party fence wall.



The 3m high single storey corner of the proposed development as viewed from the rear terrace of no. 2 Elsworthy Terrace. The first floor level (an additional 2m in height) is set back just 1m from this boundary.

The ground floor windows to the boundary to No. 2 Elsworthy Terrace are not indicated on the ground floor plan

The materials to the recessed panels of the west elevation are not indicated on the elevation and could be interpreted as glazing, which would cause a significant infringement of privacy.

The roof plan includes no service penetrations, which would almost certainly not be the case for this type of basement development.

We urge Camden to REJECT the application, and in particular make clear that Camden will not ever permit a dwelling to be built on the Rear Garden of 1 Elsworthy Terrace.

Yours Sincerely

John T. Bach

Hilary R. Bach