



Dear Tessa

As you are aware, I am one of the councillors for Frognal & Fitzjohn's ward, LB Camden and write to register an objection to the planning application 2016/4136/P, 9 Maresfield Gardens.

Please note that a number of concerned residents have contacted me about this application and members of the Netherhall Neighbourhood Association (NNA).

In addition to the case specific points below (in no particular order) it is important to residents that Camden understands the concerns about more development on Maresfield Gardens generally.

There has been almost permanent construction works for the last six years at the lower end of Maresfield, including the large South Hampstead School development, St Thomas' church development and the building at Number 2 being left unfinished or in various states of construction for many years. On the Finchley Road behind the site, Holy Trinity church wants to develop and residents tell me that 120 Finchley Road has caused land slippage at the rear of 11 Maresfield. This noise and disruption is all in addition to the extensive traffic congestion, school traffic and the numbers of school children in the area. There is already a feeling of significant loss of amenity and enjoyment for people in their homes on this street.

Design

The design quality of the proposed application is a serious concern for residents in this conservation area - with the balconies, railings and Windows spiking particularly concern. Reference to the conservation area statement, DP 24 and 25 and the Core strategy requiring high quality.

It is largely felt that this plan is following errors made in well known previous planning mistakes and where retrospective applications have been taken by developers that would not have got through in the first instance. Residents are anxious to avoid more errors in design for fear of setting precedent and require Camden to apply their rules stringently.

Overlooking

This is a built up residential area. The residents feel that all efforts should be made to protect privacy wherever possible and the proposed Windows will cause overlooking for properties number 11 and 7. Reference DP26, privacy, enjoyment of home.

Green space

The loss of two trees, damaging the street scape and loss of green space is not considered acceptable for the sake of this scheme. The residents live by a busy main road with high pollution levels. They value their green space and the proposal to extend to the rear will reduce the garden and the loss of open green land.

Structural work and scale

There scale of the proposed development should be challenged. Notwithstanding the impact on the neighbours, the extensive structural work both internally and externally while residents remain occupying the property is a worry. Sadly NNA residents experienced this happening to a neighbour at Number 2 Maresfield gardens, as the neighbour had to move out temporarily but ended up having to sell due to the construction not being completed.

Granting permission at Number 9 while Number 2 remains unfinished (after c8 years) could cause a significant eyesore and further difficulties for the community and their amenity. You will have seen that the NNA who represent people on the street 'urges the Council to consider at a policy level the serious implications of granting a similar application for major building works to be carried out beneath occupied homes'.

Basement

There has been confusion about the property and 'basement'. There is no existing basement to convert. The proposal seeks to excavate a new basement, which is also outside the original footprint of the building and poor lighting to the proposed space below ground. Residents have made reference to DP 27 and Camden's efforts to restrict and define basements and the much awaited Local Plan.

As mentioned above, residents have reported land slippage at the rear of 11 Maresfield Gardens and due to the development at 120 Finchley Road. Residents require an up to date investigation into this issue in connection with the proposed basement excavation at number 9. It is not accepted that this site can withstand the vibration and weakening of the area, nor that it is appropriate that there should be such an impact on neighbours DP26.

Access

There is no disabled access to the accommodation. Residents have referred to previous decisions by Camden where they have rejected other applications in this street, such as 2012/6617/P, where the applicant "has failed to demonstrate that the development would comply with Criterion 5(b) of the Lifetime Homes standards contrary to policy CS6 Providing quality homes and DP6 Lifetime Homes and Wheelchair Homes of the London Borough of Camden Local Development Framework Core Strategy and Development Policies."

There will be no space for disabled parking or any parking on the street should parts of the property be sold or let to people needing such facilities in the future. This is not the wide street the plans want the reader to believe. It is heavily parked and busy, often with two cars unable to pass one another.

Transport issues

Residents have noted that the cycle area is not easily accessible for bikes and this increases the fear that the car less development will not hold water immediately or into the future.

I have already raised the congestion issues for the area, the hundreds of school children and ongoing construction projects. Any construction management plan for a basement excavation would be a nightmare to arrange with trucks only being permitted at very limited times, thus extending the development period, noise, dust, disruption and unpleasantness for the street.

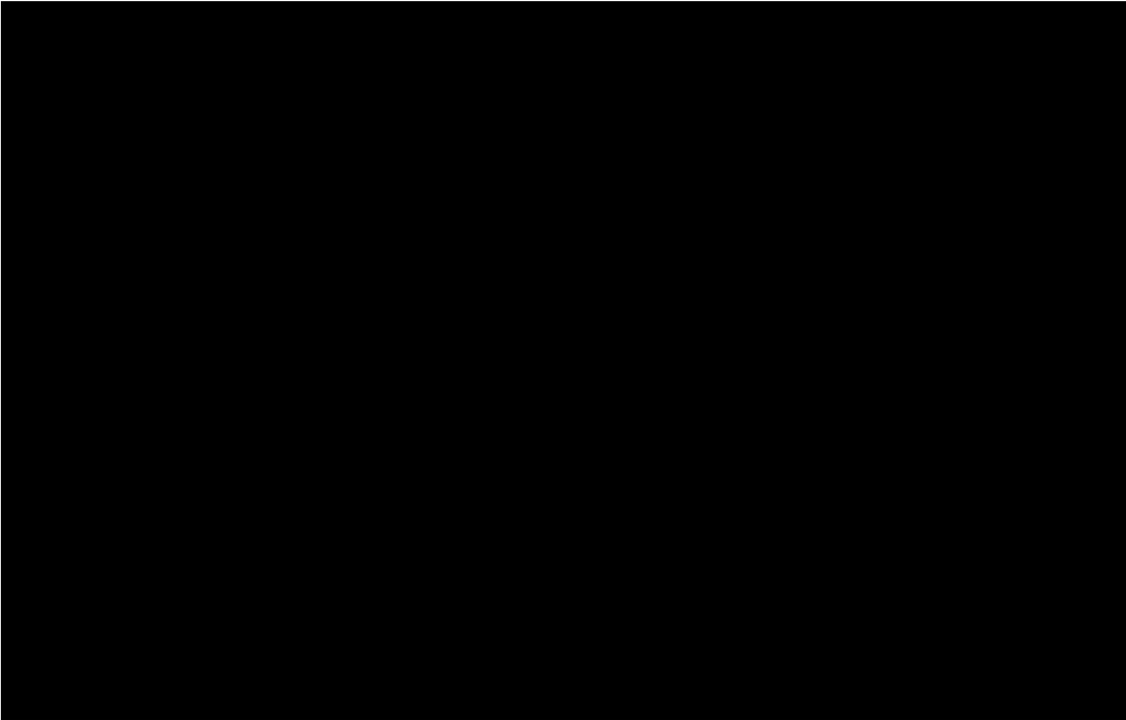
If you have any queries, please do not hesitate to contact me.

Kind regards

Siobhan

Cllr Siobhan Baillie
Frognaal & Fitzjohns Ward
Conservative

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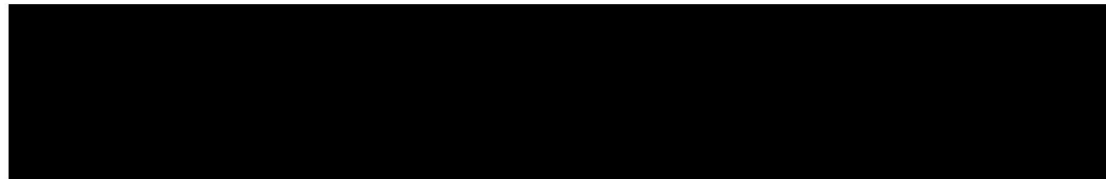


Dear Ms Craig

In addition to the letter I sent on 23 September (which has been included on the website) please see the two further concerns I mentioned in my email below, which do not appear to have been uploaded to the site. If possible, I would be grateful if you could put those two further concerns, relating to 2 Maresfield Gardens and the Garden amenity space, onto the website related to this application.

Best wishes
Derek Spitz

Begin forwarded message:



Dear Ms Craig

RE 2016/4136/P - 9 MARESFIELD GARDENS

Please find attached a letter further objecting to the planning application. I would be grateful if you could add it to the documents on the website concerning the application and arrange for it to be addressed when the application is considered.

In addition to the attached letter, and to my earlier email of 26 August 2016 objecting to the proposed development, I have two further concerns that I would like to raise as they are also relevant to our objection to the proposed development:

2 Maresfield Gardens

I understand that in September 2008 planning permission was granted (2008/2288P) for similar major works at 2 Maresfield Gardens whilst the separate owner of the top flat remained in occupation. The result has been very unfortunate. Based on the objection submitted on 29 August 2016 by the Netherhall Neighbourhood Association and my own observation, I understand that 8 years after approval was given the building is unfinished and derelict and I understand that the owner of the top flat, after having to move out while the works took place, was then forced to sell the flat and relocate because it was unsafe and uninhabitable. I have serious concerns that our flat is threatened by a similarly grave risk and suggest that this unfortunate situation should inform the council in considering the planning application. It is not at all clear how the applicant proposes to carry out works underneath flats that are occupied and I am not aware that this has been addressed in any, let alone a satisfactory, way.

Garden amenity space

It appears to me that the proposed development will have a substantial impact on the garden amenity space to which our flat currently has access. I understand that the proposed new units will reduce the garden space and extend beyond the existing footprint. It is also not clear whether access to the garden, to which our flat is entitled, will be reduced. I understand that if our flat would have no access to the garden space this loss of amenity would be contrary to Camden's planning policies. In any event the loss of green space and its impact on our use and enjoyment of the property remains a matter of serious concern, and a further ground for objecting to the proposed development.

Please confirm receipt of this email and attached letter.

Best wishes
Derek Spitz

On 16 Sep 2016, at 16:49, Craig, Tessa
<Tessa.Craig@camden.gov.uk<mailto:Tessa.Craig@camden.gov.uk>> wrote:

Good Evening,

Re: 2016/4136/P - 9 Maresfield Gardens, NW3 5SJ- Excavation of basement extension to existing semi-basement to create four new dwellings comprising 1x 2 bed and 3 x1 bed units and ground floor rear extensions with roof lantern to allow rearrangement of existing dwellings to provide 2 x 3 bed units with rear balcony/terrace and staircases.

I am writing to let you know that the Basement Impact Assessment Initial Audit Report, prepared by Campbell Reith Consulting Engineers, is now available to view on our website (Search for a planning application<<http://planningrecords.camden.gov.uk/Northgate/PlanningExplorer17/GeneralSearch.aspx>>).

If you would like to comment on the initial Audit Report, you have 10 working days to do so (last day for comments will be 30th September 2016). Any comments will be forwarded to Campbell Reith for incorporation in their Final Audit Report, the final audit will be available to view on our website after the 10-day review period.

Regards,

Tessa Craig
Planning Officer
Regeneration and Planning
Culture and Environment
London Borough of Camden

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For the attention of Ms Tessa Craig

Dear Sirs

Town & Country Planning Act 1990 (as amended)
Objection to planning application (reference 2016/4136/P) at 9 Maresfield Gardens

I write to object to the proposed development at 9 Maresfield Gardens. I am a trustee of the Dugbar Trust which owns Flat C at 9 Maresfield Gardens.

I have a number of concerns about the proposal which includes some significant planning issues which in my view are a breach of the development plan. A number of the planning application documents appear to suggest that the application is on behalf of all of the owners and is part of a complete renovation of the property. This is not the case and there are a number of owners, including the Dugbar Trust who knew nothing of the application until it was made and we were notified by the Council.

My main concerns are:

1. Inaccurate Construction Management Plan;
2. The mix of units;
3. The introduction of lightwells;
4. Poor daylighting;
5. Material proposed for rear staircases;
6. Noise and light spillage from the proposed new outside spaces.

I set these concerns out below.

1. Construction Management Plan (CMP)

The authors of the CMP appear to have fundamentally misunderstood the proposed development. They seem to consider the proposed works as if the whole building is being redeveloped. That is not the case as the top two floors are in separate ownerships and these flats will remain occupied. The key failures of the CMP are:

- It fails to acknowledge that the nearest noise sensitive receptors are in the property itself and not in neighbouring properties;
- There has been no dialogue with neighbours or other flat owners which is a requirement of the first stage CMP;
- There is no consideration of construction impacts on residents of the building who are not part of the application and as such will be in occupation throughout the works. Such substantial works would make the remainder of the property uninhabitable in my view. There is nothing in the CMP to suggest that occupation during the works is in any way manageable;
- The noise, vibration and dust will make the occupation of the Dugbar Trust's flat uninhabitable for any residential use. The trust currently has a tenant in occupation and intends to continue renting the flat out for some time. It owns the property for my children. My eldest son who is a full time student will, in due course, be using the property to live and study in. The existing (and future) tenant, and in due course my son, should be able to expect reasonable environmental conditions to be able to use this property for such a residential use;
- The CMP proposes hoarding around the entire house to reduce the effects of noise and dust on neighbouring properties clearly ignoring the fact that large parts of the property will be occupied throughout the works.

2. The mix of units

The proposed development would fail to deliver the accommodation that is most in need. The planning forms have been filled in incorrectly. The forms show a reduction from seven existing units to four proposed units. The forms also fail to show the actual number of flats that are currently within the building.

What is proposed is that the housing units that are most in need (larger units) are being lost and in their place are smaller units, specifically one bedroom flats of which three are proposed. If this space is being developed then it should be providing housing that meets the housing need as identified in LB Camden's Policy CS2 and DP2.

As the proposal fails to deliver or justify a departure from the Council's policies and there are no other material considerations to support such a departure then the Council would need to refuse the application on the ground of poor housing mix.

3. The Introduction of Lightwells

The extensive subterranean development requires the introduction of a large number of lightwells on all sides of the existing house. These would cause significant harm to the character of the house in particular in views of the front of the property where the house will be dominated by railings. In my view this overdevelopment harms the building and is a harmful addition to this side of Maresfield Gardens.

4. Poor Daylighting

The design of the additional development results in poor daylighting to the basement and ground floor areas. The submitted daylight and sunlight report confirms that the proposed daylight of the habitable rooms would fail to meet LB Camden's policy on this matter.

The submitted daylight and sunlight report does not take account of the proposed planted trellis along the north side of the basement flats. This is designed to reduce the impact of overlooking. In order to fulfil that function it would need to be sufficiently dense to reduce the amount of light that these rooms would receive.

The application should therefore be refused on the ground of failing to meet the natural light standards set out in LB Camden's CPG2.

5. Material Proposed for the Rear Staircases

The proposal includes two new external stair cases to the rear of the property. These are both proposed as metal and painted black. In my view this would be a poor quality design resembling an emergency fire escape from the back of a shop, office or a hotel. There must be a better design solution to this and possibly one that requires just one set of steps or none at all.

If the mix of units were to be more compliant then the applicant would be able to consider duplex units with integrated stairs within apartments. This would remove the need to have such an external manifestation of the inadequate internal layouts.

6. Noise and light spillage from the proposed new outside spaces

The increase in the number of units and the amount of private amenity space created in lightwells and balconies would impact on the enjoyment of the existing occupiers. The incorporation of large lantern style light would create light spillage to the rear upper floors.

Conclusions

The Council must consider the fact that the proposed development relates only to the lower half of an occupied block of flats. The extensive remodelling and basement digging below and around the property would make the use of the upper floors uninhabitable.

The planning application contains errors on the planning forms and the CMP appears to be based on a scheme of comprehensive refurbishment and extension which is not what is proposed.

Further the application has failed to respond to key issues identified in the pre-application reply from LB Camden (ref 2015/6846/PRE, dated 4 March 2016). This includes the residential mix, daylighting of the proposed units and neighbouring amenity.

The combination of errors in the planning documents and failing to adhere to key planning policies would indicate that LB Camden should refuse the application. Any permission granted on the basis of what has been submitted would risk being subject of a legal challenge.

I hope the Council will do all that it can to resist such inappropriate development and I would be happy to show officers or members around the Trust's property so that it can be seen what parts of the converted house are not part of the application and where I feel the impacts would be unbearable.

Yours faithfully

Derek Spitz