

**PROPOSED CHANGES TO REDEVELOPMENT AT 264-270 FINCHLEY ROAD (APPLICATION
REFERENCE:- 2016/5121/P)**

REPRESENTATIONS BY AJAY JAIN (OWNER OF 272 FINCHLEY ROAD)

OCTOBER 2016

Introduction

Please note my objections as, Ajay Jain, owner-occupier of the house to the rear of the proposed development (272 Finchley Road; a recently completed two storey development following a planning permission that was issued in 2010).

The changes to redevelopment proposals have been advanced with little, if no consideration, of their impact upon the amenities enjoyed by me, my family, neighbours, and to the environment.

Furthermore, there are a number of serious design flaws in the approach. As a result there are a number of policy breaches that occur both at national and local plan level.

This report sets out my concerns which can be summarised below. Please refuse this request which had been turned down by planners initially due to a huge number of conflicts including following:

- Contradiction to planning permission and the rejections to conditions in past
 - Impact upon residential amenities
 - Impact on other neighbours
 - Contradictions to precedent decisions by council
 - Design
 - Greenery and Bio-Diversity
 - Documentation errors / incomplete documentation and reports
 - The development does not own right to the access road – which would have made it impossible to get planning permission to build such massive development in such a tiny land.
- The site location thus shown on the new plan is incorrect (See Appendix 1).**

Please also note that this was one of the most unpopular developments with the neighbours and associations

- About 28 neighbours from all around had put in rejection comments, most are yet to receive letter for these changes. (See Appendix 2)
- 3 Local Neighbourhood Associations also raised the objections;
- 3 Councillors voted against giving the planning permission;
- Since then, the development no longer owns right to the access road, which would have made it impossible to get planning permission to build such massive development in the given size of land area.

This plan was approved over the years and taking into account minute details, all requests to changes of any element should not be given without full planning permission, independent reports on NO2, noise, sunlight, councillor voting and full consultation.

1. New side balcony (See Appendix 3)

- Further loss of Greenery and Green roof: The new plan is making balcony where there was a green roof. This change in development will compromise further the greenery. The highly visible hard landscaping is inappropriate for an area noted for its front gardens and susceptibility to flooding. The requested change should be turned down due to conflict with the stated rules (DP 19.8, CS 14.18, DP 23.7, DP 24.1, DP 25.3, DP 19.8, DP 23.7, DP 23.8)
- There will be increased Noise pollution for all the surrounding properties and this should be taken into account.
- Overlooking for 272 FR, 38 Heath Drive: The changes will add to severe overlooking and loss of privacy, daylight and sunlight for number 272 (DP 26.3). This would also conflict with CS5 (Managing the impact of Growth & Development) and DP26 (Managing the impact of Development on Occupiers & Neighbours).
Also outlook from principal rooms will be greatly reduced with a significant resultant loss of sky view, being blocked out by the proposed development. The weight that should be given to this issue is increased due to the single aspect nature of my development as recognised in the Council's SPG. Appendix 8 covers this.
- NO2 level: The development already adds to pollution and congestion on highly polluted Finchley road, where NO2 levels regularly exceed the maximum permitted (CS 16.16, DP 17 and DP 18). Allowing additional balcony without appropriate NO2 impact report and taking into account health of those who would occupy should be avoided.
- Heat Loss and impact on the energy efficiency are not looked at and should have an independent report as well.
- Submission of this change, at minimum should compare and contrast with the impact by having an independent Noise Report, NO2 Report, Energy Efficiency report and Sunlight/ Shadowing report. I don't see that any such reports have been submitted, especially these contrasted with the previous reports done to get planning permission for this development.

2. Loss of Balcony towards 272 Finchley Road (See Appendix 4)

- This leads to loss of Amenity space: the amenity space which is already compromised as noted in planning officer's report. This is in conflict of DP24 (Securing high quality design) and the particular breach is: Proposals continue to fail to provide appropriate amenity space (Clause H).
- Design to keep with the rest: Taking this away and increasing the bulk of the house will be in conflict with several policies including Paragraph 64 of the NPPF is particularly relevant which states- 'Permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area and the way it functions.' This inappropriate bulk and scale would be highly disruptive of the sense of rhythm of this residential area. This change is does not follow (CS 14, CS 14.25, DP 24.13, DP 24.15, DP 24.19, DP 25.2, DP 25.3, DP 25.8, DP 24.7, DP 24.13, and DP 25).
- For both 262 Finchley Road, where you already have objections, and 272 Finchley Road where this is the objection, one of the important reason for setting back and not providing balcony was to ensure that there was less overlooking. The current proposal is in conflict of severe overlooking and loss of privacy, daylight and sunlight for number 272 (DP 26.3). This would also conflict with CS5 (Managing the impact of Growth & Development) and DP26 (Managing the impact of Development on Occupiers & Neighbours).
- This is a deliberate measure to increase floor area internally and should not be allowed given serve impact on existing neighbours and potential buyers.

3. New Balcony in top floor (see appendix 5)

- This will create severe congestion and overlooking for 262 and 272 Finchley Road.
- Design not in line with other building due to introduction of glass on top floor as opposed to bricks that characterise the existing buildings (including new 38 Heath Drive building): Paragraph 64 of the NPPF is particularly relevant which states- 'Permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area and the way it functions.' This inappropriate bulk and scale would be

highly disruptive of the sense of rhythm of this residential area. This change is does not follow (CS 14, CS 14.25, DP 24.13, DP 24.15, DP 24.19, DP 25.2, DP 25.3, DP 25.8, DP 24.7, DP 24.13, and DP 25).

- NO2 level: The proposed changes to development will add to pollution and congestion on highly polluted Finchley road, where NO2 levels regularly exceed the maximum permitted (CS 16.16, DP 17 and DP 18). Allowing additional balcony without appropriate NO2 impact report and taking into account health of those who would occupy should be avoided.
- There will be increased Noise pollution for all the surrounding properties and this should be taken into account
- Submission of this change, at minimum should compare and contrast with the impact by having an independent Noise Report, NO2 Report, energy efficiency report and Sunlight/ shadowing report. I don't see that any such reports have been submitted, especially these contrasted with the previous reports done to get planning permission for this development.

4. All fixed windows changed to open (see appendix 6)

- This will create a high level of Noise pollution for 272 Finchley Road, 262 Finchley Road, 37 Heath Drive and 38 Heath Drive properties. The planners had taken specific steps to convert the opening windows into the fixed ones due to the impact on the noise level and pollution. This is an attempt to reverse the earlier decision and hence should not be allowed.
- The proposed glass extension would result in light pollution, which would be harmful to birds and bats and without a complete assessment on the impact on wildlife this should not be allowed.
- This would need a Noise pollution report to compare and contrast with previous.
- The impact of high level of NO2 and impact on MVHR efficiency has not been considered in the submission. The proposed changes to development will add to pollution and congestion on highly polluted Finchley road, where NO2 levels regularly exceed the maximum permitted (CS 16.16, DP 17 and DP 18).
- Energy efficient has been a big reason for awarding this property the planning permission. The Heat loss due to these changes have not been covered neither has the energy strategy described compared and contrasted with and without the changes. These need to be taken into account as these changes make the building less energy efficient.
- The changes in design and in particularly making the windows open is not in line with design of any of the buildings surrounding: Paragraph 64 of the NPPF is particularly relevant which states- 'Permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area and the way it functions.' This change is does not follow (CS 14, CS 14.25, DP 24.13, DP 24.15, DP 24.19, DP 25.2, DP 25.3, DP 25.8, DP 24.7, DP 24.13, and DP 25).
- This change will also lead to severe overshadowing of the amenity space and will have impact on plants and bio diversity due to overshadowing. This change in development will compromise further the greenery and the highly visible hard landscaping is inappropriate for an area noted for its front gardens and susceptibility to flooding. The requested change should be turned down due to conflict with the stated rules (DP 19.8, CS 14.18, DP 23.7, DP 24.1, DP 25.3, DP 19.8, DP 23.7, DP 23.8).
- At minimum these changes should have been submitted comparing and contrasting with the impact by having an independent bio-diversity report, Noise Report, energy efficiency report, NO2 Report and Sunlight/ shadowing report. I don't see that any such reports have been submitted (a minimum requirement), especially these contrasted with the previous reports.

5. **Height:** Please note the information submitted is insufficient to determine the height problem. I have picked this up from the other submissions from individuals who have been in the industry and have taken their comments as being correct. If this is correct, then a new submission with height comparison (as shown in Appendix 7) should be done at minimum and a full consultation needs to be done with neighbours. Also we would need to understand why Council will go back

on all the work it had done over the years to restrict the height in the first place. This is a major concern for us, if true and should be done as a separate submission.

- Proposed increase in height will lead to serve loss of Sunlight for 262 and 272 Finchley Road without providing an independent assessment of such loss of sunlight. The changes will add to severe overlooking and loss of privacy, daylight and sunlight for number 272 (DP 26.3). This would also conflict with CS5 (Managing the impact of Growth & Development) and DP26 (Managing the impact of Development on Occupiers & Neighbours). Also outlook from principal rooms will be greatly reduced with a significant resultant loss of sky view, being blocked out by the proposed development. The weight that should be given to this issue is increased due to the single aspect nature of my development as recognised in the Council's SPG. Appendix 8 covers this.
- There will also be massive overlooking issues for 38 Heath Drive and 37 Heath Drive. 37 Heath Drive has objected to the development as would have similar concerns due to increased height
- Design impact of such massive bulk is already in conflict with and will add to conflict with Paragraph 64 of the NPPF is particularly relevant which states- 'Permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area and the way it functions.' This inappropriate bulk and scale would be highly disruptive of the sense of rhythm of this residential area. Currently it does not follow (CS 14, CS 14.25, DP 24.13, DP 24.15, DP 24.19, DP 25.2, DP 25.3, DP 25.8, DP 24.7, DP 24.13, and DP 25).
- At minimum these changes should have been submitted with comparison and contrasting with the impact by having an independent Noise Report, NO2 Report and Sunlight/ shadowing report. I don't see that any such reports have been submitted (a minimum requirement), especially these contrasted with the previous reports.

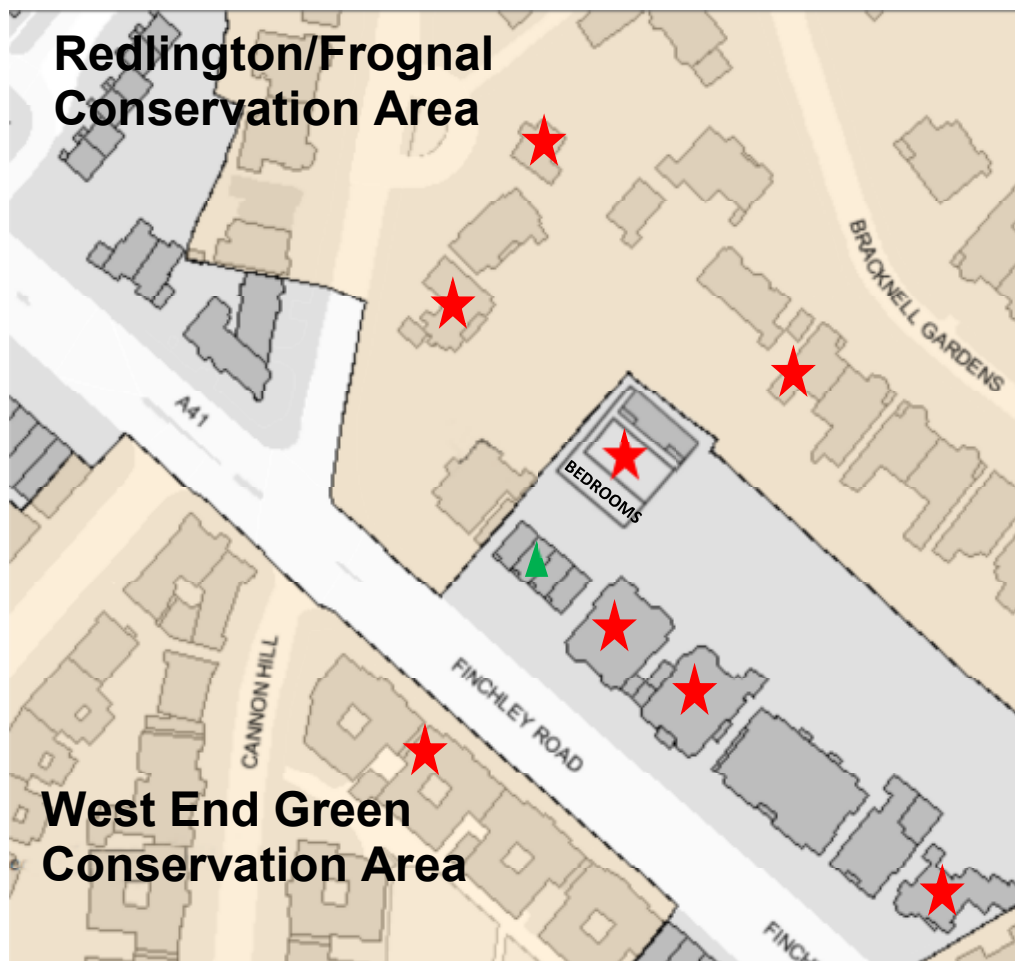
APPENDIX 1

Please note the area denoted in Yellow is now owned by 272 Finchley Road and not by the development anymore. The exact land details have been filed and accepted by the Land Registry



APPENDIX 2

Conservation Area and Neighbor objections



Total Objections 28 neighbours and 3 local societies.



Nearby Neighbours who have raised objections



Proposed site: 264-270 Finchley Road

APPENDIX 3

APPROVED PLAN AT FLOOR 2(with LGF, GF) (with green Roof clearly marked for the space above the Dormer in dark green). This has been taken from the approved drawing detailed floor plan.



NEW SUBMITTED PLAN (2016/5121/P) SHOWS BALCONY IN THE SPACE DESIGNATED FOR GREEN ROOF



APPENDIX 5

APPROVED PLAN with brick work bringing consistency with other buildings.



NEW SUBMITTED PLAN (2016/5121/P) SHOWS NEW GLASS BALCONY AND STRCUTURE



APPENDIX 6

APPROVED PLAN shows fixed pane windows consistent with noise issue.



NEW SUBMITTED PLAN (2016/5121/P) SHOWS ALL OPEN WINDOWS THAT WAS SPECIFICALLY NOT ALLOWED DUE TO VARIOUS FACTORS



APPENDIX 7

Example of height comparison submitted with the previous application for this same site. Refused scheme was much higher, we would like to avoid that being pushed through the back door by the developer

