

10 Fitzroy Park
London N6 6HU

Ms K Phillips
Regeneration and Planning
London Borough of Camden
5 Pancras Square
London
N1C 4AG

23rd November 2016

Dear Ms Philips

4 The Hexagon, Fitzroy Park, N6 6HR – 2016/3252/P

As indicated in our recent email, we continue to maintain our objection to this application.

There is nothing in the letter of 18 October 2016 from SOUP or in the additional material provided that suggest any significant alteration to their proposals. The submissions on our behalf by Aparcar Smith Planning in their letter of 26 July 2016 to you remain.

Having now also reviewed the additional material we wish to add the following for you also to take into account

“Private amenity space”

SOUP still fail to recognise that our garden is a “private amenity space”. They continue to refer to our garden as “open space”. See para 2.c of SOUP’s letter and page 3 of Aparcar Smith Planning’s letter of 26 July 2016.

“Overlooking” from 4 The Hexagon

SOUP also state, at para 2.c , that their proposals do not create a sense of overlooking more than what is currently established.

This is simply not so. As Aparcar Smith Planning state , at page 3 of their letter, whatever overlooking currently exists , the proposals will significantly exacerbate this by bringing the building closer to our boundary , with increased glazing, change of orientation and terraces at two levels.

Please look once more at the photographs accompanying Apcar Smith Planning's letter (we attach further copies) as well as SOUP's plans 292_320_S00 (Existing South Elevation) and 292_330_S00 (Existing West Elevation) and compare with plans 292_403_PL00 (Proposed Visualisation from Adjoining "Open Space") and 292_400_PL00 (Proposed Visualisation from SouthWest)

Please also reread "Impact of Proposals specifically on 10 Fitzroy Park" at page 2 of Apcar Smith Planning's letter referring to the considerable full height and width glazing on the proposed first floor facing our property; the proposed full "wrap around" height and width glazing on the ground floor facing or with views of our property; and the proposed terraces with further views of our property.

The minor changes that SOUP refer to at para 2.c of their letter and on their new plans 292_101_PL02 and 292-_111_PL02 (as compared to original plans 292_101_PL00 and 292_111_PL00) are insignificant given their overall proposals.

The fact that our garden is already overlooked is not an excuse or justification for that overlooking to be exacerbated: which is exactly what would occur were this application to succeed.

Also at para 2.c , SOUP refer to their planting proposals which *"together with the mature trees of T8, T9 and T10 also add a greater sense of privacy"*

Even were the trees to which they refer to slightly to assist in providing some privacy during the Summer months, they would make no difference in Winter months.

Planning Appeal ref : PL8802237

In their letter of 26 July 2016 at pages 3/4 Apcar Smith refer to and quote from the Inspector's decision in 1989 concerning planning application PL/8802237 upholding your Department's rejection of No.4's application for erection of a roof extension and creation of a roof terrace

" The most important objection, however, lies in the impact which the use of the proposed terrace would have on the enjoyment of those adjoining properties. It would enable its users to benefit from immediate views of the gardens to the north-west and south-west and overlook the hitherto comparatively secluded grounds and dwelling of No. 6 The Hexagon, to the south-east".

The only property to the south-west that could have been overlooked would have been 10 Fitzroy Park.

We urge you to re-read that decision, including the sentence that follows the passage quoted by Apcar Smith:

“ the proposed extension and its terrace would be unduly overbearing and detrimental to the privacy of the neighbouring properties”

followed by reference to the

“adverse impact which this development would have on the enjoyment of the adjoining dwellings. I conclude that the proposed addition would harm and not enhance the character of the area and it would be so unneighbourly that it would create a clear cut objection of such demonstrable harm”

We would also remind you that in 1988-1989 when Camden refused application PL/8802237 on grounds including “overlooking” 10 Fitzroy Park and maintained their refusal when the applicants appealed, Camden held 10 Fitzroy Park under a charitable trust (see below). It would be contradictory and inconsistent, now that 10 Fitzroy Park is no longer in the legal ownership or trust or responsibility of Camden, but now in private ownership, for Camden now to allow this proposal to proceed and for No. 4 to have unrestricted and increased “*overbearing, detrimental and unneighbourly*” views into our garden and towards our house.

6 The Hexagon, Fitzroy Park Heathfield Park, Merton Lane

SOUP refer, at para 2.d, to “ overlookingcurrently established by no. 6 The Hexagon or the new developments off Merton Lane”

There is only one property off Merton Lane that overlooks our garden, namely Heathfield Park.

The first and obvious point to make is that 4 The Hexagon is nearer to our house and terrace than either 6 The Hexagon or Heathfield Park and its current construction nearer to the boundary wall of 10 Fitzroy Park.

The existing glazing on the side of 6 The Hexagon is considerably less than what currently exists at 4 The Hexagon, let alone what the applicants seek. No.6’s building is not as close to the boundary wall as No.4 would be. The extent of “overlooking” from 6 The Hexagon is directed more towards the rear of our garden than towards our house and terrace.

Healthfield Park is even further away, is not constructed close to the boundary wall, has most of its main windows not directly looking towards our house and terrace and there is considerable mature tree screening both on their land and at the rear of our garden.

Attached are photographs, taken on 22nd November, of 6 The Hexagon (taken from our garden) and of Heathfield Park (taken from our house terrace).

Planning permission for demolition of the original house at Heathfield Park and a significantly larger new house was granted by Camden in 1997. At that time 10 Fitzroy Park was still held by Camden under a charitable trust and for a use which was not private residence. We understand that it was in about 2001 that Camden decided to sell 10 Fitzroy Park. In doing so it changed its permitted use to residential and imposed an additional restriction to be used solely as a single family dwelling house. We do not have the details to hand when it was that the property was eventually sold by Camden but what we do know is that it remained unoccupied until bought by us in 2005. It was not until 2008 that we were able to move in , after work was carried out to bring the house back to a condition suitable as a residence for a single family and , given its Grade II Listing, in accordance with strict requirements of , and close scrutiny by both English Heritage and Camden.

Permission granted by Camden in 2006 to 6 The Hexagon was also granted before our family moved into 10 Fitzroy Park.

Were the planning officer to come to 10 Fitzroy Park she would be able to see for herself the extent to which our garden is currently overlooked from 4 The Hexagon; that it is already far greater than from 6 The Hexagon; and also understand how the proposals for No.4 would increase such overlooking. She would also observe how much closer No.4 is to our house and rear terrace than the other neighbouring properties referred to by SOUP.

In any event, and we have stated above, the fact that our garden is already overlooked is no justification for such overlooking to increase: which is exactly what would occur were this application to succeed.

“Listed Structures within the vicinity of the works”

“Party Wall Matters”

10 Fitzroy Park Grade II Boundary Wall

SOUP at para 5.a of their letter refer to ElliottWood’s Report. That Report, at para 6, refers to Party Wall Matters. Neither directly refer by name to 10 Fitzroy Park but it is clear that what is being referred to is the (Grade II listed) boundary wall surrounding 10 Fitzroy Park .

We have made enquires of our solicitors and although further investigation may be necessary they suggest that the Listed Wall may well be in our sole ownership rather than being a party wall. Were it to reach the stage of us having to appoint a surveyor (whose costs we would expect the applicants to meet) it would not be just a question of procedures to be followed equivalent to party wall procedures , or whether the listed wall can withstand the proposed works, but also to ensure that our house and gardens , and our enjoyment of them, and the setting of the listed wall, are not affected by the proposed works.

As we understand it, both your Authority and English Heritage will have a statutory duty to safeguard this Listed Wall , as well as the Grade II garden generally : a statutory duty

which both your Authority and English Heritage rigorously followed when imposing requirements on us during the works carried out by us during 2006-2008 to restore the house and gardens , including parts of the listed wall.

Trees T8, T9 and T10

We have not seen anything within the additional material in response to Apcar Smith Planning's reference (at p4 of their letter) to trees T8, T9 and T10 ; the potential risk to those trees; and to the applicants' (continuing) failure to comply with BS5837-2012.

Yours faithfully

Olinka Pepovic and Matthew Benham

Photos:

No 4 The Hexagon, as seen from 10 Fitzroy Park garden and terrace:







No 6 The Hexagon viewed from 10 Fitzroy Park garden:



Heathfield Park, Merton Lane – view from 10 Fitzroy Park terrace:

