

Ms Jagoda Bartkowiak
The Planning Inspectorate
2 The Square
Temple Quay
Bristol BS1 6PN

26 Redington Road
London
NW3 7RB

19 May 2017

Dear Ms Bartkowiak

Objection to Appeal (reference APP/X5210/W/3164577) at 28 Redington Road, London, NW3 7RB

I write to object to the appeal and proposed development at 28 Redington Road ("28 RR"). I live next to the application site and have a number of major concerns about the proposal. These include some significant planning issues that, in my view, are a breach of the development plan in force as of this writing. (As the new Camden Local Plan is likely to be adopted by the time of the Inspector's decision, I have submitted a completely separate document on the implications of that. That is Appendix 1).

Having carefully read the Appellant's Statement of Case and other materials:

1. It is evident that the reason Camden did not take a decision on the planning proposal is that the Appellant failed to submit information required for a decision. In the case of the basement, this was despite repeated requests by Camden's experts, Campbell Reith. Thus not determining the application was a logical outcome and the Appellant essentially inflicted this situation on himself;
2. The case made by the Appellant in support of the planning proposal is fallacious, one-sided, and fails to address or even acknowledge serious negative aspects of the proposal (which were raised and publicised as objections). There do not appear to be any material considerations that would justify approving the proposal yet there are many significant contraventions of adopted planning policies. As such, I feel the appeal should be denied and the application refused.

The following aspects of the Statement of Case are fallacious:

1. The case in favour of demolishing a building that makes a positive contribution to the conservation area is based on denigrating the qualities of the building and making unsubstantiated assumptions about why the building was named as a positive contributor;

2. The assertion that the design of the proposed building would contribute positively to the Conservation Area, when in fact the proposed building is an unattractive mish-mash of styles that does not fit into the area. Furthermore, other heritage assets would be damaged by the proposed expansion by 88% of a house that the Appellant's own planning application says is already (before expansion) "arguably the largest on the street"¹;
3. The Appellant presents the basement plan as if it were undisputed and confidently asserts that the assessment undertaken confirms that the proposed basement can be undertaken without harm to neighbouring properties. However, both Camden's experts (Campbell Reith) and two leading experts that I engaged have confirmed that the BIA is totally inadequate as it fails to address the crucial questions of whether and how the basement work can be safely undertaken. Thus, the BIA is not fit for purpose and does not meet the standards set-out in relevant policies. It is not appropriate, nor compliant with planning rules, to leave such crucial matters to planning conditions or S106 negotiations. When challenged on this by Campbell Reith, the Appellant's experts waved away the challenge, as if the entire plan was to ignore Camden and try to win on appeal;
4. The Appellant asserts that amenity issues are minimal to none, when in fact the proposal would cause significant Daylight/Sunlight damage to two adjoining properties (verified by an independent consulting firm), as well as significant overlooking issues for 30 Redington Road ("30 RR"). In terms of disturbance during the work process, the Appellant suggests that a Construction Management Plan (CMP) could be negotiated after the appeal decision, but this is illogical – one of the main purposes of the CMP is to assess whether the amenity impact of the construction process is within acceptable limits, and therefore whether permission should be granted at all. It cannot simply be assumed that everything can be managed without undue impact, and thus dropped as a factor for evaluation.

In addition, I have objections to the proposal related to items that were not mentioned by the Appellant in the Statement of Case. These include:

5. The planning use of the existing property: It is not C3 (as claimed by the Appellant) but C2, by virtue of its use as a C2 religious mission/hostel for more than 35 years from 1969 until 2015 (In 1969 the Columban Fathers application to use the property as a hostel was rejected by Camden, but they continued to live there and use the property in a C2 capacity anyway, all the way to 2015, when they sold the property to the Appellant.). Camden policies preclude the demolition of C2 properties unless they are replaced with similar properties. The Appellant has neither done that, nor sought a change of use from C2 to C3.
6. The Appellant is seeking permission for 7 underground car parking spaces. The current property has space for 7 cars in front of the house, and the proposed design does not guarantee that any of these spaces will not be used, in addition to the proposed 7 new underground spaces. Development in Camden is supposed to be car neutral.

¹ Design & Access Statement, page 3, section 1.3

7. Lastly, there is no provision for social housing, which should be required based on the *capacity* of the site for more than 10 dwellings. A PINS Inspector (MF Aldous) has previously denied an appeal for a property in Camden on precisely this basis (To paraphrase APP/X5210/E/09/2116939, “social housing provision is required where a development has capacity for 10 or more flats, even if the developer chooses to use the capacity for fewer but larger flats.”). In that case, the developer proposed an expansion to 1,480 sq meters, with the proposal for 28 RR being 26% larger (1,858 sq meters for 28 RR).

I have had a number of the application documents assessed by highly-experienced independent experts and I attach their reports and CVs. They have found many important factual errors and omissions in the Appellant’s submissions. I would ask that you take these into consideration in making your decision.

It is my intention that one or two of these experts attend the hearing to assist in presenting my objections, namely Michael Eldred (of Eldred Geotechnics Ltd) and Dr. Michael de Freitas (Emeritus Reader in Engineering Geology, Imperial College London).

I am compelled to point out that references in the Appellant’s documents to local “consultation” are overstated, possibly with the intent to mislead. Residents’ pro-active suggestions to the Appellant to consult *before planning* were ignored, and the applicant only met us after a full planning application was submitted. Realistically, it was impractical to many any changes to the submitted plans at that stage, and thus such an after-the-fact meeting was therefore a hollow gesture and not “consultation.”

I suspect my views on the developer’s approach are widely shared, and perhaps one of the explanations for what seems to be wide-spread and firm objections to the application from the community.

Below is a more detailed discussion of the preceding points, with reference to supporting materials:

Demolition of Building that has a Positive Contribution to the Conservation Area

The building is located in the Redington Froggnal Conservation Area. The Conservation Area Statement identifies that buildings 18 to 28 of Redington Road have a positive contribution to the Conservation Area.

The Appellant has said that 28 RR’s contribution to the Conservation Area – despite its status as a positive contributor – “is limited and essentially neutral,” that “alterations have limited design integrity,” and that “any contribution the building makes has to do with its design typology, its massing and its situation, rather than its inherent architectural quality.”

However, these statements are just opinions of the Appellant, they are not evidence-based, expressed by others, or relevant. He has no authority to unilaterally downgrade the building’s status from a positive to “essentially neutral” contributor, as that status was determined by a competent authority. As to the alterations, they are in fact minimal and in any event pre-dated the according of the

building's status as a positive contributor. And lastly, the Appellant provides no evidence that the competent authorities who identified 28 RR as a positive contributor did so because of the building's typology, massing and situation, rather than architectural quality. Without evidence of the competent authority's thinking, there is no basis for the assertion that the competent authority didn't respect the architectural quality, and in fact it must be accepted that it formed part of the positive assessment.

The Appellant has tried to support these views with a Heritage Statement provided by KM.

However, I am aware that in August 2016, The Redington Froggnal Association submitted to Camden a comprehensive rebuttal of this document, undertaken by Edmund Booth, BA DipUD MRTPI IHBC FSA, a director of the Conservation Studio, and formerly English Heritage's Historic Areas Advisor for North and East London, including Hampstead. This rebuttal, among other things, identified that the analytical framework used by KM to justify its views, had effectively "cherry-picked" measures that supported the conclusions for which they had been hired. At the same time, KM simply failed to include or mention those parts of the analytical framework that assessed positively the existing building's characteristics.

I understand further that Mr Booth has prepared a rebuttal of the heritage aspects of the Appellant's Statement of Case. I am sure that the Inspector will review this document carefully.

Moreover, the Appellant's negative comments concerning the architecture of the building are contradicted by independent submissions from The Victorian Society; Andrew Dutton Parish, a local architectural historian; and Harriet Devlin MBE, MA (Cantab), of the School of Architecture of Birmingham City University, where she is the course leader for the schools MA in Conservation of the Historic Environment. Ms Devlin has said:

"28 Redington Road does appear to be a most important intact Arts & Crafts house and I am very surprised that it is not statutorily protected or even on a local list."

I am also aware that dozens of local residents and area groups have objections to the proposed demolition of 28 RR, and that they have all spoken in favour of the qualities of the building itself (that is, the "merit" of the building). I am not aware of a single one that even mentioned the massing or typology of the building, which further undermines the Appellant's self-serving assertion that massing and typology were the real reasons the building was considered to make a positive contribution.

The Council's policies are clear. The building is considered to make a positive contribution to the conservation area. As there are no other material considerations supporting its demolition, then the building must not be demolished. Demolition of a fine Edwardian house would not just damage the heritage asset and its group, but would also harm the conservation area as a whole.

Moreover, the suggestion that 28 RR is also of neutral contribution would, if the application were to be approved, end up with the whole of this section of Redington Road being considered for redevelopment. This would undermine the purpose of the conservation area, itself an important heritage asset that needs to be protected.

Thus, I object to the demolition of this building not only based on principle and policy concerns, but on merit. It is an attractive and original example of Arts & Crafts architecture with many fine and original features. It could easily be refreshed and made wonderful. It is simply better and more attractive than the proposed glorified block of flats.

I am aware that a number of local organisations have also commented in detail on the heritage values of the building and the policy issues. I shall not try to repeat their arguments. (However, I fully support them).

I am aware that in the past permission was given to demolish 18 Redington Road, and the Appellant might try to use that as a precedent. However, the case there was entirely different. In the case of 18 Redington Road, it had been extensively altered, and added to over time. The Council Planning Department itself recommended in favour of the demolition, deciding that it had only a neutral contribution to the conservation area. The Heath & Hampstead Society also did not object to demolition. In fact, according to the officer's report, the proposal only received two objections from residents.

While there was essentially no opposition to the demolition of 18 RR (perhaps reflecting its true value), the situation is entirely different for 28 RR. In the case of 28 RR, there is high regard for the merits of the building, and staunch opposition to demolition, from Camden, the Heath & Hampstead Society, The Hampstead Conservation Area Advisory Council, the Redington Froggnal Association, the Redington Froggnal Neighbourhood Forum, local councillors, and many nearby residents. This says something about the value attached to the building and its role in the Conservation Area.

The rest of the houses in the group (18-28, including 28) are all of a higher quality than 18 RR, and have little alteration. Given the loss of 18 RR it is even more important that the line of historic buildings from 20 to 28, which all have a positive contribution to the Conservation Area, are retained, as not only are they fine examples of their age, they are the very reason for the Conservation Area. Further loss will harm the Conservation Area and set a precedent that could be difficult to undo.

The Design of the New Building and its Contribution to the Conservation Area

The Appellant's case is based largely on the assertion that the existing building will be replaced by a new building that offers an equal or greater contribution to the Conservation Area. The preceding section addressed the Appellant's attempts to "lower the bar" by denigrating the existing building. In this section I argue that the new building, in fact, would make a negative contribution to the Conservation Area.

The architecture of the new building has been widely condemned in dozens of objections, and variously referred to as a "mish-mash" or "Disneyland-esque" version of an Arts & Crafts house. The Conservation Studio has called this a "mix-and-match approach to adopting elements from existing buildings in the area. Ironically, these include details from the very building that the scheme proposes to demolish."

It is simply not the case that this new-built architectural Frankenstein matches the Conservation Area contribution made by the important, widely-appreciated, original building it (in part) seeks to mimic.

Moreover, the proposed building would damage the Conservation Area in other ways.

The Conservation Area Statement identifies the sub-area where the property is located. It describes the area as containing generously sized houses with views between them. The proposed replacement building damages these two characteristics.

The applicant's own Design & Access Statement says "*The existing house is arguably the largest on the street*" (page 3, 1.3, second sentence). It then proposes a plan which increases a house which is already "*arguably the largest on the street*" by 88%, from 10,677 GIA SQFT to 20,085 GIA SQFT (D&A Statement, page 64).

It is thus a mathematical fact the proposed building is grossly out of scale with the other buildings in the conservation area. Its proposed footprint is bigger in every dimension than the existing "*largest on the street*" house. The proposed building reaches considerably deeper into the site, further forwards and is wider.

The proposed building incorporates development in the important gap between the buildings which define the layout of this part of the conservation area. The gap between 26 and 28 would be lost in two ways. Firstly, the main proposed building is sited so that all floors encroach into this gap. Secondly, the garage block would become a wing of the building with no gap between them or my house at 26 RR. This magnifies the bulk of the building and effectively removes the gap.

The gap was already one of the smallest in this part of the conservation area (especially taking into account it is fully blocked up to the roof of the garage building). Thus any part of its loss would have a major impact, and must be unacceptable due to the harm it would impose on the conservation area, including the loss of sight of green space. Its loss would also set a worrying precedent for other nearby properties with much wider gaps.

I have inserted below a photo of the gap, which also shows the view of wonderful green trees that benefits the area. This also shows how the gap is only at the upper level, above the garage building.



The Appellant's own Design & Access Statement (diagram on page 16) evidences that the gap between my home and 28 RR would be substantially decreased if the proposal is permitted. It is inserted below.

While the width of the gap is currently wider than that between several of the other houses in our stretch of the road, "our gap" is the only one that is substantially filled in by a building. It is essentially a "half-height gap." It has not been measured, but the "volume" of our gap is probably already the smallest in the row of houses. The width of the gap at least compensates somewhat for the small ("top to bottom") height.

The proposal would significantly reduce the width of the gap, while also building in some of the gap currently above the garage building. As can be seen from the D&A, this would effectively leave a tiny square gap that would be by far the smallest in the row of houses.

Not only would this harm the amenity of my family, it would harm an element of the conservation area, including the view of green from the street.

Width Between Buildings

The distance between the proposed building and its neighbours is greater on one side and narrower on the other side than the dimensions of several near neighbouring properties on the same side of the street.

The new proposal seeks to rationalise the spacing of the new building between the two neighbours properties. There is a fairly established pattern of spacing between the houses on Redington road. The new building is not wider than the existing but is sited slightly towards number Number 26 in order to provide similar sized gaps between neighbouring properties. This provides relief to the victorian house at 30 Redington road which is also sited lower on the street.

Gap slightly wider than some others, but only "half height" due to building is between main houses

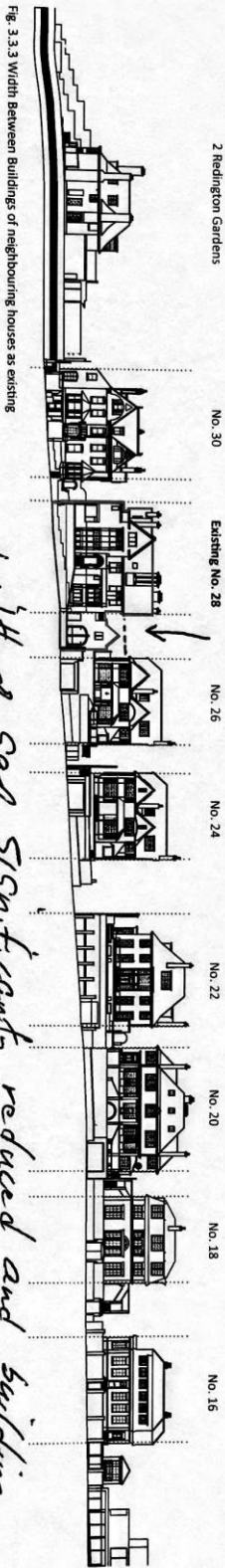


Fig. 3.3.3 Width Between Buildings of neighbouring houses as existing

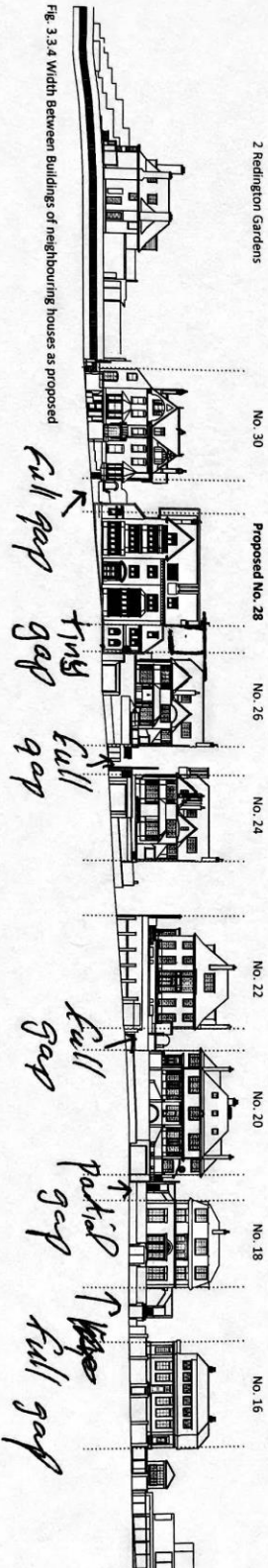


Fig. 3.3.4 Width Between Buildings of neighbouring houses as proposed

width of gap significantly reduced and building is between expanded, making overall gap "volume" much smaller than other gaps

The size of the proposed development when seen in section demonstrates that an existing large house is being replaced by a substantial block of flats that almost doubles the amount of floorspace. Much of the additional space is created through adding bulk to the rear of the property with this extending up through all floors. Such a massive new building in a conservation area would seriously harm its character and would set a precedent for the size that others could seek either with replacement buildings or additions to buildings.

The Size of the Basement and Failure of the BIA to meet requirements

I was very alarmed at the size of the proposed basement and the impact this would have on my home. I have sought independent professional advice from two recognised experts and their CVs are appended as Appendices 2 and 3.

Dr Michael Henry de Freitas of First Steps Ltd has provided me with a report on the geology and its control of the geotechnical properties of the ground including groundwater. Secondly, Michael Eldred of engineering firm Eldred Geotechnics Ltd has considered the geotechnical properties, their control on ground response and the structural requirements of the construction proposed to keep ground response to acceptable limits.

Dr de Freitas is an Emeritus Reader in Engineering Geology at Imperial College. His CV runs to three pages. He has authored two text books, contributed to four, and edited seven, with over 50 referred papers in geotechnical journals. He has extensive practical experience, including advising on many large infrastructure projects, policy documents (including for Camden on CPG4), and basements (including 23 in Camden alone, as of August 2016). His report to me was submitted with my original objection, but I attach it again for convenience (as Appendix 4).

Michael Eldred (MSc CEng FStructE MICE) has over 50 years' experience in relevant engineering, is a lecturer in geotechnical engineering to the Royal Engineers MSc course, and have extensive practical experience, including advising on 38 London basement schemes (as of August 2016), conducting forensic analysis of basement failures, and advising on CPG4 matters. The Eldred report was also submitted to Camden and should be with PINS, but a copy is attached as Appendix 5. The Eldred report uses the findings of the First Steps report in its assessment.

In summary the First Steps Ltd report identified the following:

- The BIA contained factual errors and omissions that should disallow it from acceptance.
- Despite its considerable length (564 pages) and wealth of data, many specific problems have not even been identified. The BIA appears to assume that there is a further design stage where the BIA issues can be resolved. This fundamentally misunderstands and undermines the purpose of Camden's planning policies on basement development and the guidance set out in CPG4. These policies recognise that it is vitally important that neighbouring property interests are looked after at the planning stage, as these are so important that failures in this area would be significant enough to justify refusal on its own. If a scheme is permitted "subject

to a planning condition related to the basement," then the assumption has to be made that there is a BIA solution to a scheme based on the then-approved plans. There is no evidence to suggest that this is the case. The adopted and emerging policies of Camden require that these issues be assessed fully at the planning application stage, and applicant's must supply the requisite information, or their applications are incomplete.

- If key problems affecting stability and wetness are not identified at the application stage, if approval is granted there is no requirement for further external scrutiny such as this, and from then on it will be too late to remedy mistakes and omissions carried into the final design.
- It is clear from the data already provided that:
 - Ground stability requires considerably more analyses than given so far if monitoring of neighbouring properties is to be linked in a meaningful way with conditions evolving during excavation for the basement.
 - Water within the London Clay has not been properly monitored and is a feature that needs further study especially when aspects of stability on the excavation floor have to be considered.
 - The presence and behaviour of ground water in the superficial deposits on site remains largely unknown even though it is a problem for immediate neighbours and elsewhere in subterranean extensions along Redington Road. The proposed secant pile wall will dam and divert water from its present path of flow and no provision for managing this has even been considered.

The First Steps report concluded that *"Given these concerns, based on the factual nature of the application presented, I have to conclude the BIA submitted fails to satisfy the requirements intended by CPG4 and DP27, which are there to protect both neighbours and the environment"*.

The report by Eldred Geotechnics Ltd concluded:

- The application fails to satisfy the specific policy requirements, makes no attempt to provide and demonstrate the assurances that the policy specifies and fails to recognise the existence of the policy.
- There are currently high risks that No.26 would be significantly damaged by the demolition, excavation and construction process implied by the application and by changes to the groundwater regime that are likely to be caused by the development. Some of those risks are overtly recognised by the basement impact assessment (BIA) prepared in support of the application. Construction of the permanent arrangement of retaining walls shown at the boundary with No.26 by the Architect's drawings could cause unacceptable safety and damage hazards for workers and property respectively.
- The Camden BIA Audit Form Part ABC posted on the website with the application documents demonstrates that its compiler did not understand the content of the current 564 page BIA document, that it is misleading to the Council and the public and that it should be withdrawn.

I understand that Camden used its own consultant engineering firm, Campbell Reith, to assess and comment on the BIA. Campbell Reith identified the same lack of structural planning in the BIA that was identified by my experts. This crucial information was requested of Mott Macdonald, but it was not provided. Given the absence of requisite information, Camden was unable to take a decision on the proposal.

Dr de Freitas of First Steps has assessed the exchange between Campbell Reith and Mott Macdonald. He has also reviewed the Appellant's Statement of Case, and in particular the proposal that crucial aspects of the basement design are dealt with subsequent to approval with an S106. His comments on this are appended as Appendix 6.

Some key observations are:

"There is much in civil engineering that is technically feasible these days but assessing feasibility is not the same as being correctly prepared by having a basis for design and construction that caters for what is known to be present in the ground and what could be in the ground. Camden's policy on basements requires applicants to **demonstrate** the proposal will not cause harm. Assessing that something is feasible is a long way for demonstrating that something will not cause harm."

"Evidence of a solution (e.g. *"we intend to do the following using the following methods at this particular stage in the work and Fig X illustrates why this would solve the problem identified"*..) constitutes an essential part of any demonstration that a proposal will not cause harm. No such evidence is provided. Quite the reverse; having had topics for concern highlighted by First Steps and having been asked by Camden's independent auditor, Campbell Reith, to provide evidence of how these are to be addressed, the Appellant has sought to appeal rather than provide what is required and known to be required, and does this by reference to the use of S106 obligations. That is a misuse of these legal powers."

"The reason for inserting S106 into planning law was to facilitate the approval of works whose approval was needed to justify the cost of further work needed to specific the details for design and construction. It was assumed that the design was sufficiently well defined to be able to demonstrate its suitability for the purpose in hand. Thus an S106 could be used to legally oblige an applicant to do what they say they intend to do in a manner that is fitting for its purpose. None of that applies with this application."

"In this application not even the problems are recognised let alone the solutions to them, and that is a long way from where an applicant should be with an S106."

"...who would know what was being approved and how would an S106 be written? This is placing all the responsibility for the content of an S106 onto Camden who carry no responsibility for its consequences as far as the neighbours are concerned."

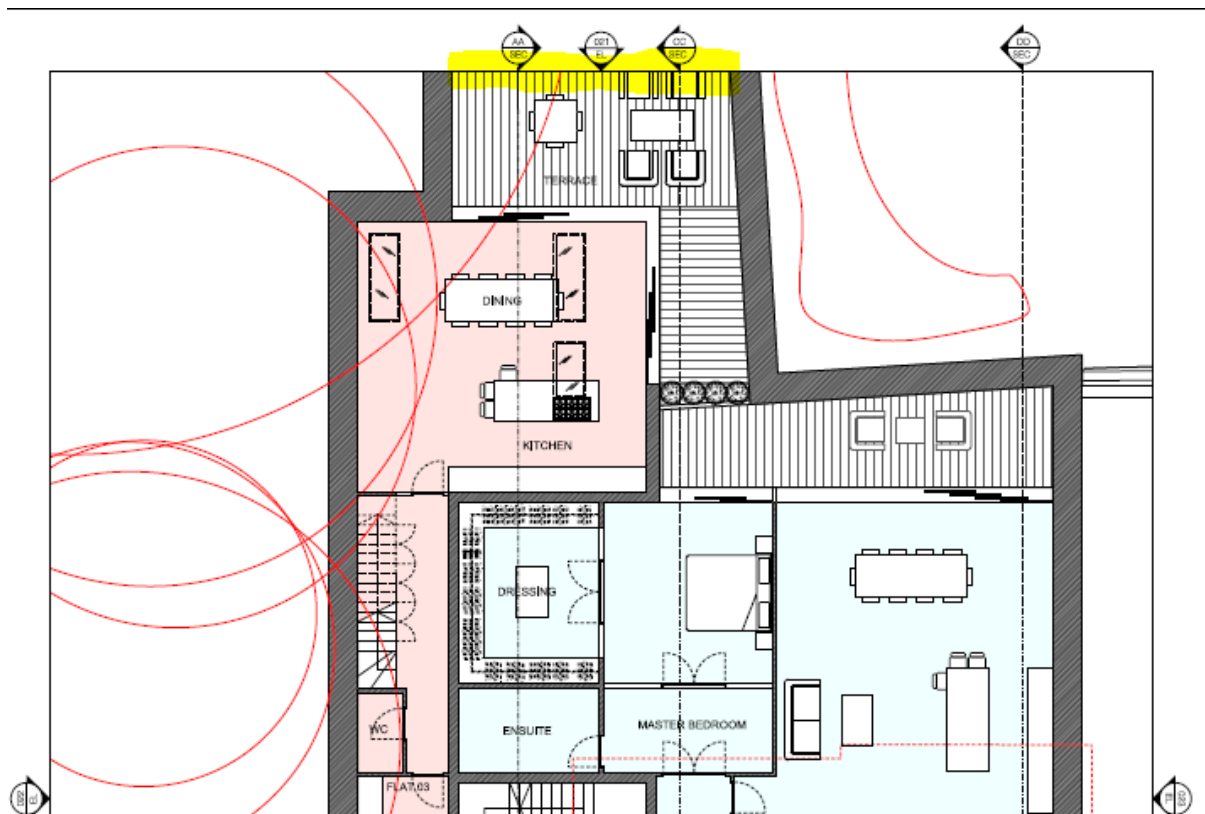
"...identifying the risks is supposed to be at the heart of the BIA. Only when the risks have been identified does design carry conviction for their mitigation and monitoring assurance of their control. They remain to be identified despite the 564 pages of the Mott's report."

The proposed basement is substantial and is double depth at the rear of the property. Proposed Section AA (drawing number JCA-RR-PR-007 Rev PP4) shows that the rear of the property has two

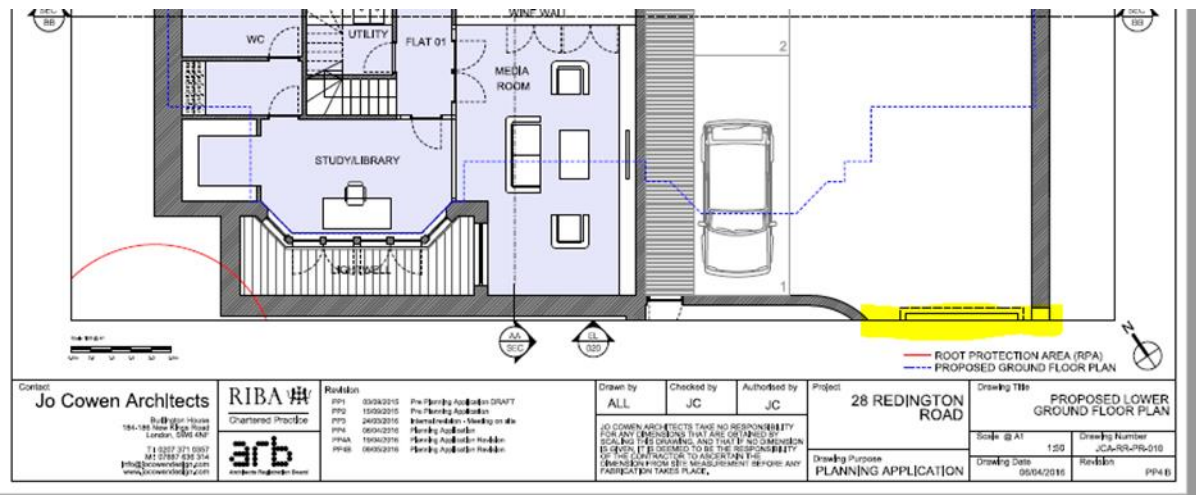
basement levels below the level of the existing garden. In addition, there is a large lightwell deep into the garden and around the whole rear of the proposed property that provides both light and amenity space to the whole of one sub-terrarium flat and the living space of another.

Despite this there is a further floor below the upper basement that extends across the whole of the proposed ground floor area of the property.

The floorplans are incomplete with elements of the proposed development not given on the plans The first level basement (called ground floor plan) shows the rear light well disappearing off the top of the page. It is only known that it extends further from Section AA. I have highlighted the error below.



Similarly the vehicle access to the car park is not shown on the plans as the “lower ground floor plan” has the car park access, presumed to be a lift, omitted completely. The exterior wall disappears off the bottom of the plan as highlighted in the plan below.



It appears that some important elements of the proposal are being hidden in order to try to disguise the size of the proposed block of flats. Unless the full proposed drawings can be provided it cannot be possible for the Inspector to determine in favour of the scheme without risking a legal challenge. As such the scheme should be refused permission on the grounds that insufficient information on the proposed siting and layout of the building has been provided.

The incorporation of a double depth basement with extensive lightwells would not accord with adopted policy DP27 and supplementary planning guidance CPG 4 on basements and lightwells. The location of a lightwell next to the boundary with my house is not supported by CPG4 which at paragraph 2.23 states

“Lightwells to the side or rear of a property should be set away from the boundary to a neighbouring property.”

The proposal is clearly in breach of the development plan policies on basements and the absence of complete planning drawings means that the scheme should be refused.

Amenity Issues – Significant and Unmanaged

6.24 of the Statement of Case says “A full assessment of daylight/sunlight impacts was submitted as part of the application. This confirms that the limited impact upon neighbouring properties is manageable and within the normal expectations of the BRE guidelines.”

It is simply incorrect that the impact on the neighbouring properties is limited. Moreover, they do not fall within the normal expectations of the BRE guidelines. This was made very clear in expert-backed objections to the proposal at the Camden stage, and it is concerning that the Statement of Case fails to address such important issues.

Because of the scale of the development, I and the freeholder of 30 RR (on the other side of the proposed new building) asked an independent daylight and sunlight firm, AA Projects, to review the material submitted with the planning application. (The Syntegra report dated April 2016). AA created their own models, and produced their own report (in August 2016) which is appended as Appendix 7 of this submission.

In summary, AA's report demonstrated that the Appellant's Day/Sunlight Report was both factually incorrect and economical with the truth. It did not apply certain standard tests at all, and in other cases, where required norms were tested, the report provided averages across the windows to avoid identifying those that would fail the tests.

Furthermore, the Syntegra report and analysis initially missed or intentionally failed to include a window to the left hand side (Northwest) elevation of my property, 26 Redington Road, looking directly out on the current back of the building at 28. The window is to a bedroom used by one of my children.² The Appellant ultimately accepted this oversight, and submitted a revised Syntegra report in Sept 2016. (However, I do not believe the Appellant revised the Design & Access Statement or the Planning Statement to incorporate the window they had overlooked).

According to the Statement of Case, it appears that the Appellant has only submitted to the Appeal the Daylight/Sunlight report dated April 2016, i.e. that misses entirely this window.

Below is a photo of the window and the outlook of the window onto the current back of 28 RR. After the proposed building works, this window would badly fail the BRE criteria for daylight.

² The window had been in place at least since the 1970's. When challenged, Syntegra advised that they based their work on approved planning drawings for my home (2014-2015). That led to the error, as although I did submit an application and got approval for blocking in this existing window, we decided to retain the window. The window is clearly shown 'as existing' on the "before" drawings submitted by my architects along with our planning applications. Ultimately Syntegra revised their report, admitting they missed the window.



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The comments below apply to the Syntegra report submitted by the Appellant, i.e. that misses the above window.

- In Section 7, the Syntegra report notes that there is a moderate adverse impact on the VSC percentages to three of the seven windows to the Northwest elevation of 26 Redington Road. When the 'missing' window is taken into account, four out of eight windows suffer an adverse impact. In fact, when the two front elevation windows are ignored (and they are indeed not relevant, as they face away from 28 RR), then four of the six relevant windows suffer adverse

impact. In other words, of the six windows in my property that face 28 RR, four would be meaningfully impacted.

- The four windows in question have a VSC below 27% (approx. 20%) and reductions of between 32% and 37% (20% being the allowed BRE reduction). These four windows therefore substantially fail the BRE criteria and there will be a very noticeable reduction in daylight to this elevation.
- The Syntegra report attempts to obfuscate this impact by lumping together windows from 26 RR and 30 RR, saying that out of 14 windows assessed (combined for both properties), only 3 would not meet the BRE criteria. However 7 of these windows are in the Southeast elevation of 30 RR, and are not relevant to assessing the impact on my home (26 RR).
- I understand that AA's VSC calculations for the windows in the Southeast elevation of No 30 show that 3 windows fail the BRE criteria, whilst the Syntegra report asserts that all windows pass the BRE criteria. (I know that AA is updating analysis on behalf of 30 RR).
- Furthermore, the Syntegra report has "cherry-picked" measures to fit their objective. They only assessed and reported on VSC (daylight) and APSH (sunlight). Syntegra completely ignores the other daylight criteria covered by the BRE guide, which are Average Daylight Factor (which considers rooms) and Daylight Distribution (which also considers rooms). AA also assessed these factors, and found that the development failed the BRE criteria.

I have also attached (as Appendix 8) AA's analysis of Syntegra's revised report, incorporating the missing window.

Bulk and Overlooking

The proposed development will add considerable more bulk and massing to the site. The view below is from a bedroom in my house. You can see that it looks out on the side and rear of the existing roof. The proposed development will clearly fill the outlook and introduce potential overlooking into this bedroom from the proposed terraces and bay windows.



Despite the proposal site being slightly lower than my property, the additional bulk that will be apparent further back into the garden will have an overbearing impact on the enjoyment on some of our houses' habitable rooms, and of my family's rear garden.

Use of the Property

The applicants claim the property to be in residential use, citing C3(c) use class. This though is not correct. The property has been occupied by the Columban Fathers, a religious missionary and used as

an office and accommodation for the functions of the group. The use is therefore a C2 use and as such is protected by adopted planning policies DP15, CS10 and draft policy C2 of the Council's plan and policy 3.16(B) of the London Plan.

The Columban Fathers have a number of properties across the Country. In 2012 they applied for an extension to their Solihull property where the planning forms showed the use to be a C2 use. (Solihull Council website -Blythe Hall, Widney Manor Road, Knowle, Solihull B93 9AB (PL/2012/01292/FULM)). This application form was appended to my original objection to Camden. (I can provide an additional copy if needed).

The evidence of this use of 28 Redington Road is similar to the Solihull property and can be traced back to 1969 when (as mentioned by the Appellant in "Planning History") a planning application was refused by LB Camden to convert the property from C3 use to a religious missionary. Despite this use being refused, the Columban Fathers continue to use the property as a mission/hostel for the next 45 years (until selling to the Appellant).

Evidence of the property being as a London base for the organisation includes:

- A letter to the UK Prime Minister in 2012 from the organisation's Working Group on Mining in the Philippines. Its address was given as 28 Redington Road;
- A letter to the President of the Philippines in November 2010;
- A letter to me in relation to my consultation with the Columban Fathers ahead of planned works to my property in April 2014.
- (Copies of these letters were appended to my original objection to Camden. I can provide copies to PINS if helpful. There are also other examples of letters from the Columban Fathers of 28 Redington Road available on the internet).
- A google search of "Columban Fathers" AND "28 Redington Road" returns 197 results.

Despite the use being refused in 1969, the C2 use has now become established as the lawful use due to the period of time that has elapsed. The application should therefore be considered as a loss of C2 space, and in which case the Council's policies are clear and consistent between the adopted and emerging planning policies.

Adopted Plan Policy DP15

"The Council will protect existing community facilities by resisting their loss unless:...

c) a replacement facility that meets the needs of the local population is provided; or,

d) the specific community facility is no longer required in its current use. Where this is the case, evidence will be required to show that the loss would not create, or add to, a shortfall in provision for the specific community use and demonstrate that there is no demand for any other suitable community use on the site. Where this is successfully demonstrated, the Council's preferred new use will be affordable housing."

The draft replacement plan identifies the relevant policy for accommodation for religious groups in the housing section at paragraph 3.203, stating:

“Policy H8 does not address homes that happen to be occupied by older people or people with support needs, but are not designated for use by these groups. Specifically, other policies deal with:

- *hospitals, religious orders and boarding schools – see Policy C2”*

The relevant part of Policy C2 is set out below. It is almost identical to adopted policy DP15 (above).

Draft Replacement Plan Policy C2 Community facilities

“g. ensure existing community facilities are retained recognising their benefit to the community, including protected groups, unless one of the following tests is met:

- i. a replacement facility of a similar nature is provided that meets the needs of the local population;*
- ii. the existing premises are no longer required or viable in their existing use and there is no alternative community use capable of meeting the needs of the local area. Where it has been demonstrated to the Council’s satisfaction there is no reasonable prospect of a community use, then our preferred alternative will be the maximum viable amount of affordable housing.”*

The London Plan policy 3.16 B also supports the retention of community uses, stating:

“The suitability of redundant social infrastructure premises for other forms of social infrastructure for which there is a defined need in the locality should be assessed before alternative developments are considered.”

The existing use is clearly in a residential institution use (C2 use) and as such the policies of the development plan are clear. The site should either continue to be used for similar community uses or if none can be found it should be used for an affordable housing site.

As the planning application does not address this issue and does not propose a policy-compliant use, the application should be refused. Should, in future, the plans for 28 RR be revised, they should require a full justification for the loss, and also seek a substantial contribution to affordable housing if all of the other C2 use tests can be shown to be overcome.

In addition, the planning forms and applicant’s planning statement incorrectly list the existing use as C3.

The loss of a protected community use makes demolition ever more unacceptable.

Affordable Housing

The Appellant has not made provision for the supply of affordable housing, which is required by virtue of the size and nature of the proposed property.

Policy DP3 – Contributions to the Supply of Affordable Housing - of the Camden Development Policies document (page 27) states *“The Council will expect all residential developments with a capacity for 10 or more additional dwellings to make a contribution to the supply of affordable housing.”* It would be reasonable to assume that an average normal apartment is 100 sq metres. As the proposed new development is 1,866 sq metres, in the terms of the policy, it has capacity for 18 new units. Consequently, the Appellant should be required to make a contribution to affordable housing, either on site or as a payment in lieu of provision.

In fact an Inspector has already ruled on an identical matter in Camden, and an appeal was denied on this basis. This was a proposal for 11 Netherhall Gardens, London, NW3 5RN. APP/X5210/E/09/2116939 (See points 14-20). In this case the Inspector ruled that the development, which was expanded from 824 sq meters to 1,480 sq meters, should have provided social housing, as it had the capacity to achieve 15 or more flats. The fact that the developer chose to divide the large property into a limited number of large flats did not relieve the developer of an affordable housing obligation. In the case of 28 RR, the property is c. 26% bigger than the proposed 11 Netherhall Gardens development, and thus is an even more clear case than the precedent set by case 2116939.

New Camden Local Plan

Lastly, Camden has made significant progress on its new Local Plan. An inspector has now given written comments, and these were published on May 15. Thus, the Plan should already be considered a “highly emerging” set of policies. The Plan has been put on the agenda for a full meeting of the Council on June 26, 2017, and is thus expected to come into force prior to the hearing on July 11, 2017.

The new plan has many implications for the proposed development. There are many new and modified requirements with which the current application is clearly not compliant. Some of the contradictions with the new requirements are so significant, that the appeal should be denied. I have summarised these in another document, which is Appendix 1.

Conclusion

The proposed development is based largely on hope and attempts to disguise the true impact of what is proposed. The existing use is protected and the existing building (on its merits) makes a positive contribution to the conservation area. The proposal is for (what is actually) a six-storey building that increases the existing size of (in the application’s own words) “the largest house on the street” by a massive 88%. This will clearly put the building way out of scale with its neighbours and its area. The proposed basement is double depth with large lightwells and entails serious risks to my property and the neighbourhood. The BIA for this proposal is inadequate and this alone should be a clear reason for dismissing the appeal. The new built areas will clearly cause my relevant windows to drop below acceptable norms, not to mention privacy, overlooking and noise issues. The style of the proposed

new building is an unacceptable mish-mash (ironically drawing on the style of the very building it hopes to replace!), and in no way can be seen as making a contribution that would justify the demolition of a building that is a positive contributor not just by status, but by merit.

In summary, the proposals will harm the heritage assets of the existing building, the conservation area as a whole, and my family's ability to enjoy our own home. This will be the case not just during the development, but upon its completion, and the whole process entails real risks to property and people in the area.

The requirements and policies of the new Camden Local Plan are even more in conflict with the proposal. At a minimum, the new Local Plan should be seen as an emerging policy. Should it be adopted prior to the Inspector's decision, it will have even more serious implications for the application.

There are no justifiable reasons given in the extensive planning submission for the demolition of this building. I trust the Inspector will quickly and robustly deny the appeal.

I would be grateful if you would visit my home to understand these concerns for yourself and witness that the buildings in the conservation area have a wonderful Edwardian feel to them. They are quirky but handsome and very much loved by the occupiers and admired by others who appreciate the conservation area and the heritage it holds.

I hope the Inspector will resist such inappropriate development.

Yours faithfully

Harlan Zimmerman

Appendix 1 - Issues Arising from Camden's New Local Plan (expected to be passed June 2017)

Appendix 2 – CV of Dr. Michael de Freitas

Appendix 3 - CV of Michael Eldred

Appendix 4 – De Freitas/First Steps Report on BIA, Aug 2016

Appendix 5 - Eldred Geotechnical Report on BIA, Aug 2016

Appendix 6 – First Steps Assessment of Appellant's Statement of Common Ground/Case, May 2017

Appendix 7 – AA Projects Sunlight/Daylight Report, August 2016

Appendix 8 – AA Projects Analysis of Revised Syntegra Report, Oct 2016