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Regeneration and Planning

Camden Council

2nd Floor

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London N1C 4AG 7 November 2017

Dear Sirs

**Re 26 West Hill Park, Highgate, N6 – Application No. ref.2017/5178/P**

I write on behalf of West Hill Park Management Company, the company responsible for maintenance and the built environment on the West Hill Park Estate. The company is owned by our shareholders – the owner-residents of the estate.

We wish to make representations to oppose the granting of planning permission for application ref.2017/5178/P. Much of this letter will be familiar from our comments about 5176P, but we repeat them here as the matters might be considered at separate meetings

We have taken sounding from our residents and in particular the neighbours of the house and the overwhelming majority have strong views opposed to the application. The board has considered the application themselves and agree in that opposition

The basis for our opposition to the application is that:

1. The development will in fact substantially alter the appearance of the house and its relationship with the estate. This estate has been carefully nurtured so that the original harmonious composition and features designed by Ted Levy Benjamin & Partners has remained intact and integral.
2. The proposed patio windows on the new pool, will form a long row of such windows, out of keeping with anything else on the estate, and visible from Merton Lane
3. The application suggests a substantial increase in the volume of the house and a much enlarged new pool. There will be a loss of garden space (although this will be hidden by the proposed green roof). The proposed development therefore goes against current guidelines for Camden in many ways ... the green roof is less than the recommended depth, there are insufficient space to boundaries and other details.
4. The proposed enlargement in unsympathetic in scale. The large increase in habitable rooms and space would inevitably lead to increased parking space needs. These can’t be met on the estate where space is limited and there will be an overflow onto Merton Lane.
5. The changes proposed would have considerable impact on the structural integrity of the estate and neighbouring property due to the presence of numerous springs and water-courses. We have obtained an opinion from a Chartered Geologist (CGeol), Chartered Engineer (CEng) and Fellow of the Geological Society of London (FGS) for more than 40 years who states:

*‘The Chelmer BIA report concludes that the permeability of the Claygate Member secondary aquifer, which underlies 26 West Hill Park, is minimal and, as a consequence, ground and slope stability problems are unlikely to be encountered during basement construction works. However, this conclusion is highly dependent on the distribution and thickness of the sandy interbed component, which is notoriously unpredictable and can vary over short distances. Furthermore, it is clear that the Claygate Member does act as an aquifer locally because an alignment of springs (spring line) is situated only a few tens of metres downslope from 26 West Hill Park, following the contact with the underlying London Clay Formation, a well-known aquitard.*

*Indeed, a seepage attributable to the presence of this permeability barrier is present in the garden of 27 West Hill Park, the next-door property.*

*These springs feed Highgate Ponds, located as little as 200 m downslope from the property concerned. Therefore, any ground-water diversion caused by the proposed basement structure could lead to channelling of flow with potential but unknown consequences for adjoining properties, particularly 25 Merton Lane, which is some 2m lower in elevation.*

*Furthermore, it is understood that ground settlement has been a notable problem at 27 West Hill Park adjacent, requiring relaying of pathways. This effect is attributed either to shrinkage of clay layers or, perhaps more likely, to degradation of sandy layers as a consequence of ground-water transmission in the immediately underlying Claygate Member.’*

In the alternative view if the opinion of the we have obtained is not accepted we would also point out the applicant’s Summary Surface Water BIA by Croft states that the soil in the area around the new swimming pool at the rear is impermeable.  It also states that water will as a result flow round it.

Clearly it is not possible for water to flow round where the existing house is.  So the only way it can flow round is at the Merton Lane end.  There is only approximately one meter between the end of the proposed structure and the Merton Lane boundary.  Therefore water will in fact flow into Merton Lane, with the attendant nuisance and possible damage.

1. This application is an example of creeping development which is seen as threat in the Highgate Neighbourhood Plan ( HNP )(s 1.4.4)
2. The estate is part of a The Highgate Conservation area. Originally planning permission was granted on the basis that the permitted development rights were not applicable to further expansion. As such the default position is that applications of this size and nature should be opposed.
3. The development would appear to cause significant damage to Protected Tree(s) . The application acknowledges that this is so, but believes that the damage would be manageable. The arboriculture report correctly identifies the veteran oak tree in the rear garden as a matter of concern. This tree has a TPO. The report states that 16% of its root protection area will be affected by the proposals. It then claims that a small existing retaining wall will effectively reduce the root protection area. This claim does not take account of the fact that the retaining wall does not go all the way to the rear boundary of the property with Merton Lane. Neither is the claim supported by evidence that roots etc will not go under the wall. So there is a significant possibility of damage to the root system of this tree.

BSI 5837/201 states that:

*7.1 General*

*7.1.1 Construction within the RPA should accord to the principle that the tree and soil structure take priority, and the most reliable way to ensure this is to preserve the RPA completely undisturbed. Soil structure should be preserved at a suitable bulk density for root growth and function (of particular importance for soils of a high fines content), existing rootable soil retained and roots themselves protected.*

*7.1.2 The ability of a tree to tolerate some disturbance and alteration of its growing conditions depends on specific circumstances, including prevailing site conditions, and in general, the older the tree, the less successfully it will adapt to new conditions*.

The tree is a very old and very fine tree, and construction should not be permitted to damage it.

The proposed mitigation measures are in any event bordering on the ridiculous. A tree protection zone during construction is proposed, but part of this is the area between the Merton Lane boundary and the rear of the proposed structure, which is also identified in the Design and Access statement as the entrance for all the work.

1. The development is effectively of a new basement complex rather than the refurbishment of the existing. The Highgate Neighbourhood Plan is extremely negative about such basements meriting 24 negative statements on basements.
2. This application would set a precedent for further similar enlargements and basements on other freehold houses in West Hill Park. This will be undesirable for many reasons including increasing the density on the estate and the possible social stratification into very large hosues with that possibility and other smaller houses.
3. The application is clearly in conflict with objectives SO.5.1,5.2 &5.3 of the HNP as well as policies DH3 and DH4
4. The application mentions that vehicular access would be made from Merton Lane, but no mention is made of labour access, who would inevitably wish to park and to walk through the estate to the detriment of residents.

It is for the reasons above that we would urge that planning permission is denied.

Yours faithfully

John Newgas

For West Hill Park Management Co. Ltd

References To Highgate Neighbourhood Plan

SO 5.1 To guide the design and form of both new development and alterations to existing buildings and boundaries to preserve and enhance Highgate’s conservation areas

SO 5.2 To ensure, wherever possible, that any development strengthens the feeling of community

SO 5.3 To mitigate the effect of building works on neighbours

DH3 Rear extensions on residential properties should be subordinate in scale to the original dwelling, complement its character in terms of design, proportion, materials and detail, should not harm the amenity of adjacent properties, and should retain a significant area of garden or amenity space which is proportionate to that of neighbouring properties in the surrounding area. Development should respect and preserve existing architectural features where these contribute to local character and appearance, for example projecting bays and decorative balconies.

DH4 Side extensions to detached or semi-detached properties, including the enlargement of existing garages, should be sensitive to and respect the character of the streetscape, and not block or significantly infill gaps between buildings, or otherwise disrupt the integrity of the individual architectural composition or group where these contribute to the character of the local area. They should be subordinate in scale to the original dwelling and complement its character in terms of design, proportion, materials and detail. They should not harm the amenity of adjacent properties.