

Application No:	Consultees Name:	Received:	Comment:	Response:
2018/1457/P	James and Imogen Strachan	06/06/2018 16:39:44	OBJ	<p>OBJECTION TO PLANNING APPLICATION 2018/1457/P - 5 Honeybourne Road, London</p> <p>We object in the strongest terms to this proposed development. We have a significant number of objections, some relating to issues of principle about the content of the application itself, and others relating to the merits (or complete lack thereof).</p> <p>My name is James Strachan, my wife is Imogen Strachan and we have 3 children living in the property.</p>

By way of example on the content, the application is completely deficient in terms of information and detail. Amongst other things (as explained further below), the Application itself fails to comply with the relevant mandatory certification requirements in terms of land ownership as it includes land outside the Applicants ownership where no relevant certificate has been served. The purported Design and Access Statement is nothing of the kind. It consists of 14 short paragraphs that do not begin to contain any relevant analysis. There is simply no analysis at all of the effect of the development on the Conservation Area in which it sits, or 1-5 Honeybourne Road (odd) all properties specifically identified in the Conservation Area Appraisal Statement for this Conservation Area as positive buildings as historical examples of Edwardian family homes with gardens. Indeed, the Design and Access Statement does not even mention the Appraisal document, let alone attempt to analyse the impact of the development on the Conservation Area. It is therefore impossible for the application and the Council to comply with the duties under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The development involves a huge basement excavation within the garden setting of No 5 Honeybourne Road (as well as the setting of the other properties). This is not dealt with at all, even though a Basement Impact Assessment would obviously be required. The application form asserts that there are not trees or hedges adjacent to the development that would be affected (for which a tree survey would obviously be required), yet this is obviously incorrect. Leave aside the planting in No. 5 Honeybourne Road itself which is going to be subject to the excavation, the huge basement excavation would take place alongside the garden of No 3 Honeybourne Road which contains a number of two very significant trees immediately adjacent to the excavation, along with planting. One is a magnificent silver birch, protected by being a Conservation Area, the other an equally magnificent Mimosa of about the same height. Both would lie within about 1 metre of the basement excavation and lose approximately half of the entire root protection area and would almost certainly be killed. The development would therefore lead to the loss of two very significant trees that are a feature of the Conservation Area, as well as providing screening for the properties in the area. The design itself is crude in the extreme and of an extremely poor quality (in so far as any details are shown). It is obviously utilitarian, with the grotesque windows being orientated in the way they have in a completely unsuccessful attempt to deal with privacy issues. This only serves to expose what a hugely unattractive building would be created in consequence, at the heart of a Conservation Area, in the very gardens of buildings which are specifically identified as positive buildings for their identity with gardens. This would be a travesty. What is more ironic is that the consequential misshapen design attempting to address privacy does nothing of the kind. A simple line drawn from the main bedroom window of these offset windows looks directly into the windows of No 3 Honeybourne Road at all levels, including the permitted glass extension kitchen and living area that was recently constructed. The same window looks into each of the habitable rooms at each floor of No 3 Honeybourne Road and would cause a massive issue of privacy. The separation distance is a matter of a few metres only and completely inadequate. What is more it is impossible to see how the rooms created would in fact have acceptable living conditions in terms of sunlight/daylight. No analysis has been provided in terms of the British Standard, but it is obvious that these rooms would fail. In addition, the new

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basement area created by carving out the green setting of No. 5 Honeybourne Road and excavating deep into the ground, would have a massive window to its living area which stares up at Nos 1, 3 and 5 Honeybourne Road a matter of a few metres away, leading to a massive loss of privacy. None of this is assessed.

Finally, there is simply no assessment of these proposals against any of the Council's policies or those in the London Plan. These documents comprise the development plan for the purposes of section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 702(2) of the Town and Country Planning Act 1990. Apart from asserting the proposal would be in compliance with these policies, no analysis is provided. Nor is any analysis provided against the NPPF. It is obvious there would be no such compliance at all, not least because of the strikingly poor design, the adverse impact to the Conservation Area (particularly given the substantial weight that attaches to this under the NPPF and the statutory framework), the adverse impact to the trees and vegetation, the gross conflict with the design and character of the area and the huge adverse impact caused to privacy and amenity (as well as the impact on the amenity of the proposed occupiers).

In the absence of any attempt at analysis of these points in the application itself, it is difficult to know where to start with the necessary comprehensive critique. We therefore try and outline our objections under headings below, in note form to assist. We would have welcomed the opportunity to provide more detailed comment, but the website does not appear to permit this.

Property Ownership

A Certificate A has been signed on the Application Form incorrectly. This asserts that the applicant is sole owner of any part of the land to which the application relates. So far as we can tell, this is clearly not correct.

Drawing No 2040.13 clearly shows that the first floor window bay projects outside the application redline and over land which is outside the ownership of the applicant.

As a matter of basic property law, attempting to build such a structure oversailing land not in the applicant's ownership would be unlawful and an obvious trespass. Land ownership extends upwards and downwards (see eg *Star Energy v Bocardo SA* [2010] UKSC 35 in the Supreme Court), so the applicant cannot construct the development proposed without the consent of the relevant landowner of this land. The relevant landowner should have been served with the relevant certificate. The application is invalid as it is clear that there has been no compliance with the necessary certificate requirements. The development necessarily involves land which is outside the ownership of the applicant, but where no relevant certificate has been provided.

This is not a technical point. The reason for the oversailing is that this is the only way that the Applicant has attempted to deal with the obvious insurmountable privacy and amenity issues of creating new windows in this location, close to the back of the many windows of the properties of West End Lane. The attempt results in a hugely disfigured and inappropriate design; but it also depends upon rights over land which the Applicant does not have. The Application is therefore defective in principle.

Conservation Area

The entirety of the development sits within the West End Green Conservation Area which is the subject of a specific Appraisal. Section 72 of the T(LB&CA)1990 is therefore engaged. The Design and Access Statement records that the development is in a 'Conservation Area', but the extent of any assessment is limited to paragraph 2.10 which contains the assertion that 'The building will enhance the Conservation Area as it is of a

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high quality modern design, incorporating traditional and durable materials'. This is neither an assessment of the effect on the Conservation Area as required, nor can it possibly be right. In fact cursory inspection of the Conservation Area appraisal demonstrates that this new 2 storey development, with massive basement extension, situated on the historic footprint of one of only 3 Edwardian properties in this road complete with their gardens, in the ugly, utilitarian and entirely acontextual form, would cause serious harm to the Conservation Area. The Appraisal specifically identifies, amongst other things: (a) the positive presence of the substantial Edwardian family houses in his location, and particularly 1-5 Honeybourne Road - they contrast with the Mansion Blocks beyond; (b) the fact that these are buildings with gardens; (c) the threat of the loss of gardens and greenspace which this development is a direct assault upon; (d) the importance of trees and vegetation, again which this development would directly attack; (e) the importance of design and materials in context, in circumstances where the proposed design would obviously be completely acontextual, not reflecting any architectural principles of the area or the context, but rather representing an alien form which is driven by utilitarian requirements rather than any principles of good architecture. Without listing all the analysis in the Appraisal, there can be no doubt that this development would be seriously harmful to what it identifies of positive value. The development is therefore in direct conflict with the Council's heritage policies, those of the London Plan, the NPPF paragraphs 132-134 and the statutory protection afforded to Conservation Areas. It is impossible to see how it could be said that this building, erasing half of the historic curtilage garden of No. 5 Honeybourne Road, creating a new plot which ignores the historical plot, building up into the air, and creating a new and alien form of development, threatening the trees and vegetation, could ever be described as enhancing, when it obviously does not. In addition, the sub-surface proposal is contrary to the CA. There is no precedent we are aware of digging out gardens in this area, in the way proposed, to create a new sub-surface patio area. We return to the threat to the trees and vegetation below.

Design

The design of the building is conspicuously poor. There is a decided lack of information about the design and materials, but what is shown demonstrates how poor it is. The shape and design is principally driven by the basic problems of trying to create a house in an terraced Edwardian house garden, adjoining other properties. It cannot sensibly be done, and it is alien to the whole area. But the details of the design are particularly harmful on analysis. This includes: (a) the alien window form, done in a failed attempt to address privacy; (c) the poor form, mass and scale of the building which has no rhythm or harmonious language, let alone any language that relates to anything else in the area; (c) the adverse precedent of permitting 2 storey redevelopment in an Edwardian garden area; (d) the creation of a basement patio area with massive drops from the surrounding properties; (e) the poor living conditions internally and the privacy issues externally (addressed further below); (f) the lack of any sensitive use of materials; (g) the layout of the building which will now change from a one storey simple garage building set in from the curtilage of the garden, to building up right to the boundary edge of the garden, in an alien way, so that it now adjoins No.3 Honeybourne Road with a blank wall.

Basement Excavation and Creation

Linked to the poor design is the complete dependency on the massive excavation of a basement area in the middle of No.5 Honeybourne Road's garden, extending to the full width of the property boundaries. Our understanding is that this would require a full Basement Impact Assessment, which has not been provided, but the whole concept of creation of a basement in this way (rather than starting under a principal dwelling) is alien and would create an adverse precedent. The application is defective without such a BIA. This also links to the basic problems of the affect on surrounding trees and hedges.

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Trees/ Hedges

The construction of the new building to the edge of the property boundary, coupled with the excavation of a huge basement patio area and basement for the house itself, would have a devastating effect on the surrounding trees and vegetation immediately adjacent. Section 15 of the Application Form claims that there are no trees/hedges adjacent to the proposed development that could influence the development or might be important as part of the local landscape character. This is obviously untrue. The proposed development sits adjacent to the boundary of No 3 Honeybourne Road, with the very large silver birch and mimosa that form an intrinsic part of the verdant character of this area and the Conservation Area, but which would lie with 1m or so from the excavation. Needless to say, this would sever about half of the root protection areas to a significant depth, so killing the trees and in obvious breach of the British Standard. It would prevent future trees from growing to this height, to the clear detriment of the Conservation Area. There are also trees or vegetation at No. 5 Honeybourne Road, and a significant hedge to the boundary with the Mansion Flats which again look like they would be severely impacted. This very significant loss of trees and vegetation would be seriously harmful to the Conservation Area, harmful to the character of the area and be a very significant negative impact on the biodiversity of the area. Indeed these trees and green area are a small oasis of green in the backland area of this developed part of West Hampsted which need to be protected, as recognised in the Conservation Area appraisal. There is no justification for their loss. In the absence of any tree survey at all, the application is also defective.

Amenity and Privacy

There are two fundamental problems with the design. The dire adverse impact on privacy of the surrounding properties and the adverse impact on the living conditions of the occupiers of the property itself. As to the former, at first floor, the principal windows in the two main habitable rooms have been offset to avoid looking into the property at No.5 Honeybourne Road and those backing on from West End Lane. This recognises the obvious problem of the close proximity that such overlooking would create. But this then exposes the consequential problem that exists at No. 3 Honeybourne Road. The new window facing east would in fact provide almost direct overlooking into No.3 Honeybourne Road at Ground Floor, 1st Floor, 2nd Floor and Mansard floor level. If one draws a line from the bed in the new bedroom of the proposed development (so someone lying in bed), their viewpoint would be directly into the glass living area of No. 3 Honeybourne Road, and all of the habitable rooms above. This would represent a gross intrusion of privacy at intolerable separation distances for both the existing property, and the new property. Moreover, the consequential planting that would be necessary to overcome this (the trees no doubt having been lost from excavation) would necessarily block out all meaningful sunlight and daylight to these windows and the new basement area below. The same problem is created for the large basement window area, save that this also significantly affects the existing property at No. 5 Honeybourne Road.

As to the amenity of the new property, no analysis is provided, but it is clear it would be likely to fail the basic British Standard tests for sunlight and daylight in the rooms themselves, given their orientation and shape. No attempt has been made to model this.

Policy

No attempt is made to identify the relevant development plan policies, let alone assess the development against them. We believe there is obvious and very direct conflict with them, including the policies on good design, Conservation Areas, biodiversity, trees, retention of open space including private open space, privacy

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and amenity etc.

There is an assertion that building another house is consistent with policy. However, it is fundamental that new houses are not to be built at the cost of basic principles of sustainable development and good design, let alone at the cost of heritage assets which are an irreplaceable asset. The addition of one house (particularly of such an ugly and unattractive nature) does not begin to address the whole range of harms that would be created. Moreover any presumption in favour of sustainable development simply does not apply at all in circumstances where there is harm to the Conservation Area.

There is an assertion that the loss of the garages to housing with no parking is in accordance with the Council's policy. This is simply not correct. Whilst car-free development may be a good thing, the removal of existing parking to serve existing development where parking is such a scarce resource is contrary to policy. This would remove two existing car-parking spaces for the existing property without any replacement. This is not in accordance with policy.

Other Matters

The application states that the development can be viewed from public land for the purposes of a site visit, but that is not correct either. The access road behind is private land, over which No3 Honeybourne Road and (presumably) No 5 Honeybourne Road have a right of access, but it is not public land.

We therefore strongly urge the Council to reject this wholly inappropriate development, and inadequate planning application in the most robust terms. It is in direct conflict with the development plan. It is in direct conflict with the NPPF. It is harmful to the Conservation Area and it should not be permitted to proceed.

James and Imogen Strachan
6 June 2018

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2018/1457/P	Alex Bush	06/06/2018 23:32:19	OBJ	<p>I object to this application for three main reasons.</p> <p>Loss of Privacy.</p> <p>The proposed building would face our bedroom windows meaning that the new residents could see directly in. The new building would also be significantly closer than all of the other facing properties making the loss of privacy even greater.</p> <p>Reduction in Bin Storage Space</p> <p>The proposed building would severely restrict the already small space available to store bins. Both us and our neighbours use the drive to store them as we cannot store them anywhere else. Not only would the building itself restrict the space but the construction work and traffic would also restrict access to the bins.</p> <p>Construction Disturbance.</p> <p>The construction work would negatively impact on the daily lives of myself and my flatmates. The proposed building would require construction traffic and workers to access the site from our shared drive. This drive is already very narrow, meaning it would become difficult to access our own flat. It would also create large amounts of noise pollution, dust, and dirt which would require us to keep our windows shut for the extended period of construction. We would be particularly concerned about work starting early in the morning, or at the weekend.</p>
2018/1457/P	Imogen Strachan	06/06/2018 16:46:13	OBJ	<p>[REDACTED]</p> <p>I very strongly object to this planning application for all the reasons given by my husband in his objection submissions which he has sent separately in our joint names.</p>