

**9 Burghley Road
Kentish Town
NW5 1UG**

29th October 2018

Planning Department
FAO: Ben Farrant – planning and case officer
Camden Town Hall Extension
Argyle Street
WC1H 8EQ

Re: Planning Application – 2018/4262/P

Dear Ben Farrant

As this is a completely new application, for the record, we will be repeating some of our comments made previously.

My name is Ivan Sharrock and with my wife Suzanne Sharrock, we have owned & resided at No 9 Burghley Road NW5 1UG since 1986.

1.0 HISTORY

- 1.0 Built in the 1860's, Nos. 9, 11 & 13 Burghley Rd were designed as a terrace to form the footprint of a dumb-bell, No 11 being in the middle, double fronted and set back from the single fronted houses Nos. 9 & 13, at both the front and the rear. The rear elevation faces approximately North West.
- 1.2 This clever design gave privacy from overlooking and noise to all three houses as none of the adjoining windows were in a line and the Upper Ground Floor (UGF) rear doors opened on to a small landings and steps that went straight down to garden level where the nine inch solid brick walls restricted sight and sound. An 1860's rear steps construction can be viewed in No 13.
- 1.3 In 2006, Dan and Lou Chamberlain (the applicants) bought and renovated No 11. The UGF door's exterior, small landing was replaced with a metal landing that extended beyond the rear building line of their immediate neighbours' at No 9 & 13 Burghley Rd

Because of this, I extended the length of a high trellis to give us both some privacy. This worked quite well on a visual level but does not prevent vocal intrusion.

2.0 RECENT HISTORY

- 2.1 In the last two years there have been five enquiries and/or applications to Camden Planning for permission to build a variety of extensions to No.11 Burghley Rd plus some extensive “landscaping”.
- 2.2 The very first enquiry was about the feasibility of excavating and building a sub-sub basement. This, I understand, never reached the planning stage.
- 2.3 Application 2017/0670/P - registered in April 2017
Withdrawn July 2017
- 2.4 Application 2017/4324/P – registered in August 2017
Eventually amended to exclude any external building works.
Internal conversion of the existing basement flat and the main accommodation on the upper three floors into a single dwelling house giving the owners 33% more space for their “much needed additional accommodation”. Granted.
- 2.5 April 12th 2018 Lou sent us a note to say:-
“Just letting you know that we’re about to have some landscaping done on our garden.”
This “landscaping” entailed, removing the 1.4mtr high rear garden retaining wall and excavating an estimated 35 tons of Thames Basin Clay resulting in a lower garden level near the house, the same height as the LGF floor.
This excavation comes within 3metres of the adjoining garden Party Walls and part of the excavation is below the level of their foundations. (SeeThe Party Wall Act 1996 section 6 paragraphs a) & b). No plans/drawings were given to the adjoining neighbours of the intended excavation and no Party Wall surveyors appointed.
- 2.6 Application 2018/2335/P – registered 13th June 2018
This was for a “Certificate of Lawful Development” and as such was not, I was told by Camden, a “Planning Application”(?); that meant that the adjoining neighbours were excluded from notifications of proposed building works and refused permission to comment and/or object.
The architects/agent failed to respect good practise & planning law.
Refused.
- 2.7 Application 2018/4262/P – registered 1st Oct 2018.
This is the fifth enquiry/certificate/planning application in the last two years.

3.0 “CAMDEN’S STATEMENT OF COMMUNITY INVOLVEMENT 2016”

- 3.1 We would like to draw your attention to the above planning policy-document that says:

Why is planning important?

- 1.8 *Planning directly affects our physical environment - where we work, live and spend our leisure time. In doing so it also influences our quality of life and general well-being.*
- 1.9 *Through planning, we can preserve the best of what already exists in our surroundings, make sure that new buildings are designed to a high standard and ensure that the right uses are in the right place.*

4.0 **OBJECTION TO THE NEW PROPOSED DEVELOPMENT**

- 4.1 We have inevitably come to the conclusion that, this application is without merit and seeks to benefit the financial equity of the applicants to the detriment of the amenity currently enjoyed by the adjoining neighbours.
- 4.2 The latest plans do not take into account that there exists an established, 150 years old building line at the rear of the conjoined houses. Contrary to popular belief, rear, building lines do exist.
- 4.3 If the rear building line joining Nos. 9 & 13 is breached a precedent will be set for further, unacceptable, vertical construction.
- 4.4 The dominant residence of the three conjoined properties is No 11 with Nos. 9 & 13 being the “wings” with features that appeal to all three properties
By proposing to build beyond the rear building line, the applicants and their agents will destroy the long standing amenity value of the 1860’s architect to provide homes with privacy and tranquillity.
- 4.5 The UGF middle, access door has been turned into a window and the UGF access to the rear garden brought within one meter of our adjoining property wall. Along with two access doors and a 2 metre wide stairway to the garden, people will be standing virtually on our garden wall. Whilst they can be screened from view, their presence and noise cannot. It will be an intolerable intrusion on our amenity.
- 4.6 It is not clear whether the brick pillar between the two proposed doors, will remain. If it were removed, or the two doors combined to make a large opening, the house would be turned “inside-out” and the noise intrusion would be intolerable.

- 4.7 Lower Ground Floor/Basement development is subject to daylight regulations.
- 4.8 By removing the rear garden retaining wall and a considerable quantity of Thames basin clay under “landscaping” (see para. 2.5), the applicants have avoided including that requirement in this application. Is this development by stealth?
- 4.9 The “planter” is not detailed in its proposed design. If it is portable then the area could easily be turned into a terrace.
- 4.10 Trellis and plants are temporary screens and do not fulfil permanent, privacy, solutions throughout the year.
- 4.11 Where urban houses have front and rear gardens, rarely do owners use their front gardens for family recreation or entertaining because of the lack of privacy.
- 4.12 Rarely are alterations/extensions allowed to the front elevation of houses facing the road as they would spoil the amenity enjoyed by the surrounding residents.
- 4.13 It seems odd, then, that at the rear where most families spend their leisure time because of privacy, extensions and alterations are proposed that can destroy the very essence of the neighbours’ harmonious lifestyle. (This spring and summer we spent a great deal of quality time in our rear garden and appreciated the amenity it afforded us).
- 4.14 Of some concern is the RSJ that will be needed to support the rear brick façade of No.11 at LGF ceiling height. It appears as if it will go from the party wall adjoining No 9 to the party wall adjoining No 13. As all three houses are built as one unit, over the years there has been various movement due to settlement. Drastically disturbing this harmonious structure is likely to disturb this settlement and that is likely to have a detrimental impact on the adjoining houses and the ability to enjoy our amenity.
- 4.15 Has a Basement Impact Assessment (BIA) been produced as set out in Camden Planning Guidance 4? If so, when can we expect sight of this report? Will it be published on the website?

- 5.0 COMMENTS ON ‘THE DESIGN AND ACCESS STATEMENT’ BY GUARD TILLMAN POLLOCK ARCHITECTS**
- 5.1 FROM A PREVIOUS APPLICATION 2018/4324/P and my comments.
The proposal is to re-incorporate the existing basement flat back into the house to provide additional accommodation for the applicants and their family.
 Excellent! Incorporating the LGF self-contained flat into the main dwelling will increase the main dwelling floor area by approximately 33%.
 This was granted and the family got their additional accommodation. However, one year later -
- 5.2 THIS APPLICATION 2018/4262/P
 3.0 *Proposed Alterations.*
The family would like to create additional living space at lower ground floor level for their young family.
 Next year?
 It should be noted that from past census, up to seven adults have lived in the original 1860’s house.
- 5.3 4.0 *No excavation is required to construct the proposed extension.*
 Are these architects for real? An RSJ supporting all of the existing rear wall at LGF ceiling height will require considerable excavation for its vertical supports along with foundations for the new rear wall, floor and side walls. Not to mention any additional excavation and underpinning that the neighbour’s party-wall surveyors will require to ensure their own properties are safe.
- 5.4 5.0 *The proposed alterations will have no impact on the daylight and sunlight adjoining properties at No.9 and No 13.*
 Sadly, the architects are misinformed and badly briefed. The impact on the occupants of the basement flat at 13a Burghley Road is that they will still lose some of their precious sunlight even though the plans have been amended again.
 Coming on top of two years of badly thought out planning applications this latest design has added to their grief.
- 5.5 6.0 *Overlooking*
 By re-siting the UGF rear garden access doors from the middle of the house to within 1 metre of our adjoining wall will increase the “overlooking”, not by sight but by noise and presence. When people are standing at the height of ones garden wall just one meter away it is an intolerable intrusion even when hidden from sight by a few bamboos. I am a sound engineer and understand how people can be detected just by their presence, let alone any noise they make.
To comply with building regulationsthe landing measures 2m x 1.2m.

Of course it could be one French Door, a landing of 1m x 1m and 1m wide stairs to the garden. Better still, if the designers heeded the excellent 1860's architect, took note of his sensitivities, and kept the existing middle UGF rear door with steps straight down to the garden.

5.6 8.0 Conclusion

.....setting the proposed glass conservatory behind a traditional brick wall

Let's not forget the "traditional" Tri-fold plate glass doors!

.... improve the appearance of the back of the house.

Really?

As the rear façade of No 11 Burghley Rd is set back behind the adjoining houses the new extension will have no significant impact on these properties.

At present the existing façade IS set back and there IS NO significant impact on the adjoining properties.

However, the very significant impact will come from the proposed extension that is to be built OUT from the existing set back rear façade.

This is the second time these architects have repeated this assertion word for word. So for the sake of clarity:-

Empty Space = Nothing; Extension = Something = Significant Impact!

The extension will provide much needed additional space for the applicants and their family and provide a better connection between the house and the garden.

Already achieved. (See paragraphs 2.4 & 5.1)

6.0 CONCLUSION

6.1 Planning regulations change over time so that what might be allowed today may not be allowed in ten years time. (e.g. the summer-house in the rear garden of No 13 Burghley Rd). Unfortunately, once planning permission has been given the go ahead, it cannot be taken away if all the criteria have been met. In this case, if planning permission were granted, 150 years of harmonious, neighbourly living would come to an end.

6.2 As stated above, we have lived here for over thirty years in harmony with our close residents and would like to continue to do so. We thought we had the right to the enjoyment of our garden without being subject to overbearing intrusion. Sadly, that will not be the case if any part of this extension is allowed to be built.

